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Land/Forest Acquisition After the Maluku Conflict, Its Impact on Ecosobling Rights Ownership Conflict of Rights Owners and Ethics-Moral Implications of Public Policies

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Abstract

This study aimed to understand how the post-Maluku conflict land/forest acquisition disaster occurred and its impact on land/forest rights ownership conflicts and the ethical-moral implications of public policy. This research used a qualitative approach with action research methods. Data collection used in-depth interviews, observation, documentary studies, FGDs, and non-litigation advocacy designs. The results of the study proved that there has been a Disaster of Land / Forest Change in Post-Maluku Conflict and its Impact on Conflict of Ecosobling Rights of Rights Owners and Ethical-Moral Implications of Public Policy. First, it is proven that the Land / Forest Acquisition, in the form of: 1) implementation of land/forest acquisition based on Land/Forest Management Permits to investors / entrepreneurs; 2) the calculation of the value of compensation is not based on the standard-objective state price, but is based on the subjective willingness of the company holding a Land / Forest Management Permit; 3) the implementation of deliberation does not reflect the principle of transparency; 4) use of court hands for negotiation of consignment results and ignore the principle of deliberation. Second, the forms of violations that were found to have an impact on the destruction of the enforcement and promotion of eco-social rights (economic, social, cultural, and environmental) as well as conflicts with rights owners or indigenous peoples / victims. Referring to the findings of the research, the Indigenous Peoples / Victims Forum as a forum for empowerment and aspirations of rights-holding communities, was facilitated to design and carry out a series of non-violent non-litigation advocacy targeted at: 1) Central Government Officials: Presidential Staff Office (KSP) and Coordinating Ministry for Politics, Law and Human Rights (Kemenko Polhukam); and 2) Local Government.

Keywords

Economic, Socio-Cultural Rights, Laws and Regulations, Forest Management Permits, Indigenous Peoples Rights Owners, Ethics-Morals of Public Policy, Non-Litigation Advocacy.

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INTRODUCTION

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Since the issuance of Law No.2 of 2012 concerning Land Acquisition for Development for Public Interest Post Maluku Conflict (1999), the era of land land acquisition with the calculation of compensation value based on NJOP (tax object sale value) has changed based on market prices. The calculation of compensation based on the NJOP refers to the mandate of Presidential Regulation No.36 of 2005, and Presidential Regulation No.65 of 2006 has ended. Since Law No.2 of 2012, the community, nation, and state have entered a new era of land acquisition for development for the public interest by calculating the value of compensation based on the MARKET VALUE instrument. That is, the change in the calculation of compensation value based on NJOP to an era based on MARKET VALUE is a very basic, structural, systematic, patterned, and sustainable change in the history of land acquisition in Indonesia through the phases: land acquisition, replacement, rehabilitation and sustainability reconstruction (Pradhani, 2018).

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This is in line with the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.28/MENLHK/SETJEN/KUM.1/ 7/2018 concerning the Granting Procedures, Expansion of Work Areas and Extensions of Business Permits for Utilization of Timber Forest Products in Natural Forests, Business Permits for Utilization of Ecosystem Restoration Timber Forest Products, or Business Permits for Utilization of Industrial Plantation Forest Timber Forest Products in Production Forests.

It is said that the fundamental, structural, systematic, patterned, and sustainable changes are based on Law No.2 of 2012, because in essence, NJOP is not an instrument of land transactions, but a tax instrument. Through the NJOP instrument, citizens as taxpayers have a formal basis for calculating land and building tax payments to the state. Because NJOP is a tax instrument and not a land transaction instrument, whether we realize it or not, land transaction space with the calculation of compensation value based on NJOP, is essentially vulnerable to a variety of human rights violations of landowners, namely: economic, social, cultural, and spatial or environmental rights (ecosobling), as well as the permanent and sustainable destruction of community social capital (Pradhani, 2018).

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As is commonly understood, the new era of Land Acquisition for Development for the Interest began with the issuance of Law No.2 of 2012 with its Implementation Rules through Presidential Regulation No. 71/2012 and so on, is the era of land acquisition which is marked by the existence of a starting point for calculating the compensation value for land acquisition based on market prices, not NJOP. To provide facilities for the implementation of this Law, so that it runs well and evenly throughout Indonesia as an archipelago with a multicultural pluralistic society during the transitional period, sociocultural the government provides facilities for the transitional period from 2012 to late 2014. This transition period is provided as a facility for projects that have been included in the APBN/APBD in the 2012 to 2014 period which are still allowed to use the basis for calculating the value of compensation based on the old regulation of Presidential Regulation No. 35 of 2005 and No. 65 of 2006, which was based on NJOP. But after that, in the period 2015 onwards, all APBN / APBD projects were considered 100% new projects based on calculating the value of compensation for land acquisition based on market value/price (Pradhani, 2018). It is hoped that the alignment of rights owners - in this case the customary / local communities - is expected to take place consistently in the context of Forest Acquisition based on Minister of Environment and Forestry Regulation No. P.28/MENLHK/SETJEN/KUM. 1/7/2018. Especially with the issuance of Minister of Environment and Forestry Regulation No. P.1/MENLHK/SETJEN/KUM.1/1/2009 concerning Business Permits for Primary Forest Products Industry.

Ironically, Land/Forest Acquisition in the Maluku Region Post-Conflict in 1999 which has a

sustainable multi-disaster impact, is: 1) as reported by Sopamena & Pattiselanno (2018), at the PPA Workshop organized by CoLUPSIA focused on Protecting the Rights of Indigenous Peoples in Conducting Economic, Social and Cultural Activities; 2) Marsaoly (2020) in his research on the Land Acquisition and Alternative Land Conservation "Dusung System".

Sopamena & Pattiselanno (2018) noted that Seram Island as the island which has the largest land area in Maluku Province ($\pm 18,625 \text{ Km}^2$) has now experienced changes in land use for various purposes. In the future, land use planning will be very important in this area and in the preparation of a land use planning requires a general good understanding of the key issues. For this understanding to be achieved, collaboration between various parties is required to enable the parties to share resources, knowledge, and expertise. This understanding helps policy makers formulate the most appropriate land use planning, prepare for change, and can deal with the uncertainties that cause it.

Since 2012, CoLUPSIA activities have focused on analyzing and modeling spatial data as well as social and environmental data. In connection with the PPA (Participatory Prospective Analysis) workshop, CoLUPSIA has conducted a three-stage workshop involving 23 stakeholders (government, community, companies, academics, and NGOs) to jointly develop future land use planning in Seram Island, Central Maluku Regency. This workshop used a Participatory Prospective Analysis (PPA) approach. The PPA workshop series resulted in a better understanding from the parties about the future of land use and the development of various land use scenarios.

Meanwhile, Marsaoly (2020) noted that: Conflicts and Disputes on Forest and Forest Products in a forest area by the government, businessmen, and community rights in accessing natural resources and land ownership have resulted in tensions and resulted in increased forest degradation. Conflicts that occur in forest areas so far occur due to main problems, among others, due to the dualism of "land systems, namely the land system regulated in the Agrarian Law and in the Forestry Law, as well as the land tenure system according to the government and the community."

Also, the determination of land use is generally based on the characteristics of the land and its environmental carrying capacity. Land is part of a landscape, which includes the physical environment including climate, topography / relief, soil hydrology and natural vegetation, all of which will potentially affect land use. In general, land (land) is defined as a physical environment that includes soil, climate, relief, hydrology and vegetation, where these factors affect their potential use, including the results of human activities, both in the past and the present. , such as reclamation of coastal areas, deforestation, and adverse effects such as erosion and salt accumulation.

Alauddin et al., (2020) Mongabay, reported that when trying to maintain customary forests, Sabuai residents were entangled in the law (Alauddin et al., 2020). He stated that.

- The indigenous people of Sabuai on Seram Island, Maluku, who tried to defend their forest are facing the law. About 26 residents were secured by the police; two people became suspects. Now, all the indigenous people had returned to their homes, and two suspects were obliged to report.
- The 26 indigenous people of Sabuai State were arrested by the Werinama Police, Monday (17/2/20). Previously, they were policed by CV Sumber Berkat Makmur (SBM) with accusations of blocking and destroying company-owned equipment.
- The residents asked the Maluku Government to immediately close down the company that had been suspected of logging illegal timber in their forest. They worry that when the company continues to operate, the customary forest will be deforested, causing environmental problems.

- Abraham Tulalessy, Chairperson of the Maluku One Blood Foundation as well as an academic at the Ambon Pattimura University, asked the Indonesian government, including the police, to be fair to indigenous people who feel that their rights are being taken away. The indigenous peoples of Negeri Sabuai are part of Indonesian citizens who want to fight for their customary forests.
- Tabaos. through the results of his investigation, reported that: Moluccas Democratization Watch (MDW) Officially Criminalized CV. Sumber Berkat Makmur (SBM) regarding Illegal Logging on Seram Island. It was stated that: "After being busy in public spaces, especially in mass media and social media, the case of alleged illegal logging (illegal logging) by CV. Sumber Berkat Makmur (SBM) in the traditional village of Sabuai Administrative Village, which is masked as a nutmeg plantation, has now received a serious response from Moluccas Democratization Watch (MDW)."

This stagnant situation has continued until now. In fact, the customary, social and cultural owners are aware that the Implementing Party of the License Holder for the Land or Forest Acquisition, is trying to condition the steps taken by law against the Indigenous Peoples. This basically shows that there are acts of violation of the Mandate of Law No.2 of 2012 and its Implementing Rules, that "the Compensation Value conveyed by the Appraisal Party for Land Acquisition is Absolute Value."

Meanwhile it is indicated that the value conveyed to the owner of customary rights only concerns the value of land, without the value of buildings and plants as well as non-physical values. Even the calculated value of land compensation is indicated not based on market value but based on the calculated value below the NJOP. On the other hand, forest, and timber management permit holders in Seram Island, such as CV. The SBM, which was convicted by MDW, shows a conflict between Indigenous Peoples and the Company in relation to the Ecosobling Rights of Ulayat Management.

This fact is part of the behavior of structural violent conflict violations of Economic, Social, Cultural and Environmental Rights (ecosobling) and socio-cultural capital of asset control and access to land/forest resource management, and its implications for Public Policy Ethics by the Regional Government of Maluku Province, and the Central Maluku Regency, as well as related Ministries through the Control of Land / Forest Acquisition Permits with community rights owners (ulayat) relating to the Transfer of Land and Forest functions in the Ulayat Areas of Indigenous Peoples. Typically, this violation is known as Confiscation of Rights to Landowners of Rights or Land Grapng which is carried out deliberately, patterned, and systematically (Stephan & Pathak, 2016).

Many research and studies have discussed the implementation of development project policies in the regions that focus on land/forest acquisition policies and indigenous peoples/victims who are divided into several trends. First, those who look at land/forest acquisition and compensation based on the view that social capital is essential in the process of acquiring, integrating, and releasing land/forest as the core social capability (Blyler & Coff, 2003) as well as the special liberation of indigenous people and their land (Alias & Daud, 2010). There is also a relationship between the rights owner and the land / forest which has philosophical, anthropological, and spiritual meaning because land is a human right (Bahar, 2008). Second, the impact of land acquisition for increasing and improving income distribution, as well as overcoming poverty (Chitiga & Mabugu, 2008). Third, research on the legal basis of land acquisition policies in Indonesia (Stephan & Pathak, 2016). Fourth, the relationship between land acquisition and improving the role of the government in managing land by integrating the parties in land planning (Lindayati, 2002). Fifth, land/forest acquisition is related to the decolonization of political and economic disparities in the community (Stephan et al., 2010); coalition governments

and land holders influence the low standard of compensation (Han & Vu, 2008). Sixth, research on the capacity of state institutions in public land acquisition; mediating conflicts of interest between the parties (Nanang, 2000); land and political conflicts (Ruhulessin, 2021); and land and human rights (Wollenberg & Kartodihardjo, 2010).

These studies have focused on the impact of land/forest land acquisition policies project, relating to the various social conditions of land/forest owners, but few studies have specifically focused on the impact of violations of laws and regulations on land/forest acquisition on enforcement and promotion of economic, social, cultural and environmental rights as well as the ethical implications of public policy (Havel & Zaleczna, 2009). Meanwhile, the conditions for enforcing the ecosobling rights of rights owners and the ethical implications of public policies in the context of violation⁴⁰ of laws and regulations on land/forest acquisition will continue to be a question of **human resource management in the context of "public service relations"**, and cross-disciplinary studies that need to be investigated further in a socio-cultural and ethical manner.

The focus of this study and design of non-litigation advocacy is: "Land/Forest Acquisition Disaster Post Maluku Conflict and Its Impact on Conflict of Ecosobling Rights of Rights Owners and Ethical-Moral Implications of Public Policy." This focus is translated into the following research sub-focuses: (1) forms of violations of the Law and Regulations on the land / forest acquisition of Indigenous Peoples; (2) the background and purpose (why) of the land / forest acquisition policy behavior taking this form; (3) the impact of ecosobling rights of rights owners (customary communities) as well as the ethical-moral implications of public policies; (4) non-litigation advocacy design on the efforts of the Government and indigenous peoples / victims (rights owners) to correct violations¹¹ laws and regulations over the conversion of land / forest acquisition and their impact on the ecosobling rights of indigenous peoples who own the rights themselves.
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Based on the above background, the following research problems were formulated: (1) what are the forms of violations of the Law and Regulations on the Land / Forest Acquisition of Indigenous Peoples; (2) Why do land / forest Acquisition policy products and forms³³ compensation take such forms; (3) what is the impact of land/forest acquisition on the ecosobling rights of rights owners (indigenous peoples) and the ethical-moral implications of public policies; (4) how is the design of non-litigation advocacy on the efforts of the Government and indigenous peoples / victims (rights owners) in¹¹recting violations of laws and regulations on land / forest acquisition and their impact on the ecosobling rights of indigenous peoples who own the rights themselves.
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Starting from the formulation of the problem, the objectives of this non-litigation action research and advocacy are: (1) Identifying and mapping the forms of violations of the Law and Regulations on the Land / Forest Acquisition of Indigenous Peoples; (2) Why does the land / forest acquisition policy product and its form of compensation take such a form; (3) what is the impact of land / forest acquisition on the ecosobling rights of rights owners (customary communities) and the ethical-moral implications of public policies; (4) how the design of non-litigation advocacy on the efforts of the Government and Indigenous Peoples / victims (rights owners) to improve violations of laws and regulations on land / forest acquisition and their impact on upholding and advancing the ecosobling rights of indigenous peoples who own these rights.

Research locations and non-litigation advocacy bases are regency¹¹/villages which are the target samples for land / forest acquisition in Seram Island: Central Maluku, West Seram and East Seram Districts, Maluku Province. The research was conducted in February - May 2017. The activity was carried out in four stages: the first month, focusing on field research; the second month, focusing on processing and analyzing data until drawing conclusions; the third month, concentrating on the process of writing and completing research reports and non-litigation advocacy designs; the fourth month and so on, focusing on the implementation of empowerment activities, critical education,

and intensive advocacy based on the Victim Community.

Land / Forest Acquisition Policy. First, understanding and scope. Article 1 paragraph (3) of the Presidential Regulation (Perpres) Number 65 of 2006 states that "every activity to acquire land is by means of providing compensation to those who release or hand over land, buildings, plants and objects related to land. Land acquisition for the implementation of development for the public interest by the government or regional government is carried out by means of relinquishing or handing over land rights. " Article 3 of Presidential Regulation No. 65/2006 stated that the release or transfer of land rights (article 2) is based on the principle of respect for land rights" (Sembiring, 2016).

According to King, (1996) "land acquisition or relinquishment of land rights as a legal act is an act of releasing the legal relationship that originally existed between the right holder and the land through deliberation to reach an agreement, by providing compensation / compensation to the right holder, so that the land concerned changes its status to state land" (King, 1996). Land in the sense of place has two aspects, namely: in terms of rights (law), and in terms of use (physical) (Sembiring, 2016). On the other hand, to reduce the rate of forest loss, several efforts have been made by the government through responsive policies oriented to save the remaining natural forests. However, in general, these efforts have not been declared effective in addressing deforestation and forest destruction in Indonesia. Because the factors causing land conversion are multidimensional, in controlling the rate of conversion of forest area functions, it is not enough only with a technical and legal approach, but it is also necessary to take a holistic approach, namely a combination of approaches to technical principles, law and environmental ethics (Kunu, 2020). Second, the basis for calculating compensation or compensation is: a) Law No.2 of 2012: Compensation for Land, Plants⁴¹ and Buildings: based on Market Value. Meanwhile, the implementation of policies for changes in designation, changes in functions, and use of forest areas is fraught with violations and irregularities (both procedural and substantial), and the principles of environmental ethics and laws for the preservation of environmental functions are not actualized (Silaen, 2008). In fact, in many cases, according to Siombo (2014), many government officials "play with their eyes" and fall into corrupt practices because environmental (ethical) considerations are not a priority or the main consideration in protecting and deferring¹⁰ the environment. Third, land conflicts and sustainable development. Kombe found in land / forest acquisition for the public interest in Tanzania, that social, institutional, economic and interest processes play a key interaction in generating conflict. The transfer of rights, valuations and compensation that are not transparent can trigger conflict between the state and landowners, and threaten social, economic and peace sustainability, especially the poor. Kombe found three types of conflict over land / forest clearance for public interest, namely: (1) delays or injustice in compensation; (2) poor communication and the absence of landowners; (3) poor government. That land / forest policies must pay attention to poverty alleviation, property rights over land, the impact of tenure and land use, ways to increase control of land / forest areas or tenure security (Deininger, 2005). The roots of urban land conflicts, according to Deininger, lie in land scarcity, increasing urban population, discriminatory laws, high inequality of land access and community economic development.

Human Rights in the Land / Forest Acquisition and its compensation. First, understanding and scope. The conversion of land / forest functions in economic development is related to human rights as standard land acquisition obligations (Sillehu et al., 2018); environmental protection, poverty reduction, and social justice for landowners (Ruiz-Mallén & Corbera, 2013) land, business and human rights relations (Alauddin et al., 2020); as found by Nanang, (2000) that there was violence against the EKOSOBLING rights (economic, social, cultural and environmental rights) of the people affected by the project. Second. victim psychosocial and human rights to land/forest. The psychosocial

perceptions of indigenous peoples/victims of land/forest acquisition and the impact of their compensation on ecosobling rights and the ethics and morals of public policies have three theoretical concepts. a) Loss Aversion: the factor in which individuals and / or groups feel that the loss of land / forest rights is always greater than the benefits they get (Tversky & Kahneman, 1991). b) Endowment Effect: related to the attitude of individuals or groups who usually ask for more compensation to release what is rightfully theirs than the amount they have to spend so that their lives are better (Zhang & Fishbach, 2000). c) Status Quo Bias: landowners will face problems related to feeling comfortable with their current conditions, either physically - spatially, socially, culturally or psychologically (Samuelson & Zeckhauser, 1988).

Ethics-Morals of Public Policy. First, Definition and Scope. Several definitions of the Ethics-Moral of Public Policy, among others: (a) the factors causing the land / forest acquisition are multidimensional, so controlling the rate of land / forest acquisition is not sufficient only with a technical and legal approach, but it is also necessary to take a holistic approach, which is a combination of technical, legal, and ethical principles approaches (Ruhulessin, 2021). Oding Affandi, quoting Irland, said that: The points of deep ecology action emphasize the use of natural resources in a more meaningful and profound way and provide a strong ethical-moral foundation as the basis for why humans have an obligation to protect and protect the environment including land / forest area. Protection of land / forest is an effort to protect themselves. The earth is a complex adapted system that can adapt itself in the face of change, especially changes caused by humans (Lindayati, 2002).

