Local Community Perception Analysis in Border Dispute Settlement: A Study in Central Maluku, Indonesia

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Abstract: This study analyzes the local community's perception in settling the border dispute between Central Maluku Regency and West Seram Regency in Indonesia, specifically in the Elpaputih district which includes Samasuru, Sahulau, and Paulohi villages. The research focuses on two main issues: the constitutional implications and the implementation of regional autonomy in defining the administrative and governance boundaries in the Elpaputih district. The theoretical framework employed in this research includes analysis, perception, conflict, and border theory. The qualitative analysis process includes data reduction, data summary, and drawing conclusions. The study finds that both parties need to prepare themselves for reconciliation by acknowledging the conflict's reality and the interests of the other party. They also need to organize their interests clearly and agree on the rules of the game that will guide their relationship and interaction. This research provides valuable insights into the local community's perception in settling border disputes, which can be beneficial for policymakers and other stakeholders in resolving similar conflicts in other regions.

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INTRODUCTION

Autonomy has a notable effect on enhancing public services and minimizing government intervention among regions within a province (Bonso & Lawelai, 2020). Nevertheless, border disputes pose as a potential threat in every newly autonomous region that secedes from its parent district (Koritelu, 2021). The aftermath is intensely experienced in Central Maluku district and West Seram district, which are currently entangled in a boundary dispute that impacts several villages, including Samasuru, Sahulau, and Paulohi, in the Elpaputih sub-district.

Samasuru village is not registered with the Maluku provincial government due to the boundary dispute between Central Maluku and West Seram districts (Fretes et al., 2021; Kaliky et al., 2020; Sugi, 2023). This issue also affects the administration, such as the issuance of ID cards and the education sector. For more than 10 years, government funds have never felt by the affected villages (Kaliky et al., 2020; Tunaya et al., 2014). Actions have been taken through legal and government officials to resolve this issue through the Minister of Home Affairs. Previous studies have found conflicts in administrative boundaries, political development, and conflicts in places of worship.

According to the Commissioner of the National Commission on Human Rights (Komnas HAM), the settlement of the border dispute in Teluk Elpaputih District between the West Seram Regency (SBB) Government and Central Maluku must be based on previous legal decisions because those decisions are the main basis for resolving the dispute between the two parties. The legal basis for resolving the conflict between SBB Regency and Central Maluku is the Decision of the Constitutional Court No. 123/PUU-VII/2009 and No.1/SKLN-VIII/2010, Decision of the Supreme Court No. 46 P/HUM/2010 and No. 10 P/HUM/2011, and Minister of Home Affairs Regulation No. 29/2009 and No. 62/2012.

Although there is already a clear legal basis for this dispute, some of the previous legal decisions contradict each other and have confused the community in obtaining their rights and fulfilling their obligations. For example, the Decision of the Constitutional Court No. 123/PUU-VII/2009 states that Elpaputih District is returned to Central Maluku, while Minister of Home Affairs Regulation No. 29/2009 explains that the district is part of SBB Regency (source: ambon.new.com/02/10/2022). These different legal decisions have caused most of the community in Elpaputih District to decide not to participate in the regional head elections in SBB or Central Maluku.

Several pieces of evidence about the complexity of the border issue in these two regencies are also found in the Minutes of Hearing of Case No. 123/PUU-VII/2009 concerning the Examination of Law No. 40 of 2003 on the Establishment of East Seram Regency, West Seram Regency, and Aru Islands Regency in the Province of Maluku. On December 18, 2003, the President, with the joint approval of the DPR, enacted Law No. 40 of 2003 on the Establishment of East Seram Regency, West Seram Regency, and Aru Islands Regency in the Province of Maluku.

The enacted law aims to improve services to the community in the fields of governance, development, and society in Central Maluku Regency and West Seram Regency. However, in its implementation, the law cannot run fully due to one problematic article, namely Article 7 paragraph (4) which concerns the area of West Seram Regency. This article causes constitutional losses for the applicants, among others, in terms of the number of villages, legal uncertainty, and finance.

