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The Position of Indigenous People and Cultural-Ethic Leadership Based Natural Resources Conflict Mediation In The Context of the Maluku Islands

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Abstract

This research aimed to explore and understand why and how the sources and anatomy of natural resource conflicts experienced by Indigenous-People in the Maluku Islands Context, both horizontally between community communities, and especially vertically through the intervention of State Public Policy and Investors/ Companies that have State Permits. In that context, the Role of Ethic-Cultural Leadership-Based Mediation is the Facilitation of Strategic Solutions. This research applied a qualitative approach with action research methods. Data collection used in-depth interviews, observation, documentary studies, FGD, and non-litigation advocacy designs, including 10 years' track record of the author's conscious experience, as the Chairperson of the GPM Synod. The results of the research proved that, the track record of conscious experience in the middle of a dialectical swirl of natural resource conflicts in the long history of Indigenous-peoples since the colonial era and until the time of Indonesian Independence, proved that: 1) The position of independent-peoples (Indigenous-Peoples) is always and forever in the position of "losers" in the Vortex of Natural Resources Conflict. At the same time, Indigenous Peoples, as the Subjects of the Constitutional Law of an Independent Indonesia, are faced with a condition of "Resource Curse," so that "multi-faceted" threatens to destroy the "Community Capital Framework" of Indigenous Peoples. 2) Mediation as a form of Advocacy for Indigenous Peoples in facing the "multi-faceted natural resource conflict vortex" position, focuses on the approach: Interactive Problem Solving through Joint-Problem Solving Team Inter-Stakeholders as Neutral Third Party. 3) Cultural-Ethic Leadership becomes the basis for the Mediation Movement Functionally. In that context, the Cultural-Ethic Leadership-Based Mediation Model within the framework of Ecocentric philosophy, spiritual ethics and morals, has become a strategic choice: effective and effective compared to others.

Keywords

Indigenous-people, Natural, Resources, Management, Conflict, Cultural-Ethic Leadership-Based Mediation.

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1 INTRODUCTION

The track record of experience gives awareness to the Exploitation and Management of Natural Resources in the Maluku Island Sea Province, both in contact with legal objects on the Main Island such as: Seram, Buru, Tanimbar etc., as well as the Coasts and Islands, such as: Aru, Leti-Moa-Lakor, etc., both in the colonial era which focused on the economic products of spices, and during the Independence era which focused on land, coastal and marine natural resources. In the colonial era, the political-economy of the colonizers in an archipelago such as Maluku, was the object of exploitation and management of the natural resources of spices, which was accompanied by the repression of political power and colonial power. All the people of Maluku and Nusantara were in a helpless and marginal position. All proceeds from the natural resources and economy of the archipelago, including Maluku as one of the main targets, had been transported for the interests of the European colonialists.

In the era of independence, the track record and marginal position have now shifted when legal subjects and/or actors of exploitation and management of land and sea natural resources in the Maluku region changed hands from the colonials to their own nation. Julius Sembiring stated that: The essence of state control over agrarian resources (SDA) which is called the right to control the state (HMN) is an authority obtained by the state based on the principle of attribution of the 1945 Constitution. In the conception of the National Land Law, HMN is the delegation of public rights in the form of mandate to administer from the Right of the Nation - as the highest right - to the state. Based on this transfer, the state has the authority to formulate policies, regulate, administer, manage, and supervise natural resources. To avoid the arbitrariness of the HMN, the state's authority is limited by 3 (three) things, namely: by the purpose of the HMN itself, namely, to achieve the greatest possible prosperity for the people; by individual rights and legal entities; as well as by the customary rights of indigenous peoples. In its implementation, HMN is delegated to certain authorities (land, forestry, and mining) and then issued by that authority civil character rights such as "land rights" and "permits" to certain parties (Sembiring, 2016).

The implementation of the delegation of HMN to a certain authority (land, forestry, and consideration) and then by that authority, is issued rights with a civil character, such as: rights to land and its management, rights to forests and its management, etc., which are legitimized by "granting management permits" to certain party. Meanwhile, Zayanti Mandasari in her study of the Legal Politics of Regulating Customary Law Communities with a focus on "the problems of the existence of indigenous peoples in Indonesia, as well as the dynamics of indigenous peoples can be seen from the Constitutional Court decisions. His research was focused on analyzing two things, namely: First, how are the existence of customary law communities in Indonesia? Second, what about the legal politics of customary law communities through the Constitutional Court decisions? The results of the study concluded: First, the existence of customary law communities in Indonesia has been accommodated in various scopes of statutory regulations, either in the 1945 Constitution, Laws, Regional Regulations, Governor Decrees, or Regent Decrees. Second, the legal politics of customary law communities through the Constitutional Court decision strengthens the existence of customary law communities in Indonesia by providing various interpretations or explanations (Mandasari, 2014).

Customary indigenous people are part of Indonesian society. It should be remembered that before the formation of the archipelago (Indonesia), as a Unitary State of the Republic of Indonesia, indigenous peoples were born and grew. Duncan (2009) said that the customary indigenous people 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 madebewind government. After independence, customary

indigenous people 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 had an original composition and therefore can be considered as special areas (Manan, 1999). After the amendment of the 1945 Constitution, customary law communities are accommodated in Article 18B paragraph (2) which states: "The state recognizes and respects customary law community 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 a form of state recognition of the existence of customary law communities. In addition, Indonesia has also ratified Law No. 11 of 2005 concerning the Ratification of the Covenant on Economic and Cultural Rights. Therefore, the state has an obligation to respect, protect and fulfill these rights, in this case it is to respect, protect and fulfill the rights of customary law communities. 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.

