



Research Article

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CULTURAL-ETHICS LEADERSHIP-BASED MEDIATION IN THE VORTEX OF NATURAL RESOURCE CONFLICTS AND POLITICS OF RESOURCE CURSE IN “NEGERI RAJA-RAJA” - MALUKU ISLANDS PROVINCE

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Abstract

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

Keywords

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

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

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

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

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

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

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

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

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

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

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

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

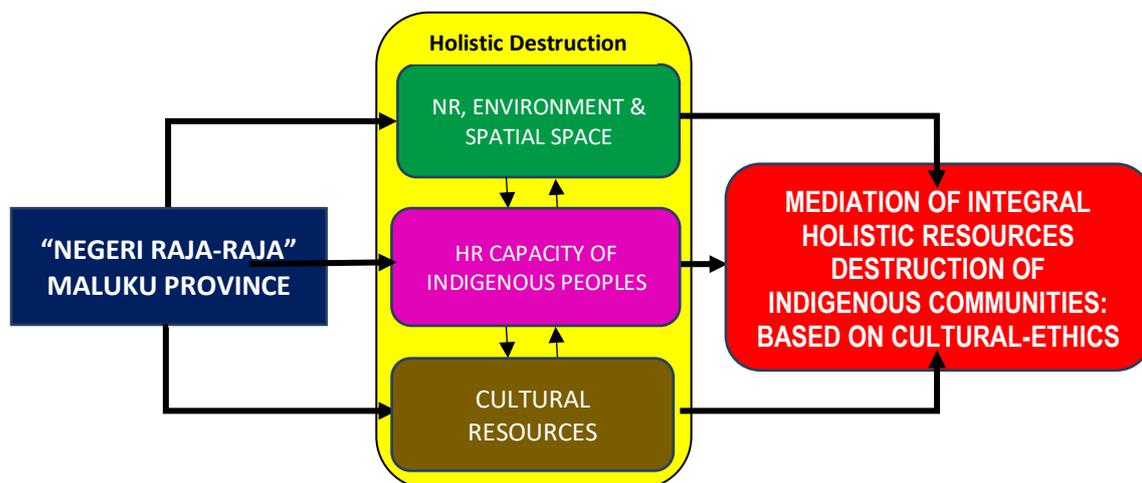


Figure 1. Destruction Threat of the existence of Indigenous Peoples of the "Negeri Raja-Raja" Maluku in a Holistic, Integral, Sustainable and Mediation Framework

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

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

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

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

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

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

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

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

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

Indigenous Peoples in the Vortex of Natural Resources Conflict.

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

These areas have an original composition and therefore can be considered as special areas (Manan, 1999). After the amendment to the 1945 Constitution, customary law communities are accommodated in Article 18B paragraph (2) which states: "The state recognizes and respects indigenous peoples and their traditional rights as long as they are alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia which is regulated in law." The inclusion of customary law communities in the 1945 Constitution is 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, to respect, protect and fulfill the rights of indigenous peoples. One tangible form of customary law community rights is ownership rights to customary land or what is often referred to as 'ulayat rights.' Ulayat rights are rights related to land or land that have a clear location and boundaries, for example land, forest, sea shore, lakes, small rivers, water sources, etc., as well as all the benefits they take according to customary rules. The regulation regarding ulayat rights (hereinafter referred to as customary land) has actually been regulated in Law No. 5 of 1960 concerning Agrarian Principles. This law broadly regulates all land administration at that time. Meanwhile, Law No.2 of 2012 has more specifically regulated Land Acquisition for Development in the Public Interest.

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

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

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

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

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

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

Indigenous Peoples and Resource Curse Politics.

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

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

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

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 high wage lure in the oil and gas sectors..(Bowlby, 2005)

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

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

First. Definition and Scope. *Mobarak Hossain* (Hossain, 2016) when researching the topic: *Ethical Leadership: Its Issues and Impacts in Organization*, said that, because of its role in the organization, Ethics has become a widespread concern in past research. However, there are limited studies examining ethics and how they affect work behavior and performance in organizations. *Hossain's* study tried to examine the concept of ethical leadership, the characteristics of an ethical leader, and ethical leadership and its impact on organizations, Ethical Leadership Models, why and how to practice, and how 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.

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

Third. Implicit leadership based on culture and local wisdom.

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

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

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

RESEARCH METHOD

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

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

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

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

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

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

RESEARCH FINDINGS

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

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

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

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

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

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

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

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

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

Second. Position of Indigenous Peoples regarding the Resource Curse.

The findings of academic and field studies prove that:

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

Third. Cultural-Ethics Leadership Based Mediation.

The findings of academic and field studies prove that:

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

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

DISCUSSION

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

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

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

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

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

Position of Indigenous Peoples regarding the Resource Curse.

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

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

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

Cultural-Ethics Leadership Based Mediation.

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

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

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

Global culture seeks to define the *place of ethical behavior* that connects various cultures and religions (intercultural and religious), including a commitment to peaceful conflict resolution, negotiation and open mediation in the *Vortex of Natural Resources Conflict and the Resource Curse*. Laszlo Zsolnai dkk (Zsolnai, 2009) in their study about “*Ethical Prospects: Economy, Society and Environment*, emphasizes that: *Ethical Prospects aims to present and summarize new perspectives that lead in ethics and reflect interconnected economic, social and environmental issues*. It demonstrates the usefulness and usefulness of innovative practices and policy reforms by providing a forum for discussion of groundbreaking theories or context of discovery.

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

CONCLUSIONS AND RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATIONS

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

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

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

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