The problem also results in the emergence of two governments, offices, and districts in the same area, causing confusion and losses for the community, especially in terms of tax payments (Bünte & Ufen, 2008). Although the governor has stated that residents in Wasia, Sanau, and Teluk Elpaputi must be registered as designated voters for the elections in Central Maluku Regency, in practice, many residents do not vote because they do not know if their vote will be given to the Regional Representative Council of Central Maluku Regency or West Seram Regency.

Therefore, concrete steps are needed to address this issue, such as revising the existing law, or even better and more effective regional expansion to provide better services and develop the region's potential (Rohani et al., 2022). This also needs to be done by involving active participation from the community in the decision-making process and implementation of development in the area (Grim et al., 2016). Thus, it is expected that the problems that arise can be addressed better and more effectively, providing better and optimal services to the community in the region.

Constitutional issues in the Leihitu and West Leihitu districts are related to the longstanding disconnection of the patuanan relationship. The issue is related to the

administrative map of Central Maluku Regency and West Seram Regency. Although the government and Ministry of Home Affairs experts consider that the issue is more related to the implementation of regional autonomy, debates and border issues continue to persist. The prolonged institutional conflict in the Elpaputih district regarding the delineation of boundaries has become a complex issue.

The purpose of this research is to analyze the perception of the Elpaputih district community regarding border conflicts in the delineation of territory and the inhibiting factors according to the community's perception in resolving border conflicts. Settlement of border disputes can be resolved by listening to the aspirations of the community, administrative distance, and aspects of economic development.

Regional autonomy has a significant impact on improving public services and breaking the government's control span between one area and another within a province (Yani, 2013). However, border disputes become a time bomb in every new autonomous region formation that breaks away from the parent regency. Border disputes between Central Maluku Regency and West Seram Regency have become a complex issue and have affected the village of Samasuru in the Elpaputih district. Samasuru village is not registered in the Maluku provincial government, Central Maluku Regency government, or West Seram Regency government. Samasuru residents have to go to other villages for school and government services because they do not have an ID card. This has been going on for more than 10 years (Hidayat, 2016).

Samasuru's status before the formation was part of the Elpaputih village. Currently, some Samasuru residents choose to stay in Central Maluku Regency, while others choose to go to West Seram Regency. Samasuru residents who remain in the parent regency of Central Maluku Regency do not participate in general elections or Pilkada for seven periods. Border conflicts need to be resolved immediately so that the Samasuru community and surrounding areas can obtain their rightful government services and rights.

The dispute over the boundary line between Central Maluku Regency and West Seram Regency remains unresolved to this day. The main issue is related to the existence of two different decrees, namely the Constitutional Court's Decision (MK) and the Minister of Home Affairs Regulation concerning the determination of the boundary line that contradicts the MK's ruling.

Elpaputih Subdistrict was established in 2010 and is divided into seven villages, with three villages located on the coastal area and four other villages in the mountains. According to available data, there have been four district heads who have served in Elpaputih Subdistrict, namely L. Ruspana B.A., Onisimus Tuhenay, S.E., Drs. Paulus Charles Pical, M.Si., and S. Laam Ena, S.E.

Elpaputih is located in West Seram Regency, Maluku, Indonesia, approximately 135 km southeast of the regency's capital through Kairatu. The subdistrict's center of government is in Elpaputih village. However, this subdistrict has the smallest and most sparse population in the area.

RESEARCH METHODS

The data collection method in the census involves conducting interviews between census officers and respondents, as well as through e-census (Apuke, 2017). The population is recorded using the concept of usual residence, which refers to the place where the population usually resides. For people with a fixed place of residence, they are counted where they usually reside, while for those without a fixed place of residence, they are counted where they are found by census officers on the night of the census (McKim, 2017). This includes homeless people, crew members of Indonesian-flagged ships, occupants of boats/floating houses, isolated/remote communities, and refugees. For those who have a fixed place of residence and are traveling outside the area for more than six months, they are not counted at their place of residence but at their destination.