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Meanwhile, Eco-centrism, which is a continuation of the biocentrism environmental ethical theory (this theory considers every life and living thing to have value and value to itself). As a continuation, eco-centrism is often simply confused with biocentrism, because of the many similarities between these two theories. These two theories break the anthropocentrism viewpoint (an environmental ethical theory that views humans as the center of the universal system) which limits the application of ethics only to the human community. Both broaden ethical applicability to encompass a wider community.

Ethical eco-centrism is extended to encompass the entire ecological community. So, this is different from biocentrism which only focuses ethics on biocentrism (on life as a whole). Eco-centrism focuses ethics on all ecological communities, whether living or not. Ecologically, living things and other abiotic objects are related to one another. Therefore, moral obligations and responsibilities are not confined to living beings. The same moral obligations and responsibilities apply to all ecological realities. One version of this theory of eco-centrism is the theory of environmental ethics which is currently popularly known as Deep Ecology (DE). As a term, Deep Ecology was first introduced by Arne Naess, a Norwegian philosopher, in 1973, where the moral principles developed concern the entire ecological community (Hidayat et al., 2018).

In a deep ecology perspective, this society views the continuity of life and its natural existence as a combination of visible and invisible factors. A conception that fits with the deep ecological action map is a deeper ecological view. Ecological views and actions rely not only on biophysical symptoms, but prioritize ethics and morals (Diprose & Azca, 2020).

RESEARCH METHOD

Data Collection Methods and Procedures. This research used an action research method with a qualitative approach that aims to seek and find a comprehensive understanding, interpretation of meaning, and contextual understanding of "ecosobling rights and public policy ethics" in the context of social processes and interactions through "violations of laws and regulations on land / forest acquisition" in Maluku Province. Action Research:

a) as social research, is carried out by a research team consisting of professional researchers with members of an organization or local community, with the function of improving the local community situation or social change. b) Action research emphasizes participation or democratic relations between professional researchers and communities in the research process, as well as encouraging collective action towards social change that is satisfactory to all stakeholders. c) Through action research, professional researchers and the basic community together formulate problems to be tested and solved, produce relevant knowledge to solve problems, learn and produce joint social research techniques, and take concrete actions and actions (Lindayati, 2002).

Referring to the action research method, a Methodological Flow of Non-litigation Study and Advocacy Design was designed as shown in Table 1.

Table 1.

Flowchart of Study Methodology (research) and Non-Litigation Advocacy Design

CONSOLIDATION, ACTION RESEARCH, PREPARATION OF REPORTS	EDUCATION OF CRITICAL AWARENESS AND CAPACITY EMPOWERMENT OF RIGHT OWNER COMMUNITY	NON-LITIGATION ADVOCACY AND RESPONSIVE OF ETHICS-MORAL OF PUBLIC POLICIES
<ul style="list-style-type: none"> • Establishment and Consolidation: <ul style="list-style-type: none"> ◦ Baseline Team & Action Research ◦ Education Team ◦ Empowerment ◦ Advocacy and Networking • Implementation of Victim / Customary Community-based Action Research <ul style="list-style-type: none"> ◦ Establishment of the Communication Research Team ◦ Collection of Data & Facts ◦ Preparation of reports • Preparation of a Grand Design for Non-Litigation Advocacy and Schedules with a snow-ball process scenario • Division of Duties and Responsibilities of the Education, Empowerment & Advocacy Team 	<ul style="list-style-type: none"> • Education and critical awareness campaigns for indigenous peoples and advocacy communities • Preventing the greatness of the masses and managing the expression of aspirations for human rights non-violence (critical-dialogical) • Road show education, empowerment and capacity building of Forum residents: <ul style="list-style-type: none"> ◦ Door to door approach, communication and cultural dialogue ◦ Orban community cluster node • Consolidation of activity progress and implementation of critical re-education to advocacy base groups 	<ul style="list-style-type: none"> • Hearing & Advocacy Non-Litigation to: <ul style="list-style-type: none"> ◦ Regional Legislatures of Central Maluku, West Seram, North Seram, East Seram ◦ Governor of Maluku ◦ Maluku Provincial Legislatures ◦ Deputy III of Menkopolhukam ◦ Related stakeholders • Internal empowerment and sustainable non-litigation advocacy conciliation according to conditions and needs

Data and data sources. Qualitative data is data related to categorization, characteristics of questions or in the form of words. This data is usually obtained from interviews and is subjective because the data is interpreted differently by different people (Sembiring, 2016). Qualitative data is in the form of descriptive, in the form of spoken or written words about human behavior that can be observed (Diprose & Azca, 2020) and can be divided into three types (Ruiz-Mallén & Corbera, 2013), namely: 1) Observation results, which are detailed descriptions about situations, events, interactions, and behaviors observed in the field; 2) The results of the conversation, which are the direct quotes from people's statements about their experiences, attitudes, beliefs, and thoughts in the in-depth interview opportunity; 3) Written materials, which are excerpts or entire documents, correspondence, records, and case histories. Qualitative data sources. According to Hidayat et al., (2018), the main data sources in qualitative research are words and actions. The rest is additional data such as documents and others. "With qualitative data, researchers can follow and understand the flow of events chronologically, assess causation within the scope of the minds of local people, and obtain many useful explanations" (Wollenberg & Kartodihardjo, 2010).

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Data Collection Techniques and Procedures. Data collection techniques and procedures are based on the principles of phenomenology as a qualitative research method, do not use hypotheses in the process, and do not initiate and do not aim to test theories. Data and data collection procedures through interview techniques, group discussions (FGD), documentary studies, observation and design of action plans.

Data Analysis Procedure. The data analysis approach and procedure use the approach proposed by Lindayati, (2002), that the qualitative data analysis procedure consists of three streams of activities that occur simultaneously, namely: data production, data presentation, and conclusion/verification. Qualitative data analysis was carried out interactively and continued to completion, so that the data was saturated (no more data or new information was obtained from existing data).

Data Checking. Data checking focuses on two main points: criteria and techniques. *Criteria.* The validity of the qualitative data was based on four criteria: (1) credibility (degree of trust); transferability (transferability or contextuality); (3) dependability; (4) confirmability (certainty). *Data checking techniques.* First, on the credibility criteria, the techniques are: 1) participation extension (data confidence level), 2) observation persistence, 3) triangulation (through other sources), 4) peer checking (peer discussion); 5) reference adequacy; 6) negative case studies; 7) checking the members / research team; Second, the transferability criteria, which are carried out by using 8) detailed descriptions; Third, the criteria of dependability and certainty, which are carried out by using 9) dependency auditing techniques, and 10) certainty.

FINDINGS

General description. Primary data study techniques were used to answer Sub focus (objective) Research 1 which was sourced from (a) direct information on rights owners, (b) results of legal studies of several experts who examined the basis for land acquisition through Law No. P.28/MENLHK/SETJEN/KUM.1/7/2018 along with the Implementation Rules. In answering Research Sub Focus 2, which was still closely related to Sub Focus Research 1, a series of interviews and focus group discussions (FGD) were used, which were also used to answer Sub Focus Research 3 and 4 at the same time. The FGD data were obtained from a series of discussion groups with victim communities (rights owners). Interview data of key figures were obtained from members of the Community Forum for Victims, Village / Sub-district officials, as well as PPK (Land / Forest Management Commitment Making Officials) and Land/Forest Acquisition Permit Holders. The observational data were obtained through the direct involvement of the research team in observing spatial conditions related to activities, events, incidents, objects, social

atmosphere and emotions of residents affected by land / forest acquisition activities.

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24. Search Findings. First. Violation of Laws and Regulations on Land Acquisition and the Republic of Indonesia's LHK Ministerial Regulation No. P.28/MENLHK/SETJEN/KUM.1/7/2018 concerning Land Acquisition.

1. Violations of Inventory and Identification

The findings of violations of the inventory and identification implementation are as follows:

- Inventory and identification findings through Field Map and Nominative List data of rights owners prove that violations of laws and regulations are **predominantly visible in Nominative List versus Field Map documents**, especially data on customary forest areas (*petuanan*), buildings, and plants. The omission of patterned violations of laws and regulations proves that: (a) there has been **a violation of the authorization and work professionalism of the Implementing Party for the Land / Forest Acquisition**; the follow-up is on (b) **violations of the substance and quality of the Executor's work products** in the form of field maps and nominative lists which **objectively the rights owners complain about**.
- The findings of field facts prove that the Inventory and Identification Implementers are not trying to protect themselves and their work in order to produce a Field Map and a Nominative List of Land/Forest Acquisition with an Official Report that is jointly signed by: Implementing Party (officer), Land / Forest Owner / Plants / buildings witnessed by Village / Sub-district officials as legal documents that protect the professionalism and quality of their work products. Violation of these rules and laws proves the ineffective work coordination relationship between the Inventory and Identification Team and the Appraisal Team (Independent Appraisers relating to the Value of Land / Forest / Plants / Buildings, either Physical / Material, or Non-Physical / Material)
- Various facts and data on violations during the Inventory and Identification phases have proven to have a destructive impact in the form of continuous violations in the following steps, namely the implementation of the Calculation of the Value of Compensation for Physical and Non-Physical by the Appraisal Agency. In fact, Land / Forest Acquisition Compensation Value based on Companies / Investors Holders of Land / Forest Acquisition Permits does not have the same Compensation Standards as Law No.2 of 2012 with Market Value-Based Appraisal Implementers, and not NJOP.

2. Indemnity Assessment Violation

The findings of the implementation³² of assessment work by the Appraisal Agency recruited by the Implementing Party (Ministry of Public Works, PERA, for Land and Ministry of Environment and Forestry) prove the existence of violations of laws and regulations as follows:

- At the PERA Ministry of Public Works, almost 100% of the Indemnity Assessment carried out by the Independent Appraisal only focuses on the appraisal of land objects. Substantially, it is proven that this action ignores the calculation of the value of buildings and plants and other values deemed appropriate, which should form an integral part of the responsibilities of the Appraisal Party: land, buildings and plants. Therefore, the findings of the amount of Fair Indemnity Value of all land owners presented at the Deliberative Forum proved to be focused on the physical

value of land and based on the calculation of compensation under the NJOP. Meanwhile, the Ministry of Environment and Forestry fully submits the problem of Calculation of Indemnity Value and Implementation of Indemnity for Ecosobling Rights of Indigenous Peoples of Rights Owners to Investors / Companies holding Land / Forest Acquisition Permits. Also, there is no National Standard Reference in accordance with National Public Policy Products for that. Therefore, the potential for Conflict on the Land / Forest Acquisition is very Vulnerable and even becomes an Open Conflict.

- At the same time, the implementation of the indemnity assessment by the Appraisal Party **was inconsistent, referring to the results of the inventory and identification work in the form of field map data and nominative lists** produced in the previous work phase by the work of the BPN Party (Satgas A and B). This is evident from the document data of Forum Deliberation I and II, when compared with the Field Map and Nominative List produced by Task Force A and Task Force B (BPN). This proves, not only technical negligence, but violation of laws and regulations. This is because the results of the Inventory and Identification Work by Task Force A and B are formally submitted in the form of MINUTES to the Implementing Party. The Implementing Party is responsible for submitting this important document to the Appraisal Party, so that the Appraisal Party will not violate the work authority as an independent appraiser without referring to the work results of Task Force A and B in the form of Field Maps and Nominative Lists.

3. Violation of Implementation of Deliberation

The findings of violations of the implementation of the Deliberation are as follows:

- The findings of field data prove that in the **Deliberation Forms of Compensation Minutes Document Format** per right owner, it is evident that the physical value, non-physical value and their accumulation become Fair Compensation Value, which has not been implemented properly. This fact proves that the deliberation mechanism legally, substantially and operationally violates the principles of land / forest acquisition, both according to the mandate of Law No.2 of 2012 and the Republic of Indonesia's LHK Regulation No. P.28/MENLHK/SETJEN/KUM.1/ 7/2018
- The findings of data and field facts prove that, even based on the Indemnity Deliberation Rules, a) according to Law No.2 of 2012: **Fair Indemnity Value** as a Result of Appraisal Team Work is an **absolute price and cannot be contested or there is no room for the implementation of the bargain** b) while according to the Republic of Indonesia's LHK Regulation No. P.28/MENLHK/SETJEN/ KUM.1 /7/2018 in fact submitted to the Subjectivity of Investors / Licensing Companies and the National Loss Indemnity Standard is not yet available. This condition is the structural root of the conflict on Indigenous Peoples' Rights and the ethical-moral implications of public policies.

Second, the Impact of Ecosobling Rights and Social Capital of Right Owners has a psychosocial impact on upholding and advancing the rights of rights/land owners in relation to 4 (four) aspects of the community life of Rights / Land Owners:

1. **Social Capital Impact.** The behavior of the implementation of land/forest acquisition by the executing party (investors / companies holding permits for the land/forest acquisition), is proven:
 - This factually raises the division of the community that owns the rights.
 - Rights-holding communities are divided between: (a) groups that are open to and

- accept negotiations and (b) groups that refuse and are not willing to negotiate.
- Suspicion and conflict between family members and / or indigenous-community groups, because they are divided between those who are willing to accept and reject the recognition of the existence of indigenous and *ulayat* communities as sovereign ethnic, social, cultural, and ethical-moral in public policies.
2. **Economic Impact.** Behavior of Land Acquisition Implementation by Implementing Parties, proves that:
- Calculation of Indemnity Value that does not match the National Objective Standard Value which is supported by the Independent Appraisal Result mandated by the State, and the length of time for settlement of the indemnity value results in the citizens who have rights being increasingly depressed, by the Subjective Treatment of Investors / Companies that Hold Land / Forest Acquisition, while the market value land, forests, buildings in the place of origin of rights holders have continued to develop over the last decades. Seeking land, customary land and rebuilding a new future in the same place is uncertain as it can lead to levels of traumatic and psychosocial depression for customary landowners. Primarily they are from a weak economic class who depend on land, forest, spatial planning, houses and / or gardens that are small and sufficient for subsistence life. Moreover, land, forest, communal land, buildings and generations are inheritances that are not allowed to be traded or converted psychosocially-culturally.
3. **Environment.** The Behavior of the Implementation of the Land/Forest Acquisition by the Implementing Party, proves that:
- Rights owners feel the threat of inconvenience due to new and uncertain spatial and environmental changes. Structurally forced due to state and regional public policies, they must adjust the choice of a new location by force (a form of structural, social and cultural violence).
 - Landowners and family communities fear changes that are beyond the ability of families and communities to control. Give up in fear. Potential roots of social anger.
 - Rights owners feel the threat of being separated from the environment, spatial planning and layers of generations that have been conditioned for decades, even generations of inheritance ownership as residential areas (*ulayat*), housing and future generations of big island indigenous peoples (Seram, Buru etc.) and islands. (Aru etc.)
 - Landowners who have been living in heritage residential areas for generations, are now facing land/forest acquisition by investor/company interventions, by obtaining permits to land / forest acquisition, based on local / national public policy products (ethics-moral).

Third, the Design of the Non-Litigation Advocacy Plan.

Based on the research findings described above, a non-litigation advocacy framework was designed by indigenous people/victims of rights owners through the FGD forum with the following results.

Table 2.

Action Plan for Critical Awareness Education and Non-Litigation Advocacy

No.	ACTION PLAN PHASE	OBJECTIVES	TARGETS	PIC
EDUCATION OF CRITICAL AWARENESS AND CAPACITY EMPOWERMENT OF INDIGENOUS AND PUBLIC COMMUNITIES				
1.1.	Education and critical awareness campaigns for advocacy-based communities and communities	Conducting education and critical awareness campaigns for basic communities so that advocacy behavior is nonviolent, efficient and effective	A Community Base has a critical awareness in non-litigation advocacy work	<ul style="list-style-type: none"> • Community Team • Co-consultant / facilitator
1.2	Prevention of mass violence and managing the expression of non-violent human rights aspirations	Develop a framework for preventing mass violence and manage the non-violent expressions of human rights aspirations	There is a framework for preventing violence & non-violent expression of human rights	<ul style="list-style-type: none"> • Community Co-consultant / facilitator
1.3	<ul style="list-style-type: none"> • Road show for education, empowerment and strengthening of the capacity of community members: <ul style="list-style-type: none"> ◦ Door to door ◦ Victim community cluster node 	Implementing critical awareness education efforts, empowering and strengthening the capacity of community members in a patterned and periodic manner	<ul style="list-style-type: none"> • Community members who: <ul style="list-style-type: none"> ◦ have Critical awareness ◦ are Independent ◦ are Proactive ◦ have Personality 	<ul style="list-style-type: none"> • Community Co-consultant / facilitator Network
1.4	<ul style="list-style-type: none"> • Consolidating activity progress and carrying out critical re-education to Base Communities. 	Carry out reviews and work design reformulations in accordance with the progress of advocacy activities	Available factual data and information that can be accessed as potential advocacy	Community Team
NON-LITIGATION WITHOUT VIOLENCE ADVOCACY IN ENFORCING ECOSOBLING RIGHTS AND BUILDING A SOCIAL CAPITAL NETWORK				
2.1	<ul style="list-style-type: none"> • Audience & non- 	Carrying out a series of patterned,	An advocacy hearing was held	<ul style="list-style-type: none"> • Community

	<p>litigation advocacy to various related parties (stakeholders) at the Regency, Provincial and Pusa levels</p>	<p>systematic and efficient non-litigation hearings and advocacy to relevant stakeholders as a form of consolidation of social capital</p>	<p>to</p> <ul style="list-style-type: none"> • Regency Legislatives • Provincial Legislatives • KSP • Provincial/Regional Government • Deputy III of Polhukam Party of land / forest acquisition 	<ul style="list-style-type: none"> • Co-consultant Partner Network •
2.2	<ul style="list-style-type: none"> • Internal empowerment and consolidation of Sustainable Non Litigation Advocacy 	<p>Consolidating internal empowerment on an ongoing basis based on advocacy progress</p>	<p>Organized sustainable education & empowerment</p>	<ul style="list-style-type: none"> • Community Coordinator and Fas Team • Co-consultant
2.3	<ul style="list-style-type: none"> • Development of social capital as well as ethical-moral advocacy of network-based non-litigation public policies 	<p>Developing and empowering community social capital and ethical-moral public policies based on local, regional and national community networks to strengthen non-litigation advocacy</p>	<p>Through roles of:</p> <ul style="list-style-type: none"> • Cross-community resource persons • Facilitator across communities • National resource persons at the relevant ministries / agencies 	<ul style="list-style-type: none"> • Coordinator and member of Community Consultant & Co-Facilitator Representation of Network Actor •
2.4	<ul style="list-style-type: none"> • Writing Books (lessons learned) as a reference for Public Education 	<p>Documenting advocacy experiences in the form of a public education reference book and public policy ethics</p>	<p>There is a book of track records of advocacy work and ethics and morals of public policies as a reference for public education</p>	<p>Customary Community / Victim</p>

4. **Culture.** The Behavior of Land/Forest Acquisition Implementation by Implementing Parties, proves:

- Indigenous Maluku communities are very strong with kinship and brotherhood relationships based on traditional, customary, and generational villages, which are now threatened with separate cultural, territorial and generational relations between families, religious-based community ties (local congregations), customs and customs that are not can be valued or replaced with compensation money.
- Particularly in the area of Indigenous Peoples in Maluku, customary owners are reluctant to move and join a heterogeneous cultural environment outside of customary lands, and do not guarantee a sense of socio-cultural and psychosocial comfort in Maluku when choosing a new place to live.

DISCUSSION

Violation of Laws and Regulations on Land / Forest Acquisition. The research found concretely that the form of violation of laws and regulations on procurement and conversion of land / forest acquisition is at the following stages: a) *inventory and identification in the form of nominative lists relating to data on land, forest (ulayat), buildings, and plants that are not appropriate with the fact of communal ownership by right owners.* b) in addition to Law No.2 of 2012 concerning Land Acquisition, the Republic of Indonesia's LHK Regulation No. P.28/MENLHK/SETJEN/KUM.1/7/2018 etc., do not have: National Objective Standards for Land / Forest Acquisition Indemnity Assessment, National Independent Officials/Institutions Mandate Nation Public Policy, as Independent National Appraisal to conduct Appraisal and guarantee the work results and performance of the Appraisal according to the Standard Objective Value. c) Do not allow the whole process of determining the compensation value for the change of function of land / forest for customary communities to be carried out subjectively by investors/companies holding land / forest acquisition permits (crime by Omission and / or Crime by Commission). Crime and Violence due to omission and / or intentions having implications on the Ethical-Moral crisis of Public Policy Products and Public Officials.

