Models in Returning the Harmonic Life Post-conflicts as Ethnic in Sambas Regency

*Setyo Utomo, Joko Martono and Aleksander Sebayang

Faculty of Law Panca Bhakti University, Pontianak, Indonesia

*Corresponding author: setyoutomodw@yahoo.com

Abstract

The Constitution of the Republic of Indonesia 1945 has guaranteed the freedom to reside within the territory of the Unitary State of the Republic of Indonesia. Based on the experience of conflicts in the country, with the post-conflict handling of those who had previously conflicted it can be reunited in living a harmonious life, but unlike the conflict that occurred in Sambas Regency in 1999 between ethnic Malays and Madurese which has been for so many years and with post-conflict efforts that have been done until now people in Sambas district have not been able to accept the presence of Madurese in Sambas Regency. So through this article the authors want to put forward the formulation of the problem how the models can be taken so that victims of post-conflict ethnicity can return to live in place that they had previously occupied, so the goal to realize a harmonious life between two ethnic who had been involved in the conflict through the models offered by the author can be done by related authority parties.

Keywords: human rights, conflict, ethnicity, harmony.

Introduction

Indonesia is a plural country, in the sense that its society consists of various tribes, religions, races and classes. Differences in views and objectives are often seen as problems that can only be solved if we all have the same intentions, or when a view is stronger than other views can be sought to resolve. So with the settlement of the differences of interest that often cause social friction (conflict) in society remain integrated in the framework of the Unitary State of the Republic of Indonesia.

In general, conflict is caused by differences of opinion, thought, speech, and deed. A difficult basic attitude and not wanting to accept and appreciate such differences will change a person's conflicted character. People like this will create small and simple problems as an excuse to create conflict. Conflict as a conduit of continuous concealment of feelings that forces a person to behave and do something contrary to others. A strong desire of ambition even leads to conflict between individuals, while a strong emotional drive to blame others will cause a person to conflict with others.

Conflict can be interpreted as a relationship between two or more parties (individuals or groups) who have or feel to have objectives that are not in line: (Gibson and Mitchel, 1981). This understanding must be distinguished from violence, which includes actions, sayings, attitudes or various structures and systems that cause physical, mental, social and environmental damage and / or prevent a person from reaching his or her full potential: (Fisher, 2001).
As stated in the Constitution of the Republic of Indonesia 1945, the objective of the establishment of the Indonesian nation is to create a just, prosperous and prosperous society within the Unitary State of the Republic of Indonesia. Thus it is the responsibility and obligation of every citizen to participate in realizing security and welfare throughout the territory of Indonesia and is entitled to live freely and independently in every territory of the Unitary State of the Republic of Indonesia.

The existence of the Constitution of the Republic of Indonesia 1945 and the Act No. 39 of 1999 on Human Rights provides a guarantee of protection for various ethnic groups in Indonesia to live peacefully throughout the territory of the Unitary State of the Republic of Indonesia. A government that runs a State is given a bond to make people's aspirations a consideration in the formation of a policy (Ishaq, 2012). Public service is a government institution bond that is responsible for providing various needs of the people. The provision of security/security is an essential part of a government's duty. When the time comes when the obligation is not applied, or even misused by the government, then the conflict broke out.

Recognizing the conditions and challenges in the life of the nation and democratic country, on May 10, 2012 the Government has issued the Law No. 7 of 2012 on Handling of Social Conflict. The law has also defined the scope of conflict management including conflict prevention, and post-conflict recovery. The prevention of conflicts involves, among others, through the maintenance of peaceful conditions within communities, developing peaceful dispute settlements, reducing potential conflicts, and building early warning systems (Bisri, 1998). The handling of conflicts in the event of a conflict, carried out through efforts to stop physical violence, the determination of the status of conflict, emergency measures of rescue and victim protection, and/or mobilization and use of force of the Indonesian national army (TNI). Furthermore, in the post-conflict phase, the Government and the Regional Government are obliged to undertake a planned, integrated, sustainable, and measured Post-Conflict Response effort through reconciliation, rehabilitation and reconstruction efforts. The Act No. 7 of 2012 on the Handling of Social Conflict also regulates the participation of the community, and financing the handling of the conflicts.

