JOURNAL OF SOCIAL AND DEVELOPMENT SCIENCES (JSDS)

Vol. 7 No. 4 ISSN 2221-1152

Published by

International Foundation for Research and Development
(IFRD)

Editorial

Journal of Social and Development Sciences (JSDS) is a scholarly journal deals with the disciplines of social and development sciences. JSDS publishes research work that meaningfully contributes towards theoretical bases of contemporary developments in society, business and related disciplines. The work submitted for publication consideration in JSDS should address empirical and theoretical contributions in the subjects related to scope of the journal in particular and allied theories and practices in general. Scope of JSDS includes: sociology, psychology, anthropology, economics, political science, international relations, linguistics, history, public relations, hospitality & tourism and project management. Author(s) should declare that work submitted to the journal is original, not under consideration for publication by another journal, and that all listed authors approve its submission to JSDS. It is JSDS policy to welcome submissions for consideration, which are original, and not under consideration for publication by another journal at the same time. Author (s) can submit: Research Paper, Conceptual Paper, Case Studies and Book Review. The current issue of JSDS consists of papers of scholars from Nigeria, Iran and Indonesia. Role of civil society organizations in the fight against corruption, front politics and internal democracy, the Indian tribal art market, regional financial management policy and coal transportation policy and actor networks are some of the major practices and concepts examined in these studies. Journal received research submission related to all aspects of major themes and tracks. All the submitted papers were first assessed, by the editorial team for relevance and originality of the work and blindly peer reviewed by the external reviewers depending on the subject matter of the paper. After the rigorous peer-review process, the submitted papers were selected based on originality, significance, and clarity of the purpose. Current issue will therefore be a unique offer, where scholars will be able to appreciate the latest results in their field of expertise, and to acquire additional knowledge in other relevant fields.

Prof. Nek Kamal Yeop Yunus, Ph. D.
Editor In Chief

Editorial Board

Editor In Chief

Nek Kamal Yeop Yunus, Ph. D, University Pendidikan Sultan Idris, Malaysia

Members

N. Panchanatham, Ph. D, Annamalai University, India
Somnath Sen, Ph. D, Birmingham University, UK
Anton Miglo, Ph. D, School of business, University of Bridgeport, USA
Mamta B Chowdhury, Ph. D, University of Western Sydney, Australia
R. K. Uppal, International University of Contemporary Studies, USA
Ketna Mehta, Ph. D, Welingkar Education, India
Khorshed Chowdhury, Ph. D, University of Wollongong, Australia
Inderjeet Singh, Ph. D, Punjabi University, Patiala, India
Ananda Wickramasinghe Ph. D, CQ University, Australia
Hai-Chin YU, Ph. D, Chung Yuan University ,Chungli, Taiwan
Mohan Bhai Patel, Ph. D, N S Arts College, India
Yapa M W Y Bandara, Ph. D, Charles Sturt University, Australia
Pacha Malyadri, Ph. D, Osmania University, Andhra Pradesh, India
Chux Gervase Iwu, Ph. D, Cape Peninsula University of Technology, South Africa
Pratibha Samson Gaikwad, Ph. D, Shivaji University of Pune, India
Mohammad Reza Noruzi, Ph. D, Tarbiat Modarres University, Tehran, Iran
M Azhar Khan, Ph. D, Hokkaido University, Japan
Apostu Iulian, Ph. D, University of Bucharest, Romania
Rajendra Parsad GUNPUTH, Ph. D., University of Mauritius, Mauritius

Table of Contents

Description	Pages
Title	1
Editorial	2
Editorial Board	3
Table of Contents	4
Papers	5
Enhancing the Role of Civil Society Organizations in the Fight against Corruption in Nigeria Surajo Yahaya Muhammad	6
Front Politics and Internal Democracy in National Protest Movement: A Study of the January 2012 Mass Action against Fuel Subsidy Removal in Kano, Nigeria Nura Iro Maaji	15
The Indian Tribal Art Market Farzaneh Maleki Dizaji	23
Regional Financial Management Policy that Implies To Criminal Administration Sugianto Sug	29
Disputes on Public Roads: Coal Transportation Policy and Actor Networks in Jambi Province, Indonesia Ahmad Subhan	38

PAPERS

Jornal of Social and Development Sciences (JSDS)
Vol. 7, No. 4, December 2016 (ISSN 2221-1152)

Enhancing the Role of Civil Society Organizations in the Fight against Corruption in Nigeria

Surajo Yahaya Muhammad
School of Continuing Education (SCE), Bayero University, Kano (BUK), Nigeria
mjsuraj09@gmail.com

Abstract: To ensure the attainment of good governance and sustainable development, corruption and its scourge must be combated. In Nigeria, the state has had series of anti-corruption measures by successive administrations in its 55 years of existence as an independent entity. While such measures appeared to have been well packaged, however, absence of political will and inability of the state to regard civil society organizations as important partner in the anti corruption has retarded the country's ability to get rid of the menace of corruption, hence the inability of Nigerian state to provide effective and efficient services to its teeming populace. Being a partner in the development process of modern state, and in order to effectively enhance their roles in the fight against corruption, the paper proper ways upon which civil society groups can organize themselves and work with the state to get rid of corruption in the country.

Keywords: *Civil Society, Corruption, Democracy, Democratization, State*

1. Introduction

There has been contending views regarding the basis that led to the emergence of corruption in Nigeria. While one perspective had it that it can be traced back to the period of pre-colonial Nigerian society, the other is of the view that the period of colonialism was actually the epoch upon which corruption found its way in to Nigeria's political environment. Upholding the foregoing, Yusuf (2014) asserts that, our indigenous tradition [in pre-colonial period] is one that is big on free exchange of gifts to signify acceptance and cordiality. However, many times, such gestures may be extended as inducement, for instance, to an 'Oba' or 'Obi' or 'Emir' to exercise discretion in the giver's favour. But such situations were more of an aberration than the norm. Thus, corruption in that era was in its infancy. This means that such practices were more of a gesture and appreciation than inducement. On the latter, Chika (2013) argued that, embedding corruption as a norm was the work of colonialism because they enjoy no right and had no moral basis in the tradition, convention and or myth of Nigerian pre-colonial societies to rule over them, as it was only done on conquest by force of arms. This is why it is strongly believed that one of the greatest legacies the imperialists transferred to Nigeria at Independence was corruption, since the imperialists could not have transferred a better title than they themselves possessed. The preceding perspective clearly showed that, in addition to the practice of exchange of gesture as obtained in the pre-colonial Nigeria, it is the illegal occupation of our societies by colonial masters and imposition of their ill conceived policies that made corruption took its root and germinated in to Nigeria's governance process.

Because of the seriousness of the problems and threats pose by corruption, civil society organizations have, being an actor in the development process, long before independence, continues to provide veritable platforms for citizens to engage Nigerian state on policy issues for the common good of all. Though, even with the Nigeria's endorsement and ratification of UN Convention Against Corruption (UNCAC)[1] in 2004 and African Union Convention on Preventing and Combating Corruption (AUCPCC)[2] in 2003 coupled with the fact that, the state has had series of anti-corruption measures in its 55 years of existence as an independent entity, and while such measures may appear to be well packaged and conceptualized, absence of political will, genuine commitment and government's failure to regard civil society organizations as partner in the development process has continue to impede efforts meant to combat corruption and its scourge in the country, hence the failure of government to provide effective and efficient services to its teeming populace. It is against the forgoing tied with the fact that there are also the challenges and problems bedevilling civil society organizations in their fight against corruption that, this study, examines the role played by such groups in the past and present, the challenges and problems they encountered, and proper ways in which the roles would be enhanced.

[1] See UN Convention Against Corruption (UNCAC), 2004.
[2] See African Union Convention on Preventing and Combating Corruption (AUCPCC) in 2003

2. Conceptual Clarifications

For the purpose of conceptual clarity of the study, the following concepts are defined as follows:

Civil Society: Social science concepts are not simple and unambiguous one because scholars have, using their spectacles, viewed them from different perspectives. The concept of civil society also suffers from the same trend. It is seen as a collection of institutions and other no-state groups who articulate the interests of not only their members but the society in general, moulding and constraining state power. Such groups most times determine the accountability of government by approving or disapproving what goes in to it. In the same vein, it is seen as;

...an opposite of despotism, a space in which several groups could exist and move something to ensure softer and more tolerable condition of existence (John hall as cited in Kukah, 1999:43).

This means that civil society organizations constitute a social force in a society who complements the state and also where necessary query state policies for the betterment of all. Also, Agnelli, designate civil society as;

...the meeting of autonomous subjects of the state and its institutions, united not only by values and cultures but also by the desire to act conjointly and to assume specific responsibilities in projects of general interest (in Helmich and Lemmers (1998) cited in Nwosu (2006).

In other words, civil society is seen as an array of varied civil associations working in different areas of interests and are tied and united by common values and goals working to improve the life of humanity. Moreover, another perspective is that of 'policy prescription perspective' which its proponents argued that civil society in Africa only emerged out of the 'good governance discourse' of the 1980s and 1990s spearheaded by western donor institutions such as the World Bank, International Monetary Fund (IMF). The discourse, as Wendy (2008: 4) observed, saw Washington consensus which emerged in the 1990s prescribed a reduction in the role of state and increased role of civil society in the development process. Thus, civil society emerged primarily as a product of policy prescription to improve the performance of states in Africa. Though, scholars of African studies such as Mamdani (1999: 13), kicked against it on the basis of the fact that it assumed that Africa did not have civil society. To sum it all however, this paper sees civil society as an array of varied institutions, organizations and behaviour situated between the state, the business world, and the family working to influence the state for the common good of all. Such groups may be pressure based or interests focused.

Corruption: While the phenomena of corruption is both local and international because it exist both in the developed and developing countries, its magnitude and intensity differs from one country to the other. Like other social concepts, the concept of corruption has also been interpreted from different perspectives. It has been seen to mean;

…more than public officers taking bribes and gratification, committing fraud and stealing funds and assets entrusted to their care. Corruption… means the deliberated violations, for gainful ends, of standards of conduct, legally, professionally, or even ethically established, in private and public affairs. These gains may be in cash, or, kind, or it may even be psychological, or, political, but they are made from the violation of the integrity of an entity and involves the subversion of its quality and capacity (Bala, 2008 in Mahmud, 2014: 2).

From the forgoing therefore, it is apparent that corruption is not only about the exchange of bribe and or gratification for personnel gain but also violation of the ethical standards and laws set to guide public conducts. It is also a multi dimensional concept cutting across all aspects of human endeavour which can be political, economic, social, religious, and even cultural, to mention a few, in so far as it involves action either by individual or organizational that lead to inducement of behaviour, and or breach of law, for private gain. For the purpose of this study therefore, corruption is conceived as any act or acts by public officials, and or politicians, that amounts to abuse of the power entrusted to them for personal gain. Such acts may take the form of bribe, inflation of contracts, diversion of resources, fraud, rigging of election, etc. To sum them all in view of problems and threats pose by corruption, civil society, being an array of autonomous associations working to influence government and its policies for the betterment of all, is not only an important partner in the anti-corruption crusade but one whose role is critical and indispensable in getting rid of corruption in human society.

Review and Theorizing the link between Civil Society and Corruption: Assumptions and counter assumptions always exist when it comes to defining what constitute a particular social phenomenon. The incidence of corruption is not an exception. While several explanations exist on the emergence and growing intensity of corruption in Nigeria, this study adopts the 'state capture theory of politics' in its discourse. According to the theory, capture means a group or social strata in a society that seizes decisive influence over state institutions and policies at the expense of the interests of generality of people. Corroborating this position, Nemanja (2006) explains that;

It is the 'seizure of laws to the advantage of corporate business through influential political links in the parliament and government. When the state is captured in this manner, the whole legal system becomes the opposite of what it should be, because it works to the advantage of illegal interests that are dressed up in a legal form (in Vesna, 2007: 1).

Also, Onuoha (2009) added further that;

Literally, to capture means the act of seizing by force or getting possession of something by superior power of stratagem. Essentially, in political science, capture is said to occur when bureaucrats or politicians who are supposed to be acting in public interest, end up acting systematically to favour particular vested interests (in Mahmud, 2014: 8).

The theory assumed that the capture of state is inevitable in a situation where by a network of corrupt politicians and business executives exist in a society, and such network enjoy the support of the bureaucrats. Consequently, in that kind of situation, laws and policies of the state are made only to serve the interests of such network of elites. While describing the network, Ihonvbere (1999) cited in Ojukwu and Shopeju (2010: 16) argued that, these network of elites lacking strong and viable base in production, turns the state as its primary instrument of primitive accumulation, to the extent that the state is mangled and rendered impotent in the quest for nationhood, growth and development, much less democracy. The theory is important because it clearly depict the crises that engulfed Nigerian state where certain 'vested interests' such as the subsidy cabals who continue to influence its governance process to their own ill-conceived agenda, hence the subsequent impoverishment of Nigerians through diversion of government properties, fraud, inflation of contracts, to mention a few, which thus was what provide the foundational basis for contestation between the state and civil society groups being a key stakeholder, in its own right, in the development process of modern state. Therefore, civil society, being an actor in the development process, and considering the menace posed by corruption, is *sine qua non* to the sustenance of any nation's development.

3. Methodology

In view of the above, and in order to have a clear understanding in to the roles played and the challenges encountered by civil society organizations in the fight against corruption in Nigeria in the past, the study utilizes secondary data through survey of journals and literature relevant to the subject matter of the study. The researcher, being an actor in the anti-corruption campaign of civil society organizations, also make use of observation method being a technique that provides a researcher with the chance to immerse into the study of people he/she is not too different from in order to obtain first hand information from such situation.

4. Discussion on Civil Society in the Fight against Corruption in Nigeria

Civil society organizations have been in existence even before the advent of colonialism to Nigeria, and have, in their own respective ways, been complimenting the leadership of Nigeria's pre-colonial societies to the extent that the boundary between them and the state is difficult to define. While affirming the above assertion, Habu (2010: 14) argued that, such groups took the form of corporative associations, secret societies, age grades, and the *Yan gayyas* – self help groups, and their existence has a long history and is a clear evidence to the fact that associational life sprung and shaped the direction of social groups in both social and productive economic activities long before colonization. This means that it is this kind of groups that laid the foundation for the emergence of contemporary civil society as we call them today. Because corruption was at its infancy during this period, such groups were assertive and non-confrontational. With the subsequent forceful and illegitimate capture of Nigerian state by the colonial masters coupled with the abolishment of 'slave trade' with 'legitimate trade', and imposition of repressive and exploitative political and

economic policies, a more radical and confrontation civil associations were forced to emerge against the colonial state. Such groups include among others; the Cocoa Producers Association (CPA), Nigerian Farmers Union (NFU), Nigerian Railway Union (NRU), National Union of Teachers (NUT), Trade Union Congress of Nigeria (TUCN). In order to suppress the groups in their quest to end colonialism, the colonial government in pursuance of the Public Order Ordinance limit the right to assembly by stipulating that, any meeting that exceed five people, must have Police permit. As a result, Ukase and Bem (2015: 176) asserts that, several people were killed by the Police during the Aba Women's protest of 1929. The riots led by women in the provinces of Calabar and Owerri in south-eastern Nigeria in November and December of 1929, against the policies imposed by British colonial administrators, such protest became a historic example of feminist anti-colonial protest. Despite the various attempts by the colonial government to restrain the radical anti-colonial spirits of the civil groups, Muntaqa (2011: 12) observed further that, many of them continue to emerge up to the extent of forging a united front under the auspices of Trade Union Congress of Nigeria (TUCN) in 1942 which later embark on a general strike against the corrupt and ill-conceived policies of the Nigerian colonial state. It was this radical spirit and ability to come together by the civil society groups that serve as a prelude to Nigeria's independence of 1960.

Moreover, at independence in 1960, the colonizers were replaced by what Jega (1993: 99) called a band of political and economic wrecking crews who cared little about democracy and democratic values... rather merely motivated by their selfish interests of acquiring wealth than laying solid foundation for the emergence and sustenance of popular democracy in the country. According to Jega (1993), they even threatened the survival of the nation as one sovereign entity in their determined struggles to acquire more power and wealth, or protect what they have already acquired. It is only the struggle of some concerned Nigerians through working class unions and professional associations that forced ruling class to concede some democratic reforms even though state power was used to advanced selfish ends and execute unpopular and undemocratic decisions. One of such decisions, as observed by Ukase and Bem (2015: 177), was the signing of Anglo-Nigeria Defence Pact. Until its abrogation in 1962, it was generally held that the Defence Pact was a part of a master plan by Britain to preserve her political and economic influence in Nigeria having illegimately ruled the country in a very hostile and exploitative way. This means that, instead of the Nigeria's political leadership of the early 1960s to lay a foundation for the entrenchment of responsive and transparent democratic governance in the country, they instead exhibited similar attitude as their colonial counterparts, and that laid the basis for confrontation between the state and civil associations in the country leading to the first ever nationwide strike in 1964 and which consequently exposed civil society to political prominence and one whose role is critical to the survival of Nigeria's state.