The findings of the study show the failure of the state at 3 levels of function: 1) *minimal function* through the provision of public goods and services: defense, law, property rights, public policy ethics and improvement of social welfare and protection of the poor, the indigenous people (double victims); 2) *medium function* of overcoming regulatory monopolies in overcoming development barriers; 3) *activist function* by coordinating private activities by improving equality and justice. The relationship between the enforcement of ecosobling rights and social capital of indigenous peoples with the effectiveness of ethics-moral performance of government public policies in accordance with the laws and regulations for the transfer of land / forest functions is necessary for the quality of governance, as well as encouraging equal distribution of the quality of human resources for indigenous / local communities and economic growth.

Therefore, the research findings clearly found that: Parties (especially Investors / Entrepreneurs) Implementing the Land / Forest Acquisition must be sensitive and responsive to the failure of deliberations to determine objective standard values and indemnity procedures for the acquisition of land/customary forest which are vulnerable to structural conflicts (community resistance). In this context, strengthening the capacity of the state / government according to Wallis & Dolerry are through the following factors: institutional capacity, technical capacity, administrative capacity, and political capacity (Wallis & Dolly, 2001) to be important and strategic. In fact, human rights and social capital should be used as tools for public policy. Being sensitive and responsive to

the failure of deliberations to determine the value of indemnity involves indigenous communities who own customary rights. According to Wallis & Dollery (as quoted earlier), to overcome the "state incapacity" (a country that lacks authority, ethics and morals), an analytical framework is needed that integrates the paradigm of government failure with its top-down" with the paradigm of "Ecosobling Rights and Social Capital of Customary Community" which emphasizes its bottom-up approach.

Impact of Ecosobling Rights and social capital of victim communities.

The research findings concretely provide an illustration that it is proven that the Unilateral Violation of Law and Regulations on Land/Forest Acquisition Based on Land/Forest Acquisition Permits by Investors / Entrepreneurs, which has had a serious impact on the destruction of Economic, Social, Cultural and Environmental and Spatial Rights, and integrated into the Social Capital of Indigenous Peoples/Victims of Customary Rights Owners. Marsaoly (2020) realized that managing Ecosobling Rights and Social Capital will always be faced with various conditions such as income inequalities at the community, network, group and individual levels at the same time, which must be managed in a systemized manner. The enforcement and promotion of Ecosobling Rights will have a very strong correlation with the restoration of the destruction of the Social Capital of Victim Communities: social relations, cohesion, integration and social networks.

Design of a Non-Litigation Advocacy Plan. As shown in Table 2, the Design of Action Plans as a result of the formulation of the aspirations of rights owners as a source of Action Research, takes the form of: a) Critical Awareness Education and Empowerment of Community Capacity of Indigenous Peoples and the Public; b) Non-Violent Non-Litigation Advocacy in Upholding Ecosobling Rights and Building Social Capital Networks, as well as Ethics-Moral Public Policy. The design of the Non-Litigation Advocacy Action Plan is a form of structural and horizontal conflict resolution in the context of Violation of Laws and Regulations on the Land / Forest Acquisition, as well as Enforcement and Promotion of Ecosobling Rights, and Restoration of the Destruction of Social Capital Rights Owners (victim community), as well as Ethics- Moral of Public Policy.

Han & Vu, (2008) argued that legal empowerment of the poor in the context of land / forest acquisition conflicts should be the main focus in understanding the relationship of "rights of the poor to land / forests" in "The context of the Millennium Development Goals-MDGs." Preventing and avoiding the destruction of Ecosobling rights and social capital of indigenous peoples / victims which have ethical-moral implications in the context of Violation of Laws and Rules for the Land / Forest Acquisition places the relationship between property rights, land rights, and poverty reduction as well as rights to land / forests and capital social rights as human rights and fundamental human social capital, as well as the importance of security over communal land / forest that is owned (tenure security), especially dignity, material and non-material security, social and culture (social and cultural relations of citizenship). The right to land / forest as a human right and social capital is related to the responsibility of upholding and promoting ecosobling rights over ulayat (land / forest and environment, spatial planning and human generation) through the protection of human rights systems for land / forest owned as the basis for building the socio-cultural capital of indigenous peoples and rights owners. In this context, the moral ethics of Public Policy Products and Public Officials get a place and direction for the service work of the state and its nationality.

CONCLUSION

(1) It is evident from the research findings that violations of the Law and Regulations on the Land / Ulayat Forests Acquisition of Indigenous Peoples, with the main actors in government ranks (public officials and public policy) from the Ministry of Public Works, PR, Environment, Forestry, and local governments through Investors / Holders Permit for Land

/ Forest Acquisition, has legitimized the basis for calculating compensation or "compensation for non-objective compensation value (outside and/or without national objective standards) and outside market prices, as mandated for example ³⁰ Law No.2 of 2012 and its implementing regulations". This is also specifically related to the Republic of Indonesia's LHK Regulation No. P.28 / MENLHK / SETJEN / KUM.1 / 7/2018 etc. This shows the face of public policy characterized by domination of power and government repression through the hands of investors / entrepreneurs holding land / forest acquisition permits. (2) The research findings prove the misuse of field maps and nominative lists, calculating the value of compensation outside market prices, non-transparent deliberation forums for rights owners, and coercion and violence seizure of indigenous peoples' land (ulayat) owners through police officials for the results of the deliberation that violate Laws and Regulations on land / forest acquisition; (3) It is evident from the results of research that Violation of Laws and Regulations on the Land / Forest Acquisition through Tenure Permits and Land / Forest Acquisition to Investors / Companies, has a serious impact on the destruction of Ecosobling Rights and the destruction of the Social Capital of the Victim Communities, and has ethics-moral implications of Public Policy Performance and Public Officials (National and Regional). In fact, this has become a source of vertical and horizontal violent conflict and terror from the management of land, forest, environment, and space of indigenous peoples' customary planning. (4) It is evident from the research findings that the form of efforts to overcome violations of the Law and Regulations on Land Acquisition and the destruction of Ecosobling Rights and Social Capital of Victim Communities, and have Ethical-Moral Implications for Public Policy, have been manifested in the Design of Action Plans for Critical Awareness Education and Non-Violent Non-Litigation Advocacy.

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Land/Forest Acquisition After the Maluku Conflict, Its Impact on Ecosobling Rights Ownership Conflict of Rights Owners and Ethics-Moral Implications of Public Policies

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31 Abstract

This research aimed to understand the occurrence of the Natural Resource Conflict Disaster and its consequences for the Mediation of Indigenous Peoples as the Legal Subjects of Cultural-Ethics-Leadership ¹¹ed Ulayat Rights Ownership in "Negeri Raja-Raja" through the Performance of Public Policy Management. This research used a qualitative approach with a phenomenological method (the actor's conscious experience). The data collection applied in-depth interviews, observation, documentary studies, FGD, and advocacy design through Mediation. The results of the research proved that there has been a Natural Resource Conflict Disaster in Maluku and its consequences for the Need for Mediation of Indigenous Peoples as Legal Subjects of Cultural-Ethics-Leadership Based Ulayat Rights Owners in the Performance of Public Policy Management ²⁶irst, it is evident that the natural resource conflict disaster is in a form of: 1) Conflict of Interest Control and Management of Natural Resources; 2) Ignoring the Position of Indigenous Peoples as Constitutional Legal Subjects related to Politics and the Creation of Resource Curse on Legal Subjects. Second, the form of Interactive Problem-Solving Mediation through the Cultural-Ethics Leadership-based Joint Problem-Solving Team in the " Negeri Raja-Raja" is through the Performance of Public Policy Management and Public Official Behavior, for the realization of Justice and Structural Peace, and Integrity of Creations in Disaster Management for Natural Resources Conflict and Politics Curse Resources. Referring to the findings of the study results, the Indigenous Peoples / Victims Forum as a forum for empowerment and aspirations to strengthen the capacity of rights-holding communities is facilitated to design and carry out a series of non-violent non-litigation advocacy through interactive problem-solving mediation targeted at Central and Regional Government Officials.

Keywords

Indigenous Community Mediation, Cultural-Ethics Leadership, Performance of Public Policy Management.

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On February 28, 2018, via Mongabay Media, **Nurdin Tubaka** (Tubaka, 2013a) reported that: "The efforts of Indigenous Peoples to defend their living space are tough. One of them is seen in Negeri Sabuai, Pematang Siwalalat District, East Seram Regency (SBT), Maluku. People of the Sabuai Indigenous Peoples who tried to defend their customary forest resources were in conflict with the law. About 26 Sabuai residents were arrested by the police, and two people were named as suspects. The 26 residents of the Indigenous Peoples of Negeri Sabuai were arrested by the Werinama Police (Media Tabaos, 2018). Previously, they were reported to the police by CV. Sumber Berkat Makmur (SBM) on charges of interception and destruction of company-owned equipment. Based on data compiled by Mongabay, dozens of these residents were actually protesting against the encroachment of customary forests and the alleged logging in the Gunung Ahwale customary forest by this company.

"They persist and keep breaking through our customary forest. This action was solely to defend the rights to forests and mountains that were confiscated by the company. The forest is very sacred. There are graves of our ancestors there, even that location is the old village of the Sabuai residents," said Niko Ahwalam, Saniri Chairman of Negeri Sabuai in a release received by Mongabay, Saturday (22/2/18).

Whether we realize it or not, the Performance of Government Management and Development of Maluku Province predominantly puts forward the Security Approach as seen through the *State-Security Intervention Model* with all its characteristics and consequences. Meanwhile, the *Human Security Intervention Model and Security of the People*, especially Indigenous Peoples, are neglected. If we don't want to say that the presence of the state through State Security Intervention, Human Security and Security of the People in a comprehensive and integral manner, it has not been fully materialized and experienced and felt by Indigenous Peoples in natural resource conflicts. This is especially in the context of Provincial Government Management and Development (Negeri Raja-Raja) Maluku which is in touch with the existence of Indigenous Peoples, in realizing the Philosophical, Spiritual, Ethical and Moral Commitment to Ecocentric, Civilization and Human Rights that Maluku culturally and in local wisdom is "NEGERI RAJA-RAJA".

AKBP Adolof Bormasa, Head of the East Seram Police, when contacted by Mongabay, Sunday (23/2/18) said that the Werinama Police did not detain dozens of residents. The police, said Adolof, only interrupted the protests which almost ended in clashes. "The police did not arrest them. Instead, the police tried to intervene with the residents who took the action. We anticipate this so that there will be no clashes between residents and workers in the company," he said, although it was clear that two residents were arrested and named as suspects. Regarding the two residents who were suspects, Adolof also confirmed. According to him, the two residents, Stefanus Ahwalan and Khaleb Yamarua, were detained because they were proven to have committed crimes against company property. *"Yes, right, now they have been named as suspects for destroying other people's valuables. I can also be policed if I accidentally damage your belongings."* he said, exemplifying.

Hatuari, a resident who had been detained by the police, asked reporters that Komnas HAM could pay attention to their case. Hatuari also asked the Maluku Government to immediately close down companies that had been suspected of illegally logging timber resources (without the permission of the Customary Law Community) in their customary forests (Ulayat). *"We ask the government to immediately close down the activities of CV Sumber Berkat Makmur,"* he said, while mentioning that the company owner should also be detained. They were worried that if the company continues to operate, the customary forest will become deforested, causing environmental problems. *"During the rainy season, landslides and floods come. Our settlement is at the bottom of the mountain. Landslides can hit our settlements if the logging process is still ongoing."*

Nurdin Tubaka (Tubaka, 2013a) further stated that: **Abraham Tulalessy**, as Chairman of the *Satu Darah Maluku* Foundation, who is also an academic at the Ambon Pattimura University (Unpatti), told

Mongabay, (Tubaka, 2013b), to ask the police to be observant about the cases in Sabuai State, as cause-and-effect law. This means that before accusing the 26 residents of Sabuai with criminal charges for destroying company property, they must first look at the case. The indigenous Sabuai people, said Tulalessy, were also victims. “*Companies also have to be processed. This is due to cause and effect. Supposing, I hit someone, he hit me back. By chance the police came and saw that someone was beating me, they then arrested him, without finding out the real problem,*” he said, exemplifying. The Indonesian government, including the police, he said, must be fair to Indigenous Peoples who feel that their rights are being taken away by force and are full of violence. The Indigenous Peoples of Negeri Sabuai are part of Indonesian citizens who want to fight for their customary forests.

Talking about Amdal, this Doctoral graduate of IPB in the field of Natural Resources and Environmental Management suspects that the company has a permit, but for nutmeg plantations or other things. Based on their data, from the location permit issued by the Regent of Central Maluku number 528/64/2018, Indigenous Peoples were reluctant to target 1,183 hectares of the Nutmeg Commodity Type in Sabuai Village, Siwalatalat District, as a target and victim of land/forest acquisition. Therefore, the action of the Sabuai Indigenous Peoples was nothing but an act of defending their customary forest (ulayat).

Tulalessy also invited Indigenous Peoples in Maluku to urge the government to immediately make Customary Regional Regulations, including regulating watershed areas (DAS). Furthermore, *Tulalessy* confirmed that: “*If we have a Customary Regional Regulation, then the company will not just enter and invade the ulayat territories of the indigenous peoples of Maluku. I need to emphasize that the forests in Maluku are entirely customary forests. If there is a regional regulation, he said, it will reinforce the Constitutional Court decision Number 35/2012 (MK-35) regarding customary forest which is no longer state forest.*” Furthermore, it was also confirmed that: “*Where there is customary forest, there is no overlapping state forest. There must be a Customary Regional Regulation that regulates Customary Forests and Watersheds, so that Indigenous Peoples can know the boundaries of their Customary or Ulayat Resource Areas..*” (Tubaka, 2018)

After being enlivened in public spaces, mass media and social media, the case of alleged illegal logging by CV. Sumber Berkat Makmur (SBM) in the Customary *Petuanan* of Sabuai Village, masked by the nutmeg plantation, received a serious response from Moluccas Democratization Watch (MDW) (Tabaos, 2018). MDW Monitoring and Advocacy Coordinator, Collin Leppuy, explained that this criminal reporting was a form of the institution's moral and ethical response to the ecological crisis that occurred in the customary petuanan of Sabuai Village due to the activities of CV. SBM which has caused environmental and social losses. “CV. SBM has caused environmental losses and ecological imbalances in the forests that are the Sabuai Community's Customary Guidelines. The environmental and social losses were felt directly by the residents of Sabuai, such as: floods and landslides, disruption of social, economic activities and prolonged psychosocial trauma. The anxiety of the Sabuai community was addressed by criminalizing CV. SBM at Reskirmsus Polda Maluku.”

Various facts, as stated above, prove that serious, patterned, and consistent efforts are needed to portray patterns of destruction: inherently, integral and comprehensively related to the Position of Indigenous Peoples in the “Negeri Raja-Raja” in Maluku Province and the consequences of Mediation, as follows:

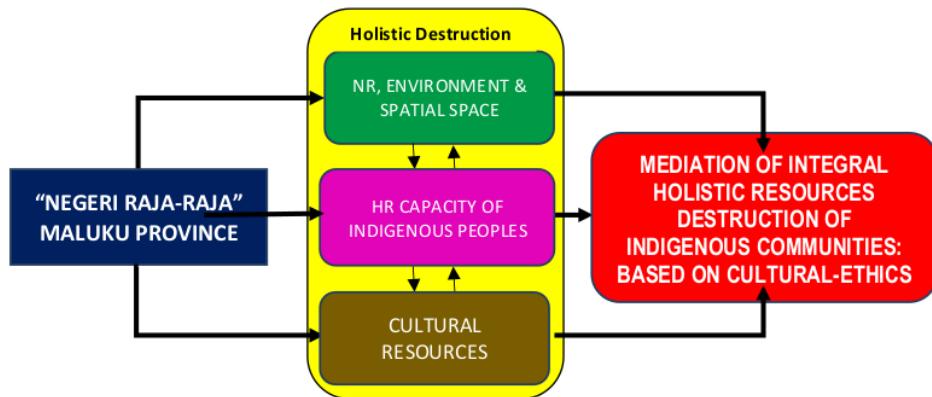


Figure 1. **Destruction Threat of the existence of Indigenous Peoples of the "Negeri Raja-Raja" Maluku in a Holistic, Integral, Sustainable and Mediation Framework**

⁵⁸ **Fatimah Suganda** (Suganda, 2017) argued that after the 1965 incident conditions of legitimate human rights violations by the state and its instruments did not only occur in the field of civil and political rights. However, after the September 30, 1965 incident, there were also human rights violations in the field of economic, social and cultural rights. After reformation, Indonesia has indeed passed Law no. 39 of 1999 concerning Human Rights and subsequently in 2005, Indonesia adopted the International Covenant on economic, social and cultural rights as stipulated in Law no. 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights.

Ironically, the conflict over the function of Indigenous Peoples' Resources in the Maluku Region had a multidisaster impact, among others: as reported by Marthina Tjoa et al. (Tjoa. Marthina dkk, 2013) at the PPA Workshop organized by CoLUPSIA focused on **Protecting the Rights of Indigenous Peoples in Conducting Economic, Social and Cultural Activities**. Therefore, in the position of Indigenous Peoples in this vortex of natural resource conflict, an advocacy approach through mediation is needed. It followed Lon Fuller's terminology (Benjamin, 2013), by observing mediation as "a form of social order." These forms are examined as changing over time and contain diverse cultures or intellectual traditions. Mediation is not just an alternative, or a personal process within its basic framework, but the discourse of mediation carries legal meaning and can be used to enforce and implement the **Rule of Law, as its highest value**.

Mediation is an extreme "alternative" to adjudication, and as such can be used as a dispute resolution paradigm emphasized in law. Thus, the terms "mediation" and *Alternative Dispute Resolution* (ADR) represent a discipline that develops and aspires to go beyond the adversarial model, although the field of ADR includes both an adjudicative process and a dispute resolution process as well. In a sense, a process of Dispute resolution must be effective and internalized in the current sense of a peaceful and just social order, so that a social order cannot be imagined without using mediation skills (Annesha, 2019).

In the context of Indonesian Culture, (I Ketut, 2018) **mediation has become a typology of dispute resolution through the negotiation process** to obtain agreement from the parties assisted by the mediator. Mediation, which is a civil dispute settlement process, must be used as an instrument to fulfill the four objectives of the Supreme Court, such as dealing with case accumulation problems; faster and cheaper dispute resolution; broadening the parties' access to a sense of justice; and strengthening and maximizing the function of the courts in dispute resolution. The focus of the study conducted by I Ketut Tjukup et al. lies in investigating the extent to which effective mediation is applied as an alternative to civil dispute resolution (ADR) in the Bali District Court. The results showed that the implementation of mediation at the

District Court in Bali was in accordance with statutory regulations and was able to uncover cases. However, constraints in its implementation are still another significant problem that needs resolution attention.

Referring to the factual description above, the focus of this research was determined, namely: **Indigenous Community Mediation in the Vortex of Natural Resources Conflict and Resource Curse based on Cultural-Ethics Leadership in Maluku**. This focus is elaborated in the formulation of the research sub-focus as follows: (1) The position of Indigenous Peoples and their Ulayat in the vortex of natural resource conflict in Maluku; (2) The position of the Indigenous Peoples regarding the Resource Curse in the vortex of conflict over natural resources in Maluku; (3) The mediation approach of the Position of Indigenous Peoples in the Conflict of Natural Resources and the Resource Curse in Maluku.

