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Functional Assignments and Public Accountability: Comparative Case
Studies of Cambodian Commune Councils and Indonesian Village
Government

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Functional assignments and Public Accountability: Comparative case studies of Cambodian commune councils and Indonesian village government

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Abstract

This study focuses on the functional assignment of roles and responsibilities to the lowest level of Cambodian and Indonesian local governments. Legislation related to assigning functions is used to assess the functional assignment process. This study finds that the current functional assignment process fails to ensure local governments' downward accountability towards the public. The central government and line ministries remain the main decision makers in functional assignment process where they have power to insist or delay the process. It is observed that, despite legislation assigning functions in a broad manner consisting of obligation and mandatory functions, there is a lack of any meaningful functions such as education and natural resource management devolved to local governments. Indonesian legislation has provided some mechanism and principles in assigning and withdrawing functions, while Cambodia fails to facilitate even modest control within local government. Ultimately, there is a need for a well-established legal framework that is responsible for functional assignment in accordance with local government capacity and resources ensuring that the local governments have meaningful devolution while holding accountable to their constituents.

Keywords: Local government; functional assignment; Cambodia; Indonesia

I Introduction

In the 1990s, decentralization has gained much attention, and subnational governments have become the cornerstone of economic development in Asia (White & Smoke, 2005). Many countries have moved towards decentralization as a tool to reform their governance by moving decision-makers and service providers closer to people below central level (Manor, 1999; Birner & von Braun, 2009). The reform design of decentralization is necessary to guide governments towards a model of decentralization, in which assigning roles and functions to each level of government should be priority. However, broad research on decentralization reform shows a lack of clarity on this crucial issue of functional assignment (Ferrazi & Rohdewohld, 2017).

Although Cambodia has been reforming toward decentralization since the early 2000s, where sub-national administration empowerment has been in process, it remains a highly centralized country. The sub-national administrations in Cambodia are divided into three tiers: provinces, districts and communes/sangkats. Communes are the lowest tier and directly elected by the citizens in their constituents, but their broad and vague functions and mandates has resulted in poor performance in relation to local development to meet the local needs (Pak, 2011). Though decentralization has been implemented as the National Program on Sub-National Democratic Administration for approximately one decade, there remains much more to do to achieve the goals and objectives of good governance and better service delivery.

According to the Implementation Plan Phase III of the National Program of Sub-National Democratic Development, insufficient resources and clear roles remain challenges to local government empowerment, and the transfer of functions has been extremely challenging (NCDD, 2017). The urge for the clear policies to clarify roles and to progress functional assignment has been considered, but the implementation has been slow and significant progress is yet to be seen (NCDD, 2017). While assigning functions to each level of sub-national administration is not an easy task, it must be the first and most fundamental step in the design of decentralization reform.

The objective of this paper is to examine the functional assignment process and its impacts towards ensuring public accountability. It will look at functional assignment to the lowest level of governance by comparing two local governments, Cambodia and Indonesia. These cases were identified for this study due to similarities in governmental structure, decentralization history and the reform period. With three-tiers of government, Indonesia's sub-administration consists of province, sub-district, and village, while Cambodia's sub-administration is divided to province, district and commune. Cambodia and Indonesia are unitary states with high centralization, both initiating a decentralization reform in response to political challenges at the level of central government. Their reform timeframe occurred during the period of early 2000s following demand from international donors and sub-national levels of government.

The primary research question asked is: Has functional assignment ensured that these local governments hold accountable to their constituents?

The following research is divided into six sections. Following this introduction, the second section discusses literature review on functional assignment studies. Next, section three presents conceptualization and operationalization of functional assignment. Section four introduces an analytical framework that is used to guide analysis throughout this paper

followed by empirical analysis in section five. Last, observations and conclusions are drawn in section six with policy recommendations.

This paper will assess comparative views of the process of functional assignment in local governance systems in Cambodia and Indonesia using a desk review method to analyze legal documents, policies, and relevant literature. This study limits its focus to the supply side of accountability where local governments are held accountable to the public they serve. Moreover, it focuses its attention on the lowest level of governance that, for the most part, is not at the core interest of local governance reform.

II Literature Review

Existing studies on functional assignment are in search of theoretical and conceptual framework (Boex, 2015; Ferrazzi & Rohdewohld, 2009). In the Local Public Sector Initiative's (LOGIN Asia) working paper, Boex (2015) introduced key issues dealing with the vertical functional assignment and expenditure responsibilities including: understanding sub-national institutions, the concept of functional assignment, the concept of subsidiarity, and political economy of functional assignment (Boex, 2015). Yet, conceptual foundation of functional assignment in multi-level government and technical support for functional assignment process have been in discussion (Ferrazzi & Rohdewohld, 2009).

Functional assignment has been studied as an element of local governance where it is used to measure local governance systems, and is the first dimension of an effective local governance system or an effectively-organized local public sector (Ahmed et al., 2014).