The period of 1966 to the 70s saw the intrusion of military in to Nigeria's governance process characterised by suspension of the constitution, measures were also imposed to suppress the growing radical spirits of civil society organizations such as enactment of the obnoxious Decree No. 53 in 1969 by the Gowon administration which banned associational life and assembly. Thus, the civil society organizations resorted to forging united front to check the excesses of the state in order to ensure the entrenchment of democracy, equality and a just society for the benefit of all. One of such fronts was the formation of United Committee of Central Labour Organizations (UCCLO) under the leadership of Comrade Imoudu. It was the aftermath of such encounter that increased government's attention on the activities of civil society organizations particularly the labour unions that have been legendary in terms of providing other groups with the platform to prevent the state from monopolizing the society. Hence, the formation of one central labour union called the Nigeria Labour Congress (NLC) in 1975 purposely for the state to find it easy in managing civil society organizations. And worthy of mentioning also is the fact that, the result of the confrontation between the state and civil society, was the establishment of the Murtala/Obasanjo Jaji declaration to fight corruption and drew up a time table to return the country to democracy in 1979, the promise of which was fulfilled.

Even with the ushering in of Nigeria's second republic under a democratically elected government of Shehu Shagari (1979 – 1983), Politicians engaged in high level corruption coupled with the government's tattered way of handling its challenges. Thus, in the light of allegations of corruption and rising high standard of living, workers mobilized and embark on a general strike in 1981 which necessitated the Shagari administration to set up the Ethical Revolution to tackle corruption. Affirming the preceding assertion, Ukase and Bem (2015: 179) added that, Second Republic generally witnessed some hike in the cost of living as a result of

government's shabby agricultural, economic and industrial policies... resulting from the flamboyant life style and profligacy of the politicians who turned into importers of essential commodities overnight. Hence, the collapse of Nigeria's Second Republic. Though, the Buhari led military administration is seeing to be the most disciplined and committed in trying to get rid of corruption through its policy of War Against Indiscipline (WAI), however, it is also adjudged to be very suppressive and unreceptive to civil society organizations, and at the same time abusive to peoples' fundamental right to association and assembly. In the course of consolidating and legitimizing its regime, the Buhari regime suffered the loss of support of Nigerians, in particular, organized labour including the student unions and the press. This loss of support came on the heels of the obnoxious Decree 4, which was anti-press and anti-freedom of information. Also, the down-sizing of the workers, especially in the civil service gave pressure groups to stand up against the regime (Ibid).

The epoch of 1984 to the mid 1990s was a period in which state – society relations is considered as unprecedented in the post-colonial Nigeria because, as Osaghae (1996) argued, it was a period which witnessed a boost in the suffering of people as it brought an end to free education, medical care and even subsidy in agriculture resulting from the implementation of IMF/World Bank doctored Structural Adjustment Program (SAP). While describing the crises of SAP, Adejumobi (2000: 227) recount that, at no time in Nigerian post-colonial history has the level and dimension of socio-economic crises been as profound as under the regime of Structural Adjustment Program (SAP). Virtually, all the social sectors were hard hit, either entering a comatose state or declining substantially in performance. Because of the severity of the hardship posed by SAP coupled with allegations, criticisms and accusations of manipulation and stage-managing of transition programmes that engulf Babangida and Abacha's administrations respectively, as observed in Ukase and Bem (2015:180), and also the absence of clear and honest commitment in the fight against corruption that characterized the period, hence the resurgence, as observed by Habu (2010: 22), of struggle for democracy by the civil society organizations which ultimately, after the death of Abacha in 1998, made the military led administration of Abdussalami Abubakar to immediately pursue a transition program and handed over power to a democratically elected president in May 1999.

With the return of democracy in May 1999, the atmosphere was greeted with high hope and expectations to the extent that the euphoria can only be compared with the country's independence of October, 1960. The civil society organizations in particular, having struggled to get the prolonged military rule out of the country, saw the return of civilian administration as an opportunity to entrench democracy as well as instil a sense of responsiveness and accountability in Nigeria's governance by getting rid of corruption. Because corruption has eaten deep in to the fabric of Nigerian society, coupled with the pressure forced on the state by both domestic and international civil society groups on the need for the state to genuinely fight corruption, the state, as observed by Ukase and Bem (2015: 184), had to give assurances that the Fourth Republic was born to restore hope, prosperity and confidence in the Nigeria project, and established and enacted the Independent Corrupt Practices and other Related Offences Commission (ICPC) Act 2000 and the Economic and Financial Crimes Commission (EFCC) Act 2002. Apart from these, Obasanjo also established the Nigeria Extractive Industries Transparency Initiatives (NEITI), the Public Procurement Act, the Fiscal Responsibility Act, and Due Process. Obasanjo also introduced e-payment to detect and deter embezzlement and other forms of financial fraud, and established anti-corruption department in some of the federal ministries and parastatals. Former President Obasanjo rounded up his anti- corruption initiatives with the establishment of the Technical Unit on Governance and Anti- corruption Reforms (TUGAR).

However, with all the above measures put in place by Obasanjo, his government lack genuine political will and commitment to allow the anti-corruption agencies wrestle corruption, hence the criticisms that the anti-corruption agencies were selective in the anti-corruption crusade under his administration. Because none of Nigeria's successive regimes since independence in 1960 is, as observed by Mahmud (2014: 9 -10), immune of corruption, the reigns of Obasanjo and Jonathan were regarded as the worst and most corrupt in the 55 years of Nigeria's existence. In fact, in the 8 years of Obasanjo administration, a total of ₦16.447 trillion was shared among the three tiers of government (1999 – 2007), without much to show as dividends of democracy Iyare (2008) cited in Mahmud (2014: 10). This is in the face of many other allegations of corrupt practices and disappearance of huge amount of petro-dollars. Furthermore, and in an attempt to further expose the monumental corruption that permeated Nigeria's governance process in the fourth republic, Habu (2014: 10) observes that, in 2011 alone more than a trillion naira was spent on petroleum subsidy, and in fact, under the

duo of former Presidents Umaru Musa Yar'aduwa and Good luck Jonathan, corruption further assumed incredible dimension. The then CBN Governor, Malam Sanusi Lamido Sanusi, as observed in Mahmud (2014: 12) declare that, about 49.8 billion dollars were not repatriated by the NNPC in to federation account which led to his controversial suspension as the Governor of Nigeria's Apex Bank.

In response to the endemic corruption that suffocated Nigeria's fourth republic (1999 – May 2015), civil society organizations formed coalitions and networks such as Zero Corruption Coalition (ZCC), Coalition on Budget Tracking (CBT), Transparency in Nigeria (TIN), the Convention on Business Integrity (CBi), and some individual CSOs such as the Publish What You pay, Integrity Watch, and the Independent Advocacy Project as observed in (Mohammed and Moses, 2012, cited in Habu, 2014: 10). Other groups include Citizens United for Peace and Stability (CUPS), etc. Such groups embarked on series of enlightenment campaigns to educate the general public on the menace of corruption and the importance of whistle blowing. Other measures taken by the CSOs include writing petitions to anti-corruption agencies exposing corruption related offences; strike actions, series of legislative-executive advocacy to ensure anti-corruption legislations such as NEITI, Fiscal Responsibility and Procurement Acts, as well as Whistle Blower Protection Bill, and the recent #No To Social Media Bill campaign, among others, and peaceful protest and demonstrations such as the January 2012 mass outing against fuel subsidy removal nationwide, which in itself is a popular outcry against the endemic corruption in the oil industry.

To sum it all, the foregoing discussion is a gloom predicting the doom of how a network of corrupt politicians, business executives and bureaucrats who, since Nigeria's independence in 1960, captured the state and continue to profit from its economy and consequently render its democracy unviable in pursuit of their self-centred agenda semblance of primitive accumulation, hence the contestation between the state and civil society groups. In view of the kind of proscription and intimidation the civil society experienced in the hand of the Nigerian state, because of their vibrancy and fearlessness, as observed by Bangura (2012: 80), the state was unable to subdue them. However, this does not mean that the anti-corruption stance of the civil society groups in Nigeria are not without challenges and problems, which if not tackled, the campaign will continue to suffer serious setbacks. In fact, while one may commend the anti-corruption campaign of civil society organizations in Nigeria, it is also fair to assert that such roles have not been very effective and have only been reactive rather than pro-active. This is because of the myriads of challenges and problems bedevilling them. However, civil society organizations promote democratic process in modern societies. This could be seen in various circumstances and situations where the organizations acted vigorously in mobilizing and educating citizens to choose for the right candidate during elections. This is obvious in the case of Nigeria with the return of civilian administration and elections of 1999, 2003, 2007, 2011 and 2015.

Challenges and Problems faced by Civil Society in the Fight against Corruption: By virtue of the space civil groups are occupying being an autonomous sphere of influence in the society, they are faced with the following challenges and problems as observed by Igbuzor (2010), Odey (2012), and Yusuf (2014) respectively, as stated below:

Lack of creative ways of information dissemination by civil society groups made it very difficult for people at the grassroots to easily comprehend the large volume of information in circulation especially on social media on alleged corruption related offences. This has created gap in public knowledge to the extent that a significant number of people are finding it difficult to interpret the available information at their disposal. Had it been such information will be communicated to the public in their own respective mother languages, civil associations would have enjoy the massive support of the disadvantaged majority wallowing poverty.

Funding has been a major challenge in civil society activism in general, and because most of the anti-corruption based CSOs don't have independent sources to generate funds internally within them, they are left with no option than to buy in to the funding programs of international donor agencies which thus dislocate them from their original anti-corruption agenda. It also made some of them to buy in to the illusionary philanthropic intervention of some corrupt politicians, business executives and even bureaucrats to carry out their intervention projects, which in itself is seriously aiding the erosion of confidence of such groups in the anti-corruption campaign. Civil society organizations require knowledge, technical skills and method of evidence generation for anti-corruption advocacy. Unfortunately, majority lack the skills to efficiently and

effectively engage policy makers and political office holders to practically display genuine political will and commitment in the fight against corruption. Hence, the reason behind the uncoordinated and reactionary anti-corruption campaign approach of most civil society groups in Nigeria. Lack of internal democracy and workable accountability and transparency mechanisms in most individual CSOs, networks and coalitions has only succeeded in tarnishing their image, and has generally led to gradual erosion of confidence which the larger civil society have on them. Some CSO executives are so despotic in the way they manage their respective organizations to the extent that, some are only democratic when one looked at the design of their organograms. And because of the way and manner CSOs are expending donor's funds without concrete results to show, the moral base for CSOs in the anti-corruption campaign is being defeated.

Civil society groups are also faced with the challenge of disconnecting themselves with the people that matter most, the grassroots people. Hence, the question on how representatives are CSOs with the constituencies they claim to be representing? The frank way to answer the question is for one to recognize the disconnection that exist and query the over concentration of such groups in the urban areas or cities. Worthy of mentioning is also the uncoordinated anti-corruption approach used by the CSOs and lack of adequate collective solidarity among such groups. This is most noticeable in the area of duplicating anti-corruption campaigns without coordination, and or in the area of evidence generation coupled with slow face in exploiting opportunities particularly within the context of Freedom of Information Act (FOI) that was passed in 2011. Had it been CSOs will exert pressure on the state on FOI, it would have been a different storey by now in view of the fact that, even the anti-corruption agencies lack adequate and genuine sources of information on corruption other than what the insider politicians and investigative journalists provides. Finally, getting government to really fight corruption and the current state of insecurity are also among the factors posing both challenges and problems for CSOs in the fight against corruption in Nigeria. Under the current uncertain security situation, an activist requires unflinching amount of courage to confront politicians in the state on the issue of corruption. Though, the state under the leadership of President Buhari has been making promising policy pronouncements (zero tolerance on corruption) concerning its anti-corruption posture, the CSOs must device means to get the state on board otherwise we will continue to wallow in the ocean of rhetoric without practical genuine commitments. To overcome the challenges and problems mentioned above, see the next section below.

5. Conclusion

The study established that, if there is one pressing issue of concern Nigerian state under the present democratic dispensation should squarely deal with, is the menace of corruption, which is the result of the self centred activities of the network of corrupt politicians, business executives and bureaucrats who abuse the responsibility given to them in Nigeria's governance process. In dealing with it, the study argued that civil society organizations, being actor in Nigeria's anti corruption campaign process coupled with the fact that it's a development partner in its own right, need to urgently provide leadership to ensure synergy of efforts among stakeholders in the anti-corruption drive.

Recommendations: Since no one is spared from the menace of corruption perpetrated by the network of corrupt politicians, business executives, and bureaucrats in Nigeria,

- There is the urgent need for civil society groups and labour unions to understand that, unless we forged a united front by forming a multi-stakeholder mass movement against corruption semblance of the January 2012 mass action against Fuel Subsidy Removal (FSR), our dream of having a country that abhor and is free from corruption will remain a nightmare. Such mass-movement will not only be restricted to the elite NGOs and labour unions but also other individuals, students, market women and community based organizations at the grassroots.
- The movement should have a decentralized structure across the states of the federation. This means that, in each state, civil society groups should create a platform that will mobilize and carry along all associations and individuals passionate about anti-corruption advocacy. For instance, during the 2012 fuel subsidy removal mass outing, Lagos had Joint Action Front (JAF) while Kano formed United Front for Good Governance, which succeeded in mobilizing networks, coalitions, students, groups and individuals that exerted pressure against the state unprecedented in the history of popular actions in those states.

- Moreover, the mass based platforms across the states should have a consultative committee of at least 36 members at the national level to ensure more coordination and collective solidarity at national level. At the state level, each platform should have a general assembly of planning and coordination with all stakeholders whether individual or organizational fully represented, and also sub-committees to handle issues such as evidence generation on corrupt practices at both national and state levels, advocacy, mobilization, media and publicity, and any other area of importance to enhance the anti-corruption drive.
- Aside the above, and as a pre-condition for a successful mass based outing against corruption in the country, the multi-stakeholder platforms must work both at the state and national levels to exert pressure on government to jointly work to come up with an anti-corruption national strategy, and also make the state to commit itself genuinely to the fight against corruption and ensure the full implementation of Freedom of Information (FOI), Fiscal Responsibility and Procurement Acts, and also the passage of Whistle Blower Protection Bill.
- For civil society groups to have credibility and ensure sustainability of the mass based platforms in the anti-corruption crusade across the states, internal democracy and a high sense of responsiveness, transparency and accountability must be seen in the management of the fronts and in relations with the state and the wider civil society.

References

Adejumobi, S. (2003). Structural Adjustment, Students Movement and Popular Struggle in Nigeria, 1986 – 1996, in Identity Transformation and Identity Politics under Structural Adjustment in Nigeria, by Attahiru Jega edited, Nordiska Afrika Institute and Centre for Research and Documentation (CRD).

Bangura, Y. (2012). Why Nigeria's Democracy Does Not Work For the Poor, in Organizing for Democracy: Nigeria and Comparative Experiences, by Bjorn Beckman and Y.Z Yau edited, PODSU, AKCDRAT and CRD.

Chika, E. (2013). Origin of Corruption in Africa and the Way Forward, http://nigeriavillagesquare.com/chikaezeanya/origin-of-corruption-in-africa-and-the-way-forward.html

Habu, M. (2010). Civil Society Organizations in Nigeria, the Politics of Struggle for Human Rights, Krafts Books Limited.

Habu, M. (2014). Civil Society and the Quest for Good Governance in Nigeria's Democratisation Process: A Telescopic View of Jonathan's Administration (2007-2014), being a paper delivered at a one day conference on "Democracy, Governance and Accountability in Nigeria," at Bayero University, Kano, May 20th, 2014.

Igbuzor, O. (2010). Good Governance and Accountability of Civil Society Organisations in Nigeria, A paper presented at the National Consultation on CSOs Development Effectiveness in the Context of Nigeria, 25th- 27th May, 2010, Abuja, Nigeria.

Jega, A. (1993). Professional Associations and Structural Adjustment, in the Politics of Structural Adjustment Programme in Nigeria, by Adebayo O. Olukoshi edited, James Currey Ltd, London.

Kukah, M. (1999). Democracy and Civil Society in Nigeria, Ibadan Spectrum.

Mamdani, M. (1999). Citizen and Subject: Contemporary Africa and the legacy of late Colonialism. Oxford: James Currey.

Mahmud, M. L. (2014). Corruption and Democratic Governance: The Signature of Nigeria's Fourth Republic, being a paper delivered at a one day conference on "Democracy, Governance and Accountability in Nigeria," at Bayero University, Kano, May 20th, 2014.