Based on the background and research focus above, the following research problems were formulated: (1) what is the position of Indigenous Peoples and their Ulayat in the vortex of natural resource conflict in Maluku; (2) why and what is the position of Indigenous Peoples regarding the Resource Curse in the vortex of conflict over natural resources in Maluku; (3) how to approach the mediation of the position of Indigenous Peoples in the Conflict of Natural Resources and the Resource Curse in Maluku.

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Starting from the formulation of the research problem, the following research objectives were formulated: (1) identifying and mapping the position of Indigenous Peoples and their Ulayat in the vortex of natural resource conflict in Maluku; (2) identifying and mapping why and how the position of Indigenous Peoples regarding the Resource Curse in the vortex of natural resource conflict in Maluku; (3) identifying and mapping how to approach the mediation of the position of Indigenous Peoples in the Conflict of Natural Resources and the Resource Curse in Maluku.

The research locations were the sample regencies/villages targeted for conflict over natural resources and resource curses on Seram Island: Central Maluku, West Seram, and East Seram Districts, Maluku Province. The research was carried out in January - April 2019. The activity was carried out in four stages: the first month focusing on field research; the second month focusing on data processing and analysis until drawing conclusions; the third month concentrating on the process of writing and completing research reports and non-litigation advocacy designs; fourth month and the rest focusing on the implementation of empowerment activities, critical education, and intensive Community-based advocacy.

Indigenous Peoples in the Vortex of Natural Resources Conflict.

Customary Law Community (Soerjono, 1986) is part of Indonesian society. It should be remembered that before the formation of the archipelago (Free Indonesia), as the Unitary State of the Republic of Indonesia, indigenous peoples were born and grew. Sujoro Wignjodipuro (Suj 45), 1973) said that indigenous and tribal peoples, before independence, had lived side by side with the Dutch East Indies. At that time the Dutch East Indies government recognized and regulated indigenous peoples in their autonomous and *maedewind* government. After independence, customary law communities were even recognized by their inclusion in the explanation of the 1945 Constitution (before the amendment) in their explanation stating that: "In the territory of the State of Indonesia there are approximately 250 *zelfbesturende landschappen* and *volkgemeenschappen*, such as villages in Java and Bali, nagari in Minangkabau, hamlets and clans in Palembang, Maluku, Papua and so on".

These areas have an original composition and therefore can be considered as special areas (Manan, 39 99). After the amendment to the 1945 Constitution, customary law communities are accommodated in Article 18B paragraph (2) which states: "The state recognizes and respects indigenous peoples and their traditional rights as long as they are alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia which is regulated in law." The inclusion of customary law communities in the 1945 Constitution is 54 form of state recognition of the existence of customary law communities. In addition, Indonesia has also ratified Law no. 11 of 2005 concerning the

⁶¹ification of the Covenant on ⁵¹Economic and Cultural Rights. Therefore, the state has an obligation to respect, protect and fulfill the ³⁴rights, in this case, to respect, protect and fulfill the rights of indigenous peoples. One tangible form of customary law community rights is ownership rights to customary land or what is often referred to as 'ulayat rights.' Ulayat rights are rights related to land or land that have a clear location and boundaries, for example land, forest, sea shore, lakes, small rivers, water sources, etc., as well as all the benefits they take according to customary rules. The regulation regarding ulayat rights (hereinafter referred to as customary land) has actually been regulated in Law No. 5 of 1960 concerning Agrarian Principles. This law broadly regulates all land administration at that time. Meanwhile, Law No.2 of 2012 has more specifically regulated Land Acquisition for Development in the Public Interest.

³⁴ Mandasari further emphasized in his research that: Ulayat rights are ¹⁵⁹rights of indigenous peoples as institutions to live together and are managed for the common interest of members of ²⁴customary law community (communal bezitrecht) (Sjahmunir, 2006). Ulayat rights are a form of recognition of the existence of customary law communities in Indonesia ⁴⁶because in various places in Indonesia, the interaction between customary communities and forests is reflected in the management models of customary communities over forests which are generally based on customary law. The recognition of customary rights does not make customary law communities able to live calmly in their interactions in their environment, but often ³²customary law communities are "driven" from their own land. This can be seen from the data recorded by the Association for Community and Ecological Based Legal Reform (Huma), which states that 91,968 people from 315 indigenous communities in Indonesia have been recorded as victims of conflicts over natural resources and land. Conflicts occurred in 98 cities/regencies in 22 provinces with the number of conflicts reaching 232 cases (Tempo, 2013). This can be attributed to the increasingly free market economic situation so that the 'state' sided with the owners of capital. This is what causes the neutrality of laws and regulations so as to "mortgage" legal certainty for customary law communities.

As happened in Maluku in relation to indigenous peoples and their ulayat, such as field studies and information reported by: 1) *Nurdin Tubaka* (Tubaka, 2003) regarding the Indigenous Peoples of Sabuai, that, (a) *Sabuai indigenous people on Seram Island, Maluku, who tried to defend their forest were even confronted with the law, about 26 residents were arrested by the police, and two people became suspects. All indigenous people have now returned to their homes, and two suspects are obliged to report;* (b) *The 26 indigenous Sabuai people were arrested by the Werinama Police, Monday (17/2/03). Previously, they were reported to the police by CV Sumber Berkah Makmur (SBM), alleging that they had intercepted and destroyed the company's equipment.* (c) *Residents asked the Maluku Government to immediately close down the company which has been suspected of logging illegal timber in their forest. They are worried that if the company continued to operate, the customary forest will be deforested and could cause environmental problems.* (d) *Abraham Tulalessy, Chairperson of the Satu Darah Maluku Foundation, who is also an academic at the Ambon Pattimura University, asked the Indonesian government, including the police, to act fairly towards indigenous peoples who feel they have been deprived of their rights. The indigenous peoples of Negeri Sabuai are part of Indonesian citizens who want to fight for their customary forests.*

2) **M. Jaya Barends** (Barends, 2017) reported that: The Naulu tribe feels a threat to their sacred forest. a) *The Nuaulu are an indigenous tribe who live on Seram Island. There are 12 clans of this tribe. Even though they have settled in, their relationship with the forest is maintained.* 2) *Since the issuance of the concession license, the forest area of Negeri Lama, 10 of the 12 clans, has overlapped with the concession area.* 3) *The sacred forest for the Nuaulu people is a material place for carrying out traditional rituals, collecting wood, sago and resin, as well as a place to hunt for consumption animals, such as pigs and deer.* 4) *Regulations on state forests are constrained by the absence of regional regulations regarding the recognition of customary forests. Currently, the Draft of Local Regulation on Customary Land in Central Maluku is in process.*

3) **Munadi Kilkoda** (Kilkoda, 2013) said at the Seminar on Identification and Study of Conflict in Natural Resources Management in North Maluku, organized by Unkhair and Bappeda Malut, that the root of conflict in natural resources, especially agrarian cases that harm the people of North Maluku, including indigenous peoples, is a classic problem that never ends. This case has not diminished but has increased in line with the development regulations and policies in the natural resource sector formulated by the government so far. Unkhair's research found that mining permits in several places issued by the central and regional governments caused problems in the field, both CSR, the environment, land, forests, and labor and disturbed the harmony of the local community. These companies are: PT Nusa Halmahera Mineral (NHM) in Halut which is in conflict with the Pagu Tribe, PT Aneka Tambang in Haltim which is in conflict with the Maba and Buli tribes, PT Karya Cipta Sukses Lestari which is in conflict with the Bicoli community, PT MMC which is in conflict with the ⁴⁸ Ngele-Ngele community and the Morotai Regency Government, PT GMM which is in conflict with the Gane Dalam community, PT Weda Bay Nikel and PT Tekindo Energi which is in conflict with the Sawai tribe.

4) **The Gecko Project**, (The Gecko Project, 2018) informed about: *Stories of how indigenous peoples in the Aru Islands managed to fight against plans to develop giant sugar cane plantations in their customary territories.*

The description above proves that Indigenous Peoples ³⁰ Maluku, in the track record of their conscious experience so far, are prone to be in the vortex of conflicts related to access to control and management of natural resources, both through actors in the national and regional areas..

Indigenous Peoples and Resource Curse Politics.

2) **First. Definition and Scope.** **Brenda L. Parlee**, (Parlee, 2015) in the study with regard to *Avoiding the Resource Curse: Indigenous Communities and Canada's Oil Sands*, stated, among other things, about the concept: "Community capital framework refers to assets, capabilities, and resources, which are inclusive, inherent and integrative in the community, integrated, available and owned by the community, in order to achieve their life development goals" (Bebbington, 1999). The Community Capital Framework is applied to various issues which become the focus of the development of indigenous/local communities factually (Bourdieu, 1986). "*The proliferation of 2 types of capital*" is related to the existence of indigenous/local communities and society in general: cultural capital, environmental capital, human capital, natural capital, social capital, etc., has been enriched by the addition of the initial category in the form of financial capital. This reflects the recognition of the complexities of economic growth.(Corbett, H & Swibold, 2002)

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The *Community Capital Framework* provides the basis for identifying and mapping effects of the so-called *Resource Curse*, as well as the tools and capacities for dealing with these effects. The *Community Capital Framework offers* the opportunity to consider the types of problems experienced in an inclusive, holistic and integral manner, as opposed to studying exclusively and partially in a single discipline, theoretical, or conceptual lens. That is when *Community Capital* is to be understood, as the community understands it.

Second. The Resource Curse. We should try to be critically aware, know, and have a comprehensive understanding of the concept of **The Resource Curse** in the contextual and factual environment of the existence of local Indigenous Communities. It is evident that, the concept of the resource curse is based on "evidence of an inverse relationship between resource abundance and contextual socio-economic growth poverty of Indigenous Peoples." ⁶⁰ This phenomenon was first identified, the ² its understanding is mapped and formulated in the context of Africa and Latin America (Auyt, 2001). Evidence of the resource curse has also been known and grown in Canada. Prior to the 2008–2009 recession and most recently, Canadian Statistics and Economic Policy Specialists point to a possible symptom of the resource curse associated with booming oil mining at that time (Bowly, 2005). The hypothesis suggests that the State of Alberta, like other regions and countries rich in oil resources, has a higher tendency towards this problem, as a

2nsumptive expenditure related to rent-seeking behavior. Low investment in research and development, and labor shortages in 2 other sectors, including manufacturing. Statistics Canada also reports that the Region / Zone of Alberta has one of the highest high school dropout rates in the country at 25%, a trend associated with high wage lure in the oil and gas sectors..(Bowby, 2005)

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Third. Indigenous Peoples' relationship with their lands, territories and resources is at the core of their identity, well-being and culture. Environmental preservation which is transmitted through tradition knowledge passed down from generation to generation is the center of their existence and civilization. As the world increasingly recognizes the negative impacts of climate change and environmental degradation on health, food security and peace and security, the importance of indigenous knowledge and territorial rights is beginning to be more fully recognized by the wider community. It is in that context that we can understand the reasons why 15 **Mohammad Zulfan Tadjoeddin** (Tadjoeddin, 2007) conveyed the results of his research on the topic: *A Future Resource Curse in Indonesia: The Political Economy of Natural Resources, Conflict and Development.*

Mediation of Natural Resources Conflict Vortex and Resource Curse Politics Based on Cultural-Ethics Leadership.

15 First. Definition and Scope. **Mobarak Hossain** (Hossain, 2016) when researching the topic: *Ethical Leadership: Its Issues and Impacts in Organization*, said that, because of its role in the organization, Ethics has become a widespread concern in past research. However, there are limited studies examining ethics and how they affect work behavior and performance in organizations. **Hossain's** study tried to examine the concept of ethical leadership, the characteristics of an ethical leader, and ethical leadership and its impact on organizations, Ethical Leadership Models, why and how to practice, and how 15 organizations can develop leaders who are not only heard in character but also in their voice in action. Therefore, ethics must guide people in how to act respectfully and morally.

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Second. Transformational Leadership Mediation, mediating the effect of leader traits on group performance, perceived leader effectiveness, and the emergence of a leadership figure. **Jakub Prochazka** (Prochazka, 2018) explored the mediating effects of transformational leadership on the relationship between leader's personality characteristics and effectiveness. Transformational Leadership Mediation has the effect of understanding and assertiveness of leaders on group performance. The perceived effectiveness of the leader has the potential to lead to a leadership model. Extraversion, openness to experience, and neuroticism are not associated with transformational leadership or indicators of leader effectiveness. Intelligence predicts no transformational leadership, or group performance and emergence of leadership. However, intelligence was found to have very little negative effect on perceived leader effectiveness when transformational leadership and other personality characteristics were controlled. This research emphasized assertiveness as a personality characteristic that influences leadership and leadership effectiveness in various cultures and situations. Understanding can be an important leader trait under certain circumstances and its influence can be moderated based on context.

Third. Implicit leadership based on culture and local wisdom.

Ute Stephan dan Saurav Pathak (Stephan, Ute & Pathak, 2016) stated that, *Cultural Leaders Theories* (CLTs) as a cultural-level concept was built on the individual-level implicit leadership theory (Lord, R.G & Maher, 1991). Implicit leadership theory suggests that individuals hold belief systems, prototypes, or stereotypes about what constitutes "good leadership". Just as researchers have assumptions and theories about leadership, so do ordinary people have assumptions and theories about the attributes of extraordinary and ideal leaders. These assumptions are largely implicit and are often unconsciously held (Lord, R.G & Maher, 1991). Past research on implicit leadership theory has focused on leadership in

organizations and discussed two mechanisms - legitimacy and self-selection - by which they influence leader emergence and leader's behavior.

Christian John Ruhlessin (Ruhlessin, 2005) revealed that, *Cultural-Ethics Leadership is a manifestation of Public Ethics rooted in Local Culture and Wisdom, or as stated by Pieter George Manoppo* (Manoppo, 2012) as an integral part of the Community Capital of the Indigenous / Local Community. Public Ethics and Community Capital of Indigenous/Local Communities are reference constructs of Cultural-Ethics Leadership mediation, involving both Indigenous/Local Communities (vulnerable as victims) and the Government and Private Bureaucracy/Investors as Parties, in mediating the parties who are exploited into the *Vortex of Natural Resources Conflict and Resource Curse Politics*.

RESEARCH METHOD

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Data Collection Methods and Procedures. This study uses a phenomenological-descriptive method with a qualitative approach, which aims to seek and find a comprehensive understanding, interpretation of meaning and contextual understanding of the phenomenon of "social capital of victim communities" in the context of social processes and interactions through "land and forest function change policies" in Sea-Island Maluku Laut Province (Saladien, 2006). Phenomenology-descriptive, the study of consciousness-based experiences "refers to experiences that arise in consciousness" (Manoppo, 2017). It describes what a person or group of people receives, feels, and knows in conscious experience (Prianti, 2012).

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Data and data sources. Qualitative data is ³³related to categorization, characteristics in the form of questions or in the form of words. This data is usually obtained from interviews and is subjective in nature because the data is interpreted differently by different people (Ridwan., 2003). Qualitative data is in the form of descriptive, in the form of spoken or written words about observable human behavior (Taylor, S.J.²⁷ Bogdan, 1994) and can be divided into three types (Patton, 1990) which are: 1) *Observation result*, is a detailed description of situations, events, interactions, and behaviors observed in the field; 2) *Conversation results*, are direct quotes from people's statements about their experiences, attitudes, beliefs, and thoughts in the opportunity of in-depth interviews; 3) *Written materials*, constituting excerpts or entire documents, correspondence records, and case histories. Qualitative data sources. According to Lofland & Lofland (Lofland, John & Lofland, 1984) the main data sources in qualitative research are words and actions. The rest is additional data such as documents and others. "With qualitative data, researchers can follow and understand the flow of events chronologically, assess causation within the realm of local people's minds, and obtain many useful explanations" (Miles, M.B and Huberman, 1992).

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Data Collection Techniques and Procedures. Data collection techniques and procedures are based on the principles of phenomenology as a qualitative research method, do not use hypotheses in the process, and do not initiate and do not aim to test theories. Data and data collection procedures were carried out through interview techniques, group discussions (FGD), documentation studies, observation and action plan design.

Data Analysis Procedure. The data analysis approach and procedure used the approach proposed by Miles & Huberman (Miles, M.B and Huberman¹⁴ 1984) that the qualitative data analysis procedure consists of three activities that occur simultaneously, namely: data reduction, data presentation, conclusion drawing / verification. Qualitative data analysis was carried out interactively and continued to completion, so that the data was saturated (no more data or new information was obtained from existing data).

Data Check. Examination of data focuses on two main ¹¹ents: criteria and techniques. Criteria. The validity of the qualitative data is based on four criteria: (1) credibility (degree of trust); transferability (transferability or contextuality); (3) dependability; and (4) confirmability (certainty). Data checking techniques. First, on the credibility criteria, with the following techniques: 1) extension of participation (degree of data confidence), 2) persistence of observations, 3) triangulation (through other sources), 4) peer

checking (peer discussion); 5) reference adequacy; 6) negative case studies; 7) checking the members / research team. *Second*, the transferability criteria, with the following techniques: 8) detailed description; *Third*, the criteria of dependability and certainty, with techniques 9) dependency auditing, and 10) certainty.

RESEARCH FINDINGS

General description. The study technique *focuses on primary data*, and is used to answer Sub Focus (objective) Research 1 which is sourced from (a) *direct, factual information from the environment of the study target Indigenous Peoples Community*, (b) *the results of cross-disciplinary studies* through several experts who examine the position of the community. Adat in the Vortex of Natural Resources Conflict.

Research Focus 2, especially on the factual conditions of the Resource Curse that occurred; the extent to which the behavior and products of public policies are sensitive and responsive to these conditions in answering the Research Sub-Focus 2.

Research Focus 3 is still closely related to Research Sub-Focuses 1 and 2, and a series of interviews and focus group discussions (FGDs) were used to identify, map and formulate a mediation model as a form of non-litigation advocacy like what is relevant and functional in responding to the *vortex of natural resource conflict and resource curses* that occur and are experienced by Indigenous Peoples as well as in answering Research Sub-Focus 3.

The FGD data were obtained from a series of discussion groups with Indigenous Peoples. Interview data for key figures were obtained from citizens who hold rights, members of the Indigenous Peoples Forum, Village/Sub-district officials, as well as Public Officials at the District, Regency/City and Provincial levels, even Ministries and Related Institutions. Observational data were obtained through direct involvement of researchers in observing spatial conditions related to activities, incidents, events, objects, social and emotional atmosphere of residents affected by land/forest acquisition activities, as well as destructive consequences as triggers of structural conflict. This technique is mainly used for clarification regarding Sub Focus of Research 3, in seeing the consequences of Figure and Profile of Mediation Based on *Cultural-ethics Leadership*. The data analysis¹¹ presentation on the description of the findings from Research Sub-Focuses 1 to 3 refers to the³⁷ flow of data analysis from Miles and Huberman (Miles, M.B and Huberman, 1992) namely the stages of data reduction, data presentation, and drawing conclusions.

Research Findings. First. The Position of Indigenous Peoples in the Vortex of Natural Resources Conflict.

The research findings indicate the position of Indigenous Peoples in the Vortex of Natural Resources Conflict as follows:

- The findings of academic and field studies prove that, since the New Order Era, Public Policy Products related to Natural Resources Management, systematically and patterned, have placed the position of Indigenous Peoples as Legal Subjects and their Ulayat Areas as Legal Objects as Sub-ordination of Natural Resources Management Interests. This can be seen from the various Basic Regulations for Natural Resources Management: land, forests, minerals¹² coastal and marine areas, etc.
- In this regard, the findings of field facts prove that the Exploration and Exploitation Permit of Natural Resources in the Customary Area of Indigenous Peoples, concretely and consistently, further embodies the process of reducing the Position of Indigenous Peoples as Legal Subjects along with their Ulayat Territories as Legal Objects recognized by the Independent State of Indonesia.
- It is factually found that as a consequence of the Process of Reducing the Position of Indigenous Peoples and their Ulayat, both at the level of public policy and through permits for exploration and exploitation of natural resources, this condition has become a source of structural conflict in the vortex of various cases or events of exploration and exploitation of natural resources between customary community

owners of ulayat with Investors of ⁵⁶ Companies that have Government Permits: Central and Regional. In this vortex of conflict of interest in the Management of Natural Resources, the Position of Indigenous Peoples as Law-Subjects and Their Ulayat as Legal-Objects are vulnerable or tend to be victims and marginalized.