In Cambodia, many studies have been conducted on decentralization reform examining each type of decentralization, including political, administrative and fiscal decentralization and in that, functional assignment has been studied as one component in fiscal decentralization along with expenditure assignment, intergovernmental transfer, and local borrowing (Pak, 2011; Smoke, 2015; Khoun, 2018).

According to Pak (2010), functional assignment to local government in Cambodia is not clear and resources are limited, restricting the ability of the commune councils to play their roles in local development effectively and efficiently. A framework to clearly indicate the roles of communes could help to enable the commune councils to realize the original rationale for decentralization in Cambodia (Romeo, 2003).

Functional assignment is often studied from the capacity perspective. The willingness of the central government and each sector in transferring functions to sub-national level have been linked to the skepticism of the capacity of the sub-national administration by the central government and each line ministries. Owing to low levels of education, commune councilors are often seen to have poor capacity in planning and financial management (World Bank, 2013). Capacity building is required where communes are accountable for the functions that have been transferred in any form (Pak, 2011). However, poor performance may have little to do to commune councilors' education background, but instead may be the result of lack of financial resources and political will (Kim & Öjendal, 2007).

Another study by Comfrel (2013) on commune performance has stated that processing functional mapping to identify potential functions that are relevant and suitable to be decentralized, could save time and resources, while selecting the pilot sectors could also improve efficiency. The trend for a greater sum of functions and responsibilities to be delegated to the commune level seems to be increasing, but without sufficient corresponding funding,

commune councils are becoming overburdened (Rusten et al., 2004). On the other hand, literature on functional assignment in Indonesia also showed some positive and negative outcomes resulting from the reform. In a study of the case of health and education, it suggests that the functional assignment allocation process in Indonesian decentralization has been politicized to enhance the power and control of the central government (Purwanto & Pramusinto 2018).

Decentralization in Indonesia is mainly political and administrative decentralization, where local governments lack financial resources to provide public services (Green, 2005). The practices of decentralization in Indonesia showed that most of problems stem from the laws and are worsened by implementation problems, such as poor understanding of actors involved in the process and their capacity (Darmawan, 2008).

It was found that comparative local governance shows much more impressive result that functional assignment in Indonesia has been effectively assigned to the sub-national level, using assessment indicators including: subnational architecture of the public sector, local autonomy in managing local affairs, and the alignment of decentralized governance with the governance principles that the nation has adopted (Boex & Simatupang, 2015).

The current wealth of literature on functional assignment is highly focused on the provincial and district level (the common level of general purpose of local government), but the local levels have been neglected. Building on these previous studies, this paper will look at functional assignment from a legal perspective that allows for functions and mandates at the lowest level of these two local governance system.

III Conceptualization and Operationalization

In principal, functional assignment is a transfer of responsibilities and powers to sub-national government. Functional assignment as a 'process' refers to the sequence of activities through which levels of government receive roles and specific functions. It is broad not only in terms of being multi-level, but also because the process itself can provide the examination and clarification of a variety of roles, different scales and models regarding the architecture of functions (Ferrazi & Rohdewohld, 2009).

Functions are the fields of activities in which the government play their de facto role. It is implicitly associated with the services and policies, but it may or may not coincide with the legislative assignment because local authorities discharge more services than are specifically mandated (Parrado, 2005). In order to ensure that the decentralized tasks implemented will be efficient and effective, functional assignment between central and subnational governments is the essence of decentralization (Ahmad & Manor, 2002).

Functional assignments take place through various guiding principles. The principle of accountability states that functions should be placed where they can receive the most scrutiny and control by citizens, whereas the principle of economy of scale states that functions should be delivered to a unit that can perform it at the lowest cost. Apart from that, the principle of subsidiarity constitutes that public responsibilities should be exercised by those elected authorities, which are closest to the citizens (UN Habitat, 2007).

A well-defined assignment of functions and a clear expectation of each level of government is essential in achieving meaningful reform (Smoke, 2001; World Bank, 2017). According to Manor (2013), it is necessary to ensure that the division of responsibilities between central government and lower elected bodies is clear and detailed. Functional

assignment is the first and most fundamental step in the design of a decentralized system (Sharma, 2015).

This paper looks at functional assignment in terms of its typologies, criteria and principles, and process of assigning functions, as well as the key actors involved in the process. However, this paper acknowledges the existence of a gap between the outlined legal framework and actual practice when it comes to functional assignments, where local governments are often assigned the responsibility for a particular function, but not always the necessary authority or sufficient finances. Moreover, it is required that local government is assigned meaningful function in order to perform efficiently, but there are other dimensions required for effective local governance, including fiscal autonomy and financial management, participation and accountability, administrative control, and local political systems and leadership (Boex & Yilmaz, 2015).

IV Analytical Framework

The analytical framework established here comprises of elements of public downward accountability, degree and components of functional assignment, and modes of decentralization. Based on this framework, the empirical analysis discusses functional assignment of Indonesia and Cambodia local governments and its impacts on public downward accountability.

1. Decentralization and Functional Assignment

The principle of decentralization and the functional assignment principle are similar, in that both concern efficiency, accountability, responsiveness and effectiveness (Seabright 1996; Shah 1998; Solé-Ollé & Esteller-Moré 2005; Stegarescu, 2005).