Mandasari further emphasized in his research that: Ulayat rights are the rights of customary law communities as institutions to live together and are managed for the common interest of members of the customary law community (communal bezitrecht) (Sjahmunir, 2006). Ulayat rights are a form of recognition of the existence of customary law communities in Indonesia, because in various places in Indonesia, the interaction between indigenous peoples 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 the customary law communities are "driven out" from their own land. This can be seen from the data recorded by the Association for Community-Based and Ecological Legal Reform (Huma), which stated 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 (Bräuchler, 2017). 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 that in the end they 'mortgage' the guarantee of legal certainty for the customary law community.

As happened in Maluku regarding indigenous peoples and their ulayat, such as field studies and information reported by: 1) Langston et al., (2020) regarding the Sabuai Indigenous Peoples, that, (a) the indigenous Sabuai people on Seram Island, Maluku, those who try to defend their forest are in conflict with the law; about 26 residents were arrested by the police, and two people were suspects. Now, all the indigenous people have returned to their homes, and two suspects are obliged to report; (b) The 26 indigenous Sabuai people were arrested by the Werinama Police, Monday (17/2/20). Previously, they were polished by CV. Sumber Berkat Makmur (SBM), with accusations of obstruction and destruction of company-owned equipment. (c) Residents asked the Maluku Government to immediately close down companies suspected of logging illegal timber in their forests. They were worried that if the

company continued to operate, the customary forest would be deforested, causing environmental problems. (d) 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 peoples who feel their rights have been deprived. The indigenous peoples of Negeri Sabuai are part of Indonesian citizens who want to fight for their customary forests.

2) Steenbergen, (2016) reports that: The Naulu people feel a threat to their sacred forest. a) The Naulu 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 out of 12 clans has overlapped with the concession area. 3) Whereas sacred forest for the Naulu people is a material place for carrying out traditional rituals, collecting wood, sago and resin, as well as hunting 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 Local Regulation on Customary Land in Central Maluku is in process.

3) Langston et al., (2020) 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 Roots of Natural Resources Conflict", especially agrarian cases that harm the people of North Maluku, including indigenous peoples, is a classic problem that has never been resolved. This case has not diminished but has increased along with the development regulations and policies in the natural resources 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, either CSR, the environment, land, forests, or 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 Ngele-Ngele community and the Morotai Regency Government, PT GMM which is in conflict with the Gane Dalam community, and PT Weda Bay Nikel and PT Tekindo Energi which are in conflict with the Sawai tribe.

4) The Bräuchler (2017) informs about the story 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 in Maluku, in the track record of their conscious experience so far, are prone to be in the vortex of conflict regarding access to control and management of natural resources, both through actors at the national and regional levels. Many research and studies have discussed the implementation of development project policies in the regions that focus on policies on the conversion of land / forest natural resources and the position of indigenous peoples living in this vortex which is divided into several trends. First, those who view land/forest natural resource acquisition and compensation based on the view that the social capital of indigenous peoples is the essence in the process of acquiring, integrating, and releasing land/forest as the core of social capabilities (Blyler & Coff, 2003), as well as special liberation of indigenous people and their land (Alias et al., 2010). This also looks at the 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 (Pattiselanno & Sopamena, 2018). Fourth, the relationship between land acquisition and improving the role of the government in

1

managing land by integrating the parties in land planning (Batiran & Salim, 2020). Fifth, land/forest acquisition is related to the decolonization of political and economic disparities in the community, (Stephan et al., 2010) government coalitions and land holders influence the low standard of compensation (Han & Vu, 2008). Sixth, research on the capacity of state institutions in public land acquisition; mediation of conflicts of interest between the parties (Parlee, 2015); land conflicts and politics (Bamidele, 2012); as well as land / forest and human rights (Alauddin et al., 2020).

The various research pay attention to the impact of project land/forest acquisition policies, related to various social conditions of land/forest owners, but only a few studies specifically focus on: The Position of Indigenous People and Mediation of Natural Resources Conflict Based on Cultural-Ethic Leadership in the Context of the Maluku Islands (Havel & Zaleczna, 2009). Meanwhile, "Marginalization of Indigenous Peoples and Mediation in the Vortex of Natural Resources Conflict Based on Cultural-Ethic Leadership" as an interdisciplinary study, needs to be further studied socio-culture and ethically.

The focus of the study was "The Position of Indigenous People and Mediation of Natural Resources Conflict Based on Cultural-Ethic Leadership in the Context of the Maluku Islands." This focus is elaborated in more detail into research sub-fociuses, namely: (1) Position of Indigenous People in the Vortex of Natural Resources Conflict in Archipelagic Context; (2) Mediation in the Vortex of Natural Resources Conflict is important for the Archipelagic Context; (3) Mediation of Indigenous People in the Vortex of Natural Resources Conflict based on Cultural-Ethic Leadership.