In years when a population census is not conducted, population data is obtained from population projection results. Population projection is a scientific calculation based on assumptions of the components of population change, namely, birth, death, and migration. The population projection of Indonesia from 2010 to 2035 uses population basic data obtained from SP2010.

In this study, data was collected from seven villages/hamlets: Ahiolo Abio, Elpaputih, Huku Kecil, Sanahu, Sumeith Pasinaro, Wasia, and Watui. The study employed the concept of usual residence to ensure that each individual was counted in their place of usual residence. The data collection method involved conducting interviews with the respondents through census officers, as well as e-census. The population projection method was employed in years when a population census was not conducted (Rosenthal, 2016). The projection was based on the components of population change, namely birth, death, and migration, and used population basic data obtained from SP2010. The study results will provide important information on population dynamics and trends in the seven villages/hamlets over time.

RESULTS AND DISCUSSION

Causes of Boundary Disputes

Border disputes in Indonesia can occur due to various factors. Firstly, differences in perceptions of the attachment maps of the regional formation law can cause unclear sketch maps, which can trigger disputes between bordering regions. Secondly, inconsistencies in the regional formation law between bordering regions, as well as between the main body and attachment maps of the regional formation law, can also cause border disputes.

In addition, other factors that can trigger border disputes are emotional relationships between different regions due to regional expansion and the competition for natural resources to meet the original revenue of the region. According to Decision of DPD RI No. 52/DPD RI/III/2012-2013 and United States Institute of Peace (2007), economic factors such as water, land, forest products, oil, natural gas, and minerals can also trigger border disputes. Furthermore, each region also has different characteristics, so differences in the causes of border disputes can occur due to differences in the interpretation of the legal basis and boundary documents, boundary markers, whether

natural or human-made, the establishment and measurement of boundary signs, boundary maps, and recognition of boundary markers.

To resolve border disputes, cooperation is needed between regions and relevant stakeholders to resolve problems fairly and transparently (Overdevest & Zeitlin, 2018). In addition, strict supervision of law enforcement and natural resource governance is necessary to prevent the competition for natural resources that can trigger border disputes.

These causal factors are the main basis of boundary conflicts between Central Maluku Regency and SBB Regency, which involve one village, namely Samasuru Village. On December 18, 2003, the President, with the joint approval of the DPR, enacted and promulgated Law Number 40 of 2003 concerning the Formation of Seram Bagian Timur Regency, Seram Bagian Barat Regency, and Kepulauan Aru Regency in Maluku Province (Minutes of Siding Number: 123/PUU-VII/2009). The purpose of enacting and promulgating this law was to improve public services in the fields of governance, development, and community in Central Maluku Regency and to encourage its division for the sake of enhancing these services and providing opportunities for utilizing and developing the region's potential.

This division of the region, however, has led to boundary disputes, particularly involving Samasuru Village, due to the unclear delineation of the boundaries between Central Maluku Regency and SBB Regency (Steenbergen, 2016). Such conflicts may have a significant impact on the affected communities and their development, which is why it is important for stakeholders to collaborate in resolving these conflicts through fair and transparent means (Ruhulessin, 2021).

The law that has been enacted and ratified turns out to not be fully operational. This is caused by one article that is the root of the problem of the purpose and intent of the enactment and ratification of the law (Matuankotta & Holle, 2022; Talib et al., 2022). Therefore, the Applicants have filed a request to test Article 7 paragraph (4) along with its explanation concerning Annex II about the West Seram Regency area. This article has caused constitutional losses for the Applicants which have materialized in several aspects such as constitutional losses in the amount of villages owned by Teluk Elpaputi District, legal uncertainty due to the existence of two governments in the article, and constitutional losses in the financial sector.