Functions can be transferred to local governments in three modes of decentralization: devolution, delegation, and deconcentration (Smith, 1985; Cheema & Rondinelli, 2007). Under devolution, functions are transferred to the elected local government and autonomy and independence are given without direct control from central government (Rondinelli et al., 1983). Delegation involves the assignment of specific functions to semi-autonomous bodies – such as a state representative – who are accountable to the central government (Allen & Flynn, 2006; Rondinelli et al., 1983). Deconcentration is the weakest mode in which the local governments do not have decision-making power, and functions are transferred from central government to different levels of government and agencies under the supervision of the central ministries (Rondinelli et al., 1983; Braun & Grote, 2000).

2. Functional assignment and its components

Functional assignment is the process of assigning functions to different tiers of government. According to Ferrazi and Rohdewohld (2009), functional assignment consists of its typology, criteria and principle, and process of transferring functions to each different level of government.

2.1. Typology of functional assignment

Local government can be assigned functions that are mandatory and voluntary. Obligatory functions, also known as mandatory functions, are characterized as the necessary activities and the focus of these functions is on basic services such as health, education, and natural resource management. On the other hand, optional functions, also known as discretionary, permissive or voluntary functions, are characterized by local context and local needs. Functions can be made obligatory by policy or legal frameworks whereas discretionary or voluntary functions can be taken up in accordance with available resources (Ferrazi & Rohdewohld, 2009; 2017).

2.2. Criteria and principles for assignment

In order to assign functions, the need for specific criteria and principle to guide the transferring process is essential. There are many criteria and principles for assigning functions such as efficiency, economies of scale, and externalities. Adopting criteria and principles for assignment takes into account not only which functions to be transferred, but which levels of government to undertake such functions.

2.3. Functional assignment process and actors involved

There are many actors involved during the process of assigning functions, and it is critical that there be successful coordination by the lead organization of the government, which is in charge of the decentralization reform, as well as other multiple stakeholders' participation.

3. Functional Assignment and Public Accountability

Functional assignment is closely associated with public accountability to citizenry (Seabright, 1996; Shah, 1998; Faguet, 2004). It is required that the executive body who is given authority is accountable to the public. For instance, with respect to the function of infrastructure procurement and maintenance, there must be clear-cut delineations detailing who is accountable for which functions to ensure that the general public know where to demand accountability should services fail to meet their reasonable expectations (Purwanto & Pramusinto (2018).

A clear functional assignment can ensure effective public accountability. By transferring certain central government functions and resources to lower levels, the accountability and responsiveness of government can be improved as to increase citizens' voice and change the deep incentives that public officials face as well as to reduce abuses of power (Faguet, 2014).

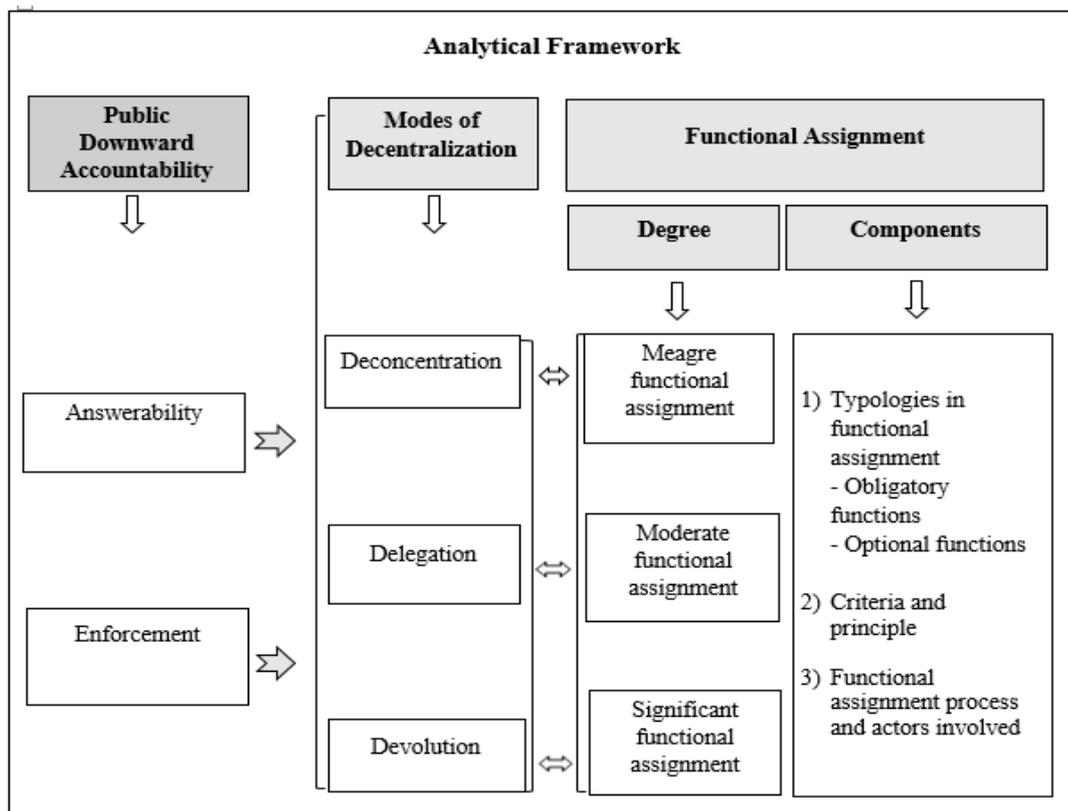
Accountability can be enhanced in several ways through functional assignment in the form of devolution. By increasing the contestability of public decision and transparency in public sector, social accountability can be improved. Additionally, local checks and balance mechanisms can be strengthened through introducing oversight by local elected representatives and greater top-down accountability may be achieved (Boex, 2015).