Based on the background and research focus above, the following research problems were formulated: (1) What is the Position of Indigenous People in the Vortex of Natural Resources Conflict in the Archipelagic Context. (2) Why Mediation in the Vortex of Natural Resources Conflict is important for the Context of the Maluku Islands. (3) How to Mediate Indigenous People in the Vortex of Natural Resources Conflict based on Cultural Ethic Leadership.

Starting from the formulation of the research problem, the following research objectives were formulated: (1) Identifying, mapping and formulating the Position of Indigenous People in the Vortex of Natural Resources Conflict in the Context of the Maluku Islands. (2) Identifying, mapping and formulating Why Mediation of Natural Resources Conflict Vortex is important in the Archipelagic Context. (3) Identifying, mapping and formulating How to Mediate Indigenous People in the Vortex of Natural Resources Conflict based on the Cultural-Ethic Leadership Model.

The research locations were the sample districts/villages of the position of Indigenous-People in the Center for Natural Resources Conflict in Seram Island: Central Maluku, West Seram, East Seram, and Aru Islands Districts in Maluku Province. The research was conducted in July - September 2018. 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 the research report; the fourth month and so on, the implementation of research results into empowerment activities, critical education & strengthening of mediation capacity based on Cultural Ethic Leadership.

Position of Indigenous People in the Vortex of Natural Resources Conflict.

First, Definition and Scope. Brenda in her study related to Avoiding the Resource Curse: Indigenous Communities and Canada's Oil Sands, argued, among other things, the concept: "Community capital framework which refers to assets, capabilities, and resources, which are

inclusive, inherent and integrative in the community in an integrated manner, are available and owned by the community, to achieve their life development goals (Pattiselanno & Sopamena, 2018). The Community Capital Framework is applied to various issues that become the concentration of the development of indigenous/local communities in a factual manner (Bourdieu & Richardson, 1986). "The proliferation of 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 a recognition of the complexities of economic growth (Yamres & Albartin, 2019)

The Community Capital Framework provides the basis for the effect of identifying and mapping so-called "resource curses", and 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, versus 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/local communities." This phenomenon was first identified, mapped, and its understanding was formulated in the context of Africa and Latin America (Steenbergen, 2016) 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 pointed to a possible symptom of the resource curse associated with booming oil mining at that time (Bowlby, 2005). The hypothesis suggests that the State of Alberta, like other regions and countries rich in petroleum resources, has a higher tendency towards the problem, as a consumptive expenditure, related to rent-seeking behavior. Low investment in research and development, and labor shortages in 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 the lure of high wages in the oil and gas sectors (Bowlby, 2005).

Third. Indigenous Peoples: Human rights to territories and resources. **The United Nation Permanent Forum on Indigenous Issues (UNPFII) - Together We Achieve** (Ahren, 2021) in the text: "**State of the World's Indigenous Peoples, Volume V - Rights to lands territories and resources**" released in February 2021 stated that: The UN Permanent Forum on Indigenous Issues is an advisory body to the Economic and Social Council with a mandate to discuss indigenous issues related to economic and social development, culture, environment, education, health and human rights. At its first session in 2002, the Forum called on the United Nations to produce a report on the state of the world's indigenous peoples to discuss issues relating to indigenous peoples in thematic areas within the Forum's mandate. The first volume, published in 2009, covers the six mandated areas of the Permanent Forum mentioned above. The next volume discusses indigenous peoples and health (2013), education (2017), and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (2019). Volume V (2021) focuses on the topic: **Indigenous-peoples: Rights to lands territories and resources.**" (Indigenous Peoples: Human rights to territories and resources).

Indigenous peoples' relations with their lands, territories and resources are at the core of their identity, well-being and culture. Environmental preservation which is transmitted through traditional knowledge passed down from generation to generation is the center of their

1

existence and civilization. As the world increasingly recognizes the negative impacts of climate change and environmental degradation on health, food security and overall peace and security, the importance of indigenous knowledge and territorial rights is beginning to be more fully recognized by the wider community. In that context, we can understand the reasons why a study delivered the results of his research on the topic: *A Future Resource Curse in Indonesia: The Political Economy of Natural Resources, Conflict and Development.*

Rao & Vidyattama (2017) argued that, there are two main questions in this context: First, to what extent is the international literature on resource conflicts relevant to Indonesia? Second, why and how do natural resources become a factor for various types of conflicts in Indonesia and what channeling mechanisms exist? He also admitted that the Indonesian Mass Media also tried to identify the implications of policies for practitioners and public policy makers of Indonesia's development.

Rao & Vidyattama (2017) identified four channeling mechanisms that link natural resource abundance and conflict, namely: economic disruption, institutional failure, growth failure and relative deprivation. Natural resources play different roles and have various important values in the four categories of stimulating actor-based conflicts such as: aspirations of separatism, regional vs community autonomy, company vs community and inter-communal/group relationships, and direct or indirect relationships. Separatism and inter-communal/group violence are the most severe types of conflict in contemporary Indonesia. (1) Against the aspirations of separatism, the feeling of relative deprivation among indigenous peoples in the four resource-rich provinces in relation to the rich, is a commonly identified factor. On this side, "anger has the potential to increase (escalative)." (2) Regarding inter-communal/group conflicts, access to control and management of natural resources can trigger or proximate the causes of conflict. (3) Structural causes underlie the conflict, or provide the context in which violent inter-communal conflict occurs. This is an important complaint.