Departing from the events of ethnic conflict that had occurred in Sambas Regency some time ago that many cause casualties and property. Based on records from the West Kalimantan Provincial Government, the number of Madurese refugees from Sambas Regency in mid-1999, was 62,582 people (13,020 households, source: Post Disaster Relief Team of Sambas / P3KS, 2001). Although almost two decades passed, but until now leaving a situation where the local community, the ethnic Malay cannot accept the presence of our relatives who came from ethnic immigrants, the Madurese to be able to reside in the region Sambas Regency before the conflict. According to the authors, this is what distinguishes conflicts that have occurred in Sambas district with conflicts that have occurred in other areas, where with the efforts taken by related agencies after the occurrence of life conflict among the parties in conflict can be re-established. With respect to human rights to live peacefully and to live anywhere within the territory of the Unitary State of the Republic of Indonesia, it is appropriate that the impacts left behind as a result of past ethnic conflicts can be overcome to restore the conditions of life that once existed in harmony.

Based on the facts as described above, the authors feel interested and try to offer a model so that the presence of ethnic Madurese could be victims of ethnic conflict that once lived in Sambas region can be accepted back by the Malay ethnic community in Sambas district, so that life between ethnic Malay and Madurese in Sambas Regency can be re-established in harmony just like before the conflict.
Research Methods
This writing will use qualitative analysis. The analysis will then be emphasized on the constructed discourse on land rights and the laws and regulations with examples of cases that have been and still occur today. Some success stories as well as the research team enter as part of an advocacy learning space that can be used in the future. Furthermore, in the collection of accurate data and information, the authors used two data collection techniques:
1. The literature study is an attempt to collect accurate data and information through key documents, such as the Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and several other international human rights instruments which are non-binding. The literature study will also use many other domestic regulatory reviews, starting from the Constitution of the Republic of Indonesia 1945 and many laws and regulations that can enrich the analysis space.
2. Limited group discussion, is a directed discussion that will be used to gather further information related to the collection of information (both literature studies, primary data-from advocacy data and secondary data-from monitoring data). The limited group discussion will be used as a reference to test whether the literature study combined with primary and secondary data has synergy.

Results and Discussion
Understanding and Forms of Conflict
Definition of Conflict
Conflict is a social phenomenon that is always present in every society in every period of time. Conflict is an integral part of community life because conflict is one product of social relations (social relations). Society consists of a large number of social relationships, so there is always a conflict between citizens involved in social relationships. Conflict is a conflict vocabulary in English, which describes situations and conditions in which people are experiencing factual disputes and disputes that exist only in their perceptions. Conflict refers to disputes whose parties have been or have not been identified or can be clearly identified. A person may experience conflict with people in his environment or social and economic conditions that are inconsistent with his personal principles, so he or she experiences a conflict with his social environment. Conflict can be divided into two namely:
a. Individual conflict is a conflict that occurs between two people who do not involve their respective groups; while
b. Group conflict is conflict between two or more groups.

The conflict arose from the pluralistic condition of the society structure, the conflict is a frequent phenomenon, the conflict is often caused by misunderstanding one of the most prominent assumptions, misunderstanding and trying to clarify not only the moral orientation of the conflicting parties but also their actual expectations others that have been misconstrued.

Expert’s opinions on conflict (Hendropuspito, 1989) are as follows:
1. According to Hendropuspito, conflicts can be defined as a social process in which two people or groups attempt to remove others by destroying or destroying them (Hendropuspito, 1989).
2. According to Kartini Kartono, in the life of a very complex society with various problems, will bring open conflicts. The word conflict can be translated as opposition, antagonistic interactions, clashes between kinds of understandings, disagreements, disputes, fights, resistance with weapons and war.
3. According to Abu Ahmadi, conflict is a deliberate attempt to oppose, resist or impose the will of others. Usually the conflict arises from the existence of conflicting interests, especially economic interests, and often also because of seizure of positions and power (Ahmadi, 1975).
4. Maswadi Rauf; the term conflict comes from the word "confligere" which means to hit each other. Conflict can be defined as a social process in which two people or groups attempt to remove others by destroying or destroying them (Rauf, 2002).
5. According to Doyle Paul Johnson, conflict is as one form of interaction. Conflict is closely intertwined with processes that unite in social life, and not just opposed to unity.
6. According to Kusnadi, seen from the process, the conflict was at least two stages; 
   a. Stages of disorganization are many misunderstandings, norms begin to be disobeyed, members of many deviant, weak sanctions.
   b. Degenerated stage that arises emotion (hatred), like angry (want to destroy), want to attack.

Kusnadi also said that the factors causing the conflict include:
1. There are differences in various aspects;
2. There is a conflict of interest; and
3. The existence of uneven social change.