However, accountability of local governments is at risk of being undermined as long as central government limits responsive functional assignment and retains power and control over local-level decision-making (Eaton & Schroeder, 2010). Devolution has not led to greater accountability reasoning in introducing it without thinking through accountability implications, and even when accountability is considered, it tends to emphasize either the supply or the demand side of the accountability (Yilmaz et al., 2008).

Accountability relationships are critical for effective local service delivery, yet there is no single best approach to achieve it. Smoke considered imbalance between upward and downward accountability to be the core challenge in local government accountability (Smoke, 2005).

In this paper, accountability is studied in terms of public downward accountability where local officials are held accountable towards their constituents. According to Schedler (1999), this type of accountability consists of two aspects of accountability derived from the Traditional Public Administration framework: answerability and enforcement. Based on functions that have been transferred to them, local officials are accountable to give an answer or account of their activities related to local matters to their constituents. Answerability is generally considered to be weak or inconsequential accountability without sanctions (Schedler, 1999). So, enforcement is a mechanism to impose sanctions for the actions of the local officials.

Figure 1: Conditional relationship between functional assignment and public downward accountability



V Empirical Analysis

1. Functional assignment in Cambodia

1.1. Background of decentralization in Cambodia

Cambodia has started a slow decentralization reform moving from deconcentration to devolution in 2001, and received a lot of attention and financial support from development

partners such as the World Bank and Asian Development Bank (ADB) (Niazi, 2011). In 2002, a direct election of commune/sangkat officials was conducted and commended by many in the national and international community. Laws were adopted including the Law on Administrative Management of Commune/Sangkat (RGC, 2001) and sub-decree on Commune/Sangkat Fund (CSF).

Decentralization in Cambodia first occurred at the commune level as a result of political challenges between two parties, the Cambodian's People Party (CPP) and National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC). FUNCINPEC won the 1993 national election, but a military coup initiated by the CPP took place in 1997. When the CPP won their election in 1998, the negotiation of power sharing at the commune level occurred and it was the CPP who opted for the election at commune level. There were political incentives for some leaders of the CPP and officials in the Ministry of Interior to embrace commune decentralization (Eng, 2016).

Decentralization reform was expanded beyond the commune level to the district and provincial levels in 2008 with the adoption of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, widely known as an organic law, and the Strategic Framework on Decentralization and Deconcentration in 2004. District and provincial councils are indirectly elected by the commune councilors. However, this indirect election of district and provincial councils resulted in no direct accountability at higher levels of sub-national government to the people at large (Eng, 2016).

1.2 Decentralization and functional assignment

The functional assignment to the sub-national administration in Cambodia took effect in 2012 just over one decade since reforming decentralization at commune level in 2001. The implementation of decentralization reform was designed as a ten-year National Program. It offers an option for short-term implementation of functional transfer with arrangements varying from one sector to another, and varying sectoral sharing of responsibility for planning, programs, implementation, monitoring and oversight (NCDD, 2010).

Commune councils were established by the Law on Commune/Sangkat Administrative Management in 2001 in line with the Law on the Election of Commune/Sangkat Councils. A commune council consists of five to 11 councilors, depending on the geography and demography of each commune, and each council has one clerk appointed by the Ministry of Interior to support administration tasks (RGC, 2001).

With regards to functional assignment, commune councilors are directly elected under a proportional representation system for a five-year term with the roles to represent the state and to serve local affairs. Their duties range from maintaining security and public order to protecting and preserving the environment and natural resources. Each commune/sangkat represents and serves the general interest of the residents they are responsible to (RGC, 2001).

1.3. Typologies in functional assignment

1.3.1. Obligatory functions

Obligatory functions are functions defined by law, royal decree or sub-decree, or legal instruments based on requests of the National Committee for Democratic Development at Sub-National Level (NCDD), ministries and institutions of the Royal Government (RGC, 2008).

The role of the commune is to represent the state in addressing local affairs through managing and utilizing available resources. Commune councils are mandated to maintain security and public order; arrange necessary public services, promote social and economic development and upgrade the living standards of the citizens; and protect and conserve the environment, natural resources (RGC, 2001). In serving local affairs for the interests of communes and of citizens, communes can take their own initiative to select the appropriate and effective methods to carry out and deliver services to people in their constituents. In addition to this, the commune operates as an agency, representing the state under designation or delegation of power of the state authority where they perform in compliance with laws, royal decrees, sub-decrees, proclamations and other legal instruments (RGC, 2001).