Muntaqa, Y. A. (2011). Labour and the Politics of Alliance in Nigeria, a paper presented at a Global Labour Movement Conference in South Africa.

Nwosu, B. U. (2006). Civil Society and Electoral Mandate Protection in Southern Nigeria. *The International Journal of Not for Profit Law*, 9(1).

Ojukwu, O. O. & Shopeju, J. O. (2010). Elite corruption and the culture of primitive accumulation in 21st century Nigeria. *International Journal of Peace and Development Studies*, 1(2), 15-24, November 2010 Available online at http://www.academicjournals.org/IJPDS ISSN 2141-2677 © 2010 Academic Journals

Odey, A. N. (2012). Civil Society and Democratic Consolidation in Nigeria, Journal of Emerging Trends in Educational and Policy Studies (JETERAPS) 3(1): 61-67 www.jeteraps.chlolarlinkreserch.org

Ukase, U. & Bem, A. (2015). The Role of Civil Society in the Fight against Corruption in Nigeria's Fourth Republic: Problems, Prospects and the way forward. *European Scientific Journal*, 11(2), 1857 – 7881.

Vesna, P. (2007). State Capture and Widespread Corruption in Serbia, March 2007, Centre for European Policy Studies (CEPS).

Wendy, W. (2008). Interrogating Public Sphere and Popular Culture as Theoretical Concepts: On their value in African Studies, CODESRIA General Assembly, 2008, Yaounde, Cameroun.

Yusuf, O. A. (2014). The Role of Civil Society in the Fight against Corruption In Nigeria, being a Lecture Delivered by Yusuf O. Ali Esq; SAN1 at the9th Edition of the Annual Adekunle Kukoyi Memorial Lecture, Organized by the Institution of Nigeria Surveyors, Lagos State Branch.

Jornal of Social and Development Sciences (JSDS)
Vol. 7, No. 4, December 2016 (ISSN 2221-1152)

Front Politics and Internal Democracy in National Protest Movement: A Study of the January 2012 Mass Action against Fuel Subsidy Removal in Kano, Nigeria

Nura Iro Maaji
School of Continuing Education (SCE), Bayero University, Kano (BUK), Nigeria
nuramaaji@gmail.com

Abstract: The paper examined front politics and internal democracy in national protest movement with emphasis on the January, 2012 mass action against fuel subsidy removal in Kano. In doing so, it utilizes survey research techniques - specialize interview, questionnaire, and participant observation, to find out the reason why people participate in the protest, the bases that led to the formation of united fronts, how the front was managed, and also how it impacted on the allied members. The paper found that, anticipated economic hardships that may follow removal of subsidy from Premium Motor Spirit (PMS) as well as poverty were the factors that made people to take to the street to register their grievances. Arising from that, the paper suggest that, for a successful mass based popular action to be staged in a more autonomous and sustainable manner, an independent platform need to first of all be formed.

Keywords: *Front Politics, Fuel Subsidy Removal (FSR), Internal Democracy, Mass Action, and State*

1. Introduction

In most countries of the developing world, developmental policies that are not pro-poor coupled with the hard economic conditions accompanying them as well as the unreceptive attitude of the state towards any counterforce checking its excesses, have necessitated both labour union and their civil society allies to go beyond their narrow sectional issues and come together to promote issues of concern to the broader society. Corroborating this position, Beckman (2010:161) argues that, structural adjustment and neoliberal hub have undermined unions, undercutting rights. Membership is dwindling, and union allies in civil society are weak as well. Jointly, Beckman argued, they provide an ideological alternative to the hegemonic pretension of the neo-liberal positions and hold an alternative vision for 'national development'. In Nigeria, Oil Industry, as observed by Okey (2010: 115), has been a major contributor to Nigeria's economy and that is why over 80 percent of the country's foreign exchange earnings come from this sector. In fact, since the discovery of oil in commercial quantity, Nigeria has been experiencing consistent increase in revenue earning except for the periods of oil glut, hence the emergence of oil occupying a place in Nigeria's politics. Corroborating this position, Ering and Akpan (2012: 2), observed that politics in Nigeria cannot be divorced from oil. This means that it remains the benchmark of Nigeria's socio-economic, education, foreign and defence policies.

However, as observed by Obono (2011: 7), while Oil remains the life blood of Nigeria's political economy and has made the country extremely rich over the decades, it has yet to significantly benefit its people. In other words, the crises of the Nigerian state, precipitated by high level of corruption and lack of transparency in the petroleum industry has created series of contestation between the state on one hand and the trade unions, communities and civil societies on the other. This necessitated the labour to form a coalition outside the realm of production to wider socio-economic issues in Nigeria. It is in line with this; therefore, the paper examines front politics within the context of the January 2012 anti subsidy mass action in Kano. The study also analyse the extent to which the aligning members were democratic during the protest?

2. Conceptual Clarifications

For the purpose of conceptual clarity, this paper viewed the following concepts as follows:

Front Politics and Internal Democracy: This study views front politics to mean the coming together of varied social groups such as labour unions, civil society organizations and individuals in pursuit of a common goal. In other words it is the management of differences in pursuit of a common agenda. Also, the paper defines internal democracy in terms of equal participation of members in matters pertaining to decisions and organization of a national protest movement.

Fuel Subsidy: Fuel Subsidy Removal (FSR) is taken to mean a policy of Nigeria's federal government that aimed at removing the percentage of money (subsidy) paid by government to importers of Petroleum Motor Spirit (PMS) in order to reduce its price than they would have otherwise, as against its policy of subsidy payment that helps cushion the effects of economic hardship of the generality of Nigerians through the reduction of the price of PMS.

Theoretical Explanation of Front Formation in a Movement Drive: There always exist assumptions and counter assumptions on what constitute a particular social phenomena. Affirming the preceding assertion, Manuel & Jennifer (2010: 23) posits that, front formation is an important component of organizing a movement because it is the building block to social change. It's further argued that the likelihood for the formation of front, it's when groups and individuals have shared common grievances, which may be social, economic, political, environmental and even religious or cultural. It also means that when individuals and groups join forces they provide a better chance of forging a common united front for the welfare of all. In another perspective, and from Marxist-Leninist point of view, united front is seen to represent the unity of opposites which encompasses various classes in league with each other on the basis of a definite common programme of struggle (Le Duan, 1970:34). According to this perspective, for a front to be formidable and achieve its programme, the leading role of working class must be fully asserted and that worker-peasants alliance is indispensable.

On the stages of development which the front formation tend to go through, Manuel & Jennifer (2010:27) provided that, fronts in a popular movement grow and change overtimes and it mostly passes five different stages. In the first stage, organizations come together in recognition of a problem facing their communities and constituencies. At the second stage, organizations conduct outreach to potential allies and new members. The third stage is the formation of the front. The fourth stage is the operational stage which moves the front from collective thinking to collective action, while the fifth stage is the institutionalization of the united front, and throughout all the stages mentioned, organizers need to be consistent and disciplined in evaluating their efforts and determining next steps and phases. Moreover, of critical importance in front formation in a movement drive is the issue of internal democracy, and since front represent the coming together of varied social groups in pursuit of a common goal, the extent to which such groups are carried along should always be the focus of attention. This theoretical construct on front formation and internal democracy is important because it will help in giving this paper a guide to study the bases of front formation, and the extent to which whether such construction is democratic or not especially within the context of the January 2012 fuel subsidy removal mass action in Kano, Nigeria.

Background to Labour Civil Society Front in Nigeria: Nigeria's pre-independence period combined two important historical epochs - pre-colonial and the colonial periods. During the former, there were the existence of varied social groups who were more or less assertive and the boundary between them and the state is difficult to define, and whose evolution was what provided the foundational bases for the emergence of modern civic organizations Habu (2010:13). While the latter, colonial period, however, was a period which saw the birth of radical and confrontational civic associations due to the exploitative policies, such as taxation, indirect rule, etc, created and imposed by the colonial masters, coupled with their accompanying effects which severely succeeded in widening the gap between Nigeria's colonial government and the society at large, hence the emergence of such groups as the Cocoa Producers Associations (CPA), Nigerian Farmers Union (NFU), Nigerian Railway Union (NRU), National Union of Teachers (NUT), to mention a few, and their resort to coming together, as was the case in 1945, to check the excesses of the colonial state in defence and furtherance of the interest of their members and which ultimately earned Nigeria its independence in 1960.

While colonialism was very hostile and repressive to the growth and development of civil society organizations as elucidated above, the early post independence (1960s to 1970s) Nigerian state demonstrated similar attitude, though under the leadership of Nigerians. At independence in 1960, when nationalists struggle succeeded in sending out British colonial masters, the colonizers were replaced by what Jega (1993:99) called a band of political and economic wrecking crews who cared little about democracy and democratic values... rather merely motivated by their selfish interests of acquiring wealth than laying solid foundation for the emergence and sustenance of popular democracy in the country. According to Jega (1993), they even threatened the survival of the nation as one sovereign entity in their determined struggles to

acquire more power and wealth, or protect what they have already acquired. It is only the struggle of some concerned Nigerians through working class unions and professional associations that forced ruling class to concede some democratic reforms even though state power was used to advanced selfish ends and execute unpopular and undemocratic decisions. This means that it was against such kind of atmosphere, the civil society organizations resorted to work together to check the excesses of the state in order to ensure the entrenchment of democracy, equality and a just society for the benefit of all. Of particular mention, was the worker's alliance with students which led to the abrogation of the Anglo Nigerian Defence pact of 1962 (Habu, 2010:18).

In terms of state-society relations, scholars described the period of 1980s to mid 1990s as unprecedented in the history of post-colonial Nigeria. In the same vein, Osaghae (1996) stress that, it was a period which witnessed a boost in the suffering of people as it brought an end of free education, medical care and even subsidy in agriculture. This means that the period brought an end of the welfarist Nigerian state, and saw the implementation of IMF/Wold Bank doctored Structural Adjustment Program (SAP). While describing the crises of SAP, Adejumobi (2000: 227) recounted that, at no time in Nigerian post-colonial history has the level and dimension of socio-economic crises been so profound as under the regime of Structural Adjustment Program (SAP). Virtually, all the social sectors were hard hit, either entering a comatose state or decline substantially in performance. It was the harshness of the economic crises that led to the rebirth of struggles for democracy spear headed by the labour unions and their civil society allies ever in post colonial Nigeria.

With the return of civil rule in 1999, the country's democratic space opened and resulted in the rebirth of new labour regime having suffered two instances of dissolution of its national organs and appointment of state administrators to manage its affairs both in 1988 and 1994 under the duo of Babangida and Abacha regimes respectively, recounting this position, Muntaqa (2011: 15) emphasize that, with the emergence of Adams Oshiomole after the national delegate conference of January 1999, the NLC came up with a programme called "New Beginning" with the sole aim of reviving labour movement to incorporate other segment of the civil society. It is within this spirit, labour sought to re-engage the civil society component of labour movement, so as to further forge a popular front in engaging the neo-liberal policies of the Nigerian state. As a result, Labour Civil Society Coalition (LASCO) was formed. Among the issues that occupies the minds of labour and civil society organizations, as observed in Yau (2012:14), include issues relating to the socio-economic wellbeing of Nigerians such as fuel subsidy removal. From the foregoing, it is clear that labour unions under the umbrella of NLC has been at the forefront of national protest movement providing not only a platform but also leading the process to check the excesses of the Nigerian state for the common good of all. Though, such effort is not without its overbearing costs as both the labour and its allied forces in the civil society have witnessed series of intimidation from the state authorities. In order to understand the background that led to the formation of mass based front during the January 2012, see the next section.

Background to Front Formation during the January 2012 Mass Action: Before presenting the data gathered from questionnaire and interview techniques respectively, it is important being a participant observer to provide the background that led to the front formation in Kano state so as to get a clear picture of the event that took place during the January, 2012 fuel subsidy removal protest in Kano. With the formal announcement made by the Federal Government of Nigeria through Petroleum Pricing Regulatory Agency (PPRA) over the removal of subsidy from fuel which came in to effect January 1st, 2012, and which consequently led to hike in the price of Premium Motor Spirit (PMS) from N65 to N144, and the subsequent resolution by the Nigeria Labor Congress (NLC), its affiliates, and pro-democracy civil society organizations around the country to stage the duo of strike and protest actions nationwide on the January 9th, 2012 until FGN reverses its position of removing the subsidy, in Kano, the protest action begun even before the one scheduled nationwide when student union leaders from Bayero University, Kano strategized and mobilizes their fellow comrades across the National Association of Kano State Students (NAKSS) and other higher institutions of learning in the state metropolis to register their disapproval over ill-conceived policy of subsidy removal.

Moreover, the students, on January 5th, 2012, in company of large crowd of youth and some civil groups took to the street in an orderly and peaceful manner chanting anti subsidy slogans from B.U.K old site to Kofar Gadon Kaya up to Silver Jubilee where they occupy the city centre and named it after the famous Egyptian

"Tahrir Square". The students outing was well planned and coordinated with committees formed to handle mobilization, strategy, social media, etc, and has received the attention of international media such as Aljazeerah to the extent that they held the city to a standstill, and spent the whole day at the Square up to 3am midnight when security operatives under Kano state government's order brutalized them and destroyed their cars. Consequently, under the leadership of Academic Staff Union of University (ASUU), B.U.K chapter, the students and civil society groups in the state came out the following day in solidarity and matched to the Police Commissioner's Office at Bompai Quarters to register their dissatisfaction with what happened to their students and demand immediate repair of the vehicle. It was after the meeting with Kano state Police Commissioner, the groups (ASUU, Students, CSOs and individuals) were told to attend a preparation meeting at NLC Secretariat, Katsina road, Kano, by 4pm, purposely to join other forces to form a united front and strategize ahead of the then upcoming nationwide strike and protest actions so that Kano's outing will be done in an orderly and peaceful manner.

Moreover, and based on the data gathered, 100% of the 90 respondents administered with questionnaire believe that in addition to people's shared grievances resulting from their past experiences of untold hardship with hikes in fuel pump price coupled with government's anti-poor policies such as removal of subsidy from fuel pump price, the need to forge a united and formidable front under one umbrella was what provided a common ground for individuals and organizations to buy in to the idea of forging together under NLC Kano chapter, hence their resort to united front that will serve as an avenue for them to express their grievances against the Federal Government of Nigeria and its leadership. Similarly, and while agreeing with the above, 100% of the 12 respondents interviewed using specialized interview technique asserted further that, in spite of the different constituencies which the allied social groups represent, their lack of confidence on government to deliver on its so called palliative measures was also a contributing factor that necessitate the formation of the front under the leadership of Kano State chapter of the Nigeria Labor Congress (NLC).

Management of the January 2012 Popular Front: Based on the data collected using questionnaire, 61% of the 90 respondents believed that, to some extent, allied groups and individuals were carried along in the planning and organization of the protest, while 39% argued that only a select few groups and individuals were considered relevant in the discussion of issues pertaining the protest. This means that, while there was not any election which took place to determine the leadership of the mass action to any of the allied forces, more than half of the 90 questionnaire respondents believe issues were openly deliberated and decisions reached. Similarly, the 12 respondents interviewed corroborated the above assertion by adding that, the protest was coordinated because committees such as the Joint Action, Entertainment, Mobilization and Contact, Media and Publicity, among others, were created to ensure a hitch free protest action, and nomination of individuals and organizations were made to form the membership of those committees, even though such nominations were done by NLC and a select few groups rather than subjecting it to voting for the joint action committee which is the general assembly of the allied groups to decide. It is this kind of committee system that majority of the respondents (61%) saw as what brought democracy in to the movement.

However, as a participant observer, and even though majority of the respondents of this study (102) considered the united front as to some extent democratic as presented above, there were many undemocratic practices and high handedness by few of the allied groups who bestow unto themselves the power to decide on what to be done and how, and most times deliberately alter with the decisions taken during general meetings against the wishes of the majority. Of particular example, was when the allied groups during most of their general meetings decided on the routes to follow and the places to converge, and who to address them, however, some groups, particularly leadership of NLC Kano acted otherwise, and that made participants of the protest particularly students and some civil associations to bitterly complain and on a number of time threatened to withdraw from the popular front. Moreover, such dictatorial attitude happened in almost every day's outing of the protest with the first day being the day the allied forces decided to go to silver jubilee, named "Tahrir Square", but were diverted to race course by the NLC and some of its affiliates in the state. In the subsequent days, groups such as NLC, ASUU, COESU became under pressure by students and some civil groups such as Centre for Information Technology and development (CITAD), United Actions for Democracy (UAD), Advocacy Nigeria (AN), etc, who were dissatisfied with how NLC dominate everything pertaining to

the protest, in attempt to re-occupy "Tahrir Square" but were short changed and diverted to places such as Kofar Naisa and Filin Dantata along Katsina road, in Kano.