From the various opinions on the conflict mentioned above it can be concluded that the conflict is a conflict, disputes, disputes and differences of opinion between two people or groups that occur because of social interaction, thus causing the other party trying to get rid of the other party.

**Conflict Forms**
In a line, various conflicts in society can be classified into the following forms of conflict:
1. Based on the nature
   a. Based on the nature, conflicts can be divided into destructive and constructive conflict.
   b. Destructive Conflict. Is a conflict that arises because of feelings of displeasure, hatred and resentment of a person or group against another party? In this conflict there are physical clashes resulting in loss of life and property. For example conflict Poso, Ambon, Kupang, Sambas, and so forth.
   c. Constructive Conflict. Is a functional conflict, this conflict arises because of differences of opinion from groups in the face of a problem. This conflict will result in a consensus of these opinions and result in an improvement. For example dissent in an organization.
2. Based on the Position of Conflicting Persons
   a. Vertical Conflict. Is a conflict between components of society within a structure that has a hierarchy? For example, conflicts that occur between superiors with subordinates in an office.
   b. Horizontal Conflict. Is a conflict that occurs between individuals or groups who have a relatively equal position? Examples are conflicts that occur between mass organizations.
   c. Diagonal Conflict. It is a conflict that occurs because of unfair allocation of resources throughout the organization resulting in extreme conflicts. For example the conflict that occurred in Aceh.
3. Based on the nature of the perpetrators in conflict
   a. Open Conflict. It is a conflict known to all. For example the Palestinian conflict with Israel.
   b. Closed Conflict. It is a conflict known only to the people or groups involved in the conflict.
4. Based on the Concentration of Human Activities in Society
   a. Social conflict. Is a conflict that occurs due to differences in social interests of the parties in conflict? These social conflicts can be divided into vertical social conflicts and horizontal social conflicts. This conflict often occurs because of the provocation of irresponsible people.
b. Vertical Social Conflict, the conflict between the people and the state. For example the mass anger that culminated in the Trisakti event (May 1998).
c. Horizontal Social Conflict, i.e. conflict between ethnic, ethnic, classes, or among community groups. For example the conflict that occurred in Ambon.
d. Political Conflict. Is a conflict that occurs because of differences in interests related to power? Examples are conflicts that occur between supporters of a political party.
e. Economic Conflict. Is a conflict due to the seizure of economic resources from the parties in conflict? For example conflict between entrepreneurs when conducting a tender.

f. Cultural Conflict. Is a conflict that occurs because of differences in cultural interests of the parties in conflict? Examples are differences of opinion among groups in interpreting the bill (draft law) anti-pornographic and porno action.
g. Ideological Conflict. Conflict due to differences in understanding that is believed by a person or group of people. For example the conflict that occurred during the G 30 S / PKI.

Model of Madura Placement of Ethnic Conflict Victims to Sambas Regency

The inter-ethnic conflict that occurred in Sambas is a complex conflict so it is very difficult for the Government to resolve the conflict completely. To solve the problem, the Regional Government as the authorized bureaucracy in the local sector, must issue a long-term policy or sustainable.

In the context of West Kalimantan, the government considers the conflict to be over when the displaced people due to the conflict have been moved to a new resettlement location. They do not see that suspicious feelings, stereotypes, and prejudices between ethnic groups are still growing at the community level of West Kalimantan. There is still rejection by certain ethnic groups to other ethnic groups in West Kalimantan to return to their origin until now is still happening. The issues of clarity of the rights of refugees and victims of ethnic conflict, especially for the losing ethnic group, are still opaque. Local governments do not want to openly discuss the cases openly.

The efforts that can be done by the competent party (Local Government) for the mandate that has been outlined in the Constitution of the State of the Constitution of the Republic of Indonesia Year 1945, that every citizen of Indonesia is entitled to reside anywhere within the territory of the Unitary State of the Republic of Indonesia. In connection with ethnic conflict between ethnic Malays and Madurese in Sambas regency in 1999, until now more than two decades have passed and the situation has been felt safe and conducive but the presence of ethnic Madurese ethnic conflict victims to return to the district of Sambas cannot accepted by the Malay ethnic community in Sambas regency.

There are several models for ethnic Madurese ethnic conflict victims in Sambas regency can be re-accepted and accepted by Malay ethnic in Sambas regency, they are described as follows.