- The findings of data and field facts prove that ⁵⁷ such a context, ironically, public officials and security apparatus tend to be repressive. The position of Indigenous Peoples as Legal-Subjects who have been placed as Sub-ordination of Public Policy, as well as Exploration and Exploitation Permits for Local Natural Resources, is exacerbated by the behavior of public and security officials. Protests of Indigenous Peoples are positioned as a disturbance in political-economic and development policies, both central and regional.

Second. Position of Indigenous Peoples regarding the Resource Curse.

The findings of academic and field studies prove that:

- The research finding ¹³ as previously described when discussing the results of research on the First Sub-focus: The Position of Indigenous Peoples in the Vortex of Natural Resources Conflict, prove that the ¹² factors of public policy products, as well as the behavior of public officials and investors / companies in exploration and exploitation of natural resources, have become a conducive climate in the occurrence or manifestation of the resource curse experienced by Indigenous Peoples
- Indigenous Peoples as Law-Subjects and their Ulayat structures as Law-Objects which are rich in multi-faceted natural resources in various categories generally experience resource curse conditions, namely: poor, marginalized and helpless.
- In other words, the findings of field and academic research prove that the resource curse experienced by Indigenous Peoples is predominantly a structural, patterned and sustainable product of: (a) Public Policy Product Management; (b) Management of Natural Resources Exploration and Exploitation Permits; (c) Repressive Behavior of Public and Security Officials.
- The climate is conducive to the Resource Curse that befell and experienced by Indigenous Peoples predominantly originates from external factors and actors of natural resource conflicts, not internal Indigenous Peoples.

Third. Cultural-Ethics Leadership Based Mediation.

The findings of academic and field studies prove that:

- The mediation model with the conventional approach to distributive bargaining based on power and material and has the characteristics of win-lose has positioned the State Party as the Dominant Actor of Public Policy Products which are implemented through Public Officials and Investors (Entrepreneurs), Holders of Legalization of Natural Resources Management Permits as Winners. Meanwhile, Indigenous Peoples are Parties who lose or lose.
- The findings of facts and field data prove that a Mediation Model is needed by promoting: (a) an Alternative Dispute Resolution (ADR) approach; (b) Mediators and Mediation Processes that prioritize the Interactive Bargaining approach are characterized by *win-win* and/or *Interactive Problem Solving* characterized by *joint problem solving* through *Neutral Third Parties* or *Joint Problem Solving Teams* across disputing parties (in conflict), especially the Position of Indigenous Peoples as Constitutional Law Subjects, not as Sub-ordination of Investors (companies) Recipients and Holders of Exploration and Exploitation of Resources Permits
- The findings of facts and field data also prove that the *Interactive Problem Solving* Mediation approach is characterized by *joint problem solving* through *Neutral Third Parties* or *Joint Problem Solving Teams* across disputing (conflict) parties based on Cultural-Ethics Leadership, which are expected to be able to overcome the failure of conventional mediation based on Power is characterized by *Distributive Bargaining* (win-lose) so far.
- In fact, the findings of field research have also proven that (a) what is meant by *Cultural-Ethics Leadership-Based Mediation* is more nuanced in the ethical model of responsibility for leadership

socially and culturally and not only personally; (b) *Cultural-Ethics Leadership* accountability, vertically and immanently, is not only personally-ethically but more deeply in relation to ethics-social, cultural, and ecocentric.

DISCUSSION

Research Findings. The Position of Indigenous Peoples in the Vortex of Natural Resources Conflict.

The research findings show that the position of the Indigenous Peoples in the Vortex of Natural Resources Conflict is reduced by the Position of Legal Status, both Indigenous Peoples as Legal Subjects and Ulayat Areas as Legal Objects recognized by the State are marginal, among others because: **First.** Public policy products since the New Order era related to the management of natural resources in a systematic and patterned manner have placed the position of indigenous peoples as law-subjects and their customary areas as legal objects as sub-ordination of natural resource management interests. This can be seen from the various Basic Regulations for Natural Resources Management: land, forests, minerals, coastal and marine areas, etc. **Second.** Concretely and consistently, this reduced condition of Legal Status is increasingly visible through the process of reducing the Position of Indigenous Peoples as Legal Subjects along with their Ulayat Areas as Legal Objects, both at the level of public policy and through permits for exploration and exploitation of natural resources. **Third.** This condition has become a source of structural conflict in the vortex of various cases or events of exploration and exploitation of natural resources between customary community owners and investors or companies with government permits: central and regional. In this vortex of conflict of interest for Natural Resources Management, the Position of Indigenous Peoples as Legal Subjects and Their Ulayat as Legal Objects are vulnerable or tend to become victims and marginalized. **Fourth.** In such a context, ironically, public officials and the ranks of the security apparatus tend to be repressive in the management of human security for the Indigenous and Ulayat Peoples.

In such a factual context, Culotta Kenneth S., Fallon, Denis. A., dan Southalan, John.L (Kenneth, 2011) in their study of: *Indigenous People and Resources Development - A Rapidly Changing Legal Landscape* argued that: there has been a significant increase in the interaction between the legal dimension and resource development and indigenous peoples over the last few years. There is considerable jurisprudence and regulation in the zone, both internationally and in many countries and regions. So for them, it is very timely regarding attention to the special issues of OGEL (oil, gas, energy, law) in order to examine the condition of contemporary legal contributions.

Disputes and conflicts over the use of resource management, as well as their relationship with Indigenous Peoples have occurred in many countries. Meanwhile these natural resource disputes and conflicts take very different forms in countries with different legal systems and in different stages of development. Almost every region on the planet with valuable natural resources has seen displacement or disruption of Indigenous Peoples. Problems arise not only in places where natural resources are extracted, but also where energy development for example through dam projects and hydro-electricity development, forestry management for timber, has an impact on the lives of Indigenous Peoples as well as land, forest and spatial use.

At the *UN Economic and Social Council Forum* which took place on 22 April 2010, the UN Special Rapporteur stated the: “*Rights Violations of Indigenous Peoples ‘Deep, Systemic and Widespread’*” (Pelapor Khusus PBB, 2010) In this context, strengthening the capacity of the state / government according to Wallis and Dollery through the following factors: *institutional capacity, technical capacity, administrative capacity, and political capacity* (Wallis, Joe & Dollery, 2001) to becomes important and strategic.

Position of Indigenous Peoples regarding the Resource Curse.

The findings of academic and field studies indicate that: (1) ¹² product factor of public policies, as well as the behavior of public officials and investors/companies in exploration and exploitation of natural resources, has become a conducive climate for the occurrence or realization of the resource curse experienced by Indigenous Peoples. (2) Indigenous Peoples as Legal Subjects and their Ulayat structures as Legal Objects which are rich in multi-faceted natural resources in various categories are generally in a resource curse condition, namely: poor, marginalized and helpless. (3) The resource curse experienced by Indigenous Peoples is predominantly a structural, patterned and sustainable product of: (a) Public Policy Product Management; (b) Management of Natural Resources Exploration and Exploitation Permits; (c) Repressive Behavior of Public and Security Officials. (4) The climate conducive to the Resource Curse that befell and experienced by Indigenous Peoples, predominantly comes from external actors of natural resource conflicts, and not from the internal conditions of Indigenous Peoples.

³ Michael L. Ross (Ross, 2013) in his research about: *The Politics of the Resource Curse*, discussed the intellectual roots of the resource curse. Ross described how scholars define natural resources, and summarizes recent findings on how resource wealth affects democracy, the quality of government institutions, and incidents of violent conflict. Ross pointed out that there is strong evidence that one type of mineral wealth, such as petroleum for example, has at least three harmful effects, which are: (1) making authoritarian regimes more durable, (2) increasing some types of corruption, and (3) making links with the emergence of conflicts in low and middle income countries or regions or regions under certain conditions.

According to Ross, the resource curse machine can occur with any other resource that is up for grabs; that income from certain resources and in a region has the potential to make local regimes and rulers or entrepreneurs conditioned to want to last longer; that more income based on certain resources tends to increase some types of corruption in the government environment, according to the potential zoning of available resources. At the same time, the availability of vulnerable resources creates conflicts in the state and/or region as well as low and middle income social zoning under certain conditions.

Cultural-Ethics Leadership Based Mediation.

The findings of academic and field studies indicate that: *First*. The mediation model with the conventional *distributive bargaining* approach based on power and material and has the characteristics of *win-lose* has positioned the State Party as the Dominant Actor for Public Policy Products implemented through Public Officials and Investors (Entrepreneurs), the legitimate holder of the Natural Resources Management Permit as the winning party. Meanwhile, Indigenous Peoples are Parties who lose. *Second*. A Mediation Model is needed by promoting: (a) an Alternative Dispute Resolution (ADR) approach; (b) with Mediators and Mediation Processes that prioritize the *Interactive Bargaining* approach which is characterized by a *win-win* and / or *Interactive Problem Solving Bargaining* characterized by *Joint Problem Solving* through Neutral Third Party Roles or *Joint Problem Solving Teams* across Disputing Parties (in conflict), especially Position Indigenous Peoples as Constitutional Law Subjects, not as Sub-ordination of Investors (companies) Recipients and Holders of Exploration and Exploitation Permits for Resources. *Third*. That the *Interactive Problem Solving Mediation* approach is characterized by *Joint Problem Solving* through *Neutral Third Parties* or a *Joint Problem Solving Team* between the conflicted Parties based on *Cultural-Ethics-Leadership*, it is hoped that in contemporary terms it can overcome the failure of a conventional power-based mediation model characterized by *Distributive Bargaining* (*win-lose*) all this time. Furthermore, what is meant by *Cultural-Ethics Leadership*-based Mediation is more nuanced by an ethical model of responsibility for leadership socially and culturally, not just personally. So that the responsibility of *Cultural-Ethics Leadership*, vertically and immanently, not only ethically-personal, is more deeply related to ethics-social, cultural and ecocentric.

³⁸ Hannele Koivunen & Leena Marsio (Koivunen, Hannelle & Marsio, 2007) in their studies of the topic: *Fair Culture? Ethical Dimension of Cultural Policy And Cultural Rights*, stated that: "Ethical

choices in this context are not about right-wrong, or black-and-white settings, but can be justified - in different situations - by different ways and aiming at different effects. In the context of cultural policy, it is important to make conscious and transparent choices after the systematic monitoring phase of factual conditions with ethical consequences. "Ethics, takes the form of a moral, inner voice, which is influenced by the rules and norms of society and society itself. The development of ethical thinking requires more than just adhering to rules and norms about right-wrong. Ethics requires an inner understanding and awareness of socio-cultural backgrounds, the reasons and goals for establishing rules or norms as ethical guidelines. ***Ethics is a daily pragmatic wisdom. Its purpose is: to guide the development of actions to which all members of society are committed to upholding and promoting them.***

Global culture seeks to define the ***place of ethical behavior*** that connects various cultures and religions (intercultural and religious), including a commitment to peaceful conflict resolution, negotiation and open mediation in the ***Vortex of Natural Resources Conflict and the Resource Curse***. Laszlo Zsolnai dkk (Zsolnai, 2019) in their study about "***Ethical Prospects: Economy, Society and Environment***, emphasizes that: ***Ethical Prospects aims to present and summarize new perspectives that lead in ethics and reflect into connected economic, social and environmental issues.*** It demonstrates the usefulness and usefulness of innovative practices and policy reforms by providing a forum for discussion of ground-breaking theories or context of discovery.

Cultural-Ethics Leadership is a concrete manifestation of Public Ethics rooted in Local Culture and Wisdom, and is an integral part of the Community Capital of Indigenous/Local Communities. Public Ethics and Community Capital of Indigenous/Local Communities are reference constructs of ***Cultural-Ethics Leadership-Based Mediation***, both for Indigenous / Local Communities (who are vulnerable as victims) and Government and Private Bureaucracy / Investors, in mediating the Parties who are sucked into ***Vortex of Natural Resources Conflict and Politics of Resource Curse***.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions. (1) It is evident from the research findings that: **in the position of Indigenous Peoples in the Vortex of Natural Resources Conflict**, the legal status is fundamentally and systematically reduced: both Indigenous Peoples as Legal Subjects and Ulayat Areas as Legal Objects recognized by the State, so that they become marginal and poor, among others because: **First**. Since the New Order Era, Public Policy Products related to Natural Resources Management, systematically and in a pattern have placed the position of Indigenous Peoples as Legal Subjects and their Ulayat Areas as Legal Objects as Sub-ordination of Natural Resources Management Interests. This can be seen from the various Basic Regulations for Natural Resources Management: land, forests, minerals, coastal and marine areas, etc. **Second**. Concretely and consistently, this reduced condition of Legal Status is increasingly visible through the process of reducing the Position of Indigenous Peoples as Legal Subjects along with their Ulayat Areas as Legal Objects, both at the level of public policy and through permits for exploration and exploitation of natural resources. **Third**. This condition has become a source of structural conflict in the vortex of various cases or events of exploration and exploitation of natural resources between Indigenous Peoples of Ulayat Owners and Investors or Companies with Government Permits: Central and Regional. In this vortex of conflict of interest for Natural Resources Management, the Position of Indigenous Peoples as Legal-Subjects and Their Ulayat as Legal Objects are vulnerable or tend to be victims and marginalized. **Fourth**. In such a context, ironically, public officials and the ranks of the security apparatus tend to be repressive in the context of security management for the Indigenous Peoples and Ulayat.

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In line with the concept of ***Indigenous People and Resources Development - A Rapidly Changing Legal Landscape***, it is evident that there has been a significant increase in the interaction between the legal

dimension and resource development and indigenous peoples over the last few years. There is considerable jurisprudential and regulatory need in the zone, either internationally or in many countries and regions. §₅₃ it is very timely with regard to attention to the special issues of OGEL (oil, gas, energy, law) in order to examine the conditions of contemporary legal contributions in this context.

It is evident that disputes and conflicts over resource management, as well as their relationship with Indigenous Peoples, occur in many countries. Meanwhile, disputes and conflicts over natural resources take very different forms in countries or regions with different legal systems and in different stages of development (for example: autonomous regions and specific regional conditions). The intensity of natural resource conversion activities and its impact on the Legal Status of Indigenous Peoples. Problems that arise are not only in the places where natural resources are extracted, but also where the development of energy, for example through dam projects and hydro-electricity development, forestry management focuses on timber which impacts the lives of Indigenous Peoples as well as land, forest and spatial use. This condition is in line with the commitment of the *UN Economic and Social Council Forum* which took place on April 22, 2010, regarding "Rights Violations of Indigenous Peoples' Deep, Systemic and Widespread" (Pelapor Khusus PBB, 2010) In this context, strengthen₁₉ the capacity of the state/government according to Wallis and Dolerry through the following factors: institutional capacity, technical capacity, administrative capacity, dan political capacity (Wallis, Joe & Dollery, 2001) become important and strategic.

(2) In fact, the position of Indigenous Peoples is closely related to the fact of the Resource Curse. This condition is proven to be influenced by: (1) factors of public policy products, as well as the behavior of public officials and investors/natural resource exploration and exploitation companies, so that it has become a conducive climate for the occurrence or realization of the resource curse experienced by Indigenous Peoples. (2) That Indigenous Peoples as Legal Subjects and their Ulayat structures as Legal Objects which are rich in multi-faceted natural resources in various categories are generally in a resource curse condition, namely: poor, marginalized and helpless. (3) The resource curse experienced by Indigenous Peoples is predominantly a structural, patterned and sustainable product of: (a) Public Policy Product Management; (b) Management of Natural Resources Exploration and Exploitation Permits; (c) Repressive Behavior of Public and Security Officials. (4) The climate conducive to the Resource Curse that befell and was experienced by Indigenous Peoples, predominantly comes from external actors of natural resource conflicts, and not from the internal conditions of Indigenous Peoples.

Evidently in line with Michael L. Ross's view of: *The Politics of the Resource Curse*, Ross described how scholars define natural resources, and summarizes recent findings on how resource wealth affects democracy, the quality of government institutions, and incidents of violent conflict. Ross pointed out that there is strong evidence that one type of mineral wealth, such as petroleum for example, has at least three harmful effects, which are: (1) making authoritarian regimes more durable, (2) increasing some types of corruption, and (3) making links with the emergence of conflicts in low and middle income countries or regions or regions under certain conditions.

A resource curse machine can occur with a variety of other resources that are a struggle for parties. Income from certain resources and in a region has the potential to make local regimes and rulers or entrepreneurs conditioned to want to last longer. More income is based on certain resources, so it tends to increase some types of corruption in the government environment according to the potential zoning of available resources. At the same time, the availability of resources is vulnerable to conflict in the state and/or region, as well as on social zoning for low and middle income under certain conditions.

(3) With regard to studies that focus on *Cultural-Ethics Leadership-based Mediation*, it is proven that: *First*. The mediation model with the conventional distributive bargaining approach based on power and material and has the characteristics of win-lose has positioned the State Party as the Dominant Actor for Public Policy Products implemented through Public Officials and Investors (Entrepreneurs),

Legitimizing Natural Resources Management Permit Holders as the winning party. Meanwhile, Indigenous Peoples are Parties who lose. **Second.** A Mediation Model that promotes: (a) an Alternative Dispute Resolution (ADR) approach is needed; (b) with Mediators and Mediation Processes that prioritize an *Interactive Bargaining* approach characterized by a *win-win* and/or *Interactive Problem Solving* characterized by *joint problem solving* through a *Neutral Third Party* or *Joint Problem Solving Team* across disputing parties (in conflict), especially the Position of Indigenous Peoples as a Constitutional Law Subject, not as an Investor Sub-ordination (company) Recipient and Holder of Exploration and Exploitation of Resources Permits. **Third.** The Mediation Approach of *Interactive Problem Solving* is characterized by *joint problem solving* through *Neutral Third Parties* or *Joint Problem Solving Team* across Disputing Parties (in conflict) based on *Cultural-Ethics Leadership*, which is expected in contemporary ways to overcome the failure of the conventional power-based mediation model characterized by *Distributive Bargaining* (win-lose) all this time. Furthermore, what is meant by *Cultural-Ethics Leadership-Based Mediation* is a more nuanced account of ethical leadership models socially and culturally, not just personally. So that the responsibility of *Cultural-Ethics Leadership*, vertically and immanently, is not only ethically-personal, but is more deeply related to ethics-social, cultural and ecocentric.

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Referring to Hannele Koivunen & Leena Marsio's views on the topic: **Fair Culture? Ethical Dimension of Cultural Policy And Cultural Rights**, it is proven that: "Ethical choices in this context are not about right-wrong, or black-and-white settings, but can be justified - in different situations - by different ways and aiming at different effects. In the context of cultural policy, it is important **to make conscious and transparent choices after the systematic monitoring phase of factual conditions with ethical consequences**. "Ethics, takes the form of a moral, inner voice, which is influenced by the rules and norms of society and society itself. The development of ethical thinking requires more than just adhering to rules and norms about right-wrong. Ethics requires an inner understanding and awareness of socio-cultural backgrounds, the reasons and goals for establishing rules or norms as ethical guidelines. **Ethics is a daily pragmatic wisdom. Its purpose is: to guide the development of actions to which all members of society are committed to upholding and promoting them.**

Global culture seeks to define the *place of ethical behavior* that connects various cultures and religions (intercultural and religious), including a commitment to peaceful conflict resolution, negotiation and open mediation in the *Vortex of Natural Resources Conflict and the Resource Curse*. As being emphasized by Laszlo Zsolnai et al in their study about "**Ethical Prospects: Economy, Society and Environment**", emphasize that: **Ethical Prospects aims to present and summarize new perspectives that lead in ethics and reflect interconnected economic, social and environmental issues**. It demonstrates the usefulness and usefulness of innovative practices and policy reforms by providing a forum for discussion of ground-breaking theories or context of discovery.