3. Results

Data Presentation and Analyses: A total of seven (7) questions were administered on the 90 respondents interviewed using questionnaire, while a separate set of seven (7) questions were administered on twelve (12) respondents using specialized interview technique. Below is the presentation and analyses of the data collected as well as discussion of findings of the study.

Table 1: Respondent's Participation during the January, 2012 Protest against Fuel Subsidy Removal in Kano

Participation	No. of respondents	%
Yes	66	73
No	24	27
Total	90	100%

Source (Questionnaire 2014)

The table shows that, out of the 90 respondents interviewed using questionnaire, 73% participated in the January, 2012 mass action while 27% did not. This indicates that majority of the respondents have participated in the protest action and have the tendency of making the study to have an authentic account of the mass outing in Kano.

Table 2: Reasons for People's Participation in the Protest

Reason for Participation	No. of Respondents	%
Anticipated economic hardship	55	61
Poverty	26	29
Political opposition	4	4
Corruption	5	6
Total	90	100%

Source (Questionnaire 2014)

The table shows that 61% of the questionnaire respondents considered people's anticipation of economic hardship as the factor which prompted the generality of the populace in Kano to participate in the January, 2012 mass action, 29% said poverty, 4% argued that it was political opposition – meaning the protest was staged by followers of the main opposition political party, the ANPP, in the state with the sole aim of hiding under the banner of federal government's policy of fuel subsidy removal to undermine political leadership in the state, while the other 6% respondents asserts that it was because of the endemic corruption in the oil industry and governance system of the country that made people to protest against government's attempt to remove subsidy in fuel. Based on the above, it means that the protest action was a product of people's dissatisfaction with the untold hardship they have been experiencing with hikes in the prices of fuel coupled with the endemic corruption going on in the oil sector and governance process of the country. Similarly, 100% of the 12 respondents interviewed using specialized interview added that, it was because of the bitter experiences people had in the past that they decided to rally around Nigeria Labor Congress (NLC) and took to the street to express their disapproval of government's intention to remove subsidy from oil. This also means that shared experiences of untold economic hardships, corruption in governance, as well as the anticipated economic hardship that may follow from the removal of fuel subsidy, were what constitute the factors that necessitate people to take to the street in Kano.

In the same vein, and from participant observer's point of view, it is also important to note that the mass outing was also necessitated by government's inability to provide economic empowerment opportunities for the teeming unemployed youth in the state in order to earn a living, coupled with lack trust on government to implement its palliative measures to cushion the hardship that may follow. In other words, people have lost confidence in government because of its failure to provide enabling environment for the youth to earn a

living. Also, an unprecedented amount of solidarity from the general public in terms of supplying the mass action participants with foods and bags of pure water, etc, has further motivated them to take to the street to register their disapproval with government's intention to remove subsidy from fuel.

Table 3: The Strategies Used In Mobilizing Resources

Strategies Used	No. of Respondents	%
Organizational donations	44	49
Individual donations	46	51
External donors	0	0
Others	0	0
Total	90	100%

Source (Questionnaire 2014)

Out of the 90 respondents administered with questionnaires, 49% said organizations voluntarily contributed materials and mobilized people, 51% said it was the individual voluntary donations and personal sacrifice both in terms of mobilizing people and materials, that made January, 2012 mass outing against fuel subsidy removal unique , while none of the respondents agreed with funding from external donors. This means that January, 2012 mass action was internally funded by the individuals and allied groups who participated without recourse to support from external donor institutions. Similarly, 100% of the 12 respondents interviewed using specialized interview added further that, while there were donations from organizations and individuals alike, other medium such as social and broadcasting media also help in the mobilization process having noted that several announcements and interactive discussions were made in radio houses such as Freedom Radio and Rahama Radio respectively, by the leadership of the Joint Action Committee of the protest, giving people direction and detailing them with the agenda of each day's outing. They also added that, there was a committee on social media which mobilized people using facebook and twitter sites. This means that in addition to the voluntary organizational and individual donations, usage of other medium such as social and broadcasting media also form part of the strategy used in the mobilization process. Similarly, as a participant observer, it is also good to note that mobilizing people became somewhat easy because people were already mobilized having realized the hardship that may follow subsidy removal from fuel. The above mediums were used to further re-mobilize the general public.

Discussion of Findings of the Study: In view of the information gathered from the findings of this study as presented in the section of presentation and analyses of data, the study shows that factors such as people's bitter experiences in the past caused by hikes in the price of fuel, as well as poverty and high rate of corruption in the country, are what made most people to participate in the January, 2012 mass action in Kano. Furthermore, on the bases that led to the formation of the front, the research findings prove that it is because already people were aggrieved, and are only looking for medium to express their dissatisfactions coupled with the realization of the importance of forging together under one umbrella, were what provides bases for the front formation during the protest. While commenting on the importance of front in a movement derives, Manuel & Jennifer (2010: 23) posited that, front formation is an important component of organizing a movement because it is the building block to social change. With front formed, organizations can move from being disconnected social change agents, to becoming "social movement organizations" connected through a shared vision and in commitment to change.

Moreover, the research findings also noted that the front used several strategies such as voluntary organizational and individual donations to gather resources both material and personnel, other strategies used include social and broadcasting media in terms of mobilizing and giving direction to individuals and organizations participating in the protest. While commenting on whether the protest received funding from external donors, one of the respondents asserts that:

No any external funding, all funds were internally mobilized, what we witnessed was not just resource mobilization in terms of naira but a commitment of people in terms of sacrifice because nobody was paid anything, people trek and travel from long distance kilometres. Its personnel and organizational sacrifice that

led to the success of the protest action, and people share food items and water freely, with some volunteering their vehicles to convey people, and these are internal resources that are organic to the people (Interview 2014).

However, as an observer, it is important to note that soon after NLC Kano was admitted into the front, everything became elitist. Even the so called participation and consultation which the respondents kept hammering on, not all the groups were given the chance because it was made purely an elitist affair, with a select few dominating meetings and discussions. This is to say that, there were accusations, complains and hot exchanges between the participating groups and the leadership of the front on one hand, and within the groups on the other, and most particularly students and some civil society organizations, who started the protest even before its commencement nationwide, over the way and manner through which decisions taken at the general meetings were tempered by a select few groups who constitute the joint action committee of the whole protest. In fact, students from Bayero University, Kano and other higher institutions of learning across the state metropolis felt sidelined during the protest to the extent that they had to revolt before they were accorded with the needed recognition they deserved. Notwithstanding, such kind of practices severely undermined the so called internal democracy which the respondents kept hammering on. However, because participants are fighting a course they strongly believed in, hence their decision to continue with the protest. Aside from disagreements between the allied forces and the leadership of the front, there were also threats of impeachment particularly by the Senate of National Association of Kano State Students (NAKSS) to its then National President over a photograph circulating via social media which saw him and some of his executive members at Government House, Kano collecting brown envelop, while we were at Tahrir square protesting. Kano Students felt embarrassed, hence the impeachment threats which later prove abortive because of the influence he has over some of the NAKSS Senators.

There were also other instances where some respected members of the joint action committee were said to have attended meetings at the Kano State Government House with no details of what happened not to even talk of who authorize them to attend such meetings. It is also important to note that, the purpose of democracy is to ensure sustainability, and unfortunately for the front when NLC national body withdrew itself, it put the entire protest in to a state of unpredictableness. Based on this and more, it became difficult for one to say that the mass based front was democratic because such kind of undemocratic practices have undermined the integrity of the process. On the impact of the front on the allied members, the study found that, it has helped immensely in facilitating communications and contacts between and among the varied professional groups, civil associations, coalitions and networks that formed the movement, it also led not only to lasting working relationship among the varied groups but also formation and reawakening of several networks and coalitions such as United Front for Good Governance, etc. In concluding the discussion of this section, it is clear for one to assert that the management of the January, 2012 mass action in Kano was nothing other than an elitist affair where some groups, who were not earlier part of the initial mass outing, crafted an idea of forming a grand coalition and assumed mantle of its leadership and decided to do what they so wishes.

4. Conclusion and Recommendations

In view of the foregoing, and in an attempt to offer solution to the challenges and problems encountered during the January, 2012 fuel subsidy removal mass action in Kano, as well as propose some action steps that can guide future occurrences of similar outing, the study provide recommendations as follows:

- There has to be an independent platform that will serve as an umbrella body for all individuals and civil groups including labour and professional associations rather than carrying out such mass movement under the Nigeria Labour Congress. The secretariat of the committee should also be determined to enable it function free from the influence of any aligning individuals or groups.
- In order to address the problem of exclusion of allied groups in matters that affect the organization and planning of the front, a general committee on planning and coordination should be inaugurated and such committee should comprise of all individuals and varied allied groups. Also, Sub committees should also be formed around areas such as mobilization and publicity, enlightenment, social media, fundraising, first aid, legal aid, crowd control, security and intelligence as well as research and documentation. These sub committees should each be saddled with the responsibility of proposing plan of action that will guide the front within the context of their respective areas, and

should be accountable to the general committee on planning and coordination being the general assembly of all allied members.

- All matters that pertains the popular front and or the sub committees should be deliberated and agreed upon before the general committee on planning and coordination.
- Resource and mobilization committee should device a strategy that will further motivate all the aligning members both individual and organizational to contribute to the process in their own way.
- The united front should during any protest be convening daily evaluative meeting to assess each day's outing of the popular action in order to build a more formidable front.
- In order to continuously win the heart of the society, the general assembly of the front should be able to keep the general public informed of any development concerning the popular movement, and the decision of the planning committee on the various routes to follow.

References

Adejumobi, S. (2000). Structural Adjustment, Students Movement and Popular Struggle in Nigeria, 1986 – 1996, in Identity Transformation and Identity Politics under Structural Adjustment in Nigeria, by Attahiru Jega edited, Nordiska Afrikainstitute and Centre for Research and Documentation.

Beckman, B. (2010). Alliance Politics in Nigeria's Civil Society, Department of Political Science, Stockholm University, Sweden.

Ering, O. S. & Akpan, U. F. (2012). The Politics of Fuel Subsidy, Populist Resistance and its Socio-Economic Implications for Nigeria. *Global Journal of Human Social Science*, 12(7), version 1.0.

Habu, M. (2010). Civil Society Organizations in Nigeria, the Politics of Struggle for Human Rights, Krafts Books Limited.

Jega, A. (1993). Professional Associations and Structural Adjustment, in the Politics of Structural Adjustment Programme in Nigeria, by Adebayo O. Olukoshi edited, James Currey Ltd, London.

Le Duan, (1970). The Vietnam Revolution, Fundamental Problems, Essential Tasks, Foreign Languages Publishing House. [1]

Manuel, P. & Jennifer, I. (2010). Connecting at the Cross Roads: Alliance Building and Social Change in Tough Times, University of California, Program for Environmental and Regional equity.

Muntaqa, Y. A. (2011). Labour and the Politics of Alliance in Nigeria, a paper presented at a Global Labour Movement Conference in South Africa.

Okey, O. H. (2010). Deregulation of Downstream Oil Sector in Nigeria: It's Prospect. *Journal of Social Science and Public policy*, 2(1).

Obono, D. (2011). Trade Union as Social Movements and Political Actors in Nigeria (1994-2004).

Ya'u, Y. Z. (2012). The Progressives and the Pro-Democracy Movement(s) in Nigeria: Assessing Five Decades of Struggles, in Organizing for Democracy, Nigeria and Comparative Experiences, edited by Bjorn Beckman and Y.Z. Ya'u, Centre for Research and Documentation, Aminu Kano Centre for Democratic Research and Training, and Centre for Research and Documentation.

Jornal of Social and Development Sciences (JSDS)
Vol. 7, No. 4, December 2016 (ISSN 2221-1152)

The Indian Tribal Art Market

Farzaneh Maleki Dizaji
Savitribai Phule Pune University Tehran, Iran
farzaneh.maleki.dizaji@gmail.com

Abstract: In the study of art market of Indian tribal, creativeeconomy, cultural economy effect on consumer behavior, governmentprotection, changes of cultural believes and religion by tribal for increasing market, art economic etc. has been considered. In Indian tribal art economics, creative imagination coming from their culture, believes, religions etc. So it becomes more sensitive and restricted. The Field work was conducted in Bhopal (IGRMS), Madhya Pradesh, India. Data collection was performed by qualitative informal depth interview and quantitative data by questionnaire. Tools and technique were including photography, observation; case study (Bhil and Rathwa communities) Research duration was fromMay2015 to March 2016. Consumers of Indian tribal art divided to four categories: foreigners, NRI, artist and very rare common people. The government protection of Tribal art is based on Article 342. The protection is governed by the Ministry of Culture and Ministry of Tribal affairs, Government of India. And also by organizations like *IGRMS, TRIFED*, *TRTI*, Lalit Kala Academy etc. Protection of arts in India is performed under section 22 of the copy right Act 1957, intellectual property right and also scheme of "Market Development of Tribal Products/ Produce. In conclusion art marketing doesn't have a particular formula for all type of art because they have different target audience.

Keywords: *Art Market, Creative Economy, Cultural Economy, Indian Tribal Art, Indira Gandhi Rashtriya Manav Sangrahalaya (IGRMS)*

1. Introduction

The art market can be defined as a field in which artists ,sellers ,buyers and the art enthusiasts community ,interact with each other .It is a sphere where cultural imagination gets converted in to monetary terms .Art market is based on interactions and interrelations of supplier (artists) and demander (customers of art) and middle men . In the economic pricing cultural values is very important .The art market involves different subjects as Psychology ,anthropology ,economic ,marketing and sociology .the art market created in order to commoditization of art through its sale ,purchase and use as an asset .Art market changed by the time, artists, dealers and audience. In order to have a market for art, art should have some value, that value can be a cultural, historical, symbolic etc.This paper consider more cultural value of the art in the Indian tribal communities. Art market economics should cover protection of arts by private and public sector, related policy, taxation, impact of art economics on the life of the artists. In the study of art market we face two types of economics, Macro Economic and Micro Economic .Macro Economic related the art economics included the art market studies, socio –economic problems related to artists, price levels etc. and Micro Economic included activities or changes that artists should do for sales increase etc. Here we should mentioned when one artwork done just for commercial purpose the nature of art work change to the commodity, so all rules should considerfor selling of one commodity. Three important indicators in economic as production, distribution and consumption should consider for the art work that done special for sell. Important points regarding the art economics are as follow:

- Pricing behavior that determine by the artist and some organization, government sectors or private sectors.
- Decisions of artists that related to their culture.
- Policy examination of government grants to the arts.
- Laws regarding the rights of the artists as Droit moral, copy right law and Droit de suite, artist should obtain fixed percentage of the resale profit.

This paper discussed about art market economics of Indian tribal.In starting better we summarized the characteristics of tribal economics of India. Because of economic problems as deficiency of capital, landlessness, displacement, deficiency of irrigation water, the agriculture in India depended to the monsoon so due to low rainfall the tribal face many economic problems so they unable sustain their economic. In this

condition they shift from agriculture job to another job. Many tribal from primary sector agricultural turn into jobs related toart. However to resolve their economic problems they do some changes in theirart,in religious paintings elimination of sacred symbols in their paintings.Tribal economic faced twoimportant aspect of their culture, religious and economic that how to create proper relationship between these two aspects of culture with respect to their religions.

2. Literature Review

India is a country situated in South Asia .The history of India reaching back to 5 millennia, So India is one of the world's oldest country with diverse cultures. Indian culture exposed its tradition, arts, values, believes, religionsetc.The 60% of Indian people are belong the primary sector, agriculture but unfortunately agriculture in India is depended to the monsoon (rainy season). When the rain fall is less farmers are turning to other jobs as construction labors, industry, sale of hand craft and artworks etc.
India is second country after Africa in number of tribal .There is diversity in Indian tribalcommunities, but there are some commoncharacteristics in Indian tribal economics .These characteristics are as follow:

- Production without using modern technology
- Relation of economic and religious
- Production for consumption
- Barter system in tribal economic
- Community basis of economic activities (As Balutedar system)
- Economic backward

These problems in tribal economics cause *shifting economic* .shifting economic refer to changes of economic resources during a period of time as shifting agriculture to selling art works. When the number of shifting in the economic increased it showing the instability in the economic system of one community. The Rah are Adivasi that found in the boundary of Gujrat and Madhya Pradesh. Agriculture is the main occupation of the Rathwas but many Rathwas engaged in industrial work, gardening, construction work or casual labor, selling Pithora paintings and work as artist in IGRMS etc. Pithora paintings are religious wall paintings that the main elements are horses, in their believes the horse is vehicle of god for coming to village and help them**.** Performance of Pithora painting in Rathwa house brings peace, prosperity and happiness. The Pithora paintings are more a ritual and performance to thank god or a wish for solving problems. In the traditional forms the artists used the natural colors that made by plants, but now a day artists use acrylic colors for attract more customer.