A sub-decree on Decentralization of Powers, Roles and Duties to Commune Councils have been issued, yet there is no functions of the commune councils have been made specific. The list of commune function is viewed as ‘the responsibility of local authorities to do whatever is in their power to improve the welfare of their communities, as long as their activities comply with national law, and the only limitation being the resources available to them (Romeo, 2003).

According to Eng (2016), there are no substantial functions in such areas as health, education, agriculture, water and land management have been transferred to subnational councils. According to policy on Decentralization and Deconcentration Reform in Education Sector (2016), commune chiefs and commune councilors play the role of honorary chair as the representative of local authorities in the primary School Support Committee and commune chief officially recognizes and coordinates The Primary School Support Committee. In the field of local land management, the role of commune councils can be seen in its ministry regulation where commune councilors identify certification documents on land information and registration process for their constituents (Ministry of Land Management, 2016).

In relation to providing services, communes oversee administration at the local level, where they have devised a development plan for five years and an investment program for three years to develop their local community during their mandate. Commune development plans focuses more on physical infrastructure using the funds allocated by central government. National policy choices and local capacity constraints remains an issue in communes assuming a greater role in services delivery beyond their development of some basic infrastructure facilities, and the issues of viability of many communes that may be too small to be effective as delivery units for most local services (Romeo, 2003). Despite the broad and vague functions, communes handle administration tasks such as civil registration.

1.3.2. Optional functions

According to sub-decree on Voluntary Functions, voluntary functions are defined as any functions which are not under mandate of other government ministries or institutions or under their mandate but choose to agree for sub-national administration to take it up. Yet, there is no specific statement on what else voluntary functions are with given its characteristics.

Those functions that communes undertake are based on people needs or priority of their constituent. The sub-decree introduces some principles for commune that wish to undertake voluntary functions such as legitimacy, and effectiveness.

1.4. Criteria and principles

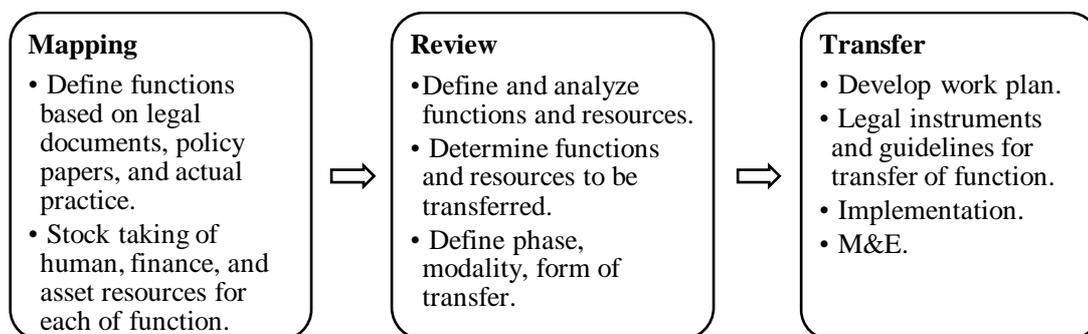
The principle of democracy has been attached to assignment or delegation of obligatory functions aiming to promote democratic development at the sub-national administrations. The transfer of functions is based on the principle of permanent assignment or delegation and not temporary assignment or delegation including functions and resources that have been transferred.

Moreover, it is required that the commune manage and perform functions with responsiveness and accountability to the citizens in its jurisdiction. The assignment or delegation of functions needs to be regulated by law, royal decree or a sub-decree, or other legal instrument. However, these principles are not differentiated in applying to obligatory functions and optional functions.

1.5. Functional assignment process and actors involved

The process of assigning functional responsibilities starts when NCDD consults and coordinates with all ministries and their respective departments to review their current functions, responsibilities, powers, and accountability at all levels and identify areas suitable for transfer to sub-national councils.

Figure 2: Functional assignment process in Cambodia (Source: ADB & LOGIN Asia, 2017)



The reform process is coordinated government wide by a sophisticated set-up of institutions, time-bound implementation plans and contractual agreements between government entities, while the NCDD is responsible for development of national arrangements for sector development and functional reassignment (Ferrazi & Rohdewohld, 2017). NCDD focuses on reaching a common understanding regarding the scope and scale of a functional review exercise; engaging ministries in functional review; and assessing the capacity support required to functional review and to functional transfer (Ferrazi & Rohdewohld, 2017).

In relation to ‘finance follows functions’, ministries of the Royal Government that intends to delegate power, responsibility, or agreement to commune councils must also transfer necessary resources and capacity to ensure that the communes can carry out their duties effectively. (RGC, 2002).

1.6. Functional assignment and public downward accountability

Commune councils are accountable to all residents of its communes but in practice, they are also accountable to higher-level politicians within their party line, while the commune clerk is accountable to the Ministry of Interior (The Asia Foundation, 2014).