More importantly, *Cultural-Ethics Leadership* is a concrete manifestation of Public Ethics rooted in Local Culture and Wisdom, and is an integral part of the Community Capital of Indigenous/Local Communities. Public Ethics and Community Capital of Indigenous/Local Communities are reference constructs of *Cultural-Ethics Leadership-Based Mediation*, both for Indigenous / Local Communities (who are vulnerable as victims) and Government and Private Bureaucracy / Investors, in mediating the Parties who are sucked into *Vortex of Natural Resources Conflict and Politics of Resource Curse* in "Negeri Raja-Raja" – Maluku Islands.

RECOMMENDATIONS

Towards scientific development. (1) It is expected that in order to deepen the understanding of Indigenous Community Mediation in the Vortex of Natural Resources Conflict and the Curse of Resources, the research takes into account: a) *the social context* in the zones: cities, suburbs and rural areas, large

islands, islands, industrial areas , etc. b) *peculiarities of issues, reasons, cases and clusters* of occurrence related to various patterns of political economy and regional development policies. c) *main actors*: government and private. d) affected local and ulayat communities. e) *potential conflicts and violence, violations of Ecosbling Rights, destruction of Social Capital, Cultural-Ethics-Moral Products of Public Policy* etc. (2) Interdisciplinary studies that focus on the Mediation of Indigenous Peoples in the Vortex of Natural Resources Conflict and Resource Curse, in addition to qualitative research methods, should also be carried out using a quantitative approach, so that the analytical framework and understanding of the reality of indigenous peoples/victims in the context of public policy various social, cultural, ethical-moral, psychological impacts, etc. are affordable. (3) We hope that this study of Indigenous Community Mediation in the Vortex of Conflict of Natural Resources and Politics of Resource Curses will inspire students and teachers in tertiary institutions to intensively carry out cross-disciplinary studies focusing on Indigenous Peoples, Natural Resources Conflict Vortices, Resource Curse Politics, *Cultural-Ethics Leadership-Based Mediation*, including the role of religious and cultural institutions in academic praxis and the transformation of real action in the field. (4) Research forums and designs for social transformation praxis such as the National Seminar organized by the University should pay attention to interdisciplinary studies that focus on Indigenous Peoples, the Center for Natural Resources Conflict, Politics of Resource Curse, *Cultural-Ethics Leadership-Based Mediation* as part of the Ethical and Moral dynamics of Public Policy Products, Behavior of Public Officials and Investors / Entrepreneurs and the Development Security Management Model.

(2) Towards practical needs. (a) The government as a public official based on the product of its public policy is open to the Factors and Actors of Natural Resource Conflict which place the Position of Indigenous Peoples and Ulayat in the Dialectical Vortex of Natural Resources Conflict. (b) At the same time, organize, empower and develop the usability and track record of Public Policy Products that are sensitive and responsive to the distinctiveness of the culture and wisdom of the archipelago and/or local areas, in relation to: both Public Ethics (Cultural-Ethics Leadership) and the Community Capital Framework. (c) The ranks of the Government and Local Government, Higher Education, Private and Community Elements should be sensitive and pro-actively responsive to the impact of the Natural Resources Conflict Vortex and Political Curse of Resources which are structurally, culturally, psychosocial on and borne by the Indigenous/Local Community in Maluku as an Archipelago Province. The Politics of Resource Curse is a *double hystorical destruction* which is proven to be experienced and borne by the Indigenous/Local Community without their guilt and sin. (d) We hope that the political will of the Government and Local Governments, Universities, Private Sector and Community Elements, be sensitive and responsive to the needs of Indigenous Community Mediation in the Center for Natural Resources Conflict and Politics of Resource Curse Based on *Cultural-Ethics Leadership* in the context of Development as Public Ethics, Community Capital Framework, Peace and Socio-cultural Recovery, and Sustainable Transformation in the “Negeri Raja-Raja”, Maluku Islands Province for the Archipelago at the Pancasila House.

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ETHICAL DIMENSIONS OF CULTURAL POLICY AND CULTURAL RIGHTS IN MALUKU PROVINCE

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Ethical Dimensions of Cultural Policy and Cultural Rights in Maluku Province

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Abstract

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This study aimed to understand the correlation between the ethical dimensions of cultural policy and cultural rights in Maluku province. The study applied a qualitative approach with descriptive-phenomenological method. Data collection uses the following techniques: in-depth interview, Focus Group Discussion (FGD), documentary study, and observation. Hasil studi membuktikan bahwa: First, the Ethics Dimension was correlated, both with Cultural-Policy Behavior (Cultural Policy), and with Cultural-Rights Behavior (Cultural Rights). Second, that the Ethical Dimension in Cultural-Policy Behavior and/or Cultural-Rights, should take place in an inclusive, holistic-integral, and sustainable manner. The Philosophical-Theological Reflection on Cultural-Policy Ethics and Cultural-Rights Ethics emphasized the importance of Identification, Mapping and Formulation of Transcendental and Immanent Foundations as a reference, so that various Ethical Dimensions in Cultural-Policy and Cultural-Rights Products in Maluku Province, had the roots of Local Wisdom, characterized by values: Ecocentric, Inclusive, Integral, Holistic-intact and Sustainable, especially in the context of Enforcement and Promotion of Humanity, Human Rights and the Integrity of Sustainable Creation.

Keywords

Cultural Policy Ethics, Cultural Rights Ethics, Local Wisdom, Transcendence, and Immanence

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Introduction

The theme of ethics was once an important note in international dynamics ahead of 2000. For example, the Results of International Research published by the World Commission on Culture and Development, take full account of the concept of global ethics. Similarly, a UNESCO-initiated intergovernmental conference on Cultural Policy for Development adopted the framework of the United Nations Cultural Policy Action Plan for Development. Meanwhile, the Council of Europe continues the work of the World Commission on Culture and Development, providing a new direction to the Framework of Cultural Policy. Likewise various Research Institutes everywhere concentrate on: a) international cultural cooperation; b) cultural policy; and c) cultural development relationships. Especially the initiation of various institutions to hold cultural rights and development conferences. As a form of cultural administration reform, international efforts from various regions, carried out by putting strong pressure on the concept of Cultural Rights. That is, how the orientation of cultural rights development, basically become the basis for cultural policy measures.

Thus, we see how in the European zone there has been a close relationship between: *Cultural Rights and Cultural Policy with Global Ethics*, and has become a serious regional problem. The findings of Koivunen and Marsio's research have very valuable academic and practical value for us in the Asian region in identifying and mapping the existing factual conditions. As Tiamsoon Sirisrisak and Natsuko Akagawa pointed out in their study of: ***Cultural Rights and Conservation of Old Bangkok*** (Sirisrisak, Tiamsoon & Akagawa, 2012) when revealing that: "Cultural diversity is one of the main characteristics of Old-Bangkok resulting from the various local groups of people of different races and religions. Unfortunately, the development of Old-Bangkok has always been associated with the interests of politicians. Therefore, the lack of public dialogue and recognition of cultural diversity, remains a major issue. Over the past five decades, development policies focused on modernization and tourism promotion have put local communities under pressure. A number of historic communities, both within and outside designated conservation zones, are affected by new development projects initiated by governments, investors and landlords. The rights of local communities to take part in the development process are not respected and their voices are usually ignored. As a result, the issue of Cultural Rights in Old Bangkok, may not be solved by the local community, but remains an obligation for Thai society as a whole."

Bangkok is the City of Immigrants. The Chinese and Vietnamese settled east of the Chao Phraya River since at least the Thonburi period (1767-1782). Many prisoners of war were brought to Bangkok at the beginning of the Rattanakosin Period (1782 to present). Other groups, including Lao people and Malays, are drawn to this area. At the beginning of the Rattanakosin era, a number of Chinese were moved to Sampheng, now known as Pechinaan, to vacate the area in order to build the Grand Palace and Temple of the Emerald Buddha on the banks of the Chao Phraya river, both the Grand Palace and Sampheng areas representing today's Old-Bangkok (Sirisrisak, Tiamsoon & Akagawa, 2012).

Tara Byrne in her research shows there are similarities between creative and cultural city policy discourse. The condition of the creative city is seen as an implicit cultural policy, but also at the same time proves that the influence of past discourse, especially the influence of the creative economy. Byrne's research shows that the influence demonstrates the existence of what he calls "colonization" of cultural policy through economic rationality. At the same time reveal the dominance of hidden networks of power, from elites beyond the control of democracy and the continued instrumentalization of culture. Primarily, policies are represented as crises or explicit cultural policy shifts. Byrne points out that, cultural policy references in Scotland and Finland have shown the transfer of creative city discourse, in a European context. Byrne also asserts that critical interpretation of the creative city paradigm in the context of cultural policy, taking into account positive attributes, by preparing a basic platform of cultural policy ethics and cultural rights in more general.

On the relationship between: Diversity and Culture Policy, it is proven that Cultural Diversity must reflect the expression of Perspective inclusion and Integration. Therefore, international studies focus on the link between: Cultural Policy and Diversity. Cultural and Diversity Policy Studies, emerging related to multifaceted-Culture. Culture is a channel of inclusivity and integrity in diversity. As a Cultural Policy serves in improving the status of citizenship. The fundamental and strategic things related to it are: First, the meaning of citizenship, in the form of: the importance of aspects of democracy (equality) and identity (nationality). Plurality of concentration means "culture" and "no". Second, in relation to the plurality of citizenship, one can embrace different

views. This Basic View option is a choice of cultural policy approach, when we focus on improving citizenship culture in the context of diversity. This concept can be implemented within the framework of the interpretation of current cultural diversity policy practices.

Culture as one form of human communication, becomes the focus of studies in the context of diversity and dynamics of community development. Culture gives direction to the birth of fundamental policies on diversity. In times of economic crisis and increasing social differences among the community, academic interest and social praxis are needed, in order to socialize the meaning of diversity policies that place sensitive issues to marginalized communities as a real need for cultural rights, in cultural policy perspectives. In that context, the promotion of a culture characterized by inclusionism and social integration, is increasingly important as a measure for the dynamics of economic development. Because in reality, this cultural and economic relationship is seen as a burden on public policy. Culture should be seen as a public investment in improving the quality of economic management across the diversity of society. Especially when the risk of losing cultural rights, will have an impact on the process of diversity devaluation at the level of cultural policy.

Although, from the perspective of the cultural framework, it still needs factual proof, that we still see the benefits of cultural application in shaping the potential model and approach of the city. Including, differentiating the policies and practices of the same City. For example, how a framework based on cultural indicators analyzes how cities improve cultural policies and their benefits for improving the quality of the City.

Globalization, is now a phenomenon of human civilization and part of the dynamics of human processes globally. (Erlinita, 2015) In that context, Information and Communication Technology is ³⁰king place openly, helping to accelerate the growth of people and people in a global culture. Globalization touches on all important aspects of human life. It even creates new challenges and problems in an effort to solve the benefits of globalization for the benefit of human life and society. Dinamika Globalization has now become popular as an ideology in the last five or ten years. So easily accepted by people all over the world. As a process, globalization is characterized by the rapidity of science and technology that is able to change the world fundamentally and quickly. Including the importance of The Dimension of Ethics, in the dialectics of Cultural Policy and Cultural Rights.

A lot of research has discussed Culture-Policy (*Cultural-Policy*) and Cultural Rights (*Cultural-Rights*), which is divided into several tendencies. **First**, seeing the Cultural Policy Action Plan for Development (Culture of Peace, 1998) **Second**, local policy and diversity (*local policy and diversity*). (Cultural Agenda, 2019) **Third**, Cultural Industries and Cultural Policy (*Cultural Industries and Cultural Policy*) (Hesmondhalgh, David & Pratt, 2015) **Fourth**, *Ethics in Practice* (Henderson, 2006) **Sixth**, research about *Intellectuals, Culture, Policy*, (Bennett, 2006) and Public Service Ethics: Paradigm Shifts, Dilemmas and Implications for Public Services in Indonesia (Keban, 2001).

These various studies pay attention to the correlation between: Cultural Policies, Cultural Rights and Public Policy Ethics separately, but only a few studies specifically focus on the correlation of Cultural Policy, Cultural Rights, ⁶⁹ Cultural Policy Ethics and Cultural Rights (Koivunen, Hannele & Marsio, 2007). Research focus: "Ethical Dimensions of Cultural Policy and Cultural Rights" in Maluku. The focus is translated into Research Subfocus as follows: (1) Form of Cultural Policy and Cultural Rights in Maluku; (2) Background and Objectives of such Cultural Policy and Cultural Rights; (3) The Influence of the Ethical dimension on the Usability and effectiveness of Cultural Policies and ⁵⁰Cultural Rights in Maluku.

Based on the focus of the above research, the research problem is formulated as follows: (1) How to Form Cultural Policy and Cultural Rights in Maluku Province; (2) Why the Background and Objectives of Cultural Policy and Cultural Rights take such a form; (3) How does the ethical dimension affect the usefulness and results of cultural policy and cultural rights in Maluku province. The formulation of the problem, becomes a reference to the formulation of research objectives, namely: (1) Identifying and mapping how the form of Cultural Policy and Cultural Rights in Maluku Province; (2) Identify and disclose why the background and objectives of the Cultural Policy and Cultural Rights take such a form;; (3) Identify and map how the ethical dimension affects the usefulness and usefulness of cultural policy and cultural rights in Maluku province. The research locations are 3 target regencies/cities scattered in Seram Island, Central Maluku (Big Island) and 1 city in Ambon Island, which was held in January – April 2018.

First. Cultural Policy. The history of urban environments, always associated with cultural policies that are always sensitive and responsive to available places of cultural innovation and expression of artistic experimentation of the City. A place of innovation and artistic expression which has

always been a challenge for human development culture. (Dietachmair, 2011) Cities around the world continue to improve in jumlag and quality. In particular, strategic approaches and serious investments in advancing the local arts and culture sector. Culture then influences and shapes the entire field of development: both social, economic and environmental cities. Urban development must be sensitive and responsive to the aspirations of its citizens' needs. The success of the city at this time, unimaginable, without the color of a distinctive cultural dimension. Even the characteristics and cultural characteristics promoted by the City Government, will always show the position of cultural contribution as a fundamental and strategic pillar in sustainable development, in addition to the role of the fields: economic, social and ecological.

Ülkü Zümray Kutlu, (Kutlu, 2011) in his research on: ***On Local Cultural Policies in Turkey*** shared the Turkish experience that: "Cultural policy is a multi-dimensional and comprehensive field covering a wide range of issues from the cultural industry to historical and cultural heritage; legislation on cultural conditions affecting artistic and artist production; cultural diversity to cultural rights and participation in culture; and discussions, policies and practices around these issues. The various issues handled, only discuss one aspect of this problem, namely the efforts made by Anadolu Kültür (AK) and the University of İstanbul Bilgi with the support of the European Cultural Foundation (ECF) with regard to *the development of participatory policies of local culture, projects realized by various cities, and case studies based on observations and experiences in these cities.*"

Today, the concept of participation is the basis for: a) v₄₉ous political voting activities, b) as well as mobilizing citizens in or₄r to uphold and advance civil and political rights. Especially in the context of the realization of economic, social and cultural rights, as well as civil and political rights. In this context, the concept of participation in cultural life, must be seen as more than just technical participation of activities. More fundamentally, it should be seen as "active collaboration and participation in the development and realization₄ of cultural policies, as well as the expression of collective movement and freedom of choice." However, although the concept of participation has often been mentioned in relation to various interests, there has been no clear consensus on its definition, scope and capacity. In Turke₄ knowledge and perception of how participatory processes can function adequately with a clear perspective, has not been developed in the context of participation in local decision-making processes. Therefore, it is important to ensure that participation in the context of public decision making, for example, proves useful in order to answer questions about: why it is necessary, who participates, in what case, how it is done.

The enforcement and promotion of Civil Rights and Politics of Citizens of the World, proved to remind that the concept of participation has transcended the voting and mobilizat₄n of potential citizens. Participation in cultural life has turned out to be a solid pillar in involving participation in praxis activities, namely "active collaboration and participation in the development and realization of policies and implementation of collective movement and freedom of choice." Although the concept of intensive participation colours political behavior, there is no clear consensus on its definition in a cultural multifaceted context. In countries with knowledge and perceptions of how participatory processes can function, there has not been adequate concepts and perceptions of how participation is clearly to be developed in the framework of l₄₅I decision making. That's where the fundamental, strategic and contextual need to ensure how participation in the public decision-making process is the answer to the question of: who participates, in what respect, how and why.

Study of Diversity and Cultural Policy: putting the issue of Citizenship in the perspective of Inclusion which confirms that: "the study of citizenship, culture and diversity", there is a debate about "civic culture." (Zapata-Barrero, 2015) Culture is seen as a conduit for talking deeply, the meaning of diversity. In that context, cultural policy serves to improve the legal and political status of citizenship. Our reasoning will follow two deepening steps. (1) In the framework of the study of the perspective of literature. We must identify the two main drivers that shape the legal and political status of citizenship in a cultural context. Especially with regard to: the concept of democracy (equality) and citizenship (national identity) towards citizens. However, it should be noted that the debate on this subject, can concentrate on the plurality of meaning from a 'cultural' perspective, and not. (2) Plurality of citizenship traditions: which are politically, expressed through the selection of liberal, communist, or republican ideas. This view underlies a different approach to cultural policy. Especially, when we focus on promoting citizenship status in a variety of cultural contexts. Ultimately, we will argue that: Diversity, Cultural Policy, and The Legal and Political Status of Citizenship can form an interpretive basic framework that is able to distinguish cultural policy practices at this time.

As it turns out, the topic of Zapata-Barrero's research contributes to how to accommodate issues surrounding the political status of citizenship, diversity and the policy of culture in the context of local culture. How to use cultural policy as a strategic factor in answering the issue of diversity and political status of citizenship. Zapata-Barrero uses cultural theory as a means to achieve the management of diversity and political status of qualified citizenship. However, most of the literature on culture, taking a slightly different approach, illustrates the perspective of civic studies on three democratic traditions, namely: liberal, communist and republican. This allows for the possibility of cultural understanding of the perspective of diversity traditions, as well as answering questions about how cultural policy is relevant in answering the political status of citizenship. Therefore, we must consider how different cultural policy approaches in civil tradition, are able to achieve common goals.

The Intergovernmental Conference on Cultural Policy for Development, held in Stockholm, Sweden, on 2 April 1998 recommended the importance of Cultural Policy to its Member States, as follows: 1) Making Cultural Policy one of the key components of a development strategy; 2) Promote creativity and participation in cultural life; 3) Strengthen policies and practices in order to maintain and improve cultural heritage, both tangible and intangible, mobile and immovable, in order to promote cultural industry; 4) Promote cultural and linguistic diversity within and for the information society; 5) Making the availability of Human Resources and Finance in the framework of Cultural Development.

In this regard, we should dive deeper into the notes by **Tara Byrne** (Byrne, n.d.) when emphasizing the importance of **The Creative City and Cultural Policy**. Because, "the creative-small-town paradigm is an economic and managerial discourse related to the creation of successful and competitive cities and regions. How to manage these claims relates to the role of culture in the economy and the role of culture in providing the main attractions, facilities and atmosphere in the city (in attracting the 'creative class' and corporate investment). How creative cities and regions gain legitimacy as a progressive and friendly public profile by aligning the paradigm of creative cities and regions with political, social and economic contexts and interests related to cultural policies."