Figuer 1 : (A)Traditional Pithora paintings,(B)Commercial Pithora paintings

(A) (B)

The traditional paintings presented on the walls of kitchen in house because for Rathwas kitchen is sacred place at house .Traditional paintings done by natural colors that made by plants .The Commercial Pithora paintings is part of the complete traditional Pithora paintings that done by acrylic colors .Acrylic colors are more brightness than natural colors, so this brightness attractmore customer .In believe of the Rathwas complete paintings are sacred. The Bhil are recognized as the oldest inhabitants of the southern Rajasthan, parts of Gujarat and Madhya Pradesh. The source of the income for Bhilsare agriculture, animal husbandry, selling of paintingsand working as an artist or laborers in IGRMS etc. The Bhils do different types of the paintings in different occasions as: Gohri painting, Tharvi painting, Pithora painting,Bhagoria painting, Gatle painting.Most of these paintings are religious paintings for different occasion and purposes.The roots of the Pithora paintings can find in the cave paintings,more than thousands of years old. Because of economic problems Bhils present these paintings for sell by some changes.

Figuer 2: (A)Traditional Gatle paintings ,(B)Commercial Gatle paintings done by Bhil communites

(A) (B)

The traditional Gatle paintings done by the natural colors and commercial Gatle paintings done by Acrylic colors .The style of the Bhil paintings changed because of attract more customers for increasing marketing. In the area of art market economics we should mentioned to *creative economy* and *cultural economy* .Creative economy and cultural economy mentioned as an important and growing part of the global economy .Creative economy refer to one type of economy that main resources of economic are creative imagination to increase one ideas values. It is different with traditional resources in economics as labor, land and capital (John Howkins 2001).Compared to creative industries, which are restricted to specific sectors, the term is used to describe creativity throughout a whole economy. In art economics of Indian tribal creative imagination coming from their culture, believes, religionsetc. So for this matter art economics of Indian tribal become more sensitive and restricted.

Cultural economy refers to relation of culture and economic that effected on the output of economical product. In total analyzing about cultural economy represent that how ideas and individual behavior effect on the marketing of products .The nature and role of the culture in the societies according to the time change by acculturation, modernization, globalization etc.Based on these changes the demand and consumption also will be change .Demand for economical product in developed ,developing and under developed countries are different .In the sphere of art most of the developed countries showing more interest to art of developing countries and under developed countries as Indian and African art .

3. Methodology

The Field work was conducted in Indira Gandhi Rashtriys Manac Sangrahalaya (IGRMS), an anthropology museum and some villages located in Bhopal, Madhya Pradesh, India. Data collection was performed by qualitative informal depth interview and quantitative data by questionnaire. Tools and technique were including photography, observation, case study (Bhil and Rathwa communites), Informants and key informants Secondary sources of data collection. Research duration was fromMay2015 toMarch 2016.

4. Result and Discussion

Tribal paintings are part of tribal culture production .these paintings are belong their culture, believes, tradition and most important part belong to their religions. So some of these paintings are sacred for Indian tribal and we can observed the religious symbols in their paintings, before and after presenting the painting in Bhil and Rathwa communities ,they done pray (Pooja)and religious ceremonies. There are some restrictions for artists for providing these paintings for sell because art works are closely connected to religious and sacred thoughts that these thoughts transmitted from generation to generation. Culture is identity of each community and society**.** When we study about the economics related to tribal paintings same each commodity we should consider three important factors: 1-production 2-distrubition 3- consumption

- Production is done by the tribal and we considered about the procedures, elements, materials that they used, believes and changes that artist done for better selling of commercial paintings.
- Distribution of tribal paintings most happen by government organizations as museums, tribes India shop, government sites for online shopping etc. Part of the distribution of tribal paintings done by privet sector .Many private business are regarding tribal paintings in inside and outside of the India .This business become very profitable for foreigners ,they buy these paintings very cheap in India from the tribal artists and they sell very expensive in other countries.

- Consumption: The type of the consumer of tribal paintings can divided to different categories as:foreigners, a Non –Resident Indian (NRI), artists and very rare common people .The researcher searched for this question that, why the number of the common people as customers for tribes shop is less.

The result of questionnaire showing thecommon people don't have adequate knowledge about tribal paintings. Most of the people knowing just Warli paintings because the motifs of Warli paintings using in their daily commodities as cup, clothes, notebook etc. Creative economy in tribal economies refers to economic sourcesare paintings that they create. They sell paintings in different places special government organizations. So the changes in tribal paintings are because of increasing the rate of the sell. Changes in Tribal paintings occurred because of human needs. In the tribal paintings basic motifs remained same .Changes in some tribal paintings done in the size that become easier for buyers use in their places so the traditional paintingsthat was on the wall reduced . Changes in some tribal paintings are because of cultural contact, acculturation .therefore by cultural contact art from one culture transmitted to another culture. All tribal paintings in folk are a part of any ritual, marriage chowk .illustrating story or mythology. The traditional Bhil paintings performance on the wall but commercial Bhil paintings presented on canvas and paper that some motifs also changed .By this way demander for Bhil paintings can have Bhil paintings in their houses .Old people follow their grandfather rules without consideration of commercial purpose but young artists consider more selling purpose .Hence for this reason they used very bright color for attract more customer .City artists are different with artists that live in the village .The young artist see the TV and they access to the internet , social media so media is one of the reason for acculturation in the tribal art .

The paintings are second job of many artists and when they return from the city to their village they do agriculture. The educated artist knew the mythology and use mythology in their paintings this matter make paintings more attractive but the illiterate artist can't explain the story. The Bhils believed that complete Pithora paintings (religious paintings in Rathwa and Bhil communities) on the walls are religious but for commercial purpose just they made 25% of this painting on the paper and canvas not complete paintings .By this way the different people can have this paintings on their wall by buying these Pithora paintings. Modern changing in Pithora paintings improved for selling purpose. The artists of Pithora paintings change some rules of paintings as changing the surface and materials used for painting.In this paper Pithora paintings in Bhil and Rathwa communities was a case study that describe how Indian tribal adjust their believes and religion symbols with market .Selling of paintings are one source of income so for survival they should adjust their believes with market otherwise they face many economic problems .Socio - economics problems of Indian tribal artists are as follow:
Loading of loan, Alcoholism between men and women artists (Tadi and Pum juice) ,They didn't developed because most of them are illiterate, Religious system in Hinduism, ancestors, god etc. performing different worship need too much money, No constitution binding in their religious.
Government protection for tribal art is based on protection of Scheduled tribes under Indian constitution Article 342 by Ministry of Tribal Affairs Government of India and Ministry of culture.The government organizations protects tribal artistsby:

- *IGRMS:* Indira Gandhi Rasht Riva Manav Sangrahalaya
- TRIFED: Tribal Cooperative Marketing Development Federation of India Limited
- *TRTI*: Tribal Research & training institute
- *Lalit Kala Academy*: National Academy of Arts (promotes and propagates understanding of Indian art).

Ministry of Tribal Affairs of Government of IndiaIn 1987, the Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) was set up with an aim to serve the interest of the tribal community and work for their socio-economic development by conducting its affairs in a professional, democratic and autonomous manner for undertaking marketing of tribal products. By the Scheme of "*Market Development of Tribal Products/ Produce* ", the tribes shop established by TRIFT for purpose of selling the tribal art. Tribes India shops have 39 branches in whole India.Different products could find in tribes India shop that most of them produced by the tribal. One of the products is tribal painting. The pricing of the tribal paintings is under the ministry of tribal affairs but sometimes there is negotiation with artists and ministry of tribal affairs about pricing.In year one or two time the Ministry of Tribal Affairs arrange workshops and seminar for the artist of

all India.The purpose of these seminars are, training program, design development. Actually these workshops arefor modification of tribal paintings by these way artists can adjust themselves by recent market.

Ministry of tribal affairs prepared a draft of the *National Tribal Policy.* This policy provide the socio-economic and political empowerment of tribal .This empowerment done by protection of cultural and traditional rights ,protection by intellectual property rights regime ,protection of tradition heritage as art , crafts .dance and music .These protection come under the government of India, TRIEFD and ministry of tribal affairs and some private sectors. This paper research was based the production and market of tribe's paintings of Central India. However the tribal policy in all over India is same. Protection of arts in India under section 22 of the copy right Act 1957 and Intellectual property right. These protections are for tribal rights ofavoiding commercial exploitation of tribal. The culture of each society effected on the consumer behavior members of the societies. When the source of income be paintings we can observed the direct relation of art and economic. Most important factors in marketing are trust; targeted audience and budget .Trustis include the knowing and belief of the people about products that introducing productsdone by different ways that social media is a powerful tool. Targeted audience refer for which type of group of people are demander for a particular product. Budget refers to amount of money that provided for production of one product. Each producer want increase sales, improve the profit margins of a company. Budget strategically planned for better profit .The physical budget that tribal spend for providing their arts is not too much because the capital source is more imagination,creatively and innovation .

5. Conclusion

In the study of Indian tribal art market mentioned to Creative economy and Cultural economy that effected on consumer behavior, governmentprotection, changes of cultural believes and sacred by tribal for increasing market, art economic etc. In Indian tribal art economics, creative imagination coming from their culture, believes, religionsetc. So for this matter art economics of Indian tribal become more sensitive and restricted. The folk and tribal art in India are not just aesthetic objects but in fact have an important significance in the people's lives and it tied to their beliefs and rituals. Tribal artists generally lack access to physical markets to sell their artworks. In general, tribal artists have only rudimentary knowledge about business .So some traders use of this condition buy the tribal paintings and sell these paintings more than triple of actual price inside or outside of India. Although business on Indian tribal paintings became job of many foreigners, they buy tribal paintings in India very cheap and sell them in their countries with higher rate.Comparison between government sector and privet sector showing government sectors consider more benefit of tribal and private sector consider more benefit of themselves. In general tribal art has been changed in favor of modernization. This modernization brings prosperity in the tribal community. The tribal adjust their believes with modernization. They eliminated the sacred elements in commercial paintings.

Modern tribal art or commercial paintings bring beautiful artwork to the world the traditional paintings from the wall came to the paper and canvas. Reasons for changes in tribal paintings are: Acculturation, Rapid introducing of new methods, Economic problems. The protection of the Tribal art by the government and people help for protecting the Indian culture also. So by different way can introduce different tribal art indiverse regions of India.There is a major difference between commercial values and spiritual values of art but many artists believed that there is no different .In the end today commercial value of art has taken its spiritual value.

Recommendation: There is different suggestion for sustain of tribal art as introducing the tribal art by social media. Teaching tribal art in the Indian art universities help for increasing knowledge of youth about the Indian art and culture. With increasing the knowledge of people about tribal arts and their values the demand for tribal art also will be increase and it help to improving the economic condition of tribal artist. The successful protection from all people help for sustain of tribal art that presented the culture and identity of each tribe. The protection of the tribal art by the government and people help for protecting the Indian culture also. So by different way can introduce tribal artsin diverse regions of India. With support of tribal economics in another fields the tribal attempt topreservation traditional artand this matter helps to preserve theircultural identity.

References

Chandy, K. T. (2004). House holds Economy in Tribal India .published by Uppal Publishing House.
Enaksni, B. (1974). Folk and Tribal Designs of India, published by Russi. J. Taraporevala.
Harsha, V. D. (2000). The Advaita of Art, Published by Kapila Vatsyayan.
Jyotinda, J. (1984). Painted Myths of Creation: Art and Ritual of an Indian Tribe, publisher.
Kusipt, D. (2007). Art Values or Money values.
Sukeshdey, D. (2012). Essay on the general characteristics of Tribal Economy in India.

Jornal of Social and Development Sciences (JSDS)
Vol. 7, No. 4, December 2016 (ISSN 2221-1152)

Regional Financial Management Policy that Implies To Criminal Administration

Sugianto Sug
IAIN Sheikh Nurjati Cirebon, Indonesia
sugianto.iain.crb@gmail.com

Abstract: Regional autonomy can not be separated from the issue of the financial capacity of each region. In the previous year, autonomy is always associated with Automoney, it means that the independence of region in organizing its authority can be measured from its ability to explore the sources of income of its own. The Act No. 33 of 2004 is very concerning about the financial balance and accountability between the central government and the region in particular. This study used qualitative method, where data sources are obtained through field observation and literature study. The accountability and regional financial control and procedures for regional goverment budget are very important, because corruption seems to have been pervasive in all aspects of life, including in the government system. The linkage of administrative law with criminal law can be understood because both of them are a public law and in the process of law enforcement, criminal sanctions (criminal law) used to strengthen sanctions in state administrative law. In this case the criminal law is used to enforce the norms in other fields of law, or in other words functionalize the criminal law in the field of law.

Keywords: *Regional Autonomy, Accountability, Government, Law*

1. Introduction

The economy and trust crisis that hits Indonesia give positive and negative effect for improving welfare of all Indonesia people. On another hand, the crisis can also give a "blessing in disguise" for improving the living standard of all Indonesia people in the future. Why? Because of the economy and trust crisis that happen has paved the way for emergence of a total reform in all aspects of national life. One element of total reform was the demand of granting broad autonomy to the district and city (Mardiasmo, 2004: 3). In the implementation of regional autonomy as stipulated in Law No. 32 Year 2004 on Regional Government, has been amended by Law No. 8 of 2005 that were previously regulated in Law Number 22 of 1999. It states that granting regional autonomy to regions based on the principle of decentralization in a form of autonomy, real and responsible (Darise, 2009: 1). Speaking about regional autonomy can not be separated from the issue of the financial capacity of each region. Even in the previous year is always associated with Automoney, it means that the independence of region in organizing its authority can be measured from its ability to explore the sources of income of its own. The implication of the application of the principle of Automoney is then pushing regions to increase revenue (Regional Income) vigorously (Sutedi, 2009: 70).

In line with the autonomy of financial management, the government has issued a policy in the form of regulation of the financial sector, namely the enactment of Law No. 17 Year 2003 on State Finance, Law No. 1 of 2004 on State Treasury, Law Number 15 Year 2004 on Management and State Financial accountability, and for the region has been stipulated by Government Regulation No. 58 Year 2005 on regional Financial Management, Government Regulation No. 39 Year 2007 on State Financial Management/Regional Financial Management and Regulation of the Minister of Home Affairs No. 13 of 2006 on Guidelines for Financial Management. Region as guide of its implementation, and since the enactment of these regulations has brought fundamental change in the relationship of governance management as well as bringing the important change in regional financial management (Nugroho, 2007: 14). In Law No. 25 of 1999 (which has been revised to Act No. 33 of 2004) concerning the financial balance between the central government and the region in particular has set the foundation were very clear in the structuring, management and financial accountability region include providing assessment in strengthening product as follows:

a. Provision about products of regional financial management were regulated by regional regulation.
b. System and procedure for regional financial management was regulated by decree of Regional Head in accordance with the regional regulation.
c. Regional Head submits accountability report to Parliament on regional finance terms of efficient and effective finance.
d. The regional financial accountability report is a regional document, so it can be known by the public

(Adisasmita, 2011: 30)
The definition in the principal point (d) of Law No. 25 of 1999 was a very definite relation with Law No. 15 Year 2004 on Audit of Management and Financial Responsibility of State Article 19; *"Reports of the examination results have been submitted to the legislature, in declared open to the public."*[3]

2. Literature Review

In dissecting research problems along with some understanding of Regional financial management above, there is some sense as a theory to be more clear viewpoint, among others; (1) Theory of Separation and Division of Powers; (2) Theory residue; (3) The theory of Islamic Shari'ah.

Separation Theory and Power-Sharing: This theory was originally born as a result of the king's absolute power in Western Europe. in one aspect, it aims to prevent the growth of power in the hands of one person, whereas in the other aspects, there is no guarantee against to human rights. This teaching by Immanuel Kant called the doctrine of "*Trias Politica*" Montsquieu. The basic thought of the doctrine of *Trias Politica* previously had been written by Aristotle and developed by John Locke later. John Locke in his book "Two Treatises on Civil Government", published in 1690, divides the state power into three branches of power, the first, power forms laws (legislative), the second, power implements laws (executive), the third federative power. The executive power according to John Locke, covering power implement or maintain legislation including the judge. Federative power is power that includes all of the powers that are not included in the executive, and legislative branches, which include foreign relation. It was also confirmed by C.F.Strong (Monterquieu first put forward in his book "*Esprit des lois*", he concluded that if the legislative and executive powers are united in the same person or institution, there will be no independence and dangerous because just like the monarchy or tyranny.