However, in the field of natural resources management, for example, the councils have no authority, and that is where citizens have disappointment towards their commune councils. Commune councils are accountable to their electorates with a willingness to follow procedures outside their mandate with an attempt to respond to demands, thus there exists a conflict, whereby they can respond to such issues and risk their positions within their political party (Plummer & Tritt, 2011).

In a survey conducted by NCDD (2012), accountability from commune councils to their electorates has been improved compared with the former commune authority in the past. However, despite officially documented objectives and the progress that has been realized to date (2018), there is still a long way to go before well-functioning communes are in place (Comfrel, 2013).

In relation to monitoring and evaluation, for any wrongdoings made by commune councilors, an absolute majority vote of all councilors is needed to impose disciplinary functions on that individual. For communes that fails to implement duties required by laws, the Minister of Interior has the authority to intervene or dissolve the commune council (RGC, 2001).

2. Functional assignment in Indonesia

2.1. Background of decentralization in Indonesia

Decentralization reform of the central-local government relationship took place in Indonesia in 1999 with the adoption of law No. 22/1999 on Regional Government – updated in 2004 and 2014 to Law No. 32/2004 and Law No. 23/2014 respectively – where local Government is mandated as the head of the official elements of the Regional Government leading the implementation of government affairs under the authority of the autonomous region. By that, the role of central government was reduced to focus on defense and security, fiscal and monetary, and religion and judiciary affairs (Purwanto & Pramusinto, 2018).

Decentralization was first introduced in Indonesia after gaining independence from the Dutch in 1945, but regional autonomy was removed in 1957 by the Sokarno administration following political agitation in several regions. Local government did not receive any significant authority in the Suharto administration until 1996 (Ostwald et al., 2016). Nonetheless, without sufficient financial or personnel resources for decentralization, local government failed to produce any meaningful result (Green, 2005).

The first level of government to undergo decentralization was at the district level, where a devolved system was adopted and all the public services were transferred (Boex & Simatupang, 2015). Similar to Cambodia, Indonesia is a country suffering from corruption, collusion, and nepotism: attempts to reduce this is one reason for undertaking decentralization reform, helping to reduce central power over local service delivery and promote local democratic development and participation.

2.2 Decentralization and functional assignment

Devolution reform in Indonesia, often referred to as the 'Big Bang', has been considered as an effective tool to develop local government systems where the assignment of functional responsibilities to local government are in line with the principle of subsidiarity with considerable political space, control over local administrative system, some degree of fiscal discretion, and participation and accountability (Boex & Simatupang, 2015).

Indonesia first started its decentralization reform with strong deconcentration practice before moving to more devolved form (Smoke, 2007). The district level has been given much attention as the focus of decentralization process through the establishment of Law 22 /1999 concerning regional governments.

Law Number 22/1999 established regional autonomy where villages were recognized as legal communities, administered by the district with the authority and resources limited by this same law (Matsui, 2003). Village governments have been regulated under the Law Number 32/2004 and started receiving more attention. Recently, new Village Law Number 6/2014 was promulgated by the government which established hybrid village governance structures, with national recognition and mandates for village government. The election of the village head is held simultaneously in the entire territory of the Regency/City and directly elected by the village community, where the candidate's education has been set to junior high school (Law Number 6, 2014).

2.3. Typologies in functional assignment

2.3.1 Obligatory functions

Village governments consist of the village head, secretary, and other officials in charge of various sections such as governance, welfare and public service, affairs (administration, finance and planning), and sub-village heads (Law Number 6, 2014). The village head has several types of decision-making power to lead the governance of the village as a self-governed community, while the role of village officials is administrative. Village governments in Indonesia are given authorities based on native authorities, traditions and social-cultural values, locally-scaled authorities, delegated authorities from the central, provincial or district government, and any other legally defined authority (Law Number 6, 2014). Village representative councils, known as BPD, is a consultative council which functions for discussing with and giving approval to village head regarding drafts of village regulations and overseeing the performance of the village government (Law Number 6, 2014).

Village governments are responsible for the administration of village affairs, social and economic development, and the empowerment of the villagers based on community initiatives, customary law and local traditions using the village fund allocated from regional and central governments. In other words, the village government has both the authority and resources necessary to govern its own affairs (Salim et al., 2017). However, village autonomy has not been given an official definition in the law, but it can be examined in the village of local governance that the autonomy of the village is a set of rights, obligations and responsibilities for the management of the village activities (including government affairs and social), in the village government structure, or owned by the village as an autonomous region (Phahlevy & Multazam, 2017).

Concerning the public service delivery, village governments play an important role in

local service delivery, where several government programs provide funds to the village, including the National Program of Community Self-Empowerment (PNPM) (The Asia Foundation, 2014). Village governments in Indonesia deliver public services, which focuses mostly on infrastructure development (Sutiyono et al., 2018).

Village level survey data has been used to estimate the quality of public service delivery. Analysis suggests that the availability of local infrastructure has improved and has led to a convergence (Chowdhury et al., 2009).

