

Utilizing Legal Project Management in the Mediation Process of Social Conflict in Sambas, West Kalimantan

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Abstract

Social conflict between Malay and Madurese ethnic groups occurred in Sambas Regency, West Kalimantan, Indonesia in 1999. The Riot Controlling Center of West Kalimantan reported that 186 persons died, 2.490 houses destroyed, 10 cars destroyed, 10 motorcycles destroyed, 28.000 Internally Displaced Persons (IDPs) of Madurese ethnic, and 428 IDPs returned to Madura Island in East Java. To resolve the conflict, the use of mediation was considered as the best alternative mechanism. The mediation mechanism of Sambas conflict combined two approaches, namely the religion and customary beliefs of the conflicting parties. The lengthy process of Sambas conflict mediation adopted the legal project management to assist a mediator in initiating, planning, executing, monitoring, controlling, and closing out the process of mediation in a cost-effective and time-efficient manner. This paper purports to analyze the mediation process of Sambas conflict. This paper attempts to elaborate the functions of mediator in the Sambas conflict and to prove that there are similarities between the functions of project manager and mediator of Sambas conflict. Furthermore, this paper proves that the mediation process of Sambas conflict adopted the approaches of Legal Project Management to produce a peace agreement to end the conflict between Malay and Madurese ethnic groups.

Keywords and Phrases: Legal Project Management, Mediation, Social Conflict, Sambas

Introduction

Mediation is a type of Alternative Dispute Resolution (ADR). ADR adopts various mechanisms for resolving disputes in a non-confrontational way, such as negotiation, mediation, and arbitration. Mediation aims to bring the two conflicting parties together through a dialogue in which employs a neutral/impartial person or persons (mediator) to reach a mutually accepted agreement. Mediation constitutes a voluntary process; therefore no resolution should be imposed on any party. Any resolution achieved by the conflicting parties is based on a mutual and voluntary agreement. Similar to the participation of the conflicting parties which is voluntary bases, the participation of mediator is also voluntary. As the result, the parties and/or the mediator have the freedom to leave the mediation process at any time. The agreement reached by the conflicting parties in the process of mediation is voluntary, yet the parties are obliged to implement the agreement as a binding contract between them. As a consequence, the failure to perform the requirements under the reached agreement by one party constitutes a breach of contract with a legal consequence [1]. The process of mediation is more successful if it adopts the legal project management approach because the framework of legal project involves people management and negotiation as well as it deals with scope, time, cost, risk, communications, and quality [2].

Legal Project Management (LPM) adapts “traditional project management principles to the purchase and management of legal services to create a complete management approach calculated to match and exceed the client’s expectations of his or her lawyer” [3]. It is frequently stated that legal project management is referred to “the application of the concepts of project management to legal cases” [4]. It may be question whether legal project management is applicable for a mediation mechanism. Prior to answering this primary question, it is significant to understand the legal project management framework. The legal project management framework includes: 1) setting objectives and define scope; 2) Identifying and scheduling activities; 3) assigning tasks and managing the team; 4) planning and managing the budget; 5) assessing risks to the budget and scheduling; 6) Managing quality; 7) managing client communication and expectations; 8) negotiating change orders [5]. Another question is whether an impartial mediator can perform the functions of a project manager. It is also significant to ascertain that the functions of a project manager consist of 1) Initiating processes, namely authorizing the project; 2) Planning processes, namely defining, refining objectives and selecting the best of the alternative courses of action to attain the objectives that the project was undertaken to address; 3) Executing processes that is to coordinating people and other resources to carry out the plan; 4) Controlling processes to ensuring that project objectives are met by monitoring and measuring progress regularly to identify variances

from plan so that corrective action can be taken when necessary; 5) Closing processes, that is to formalizing acceptance of the project and bringing the project to an orderly end [6]. The following discussions prove that the legal project management framework is similar to the mediation framework, consequently the functions of a project manager is also similar to those of a mediator. To support these arguments, the mediation process of Sambas conflict is examined and analyzed.