On the same issue, M.Oosterhagen explains "In this respect, the founding fathers resorted to such writers as Lock and Montesquieu, who had both stated that separation of power would provide a safeguard against abuse of power". Further M.Oosterhagen stated" the purpose of the separation of power introduced by Lock is as supervision and restriction of power". According to Bagir Manan, the theory of separation of power in its development, in fact some modern countries rarely apply pure (materially) because besides not practical also negate the surveillance system or the balance between the branches of power and the other one also can emerge tyranny in environment of branches of power each of it. Similar views were also followed by Hans Kelsen, "it is impossible to establish the boundaries that separating these functions from each other, since the difference between establishment and application of the law based on the dualism of legislative and executive power (in the broad sense) and the nature relatively. In Indonesia, The 1945 Constitution embrace and practice the theory of separation of power formally. It proved a connection between all of high state institutions and cooperation in specific areas, as well as the relationship between the Parliament and the President. Both have the power to make laws, set a budget, revenue and expenditure. Relevance and corporation between two state institutions are certainly in a relationship of equality and partnership.

Equality and partnership actually has got a strong grounding in the Preamble of the 1945 Constitution the fourth paragraph, in particular through the principles contained in the precepts of *Pancasila* (five principles), namely balance, harmony and alignment. The concept or principle popularized relationship "equilibrium" by Sri Sumantri. Relationships are so-called relationship balanced, harmoniously, so there is no mutual domination that often occur in systems of parliamentary or presidential system. Presidential system is identical to how strong the president so it can't be dropped before the term of office ends. While the parliamentary system, the prime minister can be dismissed from office in two ways, first through a no-confidence motion is usually filed by the opposition or the opposition coalition. Secondly, the Prime Minister can be dismissed by a political party outside the agency setting legislative. It means that in a parliamentary system, the legislature is very powerful, it can bring down the executive at any time by reason and specific procedures. Form of power sharing as described above is synonymous with the term dispersal of power horizontally at the same vertical dispersal of power is to bear the central government and the autonomous

[3] Look article 19 Law Number 15 Year 2004 concerning the examination of the State Financial Management and Accountability".

regions which carry the right of decentralization. Management is a term used in management science management etymologically derived from the word "manage" , and usually refers to the process of taking care of or handle something to achieve the goal.

Residue Theory (Submission Time or Authority): The division of government affairs mandated in Law No. 32 Year 2004 on Regional Government has been reflected in common with the rest of the delivery system of authority or power (reserve of power) in the federal state (Strong, 1952: 100). The system of devolution residual (reserve of power) that adhered as defined in Article 7 paragraph (2), Article 9 of Law No. 32 Year 2004 on Regional Government, that the region tends to interpret raw and assumed all powers beyond the authority of the center is to become the regional authority.

Islamic Sharia Theory**:** Al-Quran and Sunnah are the two of the four sources of Shari'ah in which the Quran is the first and primary source of Islam is gradually lowered in Arabic, it contains God's revelations tell mankind through Prophet Muhammad PBUH (Peace Be Upon Him). His last Prophet, whereas the Sunnah is a whole deeds and sayings of the Prophet Muhammad. as it is narrated by his companions. In connection with the relationship between people and government, al-Qur'an has set a principle that can be named as the principle of obedience of the people. principle was affirmed in Surah an -Nisa / Chapter 4; Verses 59 which read:
"O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result".

Hazarin interprets "obey God is to submit to the decrees of God", "obey the apostle" is subject to the messenger's provisions, the Prophet Muhammad PBUH (Peace Be Upon Him) and obey "*ulil amri* (leader)" is subject to provisions of the officers of power in a task environment of its authority. As for *ulil amri* provisions in the sense as officials there are two kinds of power namely:

a. Provision which is an election or appointment of the legal line rigorously to be applied to a case or faced case both from the Qur'an and of the *Sunnah* (Prophet's saying and deeds).
b. Provision which is the establishment of the line of the new law, the new situation according to place and time to be guided by the Qur'an and Sunnah.

The principle of obedience implies that all people, without exception, are obliged to obey the government, scholars of Islamic law agree that the obligation of the people to obey the ruler or the government was implementing democratic principles of Islam, in other words, as long as the ruler or the government does not act unjustly (authoritarian, dictatorial) during which the people shall obey and submit to the authorities. Thus the principle of obedience people alternatively bind people and through this principle also people have the right to correct any errors were committed by the authorities. The core of the people towards the correction of irregularities by the ruling is in the form of a reprimand and advise that the authorities realized his mistake and returned to the decrees of Allah and His Messenger. If the rulers are wrong it has realized his mistake, the people must obey henceforth, on the contrary, if the ruler who mistakenly did not want to realize his error then people are not obliged to obey again and rulers like it should immediately resign or be terminated from his position.

In terms of the principle of obedience can also be interpreted that ruling, unless have the rights of the people obedience to it, he or they are also obliged the interests of the people, the authorities in running its power can not ignore the interests of the public. In a democratic Islam, the ruler shall put the interests of the people rather than personal interests. Thus the obedience of the people against the ruling contains a principle of reciprocity, from an aspect of the people obliged to obey and submit to the authorities, but in terms of other, authorities have to pay attention public interest and implement Islamic democracy principles. According to Rasyid (2001; 211) argues that a policy of regional autonomy provide broader autonomy to the government district/city, it is taken in order to restore the dignity of the people in the area by providing opportunities of politic education in order to improve the quality of democracy in the region, increased efficiency of local public services, and the creation of a good governance. Regional autonomy is mandated in the 1945 Constitution and its correlation with Law No. 32 of 2004 that the implementation of regional autonomy oriented towards people's welfare, it can be combined with the concept of Islamic law as the order value in improving the quality of Islamic society in all aspects of life. Islamic Shariah associated normatively

containing messages norm for all aspects of life that can be a reference or guidelines in realizing the objectives of regional autonomy itself both in the economic, social, as well as the rule of law. This is an opportunity and a challenge for the implementation of Islamic law in the implementation of regional autonomy.

3. Methodology

This study uses a qualitative method. The data source is divided into two types of data sources, namely primary and secondar. Primary data is a data obtained directly through observation in the field. Secondary data were obtained through documentation relevant to this study, literature or news. Observations carried out research object namely activities in the election form in Indonesia. While the documentation analysis made to various documents relating to the democracy enforcement in election. Furthermore, the collecting data process in this study be adapted to the research type. The data collected in this study, namely in the form of words, actions, documents, situations, and events that can be observed. The validity data test in this study is done through *Triangulation* which is a data validity testing technique which is done by checking correctness of the data obtained by researchers in other parties who can be trusted. To maintain the validity of the data or research, efforts that based on the triangulation principles. In this study triangulation conducted to data sources, as well using a variety of supporting reference to prove the data which has been found in research such as: recording, photographs or other documents that support.

4. Analyses and Discussion

Decentralization changes the system of financial management have presented the facts of the systemic and structural problems, which is not quite solved by simply attaching the instrumental approach or neo-institutionalism. But must also be checked paradigm of law and the principles of regional finance. How paradigm laws and principles in the context of local fiscal policy in Indonesia, why it is not quite managed to dismantle the problem structural root? With the analysis of legal texts, will be reviewed motives and conflicts of political and economic paradigms in policy processes in the region, particularly good financial governance, whether in accordance with the paradigm welfare people in the context of constitutional and human rights (Wiratraman, 2006). According to Baldereton (in Adisasmita, 2011: 21) argues that the term of administration is same with management that is moving, organizing, and directing the human effort to utilize materials and facilities effectively to achieve a goal.

The purpose of the Regional Financial Management: Demand on the financial management of the people (public money) well is a prime issue, it should be done by the local government in realizing the goal of good governance (clean government), where good regional financial management is the ability to control the regional financial policy as economical, efficient, transparent and accountable (Suparmoko, 2004: 308). In line with the development of need of the state financial management, it is so important to feel the treasury function in the limited source of government financial management efficiently (Barata, and Bambang, 2005: 9). The basic rules are used as regulatory of regional financial management, described in Article 4 paragraph (1) of Government Regulation No. 58 of 2005; *"Regional finance is managed orderly, obedient to laws and regulations, efficient, economical, effective, transparent and accountable with regard to the principle of justice, decency, and benefits to society."*[4]

Based on the article above that there is closed connection of local finance with State administrative rules, then logically local finance will recognize legal principles as follows:

- The principle of legality; that every act of the administration in the local financial management should be based on the rule of law;
- The principle must not misuse of power; that every regional financial management officer was not justified in using his power beyond the interests of the government.

[4] See Government Regulation No. 58 Year 2005 on Regional Financial Management and its description in 2006, pg.15

- The principle may not take or grab authority; that the regional financial manager is not justified taking or exercise authority other than their authority;
- The principle of equality The right for every resident of the State (the principle of non-discriminatory); the regional financial management officer must act similarly to those who serve;
- The principle of forceful measures; principle of forceful measures or have sanctions in order to provide structuring tools to the regional finance law; (Djumhana, 2007: 24)

As for the regional financial management became the principal and stipulated in Government Regulation No. 58 Year 2005 Article 3 are as follows:[5]

a. General principles of regional financial management
b. Officials who manage regional finance
c. structureof APED
d. Preparation of RKPD, KUA, PPAS, and RKA-SKPD
e. Preparation and adoption of the budget
f. Implementation and budget changes
g. Structuring financial business area
h. Accountability of the budget
i. Control of the budget deficit and the use of surplus
j. General cash management area
k. Accounts receivable management area
l. Investment management area
m. Asset management areas
n. Management of reserve fund
o. Debt management area
p. Guidance and supervision of financial management
q. Completion loss of area
r. Financial management of Regional Public Service
s. Regulation of financial management.

In the regional financial management has been regulated in Regulation of Ministry of Home Affairs No. 13 of 2006 as a replacement for the Ministry of Home Affairs' Decree No. 29 Year 2002 on Guidelines for Management, Accountability and regional Financial Control and Procedures for regional goverment budget, Implementation of Administration of Regional Finance and preparation of calculation of regional goverment budget. Managing the budget is a detailed list of revenues and expenditures of the State or region which is expected within a specified period. The goals of managing the budget itself, they are:

- The welfare of society; with good budget management will lead to direction of economy improvement, income distribution is right on target so it will create stable economic conditions and leads to the public welfare;
- Opening employment opportunities; the budget is well managed and appropriate budget allocation to vital objects will attract labor, employment opportunities. Because of employment opportunities so there is budget distribution;
- Reducing unemployment; the effectiveness and efficiency of the budget and changes of budget allocations to the optimization of the work force with various forms of expansion of new jobs.
- Community Service; indicator of the success of a government is how people feel well served by obtaining optimal satisfaction level. (Adisasmita, 2011: 35)

According to Halim (2002: 236) budget may be used or function as follows:

a. Guidelines; with this function means the units within the organization carrying out activities based on the budget so it can be avoided waste or misuse of the organization's finances;
b. Coordination tools; to achieve the goals of the effective and efficient organization need division of tasks, clear authority and responsibility among the various units;

[5] See Government Regulation No. 58 Year 2005 on Regional Financial Management and its description in 2006, pg.15

c. Controls; budget has been implemented for a certain period should be evaluated, either partially or comprehensively to measure the performance of the organization.

By law, regional financial management is meant to ensure the embodiment of the obligation of regional governments must be done with a number of principles, namely: efficient, effective, transparent, accountable, orderly, fair, proper and obey to the laws and regulations (Article 23 paragraph 2 of Law No. 32 2004). The principles are thus influenced by discourse (text of law) principles of governance, which include: legal certainty, orderly state officials, public interest, transparency, proportionality, professionalism, accountability, efficiency, and effectiveness (Article 20, paragraph 1 of Law No. 32 of 2004). Corruption according to Black (1990) is an act which is done with the intent to provide an advantage that does not comply with the obligations of the official and the rights of other parties, wrongly using his or her character to gain an advantage for himself or for others, along with the obligations and rights of others.

In another sense, corruption can be defined as "behavior does not adhere to the principle", carried out by individuals in the private sector or public officials. And decisions are made based on personal or family relationships, corruption will arise, including conflict of interest and nepotism (Tanzi, 1994). Apart from a wide range of corruption understanding the above, legally, the notion of corruption, both the meaning and the type has been formulated, in Law Number 31 Year 1999 jo. Law No. 20 of 2001 on Corruption Eradication and laws previously, namely Law No. 3 of 1971. Various people assume corruption seems to have been pervasive in all aspects of life, into a system and fused with the running state government, including local government. According to Patrick Glynn, Stephen J. Korbin and Moises Naim, which leads to increase activity of corruption, both real and perceived in some countries, because of the systematic political change, so as to weaken or destroy not only social and political institutions, but also the law (Elliot, 1999: 11).

Law No. 31 of 1999 there was setting type of corruption, namely: Article 2 (1). Article 3, Article 5, Act No. 31 of 1999 ex Article 209 of Criminal Code, Article 6 of Law No. 31 of 1999 ex Article 210 Penal Code, Article 7 of Law No. 31 of 1999 ex Article 387 Criminal Code and Article 388 Penal Code, Article 8 of Law No. 31 1999 ex Article 415 Penal Code, Article 9 of Law No. 31 of 1999 ex Article 416 Penal Code, Article 10 of Law No. 31 of 1999 ex Article 417 Penal Code, Article 11 of Law No. 31 of 1999 ex Article 418 Penal Code, Article 12 of Law No. 31 of 1999 ex Articles 419, 420, 423, 425, 435 Penal Code, Article 13 of Law No. 31 of 1999, Article 14 of Law No. 31 of 1999, and Article 15 of Law No. 31 of 1999. From this it was obvious that the application of Article 2 and 3 of Law No. 31 of 1999 is easy to prove but contains multiple interpretations, but other chapter is very hard to prove but it is not open to multiple interpretations. The element of "unlawful" (vide Article 2 (1) of Law No. 31 of 1999 jo. Law No. 20 of 2001) and the element of "abusing the authority of opportunity or means available to him because of the position or positions" (vide Article 3 vide Article 2 paragraph (1) of Law No. 31 of 1999 jo. Law No. 20 of 2001) often occurs misconceptions between the two elements.

Definition of "the characteristic against formal law" is often confused with the notion of "misuse of authority" when it is clearly different, because the characteristic against formal law can be committed by any person while abusing the authority can only be done by someone who has the authority and specified capacity in writing by a rules formal (written). It should be understood correctly as it will be related to the problem of collecting evidence and proof in court. In fact, the elements against the law as referred to in Article 2 paragraph (1) of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 not only against the characteristic in the sense of criminal law, but also include unlawful administration. Thus, errors or violations of administrative law can be adopted into the characteristic against the law as stipulated in the Law on Corruption Eradication, if from an administrative error has caused losses to the state or the country's economy.

In Law No. 32 of 2004 regulates the supervision over the local government, which in practice carried out by the internal regulatory authorities which are embodied in the Regional Supervisory Agency both in the provincial government and district / city. Results of supervision can be used as an inspection by the Financial Audit Board (Article 221 of Law No. 32 Year 2004 on Regional Government). Thus, in law enforcement in the region, especially in the government's efforts to combat corruption, the Inspectorate should be involved in efforts to combat corruption in preventive and administrative perspective. As well as efforts to improve supervision and inspection in the framework of eradication of corrupt practices (corruption, collusion, and

nepotism), the government and the House of Representatives then passed Law No. 28 of 1999 on Clean State Organizer and Free from Corruption, Collusion, Nepotism. Law No. 28 of 1999 as the basis of legal to establish the State Officials Wealth Audit Commission. Thus, to oversee the wheels of government, there are independent agencies and inspectors and have different tasks, such as ombudsman, State Officials Wealth Audit Commission and Indonesian Supreme Audit Institution (Suhadak, and Nugroho, 2007: 72).

Criminal Sanctions emphasis on Administrative Law**:** According to Sjachran Wet, in its essence, the state administrative law is the first allows the state administration to carry out their functions and that both protects the citizens against the attitude of the state administration and also acts to protect the state administration itself (Ma'moen, 2001: 281). Meanwhile, the State administration has two (2) meanings, the first in a broad meaning, those are the activities of the legislature, executive and judiciary, and the second in the limited meaning that the activity of the executive agency in implementing government (Mustafa, 2001: 5). Prajudi Atmosudirdjo gives limit of state administrative law as the operational law, it means the law that made and used by officials and state agencies in performing duties, responsibilities and its functions, individually and institutionally. Apart from the above understanding, the field of administrative law covers a very broad scope, not only in the field of tax law or banking alone but all areas of life, including economics and education and so on. Administrative Law is said to be very wide because of administrative law is: *"A set of laws were created by an administrative agency in the form of laws, regulations, orders and decisions to run the powers and duties of settings / set of the agency"* (Arief, 2003: 13).