Rao & Vidyattama (2017) concluded by pointing to three arguments drawn from the research findings, that: (i) there was a resource curse, found in resource-rich provinces (Papua, Kalimantan, Sulawesi, Java and Sumatra); (ii) utilitarian reasons (benefit) for the benefit of private businesses in order to fight poverty through innovative strategies to manage natural resources; and (iii) the need during the policy-making process to take into account changes in the positions of groups relative to one another at the sub-national level.

One perspective argues that resource conflict should be considered an integral part of the development process. Development itself is a process that must be transformed through the development process itself in order to achieve positive results and not through violence. It is in this context that a foundation is built regarding the position of resource conflicts in a broad and integral interdisciplinary development discourse. This is in contrast to most of the resource curse and resource conflict literature, where natural resources primarily refer to high-value resources such as oil, gas, diamonds, and other minerals. Our attention is directed to a wider range of natural resources. Apart from the things that have been previously mentioned, are timber resources, agricultural land, plantations, fishery resources, etc.

Batiran & Salim, (2020) argue that, despite decades of international humanitarian efforts to reduce risks and build resilience, natural resource-related disasters and risks are increasing. Recent international maps including the 2030 Agenda for Sustainable Development (ASD) and the Sendai Framework for Disaster Reduction Risk have explicitly recognized that natural, environmental, and spatial disaster risks need to be addressed in an innovative and people-focused manner if Disaster Risk Reduction (DRR) efforts are to be meaningful.

Mediating the Vortex of Natural Resources Conflict is important for the Archipelago Context

Some basic references and notes on contextual reflections are important to explore, namely: First. Definition and Scope. Schipper & Dekens Budaya argued that Culture includes beliefs, values, and attitudes about what actions people should take in taking risks (Schipper & Dekens, 2009). Cultural Mediation of Resource Disaster Risk is often closely associated with historically specific trajectories that include trans-generational social memories of past disasters (Dyer, 2009). Over time, culturally embedded responses to resource risks and disasters emerge as responses shaped by the environment and people's (dhi. Indigenous Peoples) living spaces as influenced by cultural perceptions, religious views, and land use management practices (Yamres & Albartin, 2019).

To ensure the success of the Agenda for Sustainable Development (ASD) and Disaster Risk Reduction (DRR), mediation tools and frameworks must be developed that reflect multiple cultural (cross-cultural) perspectives on understanding resource disaster risk. Without the involvement of a cross-cultural perspective, the implementation of DRR that is not culturally appropriate as well as the local resource development plan with the perspective of "Community Capital Framework" will be marginalized, and the risk of disaster will actually increase.

Second. Addressing conflict through collective action in natural resource management.

Ratner et al., (2017) argued that: The Food Security Crisis and "land graping" have attracted new international attention to the role of competing natural resources in the livelihoods of the rural poor. Meanwhile, significant empirical research has focused on the diagnosis of the relationship between competition for natural resources and conflict (violence), which has so far focused less on the dynamics of whether and how competition for resources can be transformed to strengthen sociocultural ecological resilience and mitigate conflict. Focusing on this theme, Ratner et al., (2017) reviewed and synthesized evidence from cases in Africa, Asia and Latin America. That, in order to design construct an analytical framework designed to enable such comparative analysis, they present several propositions about conflict and collective action in natural resource management, with a series of recommendations for action. The proposition is collective action in natural resource management that is influenced by a socio-cultural-ecological perspective and a governance context. Natural resource management institutions can influence incentives to manage conflict or collaborative resolution. The results of these interactions affect the future risks of managing conflict, livelihoods, and sustainable resource management. Sensitive and responsive policy action recommendations address resource durations, conflict resolution mechanisms, social inequalities, and strategies to strengthen collective action institutions for the natural resource sector and enable more equitable engagement with marginalized indigenous/local groups in dialogue, mediation and negotiations for access and use of resources.

In the context of Negotiation and Mediation of Natural Resource Management, Tjiptabudy & Angga, (2019) sees cross-departmental or cross-disciplinary work as an action to integrate the principles of Sustainable Livelihoods as developed by FAO (World Food Products), both working at the United Nations Headquarters and in countries that are in the context of natural resources. This approach builds on experiences within FAO and other development agencies that see the impact of destruction and economic resource crises as a strategic part of socio-cultural mediation in the Community Capital Framework.

Ding et al., (2018) recommended the application of the concept of mediation as a leadership strategy in dealing with and managing natural resource conflicts and strengthening the bargaining position of Indigenous Peoples; Lowry & Littlejohn, (2006) reminded us that, although there is increasing interest among land managers in collaborative management and learning from local-based indigenous knowledge systems, the management of natural

1

resource negotiations between Indigenous Peoples and Government Agencies is still marked by distrust, conflict, and history of excluding Indigenous Peoples from patterns of public policy decision-making. In addition, many scholars are skeptical of Indigenous Peoples trying to achieve self-determination through bureaucratic and scientific systems, which can be seen as a potential mechanism for co-opting the values of Indigenous Peoples (Edossa, 2005). A study highlight how traditional ecological knowledge affects the adaptive capacity of mediators and the mediation process takes a socio-ecological perspective to transform and identifies a series of mechanisms that contribute to this capacity in the context of diversity initiatives. biological conservation in Natural Resources Conflict. What a local knowledge, indigenous people-based conservation, and resilience enable mediation processes to intersect with the socioecological system. These relationships have not been dealt systematically in areas where large numbers of community conservation mediation initiatives are found.