On the other hand, the annex contained in the law which serves as the umbrella for Article 7 paragraph (4) and its explanation has caused several problems such as the existence of two agencies, two districts, and two health centers in the same area. Although this may provide benefits in terms of services, it also causes losses for the community who have to pay taxes to two different places, namely Central Maluku and West Seram. Therefore, it is necessary to make improvements to the law to address the problems that have occurred and to fully achieve the purpose and intent of the enactment of the law.

The government must consider the interests of the public when issuing laws to ensure that the laws can provide maximum benefits (Alauddin et al., 2019; Holle et al., 2020). In this case, the presence of a problematic clause for the public indicates that the

law cannot function fully. Therefore, the government needs to fix the clause so that the law can function according to its purpose.

Furthermore, problems in implementing the law such as having two offices, two sub-districts, and two community health centers in the same area must be immediately addressed. This is important to ensure that the public does not experience losses, especially in financial matters such as paying taxes in two different places. By improving the law, it is expected to create better conditions for the public and fully achieve the purpose of the law's enactment.

In the implementation of democracy, even though the governor has declared that residents living in Wasia, Sanau, and Teluk Elpaputi are registered as voters in the electoral roll of Central Maluku Regency, in practice, many residents do not vote because they are unsure who their vote would actually go to (Tunaya et al., 2014). Would it be for the members of the Central Maluku Regency DPRD, or for the members of the West Seram Regency DPRD? In addition, another constitutional loss is the interruption of the customary relationship that has been passed down for generations in the Leihitu and Leihitu Barat districts. All of this arises and occurs due to Article 7 paragraph (4) and the explanation of Article 7 paragraph (4) to the extent that it relates to Annex 2, namely the administrative map of Central Maluku Regency and West Seram Regency (Siding Resolution Number: 123/PUU-VII/2009).

The conflict in defining the border area referred to in this study is a conflict in the implementation of regional governance involving two local government institutions (Yusuf et al., 2022), namely Central Maluku Regency on one side and West Seram Regency on the other. So, in essence, the conflict is a conflict between local government organizations that involve a village, namely Samasuru Village. The conflict between the two parties regarding the border area is indicated by the agreed physical boundaries at several border points, even though efforts to determine the physical boundaries have been carried out for a relatively long time but are not in accordance with the decision of the law and according to the opinion of the Samasuru Village community itself based on our interviews with the residents there. The conflict can be felt in the process of interaction within the Samasuru Village community and also involves the Elpaputih Village community which has declared its position in the West Seram Regency. In an effort to reach the necessary agreement to determine several boundary points and find a good solution for the disputed village, it has been difficult to reach an agreement so far.

In line with the aim of this research, in this section on the research results, the author discusses the perception of the border community regarding the conflict at the border between Central Maluku Regency and West Seram Regency. To identify the community's perception in the context of this research, the author analyzes it from three dimensions, namely cognitive, affective, and conative. The cognitive dimension is related to the community's knowledge regarding the border that is the source of conflict between Central Maluku Regency and West Seram Regency, while the affective dimension is related to the attitudes shown by the community regarding the border issue, and the conative dimension is related to the behavioral patterns/actions shown by the

community regarding the conflict at the border between Central Maluku Regency and West Seram Regency.

Community Perception of Boundary Conflict

Based on the above research, it is known that the perception of the community regarding the border conflict between Central Maluku Regency and West Seram Regency (SBB) is that the Samasuru community in the border area partly supports and desires the border made by Central Maluku Regency. The Samasuru community adheres to Article 7 paragraph (2) of Law Number 40 of 2003, which stipulates that West Seram Regency has its eastern boundary with Seram Utara District and Amahai District, with reference to Article 7 paragraph (2). Therefore, the boundary of the two regencies is in Kalitala or Waytala according to the conditions before the enactment of Law Number 40 of 2003, and supports the governance carried out by the Central Maluku Regency.