The existence of legal sanctions is necessary because the threat of punishment is expected to be achieved through spiritual coercion and influence to educate the stakeholders. One of penalty is a criminal sanction. Administrative Law Enforcement by the criminal law is about sanctions. Importance of criminal sanctions in the enforcement of State Administrative Law by the Criminal Law can be seen from the opinion Logeman quoted Soehardjo Sastrosoehardjo that the State Administration Law that provides the guiding rules in the participating of governments in the association of social economy are the rules that the government penalized in case of violation itself (Ranidajita, 1994: 21). Now, these various legislations include criminal sanctions in the "chapter criminal provisions". With the existence of criminal sanctions in the "chapter criminal provisions" then the law enforcement carried out by the State / Government in this case carried out by the police and the prosecutor. It can be concluded that the government interfere in people's lives with the various tools available to it. One of tool is the criminal law. Criminal law occupied an important role as a medium of government policy. This is because the criminal law has a special position, in the sense of criminal law is not only contained in the legislation of criminal law, but also contained in the various laws and regulations other than the Criminal such as Narcotics Law, Psychotropic Law, Health Law, Education Law, and so on. The development of criminal law is not just in the criminal law itself but has branched out into other areas of law, including in governance. In this case the criminal law is used to enforce the norms in other fields of law, or in other words functionalize the criminal law in the field of law.

In this case, Muladi stated that the involvement of criminal law in the various laws and regulations can be autonomous, in the sense of genuine legislation criminal law itself in formulating acts that are considered to be against the law, in determining the accountability of criminal as well as in the use of criminal sanctions and action needed; and complementary, in the sense of the other fields of law, for example the administrative law. In this kind of position is to support enforcement of criminal law norms that are in other fields of law, for example the setting of tax issues, copyrights, patents and so on. Even in certain cases its role is expected to be more functional than just subsidiary considering the unfavorable economic situation (Muladi, 1990: 148). In the progress there is a change to the function of criminal law, there is development in all life aspects, in developing the welfare society, the criminal law is used as a tool by the government to increase the sense of responsibility of the state / government in order to manage our modern society is more complex. Among other criminal sanctions are used optimally to support the norms of administrative law in various aspects. This is called administrative penal law (*Verwaltungs Strafrecht*) are included within the framework of public welfare offenses (*ordnungswidrigkeiten*) (Muladi, 1990: 149). Arief (2003: 42) called criminal law, namely the administration of criminal law in the field of administrative law violations.

The criminal sanction is used if administrative sanctions are not effective, especially with the criminal actor who had gone too far and caused huge losses for example in the field of tax, environment, copyright and

others (Muladi, 2002: 42). The linkage of administrative law with criminal law can be understood because both of them are a public law and in the process of law enforcement, criminal sanctions (criminal law) used to strengthen sanctions in state administrative law. Administrative law Sanction, according to Spelt and Berge (1993), "sanctions are at the core of the administrative law enforcement. Sanctions are necessary to ensure the enforcement of administrative law". According to De Haan (1986) "in the Administrative Law, the use of administrative sanction is the implementation of governmental authority, which authority is derived from the rules of administrative law, written and unwritten". Oosternbrink (1967) argued "administrative sanctions are penalties that arise from the relationship between the government-citizen and conducted without any third party intermediaries (the judicial power), but can be directly implemented by the administration itself."

5. Conclusion

The regional financial management is intended to the embodiment of the obligation of regional governments as the basis of rules that serve regulatory rather than financial management, described in Article 4 paragraph (1) of Government Regulation No. 58 of 2005. The principles are thus influenced by discourse (text of the law) principles of governance, which include: legal certainty, orderly state officials, public interest, transparency, proportionality, professionalism, accountability, efficiency, and effectiveness (vide Article 20 paragraph 1 of law No. 32 of 2004). Criminal sanctions against the perpetrators or the administration of a person who committed a criminal act of the Government is the right solution.

References

Abdurrahman, J. (1987). Beberapa Pemikiran Tentang Otonomi Daerah Some Thoughts About Autonomy. Jakarta: Media Means Press.
Adisasmita, R. (2011). Pembiayaan Pembangunan Daerah. Yogyakarta: Graha Ilmu
Agustino, L. (2005). Politik dan Otonomi Politics and Autonomy. Serang: Untirta Press.
Alien, H. J. B. (1985). Enhancing Decentralisation for Developemnt. The Hague: IULA.
APAKSI. (2001). Himpunan Peraturan Pelaksanaan Undang-undang No.22 Tahun 1999 dan Undang-undang No.25 Tahun 1999 The set of Implementing Regulations of Law No. 22 of 1999 and Act 25 of 1999 Jakarta: APAKSI.
Arief, B. N. (2003). Kapita Selekta Hukum Pidana. Bandung: PT Citra Aditya Bakti.
Barata, A. A. & Bambang, T. (2005). Perbendaharaan dan Pemeriksaan Keuangan Negara/Daerah. Jakarta: PT. Elex Media Komputindo-Gramedia.
Black, H. C. (1990). Black's Law Dictionary. St. Paul Minesota: West Publishing.
Darise, N. (2009). Pengelolaan Keuangan Daerah (Edisi Kedua). Jakarta: PT. Indeks.
De Haan, P. (1986). Bestuursrecht in de Sociale Rechtstaat. Kluwer-Deventer.
Djumhana, M. (2007). Pengantar Hukum Keuangan Daerah dan Himpunan Peraturan Perundang-undangan di Bidang Keuangan Daerah. Bandung: Citra Aditya Bakti.
Elliott, K. A. (1999). Korupsi dan Ekonomi Dunia (Corruption and the Global Economy). Jakarta: Yayasan Obor Indonesia.
Gadjong, A. A. S. (2007). *Pemerintahan Daerah Kajian Politik dan Hukum*. Bogor: Ghalia Indonesia.
Halim, A. (2002). Akuntansi Sektor Publik akuntansi Keuangan Daerah. Edisi pertama (First Edition). Jakarta: Salemba Empat.
Ma'moen, A. M. (2001). Kedudukan, Tugas dan Wewenang Badan Pertanahan Nasional Ditinjau dari Hukum Administrasi Negara. Yogyakarta: UII Press.
Mardiasmo. (2004). Otonomi dan Manajemen Keuangan Daerah. Yogyakata: Andi.
Muladi. (1990). Proyeksi Hukum Pidana Materiil Indonesia di Masa Datang. Naskah Pidato Pengukuhan Jabatan Guru Besar Dalam Ilmu Hukum pada Fakultas Hukum Universitas Diponegoro. Semarang: UNDIP.
Muladi. (2002). Kapita Selekta Sistem Peradilan Pidana, Cetakan II. Semarang: Badan Penerbit Universitas Diponegoro.
Mustafa, B. (2001). Sistem Hukum Administrasi Negara Indonesia. Bandung: PT Citra Aditya Bakti.
Nasution, A. B. (1999). Federalisme Untuk Indonesia. Jakarta: Kompas.
Nugroho, T. (2007). Paradigma Baru Pengelolaan Keuangan Daerah dalam Penyusunan APBD di Era Otonomi. Malang: Bayumedia.

Oostenbrink, J. J. (1967). Administratieve sancties – Proefschrift. Gravenhage: Vuga-Boekerij.

Ranidajita, T. H. (1994). Eksistensi Sanksi Pidana Dalam Hukum Administrasi Negara Khususnya Hukum Pajak di Indonesia. Semarang: FH-UNDIP.

Rasyid, R. (2001). Otonomi Daerah Dalam Negara Kesatuan. Yogyakarta: Pustaka Pelajar.

Spelt, N. M. & Berge, M. T. B. (1993). Pengantar Hukum Perizinan. (Translated in Indonesia by Philipus M. Hadjon). Cetakan Pertama (First Edition). Surabaya: Yuridhika.

Strong, C. F. (1952). Modern political constitutions: an introduction to the comparative study of their history and existing forms. London: Sidgwick & Jackson Limited.

Suhadak, T. & Trilaksono N. (2007). Paradigma Baru Pengelolaan Keuangan Daerah dalam Penyusunan APBD di Era Otonomi. Malang: FIA Unibraw and Bayumedia.

Suparmoko, M. (2004). Keuangan Negara dalam Teori dan Praktek. Yogyakarta: BPFE.

Sutedi, A. (2009). Implikasi Hukum Atas Sumber Pembiayaan Daerah dalam Kerangka Otonomi Daerah On the Legal Implications of Regional Funding Sources within the Framework of Regional Autonomy. Jakarta: Sinar Grafika.

Tanzi, V. (1994). Corruption, Governmental Activities, and Markets. IMF Working Paper, August 1994.

Wiratraman, R. H. P. (2006). Kekuasaan Tafsir dan Tafsir Kekuasaan Dalam Hukum The power of interpretations of Power in law. FORUM Keadilan No. 50, April 16, 2006.

Jornal of Social and Development Sciences (JSDS)
Vol. 7, No. 4, December 2016 (ISSN 2221-1152)

Disputes on Public Roads: Coal Transportation Policy and Actor Networks in Jambi Province, Indonesia

Ahmad Subhan
Governmental Science, Padjadjaran University, Indonesia
ahmadsoebhan01@yahoo.com

Abstract: Besides providing financial contributions to local revenue, coal also increases transportation problems in Jambi province. Mobilization of trucks that pass through the public roads has caused damage although already a regional policy that forbids it. This phenomenon has brought some disputes implication among local stakeholders in various forms, either in the judiciary or in the field. This paper examines that phenomenon from public policy aspects, especially from a policy actor networks perspective. This study used a descriptive qualitative approach by relying on documentary data which revealed that the complexity of coal transportation issues in Jambi province is visible from regulation violations by coal entrepreneurs that use the public road. Demonstrations by coal truck driver, road blockage protests by resident and even efforts by coal entrepreneurs are held to revise local regulation. The source of the problem is due to self-interests of government officials and coal operators. The key solution is law enforcement and policy support from district government towards the provincial government policies.

Keywords*: Public policy, actor-network, policy network, coal transportation, Jambi Province*

1. Introduction

The existence of abundant natural resources in a region is not only a source of local revenue but also requires deep attention to environmental aspects, good governance, and sustainable development. Synergy and harmonization between all stakeholders who are involved in resource utilization are the keywords to adjust productivity, including coal resources. Coal is a major contributor to the state revenue where Jambi province is one of the centers of production. According to the Ministry of Energy, Jambi province has potentially as much as 788.65 million tons of coal scattered in several districts: Bungo, Tebo, Tanjabbarat, Sarolangun, Merangin, Batanghari and Muaro Jambi. Coal is the main mining materials in Jambi, in addition to oil and gas. Coal production from 2007 until May 2012 reached 21.7 million metric tons (ESDM, 2004). If calculated by the standard price of coal, USD 112/ton, the coal sales from Jambi reached USD 1, 7 billion. Behind the financial contributions to the local revenue, coal also poses complex problems in Jambi province, especially transportation from the mine location to stockpile. Hundreds of coal trucks moving from mining areas in some districts which are mostly located in the western area to the port in the eastern area of Jambi province. The mobilization of trucks using public road has caused road damage. The roads condition with carrying capacity of 8 tons is not able to withstand the coal trucks weighing up to ten tons or more.

The problem of road damage as a result of coal transportation has been going on since 2009. At least there are some impacts that arise:

a. Public roads become damaged due to overloaded trucks and not in accordance with the classification of existing roads in Jambi.
b. Financial losses because local governments have to spend substantial funds to improve the road condition
c. There was a lot of traffic accidents are caused by road hollow
d. Some house foundation fell a few meters because the coal truck exceeds the capacity.

In response, on 28th December2012, Regional Regulation (Perda) of Jambi Province Number 13 of 2012 was approved regarding the coal transportation in Jambi Province. This regulation sets any coal transport in Jambi province. They are required thoroughfares on special roads or rivers. The special road should be built and ready to use no later than January 2014. This policy showed a one-year grace period to businessmen to create their own special roads to transport the coal. Seen here, the government has accommodated the needs of the business community by providing options for businesses to prepare special road and not use public roads. This step was taken as a mutual agreement between the government and businesses in the phase of the regional regulation formulation. For additional regulation, Jambi provincial government in March 2013

issued a Governor Regulation Number 18 of 2013 on Procedures for the Implementation of Coal Transportation in which has established Integrated Team (Timdu) to provide guidance, supervision and law enforcement. The team consists of representatives from several authorities (Department of Transportation, Department of Energy, Army, Police, Police Civil Service and other related elements). Any party which violates the provisions through public roads will be subject to administrative sanction as revocation of the mining license.

The one-year deadline had passed, and a special road has not been realized. Likewise, rivers are difficult to use because of silting. Negotiations with foreign investors about dredging of Batang Hari River was carried out since 2010 but failed. The consequences that emerge later are coal transport activity still use public roads. It increased the coal transportation problem in Jambi province. Since January 2014, Timdu (Tim Terpadu/*Integrated Team*) has conducted surveillance and made prosecution for violations by the coal transportation companies. This raised resistance from coal entrepreneurs who insiston remaining able to pass via a public road. They still operate trucks on public roads although it was banned. On the other hand, businessmen also threatened to review Governor Regulation on the coal transportation by referring it to the administrative court. They assume that the policy arbitrarily, to the detriment of employers and violate higher regulations, namely Act Number 22/2009 on National Road Traffic which is not a regional authority to regulate it (Jambi Independent, 20/1/2014). Resistance from entrepreneurs is also made clear by moving on mass coal truck driver to demonstrate at the Governor's Office in Jambi. They are not just single protest by the drivers, but they take their trucks to the Governor's Office in Jambi (Jambi Independent, 15/1/2014)). In addition, coal drivers also take action blocking the Sumatra highway as part of a protest.

Coal entrepreneurs have a bargaining power that allows them to resist government policies. Coal contributions to the regional income are significant where provisions are in place which results in 80 percent to be for regions and 20 percent of the national government income. In 2010, Jambi province income reaches USD 4 million per year from coal (Dinas ESDM, 2011). Although there is resistance from businessmen, provincial governments are still providing the provisions of Perda (Provincial Regulation) and Pergub (Governor Regulation). The Jambi Governor said that the implementation of the policy was not negotiable because sufficient time was provided to adjust (Jambi Independent, 20/1/2014). The situation becomes more problematic when citizens begin to react with a blockade of the road. This action has occurred repeatedly in several villages located on the side of the road. Residents react as caused by inconvenience, such as public road damage that endangers the safety of citizens. One of the roads blocking action by citizen occurred on March 11, 2014, at Lingkar Selatan Kebun Bohok (Jambi Independent, 12/3/2014). It is important to note that the provincial government's policy cannot be separated from the district/city because in Perda was regulated that the regents (Bupati) and mayors (Walikota) have to set the transport lines that allowed coal transportation to pass through. In other words, the provincial government policy also requires the support of district policy, and the policy also concerns with the intergovernmental relationship. Several district/city related to the transport of coal, among others are: Tebo, Bungo, Sarolangun, Merangin, Batanghari, Muaro Jambi, Tanjabbarat, and Jambi. Two districts, Tebo and Bungo, have set coal transport companies that are allowed to operate.

Empirical evidence described above showed a fairly complex policy issues where government policy is not fully understood and obeyed by coal entrepreneurs and has caused a negative impact on public interest, particularly public road damage. This brief article is to examine that issue from public policy aspects in the context of regional autonomy, especially policy network approach. This policy case is important to be explored more deeply with the policy actor networks perspective for several reasons: first, this phenomenon does not only happen in Jambi province but also has the potential to occur in other coal producers such as South Sumatra, West Sumatra, Riau, Bengkulu, East Kalimantan, South Kalimantan and Central Kalimantan. Secondly, the involvement of many actors with their respective interests will be considered in the networking approach. Third, the study of the dynamics of local government policy will be complete and adequate by policy network approach when coincided with the demands of democratization and good governance.

2. Literature Review

Discussion on coal transportation modes in several areas in Indonesia led to the fact that they still use the conventional way with trucking. This distribution means, of course, is still lagging far from other countries who also manage coal mainly Western countries in Americas. As pointed out by Morrison (1985) the use of trains for coal transportation in the United States increased along with the extensive reach of railroads. Furthermore, Satar & People (2010) said that coal transportation in the US achieved allocation efficiency when shippers have access to all major transportation modes. In contrast, the condition for allocative efficiency is not met with respect to market prices when shipper's modal choices are limited to trucking and rail service. More in-depth, Kozan (2012) has done research about integrated coal transportation. The results showed that the integrated train-stockpile-ship timetable is important to be created and optimized for improving the overall efficiency of coal transport system.

Associated with the exploration of coal in Jambi province, look much different because it still uses a single coal delivery way: trucking. In the conditions of there is no railway, coal transportation in Jambi with trucks pose complex problems as expressed before in the background section. The complexity can be seen from the aspect of the actors involved, the pattern of relationships, interaction strategies, interests, and resources of each. Such characteristics are conceptual can be studied with policy network concept. Policy networks focused on analyzing the public policy process is based on the idea of resource distribution and interdependencies, in organizational features and inter-organizational relationship. According to Kickert et al. (1997), the policy network examines patterns of social relationships between several actors who have a dependency to one another when they play a role in the public policy process. Meanwhile, according to Enroth (2011), the policy network has characteristics such as interdependencies, resources exchange, coordination, and plurality. Thus, policy networks see the policy as a process that is contextual where there is a complexity of relationships between the various actors, both formal and informal, with the own goals that has a dependency to one another.