Second. **Cultural Rights**. Prof. Anja Mihir (Mihir, 2009), when presenting her views on the "European Human Rights Regime", saw those cultural rights, is the way the state and government implement decisions to protect various contextual issues relating to groups, languages, ethnicities, religions, traditions, etc. Therefore, Cultural Human Rights is a political stance and a domestic mechanism to protect human rights. Cultural Human Rights is most often applied to the needs of national minority groups. Government policy will be tested in relation to the impact of differences between minority countries in one country and cross-border. Human rights are also associated with the political rights of minorotas groups. Concrete, berkair=tan dngan the right to gather, organize, participate or critical attitude towards the government.

A clear and definitive definition of Cultural Human Rights remains a national and international struggle. Especially Human Rights in the perspective of internal Culture of the State and cross-Border. The protection of human rights is always discussed within the framework of legal and political protection and promotion. For example, in the field of (1) art and other manifestations relating to the development of human intellectual rights (intellectual property); (2) customs, relating to socio-cultural behavior, as well as in (3) the need for the expression of the behavior of certain social groups.

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Based on the document on human rights, Human Rights for the Development of Science and Culture, today, it is always related to economic, social, and cultural rights. In relation to the Unfinished Document on Human Rights, it says that: everyone has the right to participate in culture, benefit from the advancement of science, and have a role to contribute to the development of science and culture.

"(1) Everyone has the right freely to participate in the cultural life of the community, enjoy the arts and participate in the advancement of science and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from the scientific, literary or artistic production of which they are the author."

Furthermore, the importance of the relationship between the concepts of Cultural Diversity and Human Rights. (1) Human Rights Approach as a strategy for the Protection of Cultural Diversity. The Protection of Cultural Diversity is a cultural ethical need that is integrated with human dignity. Commitment to fundamental human rights and freedoms, especially with regard to the practical status of minority groups and indigenous peoples. Cultural diversity should not be used as an

excuse to violate human rights, as it is guaranteed protection through international law. (2) Cultural rights allow the protection and promotion of cultural diversity. Cultural rights as an integral part of human rights are universal. Implementation of Cultural Diversity as an integral cultural right related to the International Covenant on Economic, Social and Cultural Rights. (3) In such context, everyone has the right to express his/her potential in creating and disseminating cultural works in accordance with the chosen language medium to express them. Especially through mother materials and culture. That everyone is entitled to the development of a quality of respect for cultural identity. This includes the right to participate in a life of cultural choice as well as realizing integrated cultural behavior. This includes respect for human rights and fundamental freedoms. Learn from the dynamics of Chinese and European cultural contexts. (1) China, showing how public good is seen as an important channel in building healthy interactions between individuals and countries, in order to create a harmonious society. Interdependence between individuals and communities is always focused on the role of individuals in order to build the public interest. Individuals can serve the community primarily through contributions in the field of culture. The increased interest of citizens to carry out "civil obligations", will contribute to the public interest. Especially through participation in public institutions, so that it will be more responsive to the fulfillment of individual needs in the community. 2) Europe, showing concern for human rights in the context of cultural diversity. For Europe, cultural rights must be protected from cultural violations that can occur through government policy. This is due to European history. In Europe's past history, political positions in the context of certain ethnic and minority diversity have brought about the suffering of severe discrimination, persecution, even the atrocities of mass murder in European history. Therefore, the mechanism of protection of Human Rights in the context of Cultural Policy, is considered very important to be maintained in the current historical context. The position of citizens and those considered a "minority nation" in enjoying cultural rights, is evident in the commitment to the protection of cultural heritage, language, traditions, and also religion. Cultural rights and cultural life are seen as part of the identity of citizens in a European society that is diverse in a cultural context.

Anja Mihr's conclusion is: (1) That the comparison between Europe and China is beneficial to understand the idea and path of cultural human rights as the protection of human rights as a whole. Differences in tradition, approach at a historical context should be considered. Nevertheless, Europe and China put forward the protection of cultural human rights and included it as the basis for the development of society as a whole. (2) The European and Chinese context emphasizes the importance of the Rule of Law. Especially in protecting and advancing human rights. However, in the treatment of diversity of different legal traditions, it is directed to have multi-level governance mechanisms, multifaceted diversity with different results.

Third. **Ethics in Cultural Policy and Cultural Rights.** Hannele Koivunen and Marsio, L (Koivunen, H., and Marsio, 2008) argued that a just culture means the realization of cultural rights and the inclusion of everyone in cultural meaning regardless of age, gender, ability, or ethnicity, religion and cultural background. In this view, the ethical dimensions of cultural policy and cultural rights, are

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1. physical and cultural accessibility;
2. regional and cultural accessibility and participation;
3. diversity and conformity (harmonization) of cultural provisions; and
4. inclusion and cultural significance

The purpose of ethical choice appears in cultural policies and cultural rights, as well as as a way to create a basis and analysis tool on the impact of a Fair Culture, in the form of a proposed review, among others:

- Forming a committee based on representatives of different interests and experts to further analyze ethical viewpoints in arts and culture, to find cultural policy measures in promoting a just culture, and to generate social debate on the importance of cultural policy ethics
- Placing projects with the aim of developing ethical indicators of cultural policy assessment.
- Setting up a collaborative project with the Ministry of Foreign Affairs for multilateral affairs, ethically sustainable cultural production, entrepreneurial culture and an efficient intellectual property system as part of developing cooperation
- Starting a more in-depth and thorough investigation, reflection and review in each field of art and culture to find out the characteristics in it.

Ethical Premise on Cultural Policy⁷ is not at all without contradictions. Instead, there are strong tensions in between. In cultural policy, the value of art and culture can come from intrinsic value and high quality of art. Art and culture are seen, both when contributing to the occurrence of social exclusion through the point of view of discrimination, and the way art classification to prevent social exclusion and promote social cohesion and social health, as part of the welfare of society. The arguments and data studied can be presented for a Cultural and Social Cohesion point of view. Through economic intermediation and application, art has put forward the scope of autonomy and intrinsic value of art that is receding.

Cultural policy choices about: whether the ethics of justification comes from the ethics of virtue, ethics of responsibility or ethics of fairness. Depends on the point of view. We can talk about the ethical dimension, in the context of the diversity of cultural policy choices, ⁷ which can explain the pressure on the ethos of freedom, the right ethos or the ethos of benefits. None of these options are "more ethical" or "more valuable" than others. Indeed, the purpose of ethical judgment in cultural politics can primarily be sought in relation to the principle of choice used and the position of the decision maker itself, as well as analyzing the impact of choice.

In cultural policy we must choose between different ethical premises and emphases. The choice cannot be based on utopian ideas about value-relativism or absolute value absolutism, only on an analysis of the dimensions and impacts of alternative ethics and an awareness of different ethical premises. There is no dearth of ethical declarations and agreements that contain ethical objectives in the world. Many contain an ethical dimension of cultural policy at some level. The ethical dimension of cultural policy is often in the form of binding norms, for example regarding basic rights and human rights. The problem is whether it is applied in reality or whether its final function is merely a ritual of auto communication and rhetoric.

Laszlo Zsolnai (Zsolnai, Laszlo., 2009) stated that, **Ethical Prospects** in Cultural-Policy and Cultural-Rights aims to present and summarize new perspectives and leading-edge results in ethics that reflect: a) interconnected economics, b) social and c) environmental concerns. It reflects innovative practice, policy reform and human rights, and provides a forum for discussion of theoretical breakthroughs. The main function of his research and reports on the Ethical Prospects of Cultural-Policy and Cultural Rights is to present ideas and initiatives that lead to responsible business practices, policies for the common good and ecological sustainability. This action seeks to create value for the community of scholars, practitioners and policy makers involved in business ethics, environmental management, and public policy.

Peter Ulrich (Ulrich, 2009) reminded that: today's business life is full of tensions and conflicts between a) "market logic" on one hand and b) "human, social and ecological demands" on the other hand. In the name of "free market" and "free enterprise", the inherent need of a competitive economic system has been more or less freed from moral barriers and institutional constraints in the last 200 years of modern development.

The on-going outcome of "market liberalization politics" – at the national level before, at the global level today – is increasing productivity and economic growth. But this "price we pay for economic progress" is also increasing: what matters in a free market is what it pays for those who invest capital. This is the institutional goal of the "capitalist system." All other resources (natural and human) only have the status of means. The "work" of the means is calculated in terms of cost and has to be minimized, regardless of their intrinsic value, while the return on equity or investment should be maximized.

In short, the basic difference between republican liberalism and market liberalism can be made on three basic points: First, as a motivational basis, civic virtues that are in accordance with the consequences of the republic's business ethic; Second, as a principle of the constitutive order, fully established civil rights include (rather than being excluded as hitherto) the socio-economic prerequisites for a truly free and decent life; and Third, as an ethical-economic consequence, a civilized market economy (Ulrich, 2008). Republican liberalism is not opposed to an efficient market economy but must be understood as a prerequisite for legitimate and life-serving public business activity.

Yeremias T. Keban (Keban, 2001) revealed that, **Public Service Ethics must be considered in every phase of public service**, starting from the preparation of service policies, the design of the service organization structure, to service management to achieve the ultimate goal of the service. In this context, **the focus is on the actors involved in each phase**, including the interests of these actors - **whether the actors have really prioritized the public interest above other interests**. For example, by using generally accepted moral values (six great ideas) such as: truth, goodness, liberty, equality, and justice, we can **assess whether the actors are honest or not** in policy making, whether

they are fair or unfair in their policies in placing people in available units and positions, and whether or not they lie in reporting the results of service management.

In public services, **acts of violating morals or ethics are difficult to trace and dispute because of the habit of our society forbidding people to "open secrets" or threaten those who complain.**

Meanwhile, we also face increasingly tough challenges in the future because the **standard of service ethics assessment continues to change** according to the development of the paradigm.

Substantively, we also **do not easily reach maturity and ethical autonomy because it is full of dilemmas**. Therefore, it is certain that moral or ethical violations in public services in Indonesia will continue to increase.

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According to Keban, in a narrow sense, public service is an act of providing goods and services to the community by the government in the context of its responsibilities to the public, either directly or through partnerships with the private sector and the community, based on the type and intensity of community needs, community capabilities and market. This concept emphasizes how public services are successfully provided through a healthy delivery system. These public services can be seen every day in the fields of administration, security, health, education, housing, clean water, telecommunications, transportation, banks, etc. The purpose of public service is to provide the best goods and services for the community. The best goods and services are those that fulfill what is promised or what society needs. Thus, the best public service is the one that gives satisfaction to the public, if necessary, exceeding public expectations.

In a broad sense, the concept of public service is identical to public administration, which is **making sacrifices on behalf of others in achieving the public interest** (Perry, 1989). In this context, public services are more focused on how elements of public administration such as policy making, organizational design, and management processes are utilized to make the delivery of public services successful, where the government is the **provider** who is given the responsibility. Karya Denhardt yang berjudul *The Ethics of Public Service* (Denhardt, 1988) is an example of this view, where public service is really synonymous with public administration. In the world of public administration or **public service, ethics is defined as philosophy and professional standards (code of ethics), or morals or right rules of conduct (rules of correct behavior)** that should be obeyed by public service providers or public administrators (Denhardt, 1988). Based on the concept of ethics and public service above, what is meant by public service ethics is the practice of public administration and/or the provision of public services (delivery system) based on a series of behavioral guidelines (rules of conduct), or a code of ethics that regulates "good" matters to be done or vice versa "not good" to be avoided.

Keban reminds us that we need Maturity and Ethical Autonomy. Kaena, in the practice of public service in Indonesia today, we must always pay attention to social dilemmas like the previous one. In other words, public service providers must study universal ethical norms, in order to be used as a guide in social behavior. These norms are also tied to the situation, so that when we accept the norms, not rigidly. Being acted on like this shows maturity in ethics. A joint dialogue towards consensus will be helpful in solving the dilemma between norms, ethics, and social responsibility. Our weakness lies in the point, that we do not uphold the need for a code of conduct. Thus, the existence of ethics and codes of ethics, the freedom to examine and question the role of applicable moral norms can be done well. In fact, the role of norms, morals and ethics is often overlooked in the changing dynamics of the times. However, these norms are also tied to the situation, so accepting the norms does not have to be rigid. This is where maturity is required in ethics. Dialogue towards our consensus can help solve this dilemma. Our weakness lies in the inelasticity of our contention of the importance of the code of conduct. Likewise, the freedom to examine and question moral norms prevails. In fact, we are often rigid about existing moral norms regardless of the changing times. We often breed ourselves dictated by outsiders so as not to have ethical autonomy.

Matthew J. Moore when reviewing the topic on "From Transcendence to Immanence", notes that, the shift from the concept of a territorially centralized nation-state, to decentralized Regional Autonomy, reflects a broader shift from a transcendence perspective and toward an immanence perspective on all areas of life. Moore cited Hardt and Negri's views on three different types of transcendence. (1) Divine or Supernatural transcendence over man and nature. (2) The shift from transcendence to immanence, is the shift from sovereign relations to people's democracy. (3) The shift from transcendence to immanence in the relationship between human and non-human nature. (Moore, 2008).

The shift has moved away from the concept of Transcendence. Not when we adopt inhumane forms of power and control, but that we abandon the concept of transcendence as an ethical

idea. Not only political transcendence, but also because the concept of transcendental has stopped not paying attention to ethical standards. In other words, the idea that we can measure or evaluate the world of faith according to some transcendental ethical standards, has become overwhelming, and quickly abandoned, both in theory and practice.

When discussing the topic: "From Nation-State (centralized) to Regional Autonomy (decentralization)" the main focus is the shift in the form of dominance of political sovereignty. The new regulation combines production, distribution and control of political, economic, and social/cultural. It is characterized by two related flows of changes. (1) Concentration of Power. Power tends to affect some aspects of life. Multinational corporations, for example, not only embody traditional business functions, but also in some cases on aspects of political sovereignty. (2) Traditionally, Power can be attributed to cultural and social production behavior. That power is undergoing a decentralization process. No locus of special power is capable of exercising control, either broadly (across the country), or desentrally intensively through all aspects of life. This is where the position and contribution of ethical roles lie.

Research Method

Data Collection Methods and Procedures.

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This study used a phenomenological-descriptive method with a qualitative approach, which aimed to seek and find a comprehensive understanding, interpretation of meaning and contextual understanding of the phenomenon of "Ethical Dimensions in Cultural Policy and Cultural Rights" in the context of social processes and interactions through "Processes and Products of Cultural Policy and Cultural Rights" in Maluku Province (Saladien, 2006) Phenomenology-descriptive is the study of consciousness-based experiences, "referring to experiences that arise in consciousness."(Manoppo, 2017) It depicts what a person or group of people perceives, feels, and knows in conscious experience. (Prianti, 2012)

Data and data sources.

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Qualitative data is data related to categorization, characteristics in the form of questions or in the form of words. This data is usually obtained from interviews and³³ subjective because the data is interpreted differently by different people (Ridwan., 2003). Qualitative data is in the form of descriptive, in the form of spoken or written words about observable human behav³⁶ (Taylor, S.J & Bogdan, 1994) and can be divided into three types (Patton, 1990) such as: 1) *Observation results*, are detailed descriptions of situations, events, interactions, and behaviors observed in the field; 2) The outcome of the conversation. The importance of paying attention to the respondent's direct quotations relates to the respondent's experience, including their attitudes, beliefs, and thoughts. 3) Written material. Qualitative data sources, will relate to: excerpts or entire information on written documents, correspondence, recordings⁴⁰ and historical trace recordings. Lofland &Lofland (Lofland, John &Lofland, 1984) suggests that the main data sources in qualitative research are words and actions. The rest is additional data obtained from other documents. "Based on qualitative data, researchers follow and understand the track record of event-aware experiences in chronological order, assess causation within the scope of local people's minds, and obtain useful explanations." (Miles, M.B and Huberman, 1992)

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Data Collection Techniques and Procedures.

Data collection techniques and procedures are based on phenomenological principles as a qualitative research method, do not use hypotheses in the process, and are not initiated and do not aim to test theories. Data and data collection procedures are carried out through interview techniques, focus group discussions (FGD), documentation studies, observations and action plan designs.

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Data Collection Techniques and Procedures.

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not aim to test theories. Data and data collection procedures are carried out through interview techniques, group discussions (FGD), documentation studies, observations and action plan designs (Miles, M.B and Huberman, 1984) that the qualitative data analysis procedure consists of three flow of activities that occur simultaneously, namely: data reduction, data presentation, conclusion drawing/verification. Qualitative data analysis is carried out interactively and takes place continuously until it is complete, so that the data is saturated (no new data or information is obtained from existing data).

Data Checking.

Data checking focuses on two main things: criteria and techniques. Criteria. The validity of qualitative data is based on four criteria: (1) credibility (degree of trust); transferability (switch ability or similarity of context); (3) dependability (dependency); (4) confirmability (certainty). Data checking techniques. First, on the credibility criteria, with the following techniques: 1) participation extension (data confidence level), 2) observation persistence, 3) triangulation (through other sources), 4) peer checking (peer discussion); 5) adequacy of references; 6) negative case studies; 7) checking members/research team. Second, the criteria for transferability, with Techniques: 8) detailed descriptions; Third, the criteria of dependence and certainty, with 9) auditing technique of dependence, and 10) certainty.

Research Findings

Overview.

The study technique focuses on primary data, which is used to answer the Sub-Focus (objective) of Research 1 which is sourced from (a) direct factual information based on Indigenous Communities and Public Officials of the study targets, (b) the results of cross-disciplinary studies through several experts who reviewed Cultural Policy and Cultural Rights. Research Focus 2. In particular, the factual conditions of Cultural Policy and Cultural Rights occur. The extent to which the behavior and products of the Cultural Policy and Cultural Rights as a public policy, are sensitive and responsive to these conditions, in answering Research Sub-Focus 2. Research Focus 3., still closely related to Research Sub-Focus 1 and 2, used a series of interviews and focus group discussions (FGD), in identifying, mapping and formulating, how the influence of the Ethical dimension on Cultural Policy and Cultural Rights in Maluku Province.

FGD data were obtained from a series of discussion groups with the research target community. Key character interview data were obtained from indigenous peoples, Village/Kelurahan officials, as well as Public Officials at the District, Regency/City levels in Maluku Province. In fact, the Ministries and Related Institutions. Observational data was obtained through the direct involvement of researchers in observing the spatial conditions of the area (spatial) related to activities, events, events, objects, social and emotional atmosphere of citizens related to *Cultural Policy and Cultural Rights and their Ethical Dimensions*. This technique is mainly used for clarification in relation to Research Sub-Focus 3, which focuses on how the influence of the Ethical dimension on the Usability and effectiveness of Cultural Policies and Cultural Rights in Maluku Province.⁵⁵ The presentation of data analysis in the description of the findings of Sub-Focus Research 1 to 3 refers to the flow of data analysis from Miles and Huberman, (Miles, M.B and Huberman, 1992) namely the stages of data reduction, data presentation, and drawing conclusions.

Research Findings. First, Form of Cultural Policy and Cultural Rights.

The research findings show that the Forms of Cultural Policy and Cultural Rights are as follows:

- Academic and field facts prove that in the history of the development and growth of urban and non-urban areas, cultural policies have been provided in the form of places for cultural innovation and artistic experimentation, as well as cultural facilities for human development (indigenous and local communities).
- The findings of the field study prove that the rapid development and growth of urban and industrial areas has provided strategic space and investment opportunities in encouraging both the arts and local culture sectors, the growth of rural and marginal areas.
- The results of field studies prove that urban planning and growth has permeated the field of social development management, spatial and economic quality in the

fulfillment of cultural policy needs as well as cultural right • The results of field studies prove that urban planning and growth has permeated the field of social development management, spatial and economic quality in the fulfillment of cultural policy needs as well as cultural rights. Participatory development and local cultural policies are realized by the City Government through the support of basic studies.