A Flashback of Sambas Conflict

Indonesia which consists of various cultures, religions and political beliefs is vulnerable to social conflict. Social or horizontal conflict is a type of dispute between two or more groups involving physical violence. This type of conflict occurred in Sambas Regency, West Kalimantan in 1999. The conflict was initially triggered by a personal conflict between a Madurese and Malay which subsequently transformed into a communal conflict. The personal conflict between the two ethnic groups started when a Madurese man on 19 January 1999 was arrested by people in Parit Setia Village, Jawai District, Sambas Regency. The man was about to steal in the house of a Malay family. The family of the suspected thief mobilized about 200 Madurese from Rambeyan Village, a neighboring village of Parit Setia Village to attack Parit Setia Village. Three people died in the incident. The police arrested one Madurese of Rambeyan Village and three Malays of Parit Setia Village [7].

The tense of the conflict got worse when a Madurese named "Rodi alias Kacong" did not pay the bus fare when he dropped off in Pusaka Village, Tebas District on 21 February 1999. The bus conductor named "Bujang Lebig" (a Malay) stared at Rodi who got offended because Bujang Lebig's action. Rodi attacked Bujang Lebig with a traditional knife of Madura (Celurit). The news spread all over Sambas Regency that Rodi killed Bujang Lebig. On 22 February 1999 approximately 300 Malays went to the house of Rodi in Senggobang Sub-Village, Sempadung Village to look for him. Almost at the same time, other Madurese in the village shot the Malays with West Kalimantan traditional guns. One Malay man named Hamsiar got shot. The news spread in Semparuk Sub-Village that Hamsiar died. The incident caused the anger of Malays. The Malays started to burn houses of Madurese in the Sub-Village of Semparuk (17 houses), Kelambu (tens of houses and 2 Madurese died), Penjabab (3 Madurese died). The Malays burnt 30 Madurese houses in Tebas Village, 3 persons got killed and 5 persons seriously injured. The ethnic conflict between Malay and Madurese ethnic group in Sambas Regency occurred from 19 January 1999 until 22 March 1999 [7]. The Posko Penanggulangan Kerusuhan Pemda Kalbar (the Riot Controlling Center of West Kalimantan Government) on 28 March 1999 reported that 186 persons died, 2,490 houses burnt/destroyed, 10 cars burnt/destroyed, 10 motorcycles burnt/destroyed, 28,000 Internally Displaced Persons (IDPs) of Madurese ethnic. 428 Internally Displaced Persons (IDPs) returned to Madura Island in East Java on 29 March 1999 [7].

Issues of Identity between Malay and Madurese Ethnic in Sambas Regency

The Sambas conflict is closely related to the issue of identity between the two different conflicting ethnic groups (Malay and Madurese ethnic). Identity can be defined as "how people see and feel about themselves, both as individuals and in comparison with other individuals" [8]. Based on the definition of identity, it is apparent that Malay and Madurese see themselves as a different ethnic group. This is true because each ethnic group develops a social stereotyping to distinguish themselves. Madurese ethnic group claims that the characters of Malays ethnic group are "humble, modest, coward, not aggressive, and patient". On the contrary, Malay ethnic group claims that the characters of Madurese ethnic group are "arrogant, rough, economic-oriented, exclusive, hard-workers". The stereotyping shapes the personal phenomenon and experiences of the two ethnic groups. The two ethnic groups declare themselves as 'different from one to another'. This feeling triggered the "conflicts of loyalty between the different ways in which they define themselves or between the way in which they define themselves and the way they are defined by others" [8].

The different identity claimed by the two ethnic groups creates more gaps since the Malay ethnic group claims that Malay and Dayak are the original ethnics (the locals) of West Kalimantan, whereas Madurese ethnic group merely is "newcomers" in West Kalimantan. The realization of different ethnic identity between Malay and Madurese grows through their interaction and competition. Based on the 'identity theory', "people make a commitment to act mainly in order to increase their self-esteem within their in-group network of relationships" [9]. In the case of the identity of Malay and Madurese, the two ethnic groups are clearly divided themselves by identifying themselves as "the locals for Malay ethnic group" and the newcomers for Madurese ethnic group". It is interesting that the different identity between the two ethnic groups result in the separation of religious interaction. Both ethnics embrace Islam as their religion. In other words, the members of the two ethnics are

Muslims. However, due to their different identity, the Madurese ethnic group built its own mosques and performed the holy speeches in the mosques in their own local language (Madurese dialect) [7]. This attitude also contributed the social segregation between the two ethnic groups.