The actors experiencing problem uncertainty caused by a lack of knowledge and information with unpredictable individual behavior, as well as the institutional context within the scope of the social environment (March and Olson, 1989). According to Klijn and Koppenjan (2016), there are three forms of the problem of uncertainty in the interaction between actors, among others substantive, institutional and strategic. An actor can not necessarily identify policy issues only with the information obtained by ownself, but it also requires information from other sources or from other actors. Differences in the interpretation of information also often make a worse situation between actors due to different references. The network problems should be clearer and the same meaning by all actors, so they can formulate some solutions that are more precise and comprehensive.

The actors in the coal transportation policy come from different institutional backgrounds. As a result, they not only have different perceptions, strategies, and interests, but also organizational and administrative levels are not the same. Fragmentation within the scope of institutional means the important decisions taken by some players in the policy arena, sometimes even elitist. So the network manager needs to encourage participation from various actors in policy networks, both formally and informally. The strategic uncertainty is closely connected with the actor's strategic choices in an effort to articulate its objectives and problem solutions (Ostrom, 1990). Interaction among actors in the decision-making process with different perception and own solution makes the network be more complex and the policy implementation process does not give the expected results.

3. Methodology

This paper used the descriptive method with a qualitative approach that relies on secondary data obtained from the documents of legislation and news archives from local mass media. Basic parameters in the analysis based on identification of the parties that involved and action that they have done. Secondary data collection is done in a period of April 2014 until April 2015. The validity of the data is guaranteed by the triangulation of data sources and methods. Data analysis used qualitative analysis in which data obtained will be classified, reduced, categorized, mapped and interpreted to make a conclusion based on policy network perspective.

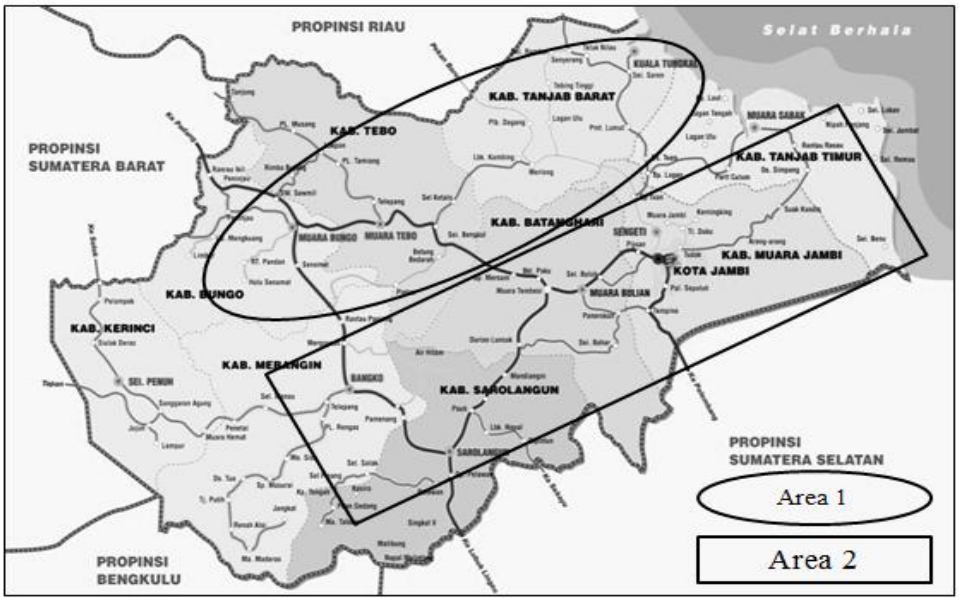
4. Results and Discussion

Policy Description: Coal transportation policy detailed in Jambi Provincial Regulation (Perda) No. 13/2012 concerning Coal Transportation Activity in Jambi Province. This regulation should be carried out in order to develop harmonization between stakeholders with the following objectives:

a. Realize the security, public order and the safety of road users;
b. Realize the road network system that is efficient and effective for the sake of the implementation of an integrated transport system;
c. Realize the coal transportation line through the river;
d. Encourage efforts to accelerate social and economic development, and
e. Encourage and provide support to the private sector to build a special road.

This regulation confirms that every coal trucks obligated to passing through special road or river line. The special road should be ready no later than January 2014, but if it has not been built or yet to be used, the transport of coal via public roads arranged by the Regional Head in accordance with its authority. About the river, if it is not adequate for the transport of coal, it can be done through public roads that arranged by the Regional Head in accordance with its authority. The certainly public road is the road that connects the shortest distance from the mine site to the stockpile in the nearest river from the mine site. Regions of coal production in Jambi province including Bungo, Sarolangun, Merangin, Tebo, Batanghari, Muaro Jambi and Tanjab Barat. The road that has been traversed by a coal truck is divided into two areas, among others: area 1 from Bungo, Tebo, and Tanjab Barat via Lubuk Kambing. This area is relatively not passed through public road because there is a special track. Area 2 from Merangin, Sarolangun, Batanghari and Muaro Jambi via public road to the Talang Duku Port often passes through Jambi city. This area is a problem source because there is no special line so that coal trucks are still crossing the public road. Thus, local governments that related to Area 1 including Bungo, Tebo, and Tanjab Barat. The local governments that associated with Area 2 consist of Merangin, Sarolangun, Batanghari, Muaro Jambi, and Jambi City.

Figure 1: Map of Coal Transportation in Jambi Province



Specifically for the transport of coal from the mine in Bungo and Tebo district can through certain public roads as follows:

- From Bungo district through Jalan Muara Bungo-Tebo towards road Simpang Lubuk Niam-Lubuk Kambing-Merlung-the Port of Taman Rajo at Tungkal Ulu Tanjabbar.

- From Tebo district, leading to the Simpang Lubuk Niam-Lubuk Kambing-Merlung-the Port of Taman Rajo at Tungkal Ulu Tanjabbar.
- Specifically, transportation from the coal mine to the West Sumatra region can pass through a public road by following the rules in force.

Meanwhile, transportation from the coal mine site in District of Merangin, Sarolangun, Batang Hari and Muaro Jambi through the river in the each district towards the coal port terminal to be transported out of Jambi province. Coal transportation from the mine to the coal stockpiles may use public roads specified by Bupati as appropriate authority. Any coal company that violates these guidelines may be subject to administrative sanctions such as:

a. Warning letter;
b. Cutting of production target that proposed for the following year
c. Revocation of mining permits including:
   - Revocation of the mining license for production.
   - Revocation of the operating license of transport and sales.
   - Revocation of the business license of mining transportation services.

This arrangement reinforced by Pergub Number 18/2013 regarding Procedures of Coal Transportation. This regulation provides guidance on the implementation of coal transportation through public road and river channel as well as providing opportunities for coal mining business activities can continue to be implemented. In addition, Pergub also reinforces the role of local government to provide guidance, regulation, surveillance, control and enforcement of the transport of coal to be run in accordance with applicable regulations through the establishment of the Integrated Team (Tim Terpadu) consisting of representatives from Department of Transportation, Department of Energy, Army, Police, Satpol PP and other related elements.

Mapping Actors Based on Resources, Interests, and Strategy: Coal transportation policy in Jambi province can be seen as a policy process that involves many actors with their respective interests where they have the resources and strategies to interact. Hence, policy network analysis can be done by mapping the resources, interests, and strategies of each actor involved in policy. Relationship pattern that occurs during the policy interaction is also necessary so that policy analysis with networking approach more clearly and comprehensively. More simply, the complexity of the coal transportation policy network in Jambi province can be seen in the following table:

Table 1: Complexity of Coal Transportation in Jambi Province from Resources, Interests, and Strategy

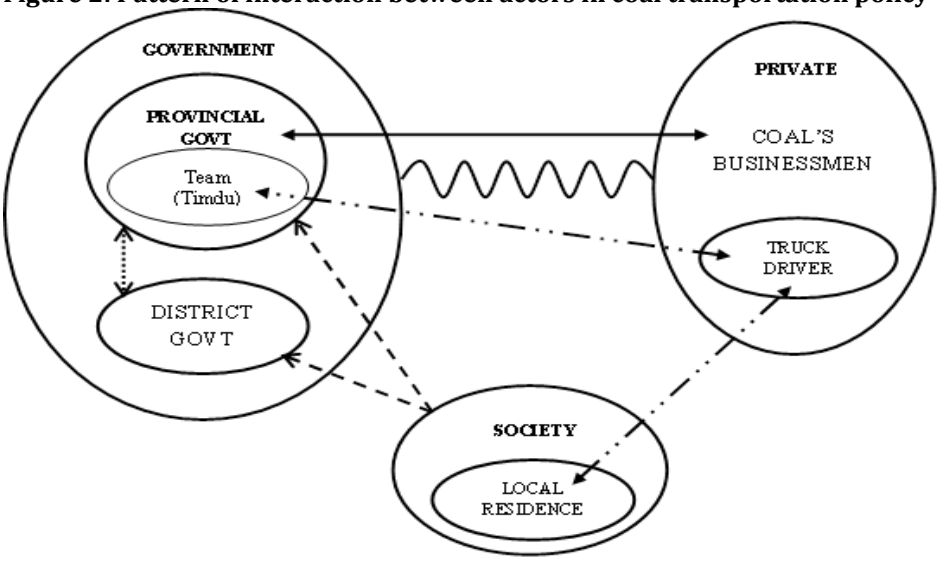
Actor	Resources	Interests	Strategy
Provincial Government	Regulations authority Central government representative in the regions Inter-regional road authority	The public roads are not damaged by coal transportation Local Revenue from coal Public legitimacy	Enforce coal transportation regulations (Perda and Pergub) Provide a deadline for coal businessmen to build a special road
District Government	Regulations authority Road Authority	The public roads are not damaged by coal transportation Local revenue from coal Public legitimacy	Already formulated or yet formulates Perbup that concerning on coal transportation
Coal Businessmen	Contribution to local revenue Supporting economic activity	Distribution becomes more efficient Reluctant to loss of profit Closer distance Allowed to pass through public road	Threatening to file a judicial review of Perda and Pergub to the court Adhering to the business license
Integrated	Supervision authority	Carry out the task of	Taking measures to violation

Actor	Resources	Interests	Strategy
Team	Surveillance	monitoring enforcement	
Coal Truck Driver	Being operators for coal transportation activity	Travel route to be closer Demands of work	Held demonstration in the road Blocking inter-regional road
Local resident	Support and demand	Public road not to be damaged There is no traffic jam There is no interference from coal trucks	Acted to road blockades Demands to the provincial government in order to law enforcement

The complexity of coal transport policy in Jambi province can be parsed in table1 which clarify what resources and interests from each actor with how the strategy undertaken in the process of policy interactions. From the mapping, there are some things that need to be underlined: *first*, coal transportation policy is a policy that is closely linked to the public interest, especially the sustainability of public facilities of road infrastructure. The success or failure of the implementation of this policy will have an impact on public legitimacy for local government. *Second,* the local government has been negotiating with businessmen and giving tolerance time to build a special road for coal transportation, but it can not be realized. It showed still has not established common interests between local government and businesses. Regional government put the public interests in accordance to realize vision and mission, while businesses uphold calculative economic interests of profit and loss. *Third*, basically, truck driver are at a disadvantage because it only becomes a businessmen instrument to resistance against the policies by mobilizing demonstrations. In the field, the driver faced with Timdu as a watchdog implementation of regulation and also dealing with the citizens who protested by road blockade. In these circumstances, the driver in a position wedged in the middle, between elite and mass.

Mapping Relationship between Policy Actors: The mapping of resources, interests, and strategies that have been done before, will be more comprehensive if it is equipped with mapping the relationships among the actors involved in the coal transportation policy.

Figure 2: Pattern of interaction between actors in coal transportation policy



Caption:

: Regulating (Perda and Pergub)
: Non-compliance
: Coordination
: Law enforcement demands
: Conflict/dispute

Figure 2 helps us determine the pattern of interaction between the stakeholders of the coal transportation policy in Jambi province. At least there are some points from mapping results, among others:

- In the implementation of Perda and Pergub, Jambi provincial government requires coordination and regulation from district government that determine which roads may be used by coal trucks.
- Coal truck drivers have been used by his boss as a tool for non-compliance and resistance action to local government policy.
- Disputes are visible on the surface would occur at two levels, namely between Timdu with drivers; and between citizens with drivers.
- The source of the problem is the difference in views and interests between local governments and coal businesses.

Policy issues that have occurred can be parsed after the main point to know where the relationship actor who needs intervention by continued policy. The key solution is in the business actors should be consistent with the established policy. This policy has gone through a long process through discussions with hearings between the provincial government and the coal businesses. This is proven by the tolerance period of one year given the provincial government to businessmen to make a special road. Giving deadlines in a policy can be interpreted as a policy problem solving. However, it does not automatically release the responsibility of local governments about coal transportation. The provincial government cannot wash its hands and return it to the district government authority. The relationship between the provincial government and district / city is not a relationship that is autonomous and independent of each other so it should always be in a unity of government function. The provincial government still running role as the central government representative in province area that has the authority of coordination, guidance, and supervision.

5. Conclusion

Based on discussion above, the author can formulate some conclusions, among others:

- The complexity of the coal transportation problems in Jambi province visible from some phenomenon, such as violation of rules by coal businessmen that still using public roads, demonstration of coal truck driver, residents protest by road blockade, and businessmen efforts to review local regulations (Perda and Pergub) to the court.
- The main problem is the difference in views between local governments and coal businesses. Disputes occurred at two levels, between Timdu with coal driver; and between citizens with coal driver. Beyond that, the coal truck driver becomes an instrument of coal businessmen to conduct response disobedience and resistance to local government policies.

Policy issues that have occurred can be parsed once we know the main point in relations between actors that need to be intervened by additional policy. The key to the solution is the coal entrepreneur must consistently adhere to the established policy. In addition, it should be underlined that in local governance, it takes the relationship between levels of government (intergovernmental relations) that is harmonious and conducive so that it can support the functions of government. If there is good coordination, implementation of the regulation, development, empowerment and public services will be more systematic, integrated, synchronized and do not overlap. Thus, it is clear that there is a close link between the provincial government and district/city governments concerning the regulation of coal transportation, in particular, the granting of licenses and the determination of the roads are passable. Policies issued by the provincial government cannot be effective if there is a policy vacuum at the district/city. If there are synergies among regional administrations on the matter, this problem can be resolved well as the rules and the system becomes clearer. So that law enforcement will be able to be done is supported by a complete and comprehensive regulation. With the synergy of horizontal and vertical coordination were adequate, the private sector and the public no longer multiple interpretations on coal transportation policy in Jambi province.

Recommendations: Based on conclusion, there are several recommendations as follows:

- Local government, coal businessman, and society representatives need to take a time for negotiation meeting to make commitment more clearly regarding coal transportation in Jambi province.

- The coal businessmen as the law object must obey regulations that have been enacted. Provincial regulations should be supported by the district regulations in order to be applied consistently. Law enforcement is the key to solving some coal transportation problems.
- The provincial government should encourage the establishment of the cooperation forum among districts that related to the management of coal transportation. It is important to do because each of these regions also received the results of coal as a source of local revenue.

References

Bevir, M. (2007). The Encyclopedia of Governance. California: Sage Publication.

Dinas ESDM. (2011). Produksi Batubara Provinsi Jambi. Telanaipura: Pemerintah Provinsi Jambi.

Enroth, H. (2011). Policy Network Theory, in Bevir, M. (ed.). The SAGE Handbook of Governance. London: Sage Publication.

Jambi Independent. 15/1/2014, 20/1/2014, 12/3/2014. Daily Newspaper.

ESDM, Department. (2004). Peta Potensi Energi di Indonesia. Jakarta: ESDM RI.

Kickert, W. J. M., Klijn, E. H. & Koppenjan, J. F. M. (1997). Managing Complex Networks: Strategies for the Public Sector. London: Sage Publication.

Klijn, E. H. & Koppenjan, J. F. M. (2016).Governance Networks in the Public Sector. New York: Routledge.

Kozan, L. (2012). A demand-responsive decision support system for coal transportation. *Decision Support Systems*, 54, 665–680.

March, J. G. & Olson, J. P. (1989). Rediscovering Institutions. The Organizational Basis of Politics. New York: Free Press.

Morrison, M. B. (1985). Transportation of US Western Coal: The impact of deregulation on unit train rates. *Energy Policy*, 3, 243-252.

Ostrom, E. (1990). Governing the Commons: The Evolution of Institutions for Collective Action. Cambridge: Cambridge University Press.

Satar, N. M. & People, J. (2010). An empirical test of modal choice and allocative efficiency: Evidencefrom US coal transportation. *Transportation Research*, 46, 1043–1056.