Cultural-Ethics Leadership Based Mediation.

First. Definition and Scope. Mohiuddin & Hossain (2016) when researching the topic: Ethical Leadership: Its Issues and Impacts in Organization, said that because of its role in organizations, 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, ethical leadership, and its impact on organizations, Ethical Leadership Models, why and how to practice and how 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 respectably and morally.

Why practice ethical leadership? Most people will probably agree that leaders should be ethical (although there may be a lot of disagreement about what that means) but there are a number of good reasons why ethical leadership makes sense. (a) Ethical leadership becomes a model of ethical behavior to organizations and society. Ethical leaders are role models. If you want your organization or initiative - and those who work within it - to behave ethically, it is up to you to emulate ethical behavior. (b) Ethical leadership builds trust. Leadership - unless leadership is acquired and nurtured through the use of force and intimidation - is based on trust. (c) Ethical leadership brings credibility and respect, to both you and the organization. If you position yourself as an ethical leader, then ethical individuals and groups, inside and outside the organization, will respect you and your organization for your integrity. (d) Ethical leadership can lead to collaboration. Other organizations will be much more willing to collaborate with you if they know that 'they will always deal with them ethically.' (E) Ethical leadership creates a favorable climate in the organization. If everyone in the organization knows that power will be shared and not abused, They will be handled with respect and straightforwardness, that' will have the power to do their job. (f) Ethical leadership is simply the right way to go to the future. Everyone has an obligation to themselves, to their organizations, and to society to develop a coherent ethical system that seeks to make the world a better place.

Second. Mediation of Transformational Leadership mediates the effects of leader traits on group performance, perceived leader effectiveness, and the emergence of a leadership figure.

A study explores the mediating effects of transformational leadership in 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, and 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 study emphasizes assertiveness as a personality characteristic that influences leadership and leader 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.

The results of the research show that the influence of understanding on the effectiveness of leaders is proven to be related to culture, which is useful for considering culture as a moderator of relations in the context of the usefulness and utility of Cultural-ethic Leadership and conflict management of Natural Resources, as well as the Position of Indigenous Peoples as Legal Subjects who are Sovereign, Dignified and Independent.

Third. Implicit leadership that is culturally supported.

Stephan & Pathak (2016) argue that, Cultural Leaders Theories (CLTs) as a concept at the cultural level are built on the theory of implicit leadership at the individual level (Ntho-Ntho & Nieuwenhuis, 2016). 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. Ntho-Ntho & Nieuwenhuis, (2016) past research on implicit leadership theory had focused on leadership in organizations and discussed two mechanisms - legitimacy and self-selection - by which they influence leader emergence and leader behavior.

First, implicit leadership theory influences the emergence and performance of leaders through mechanisms of legitimizing certain leaders' behaviors, attributes, and motivations in the eyes of followers. They act as implicit standards guiding what is considered appropriate, desired, and expected of leaders. Consequently, leaders who display attributes that are aligned with followers of implicit leadership theory are more likely to be accepted by followers and to succeed as leaders (Ntho-Ntho & Nieuwenhuis, 2016). In short, individuals are more likely to emerge and succeed as leaders if they exhibit characteristics consistent with the implicit leadership theories held by others around them. This resonates with findings in entrepreneurship research. The main challenge for startup entrepreneurs is seen as legitimate and competent by investors, customers, suppliers, etc.; failure to gain legitimacy can threaten the viability of their start-up efforts (Delmar & Shane, 2004).

Second, implicit leadership theory also influences the emergence of leaders through a motivational mechanism, self-selection. That implicit leadership theory guides whether individuals perceive themselves as potential leaders, and consequently influences their aspirations to become leaders. If individuals consider that they have the attributes they consider desirable in leading, then they are more likely to take steps to become leaders, for example by proposing a promotion (Epitropaki et al., 2013). Related research has found that individuals who hold implicit theories about entrepreneurs and are more likely to try and start a business if they think they have characteristics that align with these implicit theories (Gupta et al., 2008).

1 RESEARCH METHOD

Data Collection Methods and Procedures. This research used descriptive phenomenology method with a qualitative approach. This method aims to seek and find a comprehensive understanding, interpretation of meaning, and contextual understanding of the phenomenon of "social capital of victimized communities" in the context of social processes and interactions through "land and forest conversion policies" in the Maluku Sea-Island Province (Duncan, 2009). Descriptive phenomenology, the study of consciousness-based experiences, "refers to experiences that arise in consciousness." This describes what a person or group of people receives, feels, and knows in conscious experience (Harkes & Novaczek, 2002).

Data and data sources. Qualitative data relates to categorization, characteristics in the form of questions, or words. This data is usually obtained from interviews and is subjective because it can be interpreted differently by different people (Ruiz-Mallén & Corbera, 2013). Qualitative data is in the form of descriptive, spoken or written words about observable human behavior (Tjiptabudy & Angga, 2019).