2.3.2 Optional functions

Village Empowerment consists of necessary efforts to develop the independence and well-being of the community by enhancing the knowledge, attitudes, skills, behavior, ability, and awareness, and through utilizing resources through the establishment of policies, programs, activities, and assistance in accordance with the essence of the problem and the priority needs of the Village community (Law Number 6, 2014).

Optional functions were introduced in the old Law 32/2004 which defined as those functions that exist in practice and can improve the public welfare and correspond to the condition, uniqueness, and potential of the region concerned. Then a government regulation, number 38/2007, was issued as a guided appendix for regional government to set their regulation on optional functions (Ferrazi, 2008). However, the category of optional function is not entirely well explained and can be confused with international terminology, where the sub-national government can make their decision to take it up or not take it up at all (LOGIN Asia, 2017).

2.4. Criteria and principles

In the village law number 2014 stipulated that the village administration is based on the principles of legal certainty, orderly governance, accountability, effectiveness and efficiency. These are the criteria adopted by the Indonesian government for guiding the process where functional assignment should be placed, such as efficiency through availability of resources, externalities, and accountability where functions should be assigned to the level that can receive the most scrutiny and control by citizens (Ferrazzi & Rohdewohld, 2009). The central government takes part in functional assignment negotiation with each local level in preparation of regulation process to transfer or clarify the functions with the facilitation of consultation from stakeholders (Ferrazzi & Rohdewohld, 2009).

2.5. Functional assignment process and actors involved

Village law has not clearly stated how functions proceed to the village level. The assigning and modifying functions is found between the district/city and village, where the district/city assign agency tasks to the village, and in case the village cannot perform functions within two-year period, some or all can be withdrawn (Ferrazzi, 2008). The process

of functional assignment in Indonesia involves all government levels and parliament members, and The Ministry of Home Affairs takes the lead in the entire process (LOGIN Asia, 2015).

There have been various approaches to functional assignment regarding duration, intensity, participatory principles, and technical approaches, where the term “concurrent functions” is used in architecture of functions, but the functions are broad and require other instruments to provide details (LOGIN Asia, 2017).

2.6. Functional assignment and public downward accountability

Although weaknesses remain, the Village Law 2014 has strengthened some accountability mechanisms where village heads face a three-fold accountability structure: horizontally to an empowered BPD, downwards to the public through a newly introduced (Village Assembly), and upwards to the district government, which is complex and not easy to achieve but could potentially make significant impact towards ensuring village accountability (Antlöv et al., 2016).

The village head is made accountable to the village population through the BPD by submitting an annual accountability report which the BPD are able to contest (Antlöv & Eko, 2012). The community has the right to access information about the village, and monitor village affairs, and the BPD organizes a village assembly for the full village population to agree on strategic governance matters where an annual performance report of village government is openly shared with the citizens (Law Number 6/2014).

Village officials are accountable to the village head, and their dismissal also falls under the authority of the village head. There are also administrative functions village heads can delegate to village officials, however, authority remains with the district head regarding sanctions on the village head (Salim et al., 2017).

Table 1: Comparative functional assignment of two local governments

		Local governments	
Functional Assignment		Cambodia commune	Indonesia village
Typologies	Obligatory	- Maintain security and public orders	- Deliver public services through National Program of Community Self-Empowerment (PNPM)
	Functions	- Arrange necessary public services, promote social and economic development - Protect and conserve the environment, natural resources - Land information identification	- Administration of village affairs, social and economic development, and the empowerment of the villagers

		- Civil registration	
	Optional Functions	- Commune own initiative to select the appropriate and effective methods to carry out and deliver services - Based on people needs or priority of their constituent	Functions that: - Improve the public welfare - Respond to the condition, uniqueness, and potential of the region concerned.
Criteria and principles		- The principle of democracy - The principle of permanent assignment - Responsiveness and - Accountability	- Legal certainty - Governance - Accountability - Effectiveness and - Efficiency
Process of functional assignment and actors involved		<i>Process:</i> - Mapping - Review - Transfer <i>Actors:</i> - NCDD - Ministry of Interior - Ministry of Economics and Finance - Line ministries	<i>Process:</i> - Defining goal and scope - Organizing for functional assignment - Functions mapping - Functions review - Effecting the transfer <i>Actors:</i> - Ministry of Home Affairs - Ministry of Finance - All government levels - Members of parliament

VI Overall conclusions

Despite assigning clear functions to a specific level of government being expected to ensure effective public accountability to its citizenry, this supply side approach of the accountability. Empirical analysis suggests that the functional assignment process is critically inadequate in its ability to make any impacts on how local officials can significantly play their roles while being held accountable to their citizens.