Distributive Policy

It is government-made policies and programs with a view to encouraging activities in the private sector or community activities requiring government intervention in the form of subsidies or the like in which such activities will not proceed without the intervention of the government. Government-provided subsidies take several forms: Cash or in-kind (rewards, soft interest loans, tax reductions, etc.). Subsidies provided by the government can be intended to have an effect: (1) Positive (the community is willing to undertake government-mandated activities); (2) Negatives (people do not do activities that are not favored by the government).
The problems that arise in distributive policy making are assumptions used so far as between the distributive policies that are unrelated to each other. Another issue that arises is in reality the government budget is very limited, so the distributive policies made by the government can be zero sum game in which one policy making will have implications for another loss of policy.

Distributive policies at the model level provide an opportunity for ethnic Madurese to survive in living the life applied to victims of ethnic conflict in Sambas Regency according to the authors have done at the time of the conflict, that is by relocating ethnic Madurese victims of ethnic conflict in Sambas Regency to other areas which is considered safe by the Government in the area of West Kalimantan Province and the policy is still sustainable to date.

**Competitive Regulatory**

Competitive Policy Regulative or program intended to limit who may provide goods and services needed by the community. The assumptions used are: The goods and services required are rare items so it is not possible to allow all entry in them radio frequency samples. Another assumption is that there is a need to standardize goods/services for the sake of consumer safety.

Regulative Competitive Policy according to the writer can be one model in the effort to put ethnic Madurese ethnic victim which is outside Sambas region (either located in relocation area or outside relocation area) in order to return to region of Sambas Regency by choosing or choosing they (from ethnic Madurese) who want to really want to return to the region of Sambas Regency to meet the criteria that have been determined, for example for those who understand and will adapt and respect the traditions or culture of ethnic Malays. This stage can be done gradually by starting placing a small group ethnic Madurese "choice" to the region Sambas Regency.

**Protective Regulatory**

Protective Policies Regulative or protective programs are made by the government with a view to protecting the public by regulating what the private sector may or may not do. Activities that could harm or harm communities will not be allowed to be sold on the market by the private sector. The conditions considered necessary to protect the interests of the community should be regulated by the government.

Regulative Protective Policy according to the authors can be a model choice in an effort to re-locate ethnic Madurese ethnic conflict victims who are outside the region Sambas District (either located in the area of relocation or outside the area of relocation) in order to return to the district of Sambas by providing security protection which is more leverage as an anticipation of the possibility of friction-friction that allows the occurrence of conflict.

One of the keys to fostering sustainable peace is how to build trust at grassroots level. By building on existing grassroots leveled beliefs, trivial issues will soon be resolved locally without involving the people on top of them, the community can soon be self-sufficient to resolve the conflict in ways that are of course a general agreement and the law. The independence of the citizens in resolving the conflict cannot be separated from how powerful the power of local institutions that exist in local communities and the law can function properly.

**Redistributive Policy**

Redistributive Policy is a policy or program created by the government with the aim of redistributing wealth, property rights, and other values among different social classes of society or ethnicity in society. The objective of a redistributive policy is to
prevent widening inequality in society. The assumptions used in this policy-making are that the competition that takes place in society will result in 'winners' and 'losers'.

Through redistributive policies, government policy to redistribute ethnicity values in order to resolve this Sambas conflict must be done thoroughly. The inequality that occurs is the non-acceptance of ethnic immigrants who in this type is called a 'loser' by the local community. Here the government at the local level is required to solve this problem by implementing policies that can minimize these imbalances, so that subsequent conflicts can be avoided.

**Conclusions**

The government should seek the return of Madurese related to communal rights that still exist in Sambas Regency such as land ownership rights, as well as the right to respect their ancestral customs by visiting tombs and the right to take care of their fields and rice fields. The government should also see that suspicious feelings, stereotypes, and prejudices between ethnic groups are still growing at the community level in West Kalimantan that could lead to further conflict eruptions in the future that need to be addressed immediately. One of the keys to fostering sustainable peace is how to build trust at grassroots level, because the independence of citizens in resolving the conflict cannot be separated from how powerful the power of local institutions that exist in the local community and the law can function properly.

Some of the offer of Madurese ethnic placement model of ethnic conflict victim to Sambas Regency would be a policy for Sambas Regency Government to realize the desire of Madurese society to reside side by side with ethnic Malay society harmoniously in Sambas Regency region. One of the keys to fostering sustainable peace is how to build trust in grassroots level, this is certainly an effort that must be done continuously by the Regional Government of Sambas District for bloody events that never happened do not happen again.

**References**