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 are carried out through interview techniques, group discussions (FGD), documentary studies, and observations and are selected based on the triangulation perspective. **Data Analysis Procedure.** Data analysis approaches and procedures use the approach proposed by Harkes et al., (2003). The qualitative data analysis procedure consists of three streams of activity simultaneously: reduction, presentation, drawing conclusions / verification.

Data Check. Data checking focuses on two main points: criteria and techniques. Criteria. The validity of the qualitative data is based on four criteria: (1) credibility (degree of trust); (2) transferability (transferability or contextuality); (3) dependability (dependability); (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 RESULT

General description. The study technique focuses on primary data. Used to answer Sub focus (objective) Research 1 which is sourced from (a) direct information of the target Indigenous Peoples Community, (b) the results of legal studies through several experts who examine the Position of Indigenous Peoples in the Vortex of Natural Resources Conflict, in particular the factual conditions of the Resource Curse occur.

Research Focus 2 is still closely related to Sub Focus Research 1, which uses a series of interviews and focus group discussions (FGD), in identifying, mapping and formulating a mediation model as a form of non-litigation advocacy which is relevant and functional in responding to the vortex conditions of natural resource conflict and the resource curse that Indigenous Peoples experience and experience. This also answers the Sub Focus of Research 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, and even Ministries and Related Institutions. Observational

data were obtained through direct involvement of the research team in observing spatial conditions related to activities, incidents, events, objects, social and emotional atmosphere of residents affected by land/forest conversion activities as well as destructive consequences as triggers of structural conflict. This technique is mainly used for clarification related to Research Sub-Focus 3 in seeing the consequences of the Cultural-ethics Leadership Profile and Figure. The data analysis presentation on the description of the findings of Research Sub-Focus 1 to 3, refers to the flow of data analysis from Miles and Huberman, Harkes et al., (2003), namely the stages of data reduction, data presentation, and drawing conclusions.

Research Findings. First. Research Focus/Objective 1. Position of Indigenous People in the Vortex of Natural Resources Conflict.

1. Indigenous Peoples, as legal subjects of customary rights owners.

The findings of the position of Indigenous Peoples as legal subjects of customary rights owners are as follows:

- The findings of a constitutional public policy study prove that it is proven that Indigenous Peoples are the legal subjects of the establishment of the Free Archipelago State in the Pancasila House, which was fought for during the colonial era, until the proclaim of independence on August 17, 1945.
- Proven in this perspective, the existence of Indigenous Peoples as Legal Subjects, which is inherent and integrated with the Ulayat Order and its customary law arrangements, is constitutionally recognized, respected, and used as a philosophical-cultural foundation for the design of the legal structure of the Unitary Republic of Indonesia which is distinctive with its multi-faceted territorial, social, cultural, spiritual-ethical-moral.

2. Indigenous Peoples in the Vortex of Natural Resources Conflict and the "Resource Curse."

Regarding Indigenous Peoples as Legal Subjects, according to the Constitutional Mandate of the Republic of Indonesia as follows:

- The findings of field facts prove that the constitutional position as Legal Subjects with Legal Objects in the form of Rights to Customary Resources of Indigenous Peoples in territory, environment and spatial planning, as well as economy, philosophy, culture, ethics and morals, etc., through public policy intervention in the form of granting permits for the control and management of land, forests, mining, and so on, has changed the face of the customary community's wealth of resources, into a "resource curse" both in large and archipelagic areas in Maluku Province. Maluku is famous for its wealth of resources, but Indigenous Peoples as Owners (Legal Subjects), in the Constitution of the Republic of Indonesia, especially those who live existentially around the centers of wealth of natural and economic resources, become human and social resources who are poor economically and materially.
- Various facts and field data prove that the position of Indigenous Peoples as legal subjects in the vortex of conflict between natural resources and the resources curse is in the form of: double victims (multiple victims or multiple faces of victims). Ironically, in the process of identification, mapping and formulation during field research, it is evident that these marginal and poor conditions occur because: a) a legacy of historical track records related to a touch of development management that is not yet intensive for Indigenous Peoples who are left behind, marginalized, or outermost, b) but also at the level

1

of intervention of public policy products through investors/entrepreneurs over control and management of indigenous and customary community (ulayat) resources.

- The findings of the field research prove that in facing the positions and conditions of being multi-faced victims, naturally, socially, and psychologically, the Indigenous Peoples Community reacts conventionally by taking the form of social conflict resistance to physical violence. The research results prove that the conventional form of physical violence social conflict is taken because the Indigenous Peoples Community feels frustrated and traumatized, when there is no significant assistance from the state apparatus: civilians and security on their side. Therefore, the Indigenous Peoples Community, through a series of field studies, illustrates their position: "as if they are in the middle of a communal-coastal / sea area situation, hit by waves calling the waves", or in an ulayat-land area "as if they are in the middle of a flash flood and serious landslides that devastated indigenous resources and their settlements."

Second. Mediating the Vortex of Natural Resources Conflict is important for the Archipelago Context.