- The results prove that: (a) cultural policy comes into contact with multifaceted track 57 and cultural needs; (b) the need for a cultural policy that is responsive to artistic products as well as the cultification of artist competence;
- (c) cultural diversity and participation in cultural progress, both from a policy perspective and the enforcement and promotion of cultural rights. d) also ensure participation in the public decision-making process, may prove useful in answering questions about: who participates in what, how and why.
- The results of the field study prove that the cooperation of the government, higher education and private sectors is needed for the development of participatory policies of local culture, realized through various cities with the support of participatory action research with community-based collaboration of relevant stakeholders. In particular, this is related to the issue of diversity and culture, identification and mapping of the main drivers in the form of: democracy (equality) and national identity.

Second, the Background and Objectives of the Cultural Policy and Cultural Rights take the following forms:

The research findings show that, Background and Objectives of Cultural Policy and Cultural Rights took such a form, because:

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- Evidently, Culture is seen as a conduit for the inclusion of diversity, while cultural policies and cultural rights serve to enhance citizenship
 - Evidently, Democracy (equality) and Identity (National) are the main drivers in the struggle for citizenship and culture in the midst of the reality of diversity.
 - Cultural Policy Needs and Cultural Rights, proved to be influenced by the heritage of citizenship plurality, the framework of interpretation and practice that strengthens equality and national identity.
 - The results of the study prove that Cultural Human Rights has become the dominant driver for the needs of Cultural Policy and Cultural Rights of various groups and communities across languages, ethnicities, religions, traditions etc. 58
 - It is evident from the results of the study that Cultural Diversity and Cultural Human Rights have placed Human Rights as a Guarantee of Enforcement and Promotion of Cultural Diversity across Communities, Countries, Regions and Human Generations

Third, The Influence of the Ethical Dimension on Cultural Policies And Cultural Rights In Maluku Province

The findings of the study indicate that the influence of the ethical dimension on the usability and effectiveness of cultural policies and cultural rights in Maluku province is identified and mapped as follows:

- Evidently, differences in expertise and interests in analyzing ethical viewpoints in cultural policy and cultural rights need to find cultural policy steps in promoting fair management of cultural rights, as well as generating participatory social dialogue on policy ethics and cultural rights.
- It is necessary to identify, map and formulate an Implementative Framework that aims to develop indicators of ethical assessment and evaluation of the usability and effectiveness of the Cultural Policy and Cultural Rights.
- Multilateral cooperation is needed to produce sustainable cultural production, entrepreneurship, and an ethical intellectual property system.
- It is evident that the ethical premise of cultural policy and cultural rights is not without contradictions, especially in terms of conflicting interests and interpretations of Cultural Policy and Cultural Rights with intrinsic value and high artistic-cultural quality for the community.

- The results of literature and field research prove that the issue of Cultural Diversity, Human Rights, and the Cities-Small-Creative paradigm has proven to encourage the defense of cultural diversity as an ethical imperative because of respect for universal human rights and human dignity, either for a harmonious society: individual, social and state, as well as protecting cultural violations that require ethical maturity and autonomy.
- That it is necessary to be aware of the dynamics of the ethical perspective due to the shift of the Philosophical-theological Basis: a) from Transcendence to Immanence, in the form of: the shift of territorially centralized nation-states to decentralized territories; c) the shift from transcendence to immanence in relation to the sovereign to the people; c) transcendence shift to immanence in the relationship between human and non-human nature.

Discussion

Research Findings. Forms of Cultural Policy and Cultural Rights.

The research findings indicate that there are forms of Cultural Policy and Cultural Rights in the form of: **First**. In the history of the development and growth of urban and non-urban areas, there have been cultural policies in the form of places for cultural innovation and artistic experimentation as well as cultural facilities for human development (indigenous and local communities). **Second**. The rapid development and growth of urban and industrial areas has provided strategic space and investment opportunities to encourage both the arts and local culture sectors for the growth of rural and marginal areas. **Third**. Urban planning and growth have permeated the fields of social, spatial and economic development management with the dimensions of meeting the needs of cultural policies and cultural rights. **Fourth**. Academic and field studies prove that: (a) cultural policies are in touch with multiple faces, track records and cultural needs; (b) the need for cultural policies that are responsive to artistic products and the qualifications of artist competencies; (c) cultural diversity and participation in cultural advancement, both from a policy perspective and the enforcement and promotion of cultural rights. **Fifth**. There is collaboration among the government sector, universities, private sector and the community for the development of participatory policies of local culture, which is realized through various cities with the support of participatory action research as a form of community-based collaboration with relevant stakeholders.

Kevin Robins (Robins, 2007) made his research on **Transnational Cultural Policy and European Cosmopolitan** related to cultural policy concentrating on cultural policy for contemporary diversity of European society. Robins argued that, what is debated is the need now to move beyond the conceived national frame within which diversity policies have hitherto had. The key development stems from the global migration that has taken place over the last twenty years, and which has brought new cultural complexities into the European space. That this complexity can actually be a productive resource for European culture in general. What it maintains is that, realizing this potential, there is a need to address cultural policy from a transnational and transcultural perspective. A policy of transcultural diversity is essential for the elaboration of a new, cosmopolitan Europe.

Robins, further stated that: The Cultural Diversity and Cultural Rights Policy is now drawn into international policy and transnational terms of reference. **First**, we have seen a movement – largely as a consequence of the interventionist role of transnational European institutions, notably the European Commission and the Council of Europe – towards harmonization (democracy and integration) across Europe through approaches and national strategies for cultural diversity. **Second** – and no doubt with far and more radical implications – there has been a growing recognition that issues of diversity are increasingly going beyond the policy capacities of governments and national institutions. Thus, the European Council on Cultural Diversity Declaration makes clear the growing recognition by member states that “cultural diversity can no longer be effectively addressed only at the national level.” What is becoming more clear is that the new and diverse mobility and movements associated with so-called globalization have brought with them new types of diversity and complexity into the European cultural space, involving new types of cultural encounter, exchange and mixing. In particular, these new forms of diversity and complexity are transnational and transcultural in nature – that is, they function across national boundaries and operate across multiple spaces of Local Cultural Policy and Cultural Rights.

Background and Objectives of Cultural Policy and Cultural Rights.

The research findings show that, the Background and Objectives of Cultural Policy and Cultural Rights take such a form, because: **First.** Culture is seen as a conduit for the inclusion of diversity, while cultural policies and cultural rights serve to enhance citizenship. **Second.** Democracy (equality) and Identity (National) are the main drivers in the struggle for citizenship and culture in the midst of the reality of diversity. **Third.** Cultural Policy Needs and Cultural Rights are influenced by the heritage of citizenship plurality, the framework of interpretation and practice that underpins equality and national identity. **Fourth.** That Cultural Human Rights has become the dominant driver of the need for Cultural Policy and Cultural Rights various groups and communities across languages, ethnicities, religions, traditions etc. **Fifth.** Cultural Diversity and Cultural Human Rights have placed human rights as guarantees for the enforcement and promotion of cultural diversity across communities, countries and regions as well as human generations.

The essence of the Background and Objective findings, stated by **Catherine Murray** when conducting research on **Cultural participation: a Fuzzy Cultural Policy Paradigm** that: (a) *What is cultural participation?* Cultural Participation is defined as a general term to denote the activities of individuals and groups in creating and using cultural products and processes. Cultural participation has widened in the definition of the activities it includes, as a result of social and cultural changes. (b) *Why is cultural participation important?* Many countries design their cultural policies to promote the value of enhancing cultural participation or cultural rights for their citizens to conform with international practice. Article 27 of the Universal Declaration of Human Rights stipulates the right to participate in the cultural life of the community as a human right. In Canada, no such right is enshrined in the Charter of Rights and Freedoms. Historically however, Canada has had some experience with the participatory cultural policy paradigm during the Gérard Pelletier era especially in the late 1960s and early 1970s. Gilles Provonost argued that this ideology has been implicit in cultural policy at the federal and provincial levels ever since.

Murray asserts that, "Right to Participate" must be enshrined in the Cultural Policy Product. This view has various meanings:

- **Expressive:** implies that people have a basic right to tell stories in their own language; practice daily life in their own way; creating and disseminating work in their preferred language;
- **Normative:** refers to civic values, which treat with respect tolerance; create a sense of security, such as the right to live free from fear.
- **Instrumental:** force the State to provide information and educational tools; to function as cultured citizens in a way that is entirely respectful of their cultural identity. On the other hand, the State can ensure access to cultural resources for all, regardless of venue or geographic location;
- **Procedural:** the reason for protecting minorities as an ethical imperative, which is inseparable from respect for human dignity. This implies a commitment to human rights and fundamental freedoms. Especially the rights of minority groups and indigenous peoples;
- **Deliberation:** establishing the principle of recognition of cultural status, representation in cultural decision making, or control over self-determination of culture.

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The Influence of the Ethical Dimension on Cultural Policy and Cultural Rights in Maluku Province.

The findings of the study indicate that the influence of the ethical dimension on the usability and effectiveness of cultural policies and cultural rights in Maluku province is identified and mapped as follows: **One.** Differences in expertise and interests in analyzing ethical viewpoints in cultural policy and cultural rights need to find together cultural policy measures to promote fair management of cultural rights, and generate participatory social dialogue on policy ethics and cultural rights. **Two.** Identification, mapping and formulation of an Implementative Framework aimed at developing ethical indicators of assessment and evaluating the usability and effectiveness of the Cultural Policy and Cultural Rights. **Three.** Multilateral cooperation in producing ethically sustainable cultural production, entrepreneurship and intellectual property systems. **Four.** The ethical premise of cultural policy and cultural rights is not without contradictions, especially in terms of conflicting interests and interpretations of Cultural Policy and Cultural Rights with intrinsic value and high artistic-cultural quality for the community. **Five.** The results of literature and field research prove that we need Maturity and Ethical Autonomy in Enforcing and Promoting

Cultural Policies and Cultural Rights. **Six.** It is necessary to realize the dynamics of the ethical perspective due to the shift in the Philosophical-theological Base: a) from Transcendence to Immanence, in the form of: a territorial shift of the Centralistic nation-state to an urgency of Regional Decentralization, b) a shift in the concept of transcendence: from the divine or the supernatural over man and nature; a shift from transcendence ³⁷ immanence in sovereign relations to the people; c) a shift in transcendence to immanence in the relationship between human and non-human nature.

Referring to the findings of the study as described earlier, Mark Infield and Arthur Mugisha revealed that: "Integrating the Cultural, Spiritual, Ethical Dimension. And Moral into Conservation Practices in the World, has Changed Rapidly. That conservation initiatives are implemented in developing countries, whose people have very ⁵th and distinctive cultural values and ethics. Cultural Values and Ethics, which have a relative aesthetic and spiritual attachment to landscape and nature, always give way to absolute scientific and economic rationalism. Be aware of the need to get local community support and respond to the fact that conservation initiatives are often developed at a significant cost to the local community, with little indigenous or local benefit as a balance. Conservationists, referring to materialist perspectives, and representing a natural world that is increasingly becoming a commodity to be managed sustainably. This trend is reinforced by the increasing dominance of market-based neoliberal tendencies, as a solution to social problems. (Infield, Mark & Mugisha, 2010)

The concerns of various parties that, it turns out, conservation efforts have not come to fruition. Global targets for "biodiversity and protected areas" were not met. The Crown Jewel of Conservation Buildings, increasingly exposed due to the lack of fulfillment of cultural rights and support of Cultural Policy through Local Politics. In this context, research is needed to examine the role of cultural, spiritual, ethical, and moral values in realizing the Cultural Conservation policy and Cultural Rights. This is recognized as a driver of strong conservation behavior, and remains remembered as the basis for the start of modern conservation efforts.

Cultural policy and cultural rights that are reintegrated into the value-based approach and conservation ethics, means talking to the policy question, "What is that? We have to do conservation and why?" This includes investigating the practical question "Why is no current model more effective, and how can we improve it?" The separation of biodiversity with Culture, has obscured the fact that the Community Capital Framework consists of various capitals, namely: nature, human, social, financial, ⁵fracture, culture. Community Capital Framework, strengthening and interdependent. Indeed, it is difficult to understand and preserve natural resources, unless we understand them in relation to the cultural and human and social capital that make up them. That each culture has its own set of representations, knowledge and practices, in which indigenous peoples and locales interact with their environment and spatial layouts integrally, inclusively and sustainably as cultural construction and biophysical reality.

Conclusions And Recommendations

Conclusions.

(1) It is evident from the findings of the research on Forms of Cultural Policy and Cultural Rights: a) that in the history of the development and growth of urban and non-urban areas, cultural policies have been provided in the form of places for cultural innovation and artistic experimentation, as well as cultural facilities for human development (indigenous peoples and local). b) the rapid development and growth of urban and industrial areas has provided strategic space and investment opportunities in encouraging, either the arts and local culture sectors, the growth of rural and marginal areas. c) urban planning and growth have permeated the fields of social, spatial and economic development management with the dimensions of meeting the needs of cultural policies and cultural rights. d) policy development and participatory local culture, realized by the City, supported by studies based on city management experience; e) sensitization cultural policy in contact with multifaceted track record and cultural needs; the need for cultural policies that are responsive to artistic products; ; the need for cultural policies that are responsive to artistic products; cultural diversity and participation of cultural progress, both policy perspectives and the implementation of enforcement and promotion of cultural rights; also ensure participation in the public decision-making process; f) cooperation from the government, universities and private sectors is needed for the development of participatory policies of local culture, realized through various cities with the support of participatory action research with

community-based collaboration of relevant stakeholders.

It is evident that Kevin Robins in his research on The Transnational and Cosmopolitan European Cultural Policy with respect to cultural policies that concentrate on cultural policy for the diversity of contemporary European society, shows that, what is debated is the current need to move beyond the national frame conceived where diversity policies have been hitherto have. The main developments stem from global migration that has occurred over the last twenty years, and which has brought new cultural complexities to european space. That this complexity can actually be a productive resource for European culture in general. That this complexity can actually be a productive resource for European culture in general. What is maintained is that, realizing this potential, it is necessary to address cultural policy and cultural rights from a transnational and transcultural perspective. Transcultural diversity policies for the elaboration of new European cosmopolitanism can be an example.

(2) It is proven that the finding²⁰ of the study show that the Background and Objectives of Cultural Policy and Cultural Rights: a) culture is seen as a channel of inclusion of diversity, while cultural policy and the function of cultural rights in order to improve citizenship; b) Democracy (equality) and Identity (National) are the main drivers in the struggle for citizenship and culture amidst the reality of diversity. (c) The need for Cultural Policy and Cultural Rights is proven to be influenced by the heritage of plurality citizenship, the framework of interpretation and practices that strengthen equality and national identity. d) Cultural Human Rights has been the dominant driver of the need for Cultural Policy and Cultural Rights⁶⁴; various groups and communities across languages, ethnicities, religions, traditions etc.; e) Cultural Diversity and Cultural Human Rights have placed Human Rights as a Guarantee against the Enforcement and Promotion of Cultural Diversity across Communities, Countries and Regions and Human Generations.

Proving that Catherine Murray's research on Cultural Participation, Fuzzy confirms: (a) ⁴²What is cultural participation? Cultural Participation is defined as a general term for denotes the activities of individuals and groups in order to create and use cultural products and processes. Cultural participation, has had a broad definition of activity, as a result of social and cultural changes. (b) Why is cultural participation important? Many countries design their cultural policies to promote increased value of cultural participation or cultural rights for citizens, to conform to international practice.

(3) Evidently, the findings of the study show that, the influence of ethical dimensions on cultural policy and cultural rights in Maluku Province, identified and mapped as follows: that: a) Differences in expertise and interest in analyzing ethical viewpoints in cultural policy and cultural rights need to find cultural policy measures to promote fair management of cultural rights, and produce participatory social dialogue on policy ethics and cultural rights; (b) Identification, mapping and formulation of Implementative frameworks aimed at developing ethical assessment indicators and evaluating the effectiveness of Cultural Policies and Cultural Rights required; c) Multilateral cooperation is required in producing sustainable cultural production, entrepreneurship, and ethical intellectual property systems. (d) It is proven that the ethical premise in relation to cultural policy and cultural rights is not without contradictions. Especially in terms of conflicting interests and interpretations of cultural policy and cultural rights, with intrinsic values and high artistic-cultural qualities for society; e) it is necessary to realize the dynamics of the ethical perspective due to the shift of philosophical-theological basis: from Transcendence to Immanence, in the form of: shifting the concept of a territorially centralized nation-state, to urgent decentralization of territory; shifting the concept of transcendence: from divine or supernatural value over man and nature; the shift from transcendence to immanence in relation between sovereign-authority to people-democracy; transcendence shifts to immanence in the relationship between human and non-human nature.

Evidently, Mark Infield and Arthur Mugisha in their research on: "Integrating Cultural, Spiritual and Ethical Dimensions into Conservation Practices in a Rapidly Changing World", emphasize that: conservation initiatives are implemented in developing countries. The people have very distinctive cultural values and ethics. Values are relatively, have an aesthetic attachment to the spiritual environment and natural spatial system, and always give way to scientific and economic rationalism. Be aware of the need to get the support of the local community in response to the fact that conservation initiatives often cost a lot of money to the local community, while not balanced with the small benefits obtained. Conservationists refer to materialist perspectives and represent a natural world that is increasingly becoming a commodity to sustainably manage. This trend reinforces the growing trend of market-based neoliberal dominance as a solution to social problems.

Recommendations. Towards scientific development.

(1) Research should be conducted in order to deepen understanding of the ethical dimension in Cultural Policy and Cultural Rights, taking into account: a) the social context of the occurrence in zones: cities, suburbs, and rural areas, large islands, islands, industrial areas, etc. b) the specificity of the issues, reasons, cases and clusters that occur related to various patterns of cultural policies and cultural rights. c) main actors: government, private sector and indigenous peoples. d) indigenous/local and ulayat communities related to Cultural Policy and Cultural Rights etc (2) cross-disciplinary studies that focus on the ethical dimension in Cultural Policy and Cultural Rights, in addition to qualitative research methods, should also be carried out with a quantitative approach, so that the framework for analyzing and understanding the reality of society is in the context of cultural policies and cultural rights with various social, cultural, ethical-moral, psychological impacts, etc. are affordable. (3) It is hoped that this study of the Ethical dimension in Cultural Policy and Cultural Rights will inspire students and lecturers at universities to intensively conduct cross-disciplinary studies focusing on the Ethical dimension in Cultural Policy and Cultural Rights. This includes the role of religious and cultural institutions in academic praxis and the transformation of real action in the field. (4) Forums for reviewing research results and the design of social transformation praxis, such as the National Seminar organized by the University, should pay attention to cross-disciplinary studies focusing on the Ethical Dimension in Cultural Policy and Cultural Rights

(2) For Practical Needs.

(a) The government as a public official should pay serious attention to the need for Cultural Policy Products and Cultural Rights, both related to legacy problems and the challenges of Globalization which tend to marginalize the existence and participation of Indigenous Peoples and Local Cultures in the decision-making process. (b) At the same time, organizing, empowering and developing the usability and effectiveness of the Product Track Record of Cultural Policies and Cultural Rights that are Sensitive and Responsive to both Archipelago and Local-Regional Culture and Wisdom, relating to the ethical dimension characterized by values: *Ecocentric, Inclusive, Integral, Holistic-intact, Sustainable*, especially in the context of Enforcement and Promotion of Cultural Human Rights and Integrity of Creation as a Philosophical-theological Reflection of Transcendence and Immanence in the era of Globalization (Information 4.0) today. (c) The ranks of the Government and Regional Governments, Universities, Private and Community Elements, should be sensitive and responsive pro-actively to the destructive impact of Cultural Policies and Cultural Rights that structurally, culturally, psychosocially afflicts and is borne by the Indigenous/Local Communities in Maluku as an Archipelago Province. (d) It is hoped that in accordance with the political will of the Government and Regional Government, Universities, the Private Sector and Community Elements, they will be more sensitive and responsive to the needs of the Ethical dimension in Cultural Policy and Cultural Rights in the "Negeri Raja-Raja" of the Maluku Islands Province for the Archipelago at the Pancasila House.

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