In the case of Cambodia, it nearly the end of 10-year National Program on Sub-National Democratic Development, yet communes have not been at the core attention. Research suggests that communes have not been assigned any meaningful functions, where

obligatory functions are assigned in the list of general competence of what communes are mandated to perform. However, obligatory functions and optional functions have not been made specific and differentiated clearly which needs additional clarity. Optional functions are meant to give discretion to communes where they can take as they wish, but without being separated clearly from the obligatory functions that have been constructed in a general competence manner, communes do not seem to receive discretion facing this ambiguity and other constraints related to resources for undertaking optional functions. Moreover, in making decisions on optional functions that are under the competence of other government institution, communes need to have a consultation to get agreement where those institutions have authority to reject.

Functions that ought to be transferred are stated in a legal framework with the attachment of some principles such as democracy, permanence, responsiveness, and accountability. In order to ensure effectiveness and efficiency, implementation of functions need to be monitored and evaluated, and in the instance it has not been properly implemented, mechanisms of withdrawing functions back to the central level or move it to another level of government need to be introduced without sticking to the principle of permanence of transferring functions.

The process of assigning functions can be taken up to a long period of time as it needs readiness and willingness of each actors involving in the process. Success depends on the willingness of line ministries to transfer functions to commune councils. Acting the role of coordination, NCDD is not the one with the authority to decide of that matters rather than placing it on line ministries.

Being directly elected by their local people, communes are expected to be responsive and answerable to any problems raised by their constituents. However, there is disappointment from local people to their councils where demands are not responded. Even though in practice people can file complaints to the councils, existing literatures do not reveal any significant improvement regarding this matter, where people are simply expected to wait for the next election to make their voices heard. In relation to enforcement mechanisms, the Ministry of Interior plays a major role in imposing disciplinary sanctions or dismissing the councils.

The overall observation of this functional assignment in the case of communes in Cambodia does not contribute to holding the commune councils accountable to their constituents. There is still a long way to go and much more to be done before well-functioning communes are in place and better public downward accountability is achieved.

In relation to the case of Indonesia, the village government started to receive much attention from the central government and other level of governments. The village government has evolved overtime with the legal framework that keeps changing. Villages are the lowest 'self-governing' unit mandated for the administration of village affairs, social and economic development, and the empowerment of the villagers. Additionally, villages are entrusted with functions for forming village regulation, service and development purposes, and performing agency tasks. In the Village Law, there is no specific mention on what optional functions are or how they differ from obligatory functions, where they are often referred to as any functions that can improve the public welfare and correspond to the condition, uniqueness, and potential of the region concerned. That type of function can be taken up if it has yet to be under another level of government authority. However, this does not avoid the confusion of exercising each type of function.

Criteria and principles in assignment show much clarity within the law itself such as externalities, accountability, and efficiency, to ensure a harmonious relationship between each

level of government. A mechanism of withdrawing functions that have not been well-implemented is introduced and those functions can be withdrawn to another level of government that can perform better.

The process of assigning and modifying functions is found between the district/city and village, where the district/city assign agency tasks to the village. The Ministry of Home Affairs takes the lead in functional assignment coordination and that sectorial functions transferred to local levels have been placed on the decision of sectorial ministries and other levels of government.

In the village government, it is only the village head that is directly elected by the local people and who faces downward accountability to the public through a village assembly that takes place once a year, but there is no space left for the village community to provide feedback to the activities of village government. Regarding the sanctions on the village head, it is the authority of the head of the district.

In this functional assignment process in the case of the village governments in Indonesia, it seems complicated for villages to achieve a significant impact in village accountability to the public while also being subordinated to district government.

VII Policy Recommendation

This paper aims to contribute in improving the functional assignment to commune council in Cambodia based on the finding of this comparative case studies. The competent authorities that have the power to implement this policy recommendation is the Royal Government of Cambodia, NCDD, Ministry of Economics and Finance, Ministry of Interiors and other line ministries. The policy recommendations, based on this research, are as follows:

Principles and Criteria in assigning functions: Legal frameworks related to commune councils and sub-national administration have not introduced any principles and criteria in functional assignment. Clear principles and criteria are useful in guiding functional mapping of sub-national administration to handle tasks. Principle of subsidiarity, in which functions should be placed at lowest level of government with the capacity to achieve the objectives, should be based on defining functions and should be included in sub-national administration legislation.

Mechanism of withdrawing functions: Even though functions transferred are based on the principle of subsidiarity and local and fiscal capacity, there should be a space or period given for the implementation of specific functions. In case that commune cannot perform the functions well within a specific period of one or two years, a proposal from commune councils to transfer it back to other levels should be available.

Minimum service standard: A minimum service standard should be introduced to basic services mandated by law as a guidance in providing equally qualified services and a tool to measure local governments' performance. After formulating clear divisions of power and levels of government, the roles of each actor to determine acceptable minimum levels of service delivery that is achievable should be arranged. Minimum service standards should be designed by forming input, output, and outcome indicators and targets as well as a period to achieve this. This approach has been adopted in other developing countries such as Indonesia, the Philippine and South Africa.

Election: learning from the case of Indonesia, the village head should not be elected from the party list and that should be applied in commune election to allow the

candidates to stand for election independently. By not being voted from the party list, the power and decision-making of commune councils can be made without influence from the political parties they stand for, while simultaneously increasing cost and time efficiency.

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