In dealing with and managing the position of Indigenous Peoples as Legal Subjects in a constitutional manner, who are now dealing with the condition of double victims or multi-faced victims in the vortex of the conflict over natural resources and the "Resource Curse":

1. It is proven that the **channeling of the aspirations of the Indigenous Peoples Community as the Subject of Constitutional Law** found through field studies, really hopes that:
 - To be recognized, respected and treated as "Constitutional Law Subjects" in Government Management, Development and State Security in Regions.
 - This must always be realized through avoiding the domination of communication and dialogue with Indigenous Peoples as Constitutional Law Subjects based solely on the **State-Security** approach which prioritizes security management with a repressive character in addressing and handling the channeling of the aspirations of Indigenous Peoples for their human rights and customary security.
 - On the other hand, continuously patterned and systematically, it can develop dialectically and integrally, the Human Security and Security of the People approaches through the domination of human and community security based on culture-ethics-moral in addressing and responding to the channeling of the aspirations of Indigenous Peoples.
2. Evidently, the results of field studies prove that Indigenous Peoples feel it is important to use **cultural mediation as a form of non-litigation advocacy**.
 - It is evident that during the field study, Indigenous Communities who are in a "multi-faced Victims" position and condition in the vortex of natural resource conflict, need a model of communication and cultural mediation dialogue for conflict resolution as a form of non-litigation advocacy.
 - It is evident that the Indigenous Peoples expect that Third Parties who become Mediation Actors, both from the government environment (power-based mediation), and/or from the Academic and Community Environment, put

forward the spirit of: a) to identify the roots and anatomy of natural resource conflicts that occur objectively, b) in the context of finding solutions and redressing problems collectively across stakeholders, c) through a neutral third party mediator as an assistant, d) in the form of a joint problem solving team across stakeholders.

- It is proven, from the results of field studies, that it is hoped that the results of joint problem solving team work will be forwarded by Public Officials as input and determination of Public Policy Products in the Regions through Regent Regulations, Mayor Regulations, Governor Regulations and/or Regency/City/ Provincial Regulations.
- It is proven that in the Mediation Process and Results, Culture is accepted and determined as the Form, Process, and Result of Cultural Mediation on Non-Litigation Public Policy.

Third. Facilitating Cultural-Ethics Leadership-Based Mediation.

In order to ensure the implementation of the **SDA Conflict Vortex Mediation process which is important for the Archipelagic Context**, the field study found that:

1. It is proven that it is necessary to **facilitate Mediation based on Cultural-Ethics Leadership**
 - Mediation facilitation, (a) either through a power-mediation approach and / or (b) a pure-media approach through a Joint Problem-Solving Team - Neutral Third Party Across Stakeholders -, is always based on *Cultural-Ethics Leadership*. With a Cultural-Ethics perspective, leadership is not meant to be personal-oriented, but as a sustainable philosophical and cultural movement.
 - Evidently, through the perspective of Cultural-Ethics Leadership, Indigenous Peoples really hope that their position as Constitutional Law Subjects, and Owners of Customary Rights in the form of: environmental and spatial rights, economic, social and cultural rights, will be mediated in the character of objective problem solving. factual, contextual and structural, and will be facilitated and mediated in a snow-ball process in order to experience its enforcement and advancement
 - Through the perspective of *Cultural-Ethics Leadership*, Indigenous Peoples really hope that their position as Constitutional Law Subjects, and Owners of Customary Rights, will be facilitated and mediated so that: a) they do not experience treatment, are reduced to "Objects of Solely Economic and Political Interest", as happened in the practice and behavior of economic and legal policies by public officials and investors / companies so far. b) Facilitating Mediation Models Based on the spirit of *Cultural-Ethics Leadership*, both through power Mediation mechanisms and pure-mediation through *Joint Problem Solving Across Stakeholders* as Neutral Third Parties.
 - It is proven that the selection and formation of the Mediation Team is expected to be based and motivated by an implicit leadership model that is in accordance with the aspirations of stakeholders, but also influenced by the emergence of a leadership figure through a motivational mechanism, self-selection critically contextually with Nusantara Nuances in the Pancasila House.

1 DISCUSSION

Position of Indigenous People in the Vortex of Natural Resources Conflict.

The factual findings of the research result prove that: 1) The position and existence of Indigenous Peoples is proven to be Constitutional Law Subjects, inherently, holistically, integral and sustainably, including their ulayat areas as One Human Rights Unit. 2) Meanwhile, various Public Policy Products are used as references for government management and development in relation to the practice of transfer of functions of Land/Forest Resources and Coastal and Marine Resources as well as Archipelagic Areas (coastal and marine), as well as the Capital Resources of Indigenous Peoples as a Whole-Integral Part of Community Indigenous People Capital (Framework Community Indigenous People Capital). 3) Those who tend to be reduced are placed as objects / (targets) in the Management of Development Government and Economic Actors' Invention. 4) In such a position, Indigenous Peoples like it or not, whether they realize it or not, are placed in the Vortex of Resource Conflict, and are vulnerable as Victims of Resource Curse.

These conditions, which is affirmed, are related to the Right to Development as a Human Right.

The findings of the study show that actors in public policy actors and investors/entrepreneurs through their policies and implementation in the practice of acquisition of functions of land/forest and coastal and marine (island) resources have also become a source in the vortex of conflict, including neglect and/or deliberately participating involved in the process of realizing the resource curse condition as the structural root of poverty, crimes against humanity, the environment and human rights violations.