This is known from three dimensions of perception, namely cognitive, affective, and conative. Community perception is a process that starts from observation until a response is formed within individuals, so that individuals are aware of everything in the problem. In this context, it is the border problem between the Central Maluku Regency and West Seram Regency through the senses they possess, which starts from the source of knowledge about the past history of the Samasuru and Elpaputih people (as a manifestation of the cognitive dimension), then generates opinions (which are a manifestation of Affect), and is manifested in the form of rejection of efforts made by the West Seram Regency Government through roadblocks against the West Seram Regency government (as a form of Affect) (Interview with the Samasuru community, on July 15-17, 2022). On the other hand, West Seram Regency also holds the view that the eastern boundary of West Seram Regency is in Kalimala or Waimala as annex 2 of Law Number 40 of 2003, where the distance between Kaitala or Waitala and Kalimala or Waimala is approximately 25 km, which includes three villages, namely Sia, Sanahu, and Samasuru.

Based on the researcher's survey of the border location until now, the situation and condition of the community in the border area is safe but holds potential for conflict, so it needs to be anticipated because the community has been polarized into 3 groups, namely the group representing the government, the Central Maluku Regency Government, the neutral group, and the group that recognizes the West Seram Regency government. The reality at the border location also shows overlapping governance, marked by the presence of two sub-district offices in the same area or sub-district, namely the Teluk Elpa Putih sub-district office in Saholaho claimed by the Central Maluku Regency Government as the administrative area of Central Maluku Regency and the Assistant Elpa Putih sub-district office in Paolohi or Samasuru claimed by the West Seram Regency Government as the administrative area of West Seram Regency. Meanwhile, from the aspect of public services, there is also overlapping of public service provision by district governments such as services in the health sector. The community is also disadvantaged in terms of the aid they should receive from the government and their political rights as Indonesian citizens, as they did not receive their political rights to vote and be elected 7 times.

The research shows that Law Number 40 of 2003 has caused constitutional losses related to Article 7 paragraph (4) regarding attachment two about the border of Central Maluku with West Seram Regency. The important point of this constitutional loss is the disturbance and loss of social rights, including human rights and culture, as well as the loss of harmonious relationships among the community, especially those living in Teluk Elpaputih District and Samasuru Community.

The legal uncertainty that harms constitutional rights is caused by the law, which clearly contradicts Article 28D paragraph (1) related to uncertainty and justice. The area of customary land and ancestral land falls within the category of customary rights that used to be part of the customary territory, but now the Samasuru community is confused due to the duplication of policy implementation by two regencies, namely Central Maluku and West Seram.

In fact, kings and community leaders in Teluk Elpaputih and other areas formally signed to remain in Central Maluku. However, according to one community leader in Samasuru Village, this is just a mere voice and does not resolve the legal uncertainty that harms constitutional rights of the community.

Customary disputes are one of the negative impacts of Law Number 40 of 2003, which contradicts Article 28G paragraph (1), especially related to the right to feel safe and peaceful. The results of interviews with the Samasuru community on July 15-17, 202, show that this legal uncertainty causes conflicts that harm the constitutional rights of the community, especially the indigenous people in the area.

The issue of customary law has been implemented by the government through Regional Regulation No. 14 of 2005, which re-establishes customary land as a customary law community in Central Maluku Regency. This regulation was first implemented in Maluku Tenggara Regency. According to interviews with community leaders, customary law protects communities by implementing Article 18A. The regulation defines what a customary law community is, what a customary land is, how to divide customary land, and other related matters. As a result, some Samasuru community members feel that it is better to voluntarily join Maluku Tengah rather than being forced to do so.