Non-Litigation Cultural Mediation. In the context of the position of Indigenous Peoples and Public Policy Actors and Investors / Entrepreneurs as such, a) Openness of the Parties is needed, so that it is facilitated and mediated in the context of Collective Problem Solving through a Cross-Stakeholders Joint Problem Team. b) As Part of Non-Litigation Advocacy, the flow and process of Mediation are also utilized in the context of strengthening the capacity of the state / government and investors / entrepreneurs, which according to Wallis & Dolerry (2001) through the following factors: institutional capacity, technical capacity, administrative capacity, and political capacity (Wallis & Dollery, 2001) are important and strategic. In fact, Human Rights, Indigenous Peoples, Resource Surce, and Community Capital should be used as tools for public policy. Sensitive and responsive to the failure of the State to involve indigenous peoples as subjects of constitutional law, and owners of customary rights. c) According to Hanna & Vanclay (2013), The Parties to the Mediation Process feel the importance of: human rights, the position of indigenous peoples and the concept of consent based on objective information (critical awareness).

Cultural-ethics Leadership. According to Wallis & Dollerry (2001) (as quoted earlier), in order to overcome the "state incapacity" (a country that lacks authority, ethics and morals), an analytical framework is needed that integrates the government's failure paradigm with its top-down approach to development management and public policy. "With the paradigm of "Ecosobling Rights and Social Capital of Indigenous Peoples" which emphasizes its bottom-up approach. As stated by Federico, Style Leadership, in dealing with and managing mediation activities as a form of non-litigation advocate, has different effects and meanings in relation to the cultural environment in every track record of conscious experiences of interested parties. Therefore, understanding the clarity of cultural orientation is an essential and strategic phase to formulate the real effects of a cultural-leadership approach.

Perception is the process by which we become aware of our environment. Culture and perception are closely related because through the perspective of our own culture, we are seen by people and understand ourselves and others in the environment. The application of a leadership style cannot be the basis for legitimate behavior exclusively, is closed and prone to building conflict. But it is necessary to consider cross-cultural diversity inherently, openly, holistically integrated, so that the work of mediation in the Center for Resource Conflict in the Archipelago as a form of Non-Litigation Advocacy is effective and efficient (Lowry & Littlejohn, 2006). Even though we live in an economy where everything is standardized, it is impossible to find generalizations about the way culture influences perceptions of leadership and execution.

Therefore, Ehrich (2015) reminded that: non-litigation advocacy work through mediation has awareness of self and others, in Ethical Leadership behavior that pays attention to the relationship between behavior and decision making, how to bridge ethical gaps by focusing on what she calls *The Three (3) Cs of Ethics*: a) *Circumstances* (certain conditions) are understood so that: policies, procedures, confidence, and management performance, are faced with definite ethical standards. b) *Challenges* (challenges, admonitions, rejections and objections) are passed with a proven culture and ethics of leadership, integrity, reliability, and in cultured and ethical behavior. c) *Conflict*. That conflict is not a disaster and failure. Conflict events must be able to be evaluated objectively in order to become a valuable lesson on the basis of culture and ethics, as well as the values and principles of cultured and ethical leadership.

CONCLUSIONS

- (1) It is evident from the research findings that: The position of Indigenous Peoples as the Subjects of the Constitutional Law of the Unitary State of the Independent Republic of Indonesia, is now in the Vortex of Conflict and Deprivation of Resources as well as the condition of the Resource Curse. This condition places the position of Indigenous Peoples to be reduced to mere legal objects, in the context of access to control and management of Indigenous Peoples' resources and their comprehensive community capital framework. Subordination of position and existence as Constitutional Law Subject which is conditioned through various public policy products and the behavior of public officials, as well as investors / companies that obtain legitimate permits related to access to control and management of resources and community-capital of Indigenous Peoples, in Central Policy, especially in Autonomous Region.

Destruction of the Position and Condition of the Legal Subjects of Indigenous Peoples which are proven to have violated the Basic Principles of Human Rights: Environment and Spatial Planning, Community Capital Framework: Social, Economic, Cultural, Spiritual, Ethical and Moral. (2) Evidenced by the results of the research, structural mediation is needed as a form of non-litigation advocacy with the character of *interactive problem solving* through a joint problem-solving team strategy across stakeholders. In this context, the main requirement, namely the enforcement and promotion of the constitutional legal status of indigenous peoples as human rights, must be an absolute requirement. Therefore, Legal Position and Status as Legal Subjects in the Basic Framework, Process and Results of Mediation are Equal, Balanced, and Integral. (3) It is evident from the results of the study that the effectiveness and usefulness of the *Cultural-ethics Leadership* approach, is the dynamics and dialectics of protection and security: a) restoration of the Legal Status of Indigenous Peoples as the Subjects of Constitutional Law, which in turn has consequences for efforts to uphold and advance

1

the Human Rights of Indigenous Peoples in controlling access to and managing the capital of their community resources, as well as building themselves in a dignified, independent and sustainable manner. b) the contribution of Cultural-ethics Leadership is the driving force for the recovery movement and the transformation of the existence and the role of Indigenous Peoples in managing their Ulayat Capital Resources in a patterned and sustainable manner.

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