However, a conflict has arisen among the residents of Teluk Elpaputih, particularly the Samasuru community. This has resulted in a breakdown of harmonious relationships, kinship values, cooperation, solidarity, and mutual assistance, all of which are essential values in Masohi. The research shows that the daily activities of the community are affected, as evidenced by the presence of police posts. This indicates that there is a security threat or hostility referred to in legal anthropology as "organize antagonism" or conflict and hostility. Thus, there is a potential for conflict to arise at any time.

The boundary issue has caused overlapping and overlying areas, authority, and, most importantly, confusion among customary law communities. This is not what the Constitution desires. It has resulted in a phenomenon in the field that has left customary law communities confused. The lack of clarity in the law has caused harm to constitutional rights and the uncertainty of the law that violates Article 28D paragraph (1) of the Constitution regarding uncertainty and justice. Customary land is included in the category of customary rights that were once part of the customary land, but now the

Samasuru community is confused due to the duplication of policies implemented by two regencies, namely Central Maluku and West Seram Regencies.

The Law Number 40 of 2003 has caused constitutional losses due to Article 7 paragraph (4) related to the second annex on the border of Maluku Tengah Regency with Seram Bagian Barat Regency. One of the consequences of this point is the loss of social rights, including human rights and culture, as well as the loss of some harmonious relationships among communities, especially those living in Teluk Elpaputih District, in the context of legal anthropology. There are several reasons and causes found by researchers in the field.

First, the legal uncertainty that harms constitutional rights is due to the clear contradiction of the law with Article 28D paragraph (1) regarding uncertainty and justice. The fact on the ground shows that customary land and patuanan land that were previously part of the traditional territory of Maluku Tengah, are now causing confusion and uncertainty among the community. This is because of the duplication of policy implementation by two regencies, namely Maluku Tengah Regency and Seram Bagian Barat Regency.

The implementation of policies by the two regencies has violated the universal general principles by not providing a sense of security and comfort for the community (Lawelai et al., 2021). The placement of SBB district in Teluk Elpaputih is clearly not based on the principle of deliberation and consensus, but rather an exercise of power that ignores the rule of law.

The failure of regional expansion can be attributed to both the regions and political elites. However, the central government has also significantly contributed to this failure. One of the reasons is the government's inability to resolve territorial boundary issues. Although territorial boundaries are on the administrative map, the determination of territorial boundaries is established by the Minister of Home Affairs, which is a different nomenclature. The government and the community must sit down together and evaluate this boundary issue because the community's rights and obligations cannot be executed properly. As a government, they must take full responsibility for everything that is happening right now. This issue can be brought to local values, local values (Jubba et al., 2020).

The failure of regional expansion has been blamed on both the regions and political elites, but the central government has also played a significant role in the failure. One of the main reasons is the government's failure to resolve territorial boundary issues. Although territorial boundaries are shown on the administrative map, the determination of territorial boundaries is established by the Minister of Home Affairs, which creates confusion. The government and the community need to work together to address this boundary issue as the community's rights and obligations cannot be fulfilled properly. The government must take full responsibility for everything that is happening right now as a result of this issue. This problem can be brought back to local values, which are important for resolving it.

CONCLUSION

This study sheds light on the community perception of the border conflict between Central Maluku Regency and West Seram Regency in Indonesia. The findings suggest that the Samasuru community in the border area supports the border made by Central Maluku Regency, based on the dimensions of cognition, affect, and conation. However, the polarization of the community into three groups creates the potential for conflict despite the current safe conditions. The research also identifies Law Number 40 of 2003 as the cause of constitutional losses related to the border of Central Maluku with West Seram Regency, resulting in legal uncertainty that violates constitutional rights and contradicts Article 28D paragraph (1) related to uncertainty and justice.

Despite the implementation of customary law through Regional Regulation No. 14 of 2005, the conflict among the residents of Teluk Elpaputih, particularly the Samasuru community, remains unresolved, leading to a breakdown of harmonious relationships. These findings highlight the need for a comprehensive resolution of the border conflict and the legal issues related to it to ensure justice and harmony for all parties involved.

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