The Adoption of Legal Project Management in the Mediation Process of Sambas Conflict

To end the Sambas conflict, a number of 'strategies were discussed on how to best solve the Madurese problem' [10]. The Governor of West Kalimantan (Aspar Aswin), Chief of Military Commando (Mayjen TNI Zaenuri Hasyim), Head of Sambas Regency (Tarya Aryanto) and a number of West Kalimantan officials met the family of Sambas Sultanate (Pangeran Raden Winata Kusumah) to find out the solutions for the conflict. Yet, the riot still continued between the two ethnic groups [7]. *Adat* (customary) organizations and community leaders of Malay and Madura on 13 March 1999 established a peaceful agreement containing a consensus to prohibit Malays and Madurese to carry sharp weapons in public. The agreement failed because on 14 March 1999 a fight between the two ethics occurred again [8]. Two religious scholars of Madura ethnic in Sambas Regency (H.Tarap and H.Syafruddin) apologized to Malay and Dayak ethnics because of the wrongful acts of Madurese in Sambas. The apology did not stop the riot because on 20 March 1999, a group of Madurese from the Sukaramai and Sebenua Village conducted a counter attack to the Dalam Kaum and Dagang Timur Village [7]. When all the conflict resolution initiatives could not stop the conflict, a single organization named Forum Komunikasi Pemuda Melayu/FKPM (the Communication Forum of Malay Youth) which was formed in late January 1999 to resolve the issue of Sambas conflict [9]. It was agreed by all stakeholders that the best conflict resolution for Sambas conflict was mediation. The FKPM was requested to mediate the conflict.

In the case of Sambas conflict, the FKPM was assigned as the organization to find the durable solutions for the conflict involving the Malay and Madurese ethnic groups. The FKPM selected mediation as the dispute resolution mechanism for the Sambas conflict. Zulfydar Zaidar Mochtar of the FKPM was a mediator for the two conflicting parties. The mediator selected a customary-spiritual (traditional) mediation to mediate the conflicting parties in order to obtain a consensus of the conflicting parties. A customary-spiritual (traditional) mediation tried to find similarities between the two conflicting parties. As explained previously, the issue of identity as a different ethnic group created a gap between the conflicting parties, therefore the mediator was urged to find a similar identity of the conflicting party. Both conflicting parties were Muslims, consequently the mediator tried to use the religious approach to mediate them. The mediation between the two conflicting parties was a lengthy process and it took about seven years (2002-2009) until the two parties reached a peace agreement. The process of mediation was tough since the demands of the two parties were difficult to compromise, yet the use of religious (spiritual) approach was successful to bring the two conflicting parties to discuss the best solution to end the Sambas conflict.

In the mediation process of Sambas conflict, the mediation was held on 3 August 2002 in POLDA (the Regional Police) of West Kalimantan in Singkawang Regency. About 100 people attended the mediation meeting consisting of the Malay representatives, Madurese representatives, Regional Police and West Kalimantan Government [11]. The representatives of Malay group consisted of *Majelis Adat Budaya Melayu Sambas* (Adat & Cultural Assembly of Malay Sambas), *Forum Persatuan Pemuda Melayu Kabupaten Sambas* (Malay Youth Forum of Sambas Regency), *Ikatan Generasi Muda Islam Kabupaten Sambas* (Islamic Young Generation Association of Sambas regency). The Madurese were represented by *Ikatan Keluarga Besar Madura Kalimantan Barat* (Big Madurese Family Association of West Kalimantan), *Pemuda Madura Kalimantan Barat* (Madurese Youth of West Kalimantan), *Yayasan Korban Kerusuhan Sosial Sambas Kalimantan Barat* (The Foundation of Social Riot Victims of Sambas, West Kalimantan) [11]. The mediator officially met the two ethnic group representatives several times. The demands of the two conflicting groups were accommodated and offered back to each conflicting party. Based on the meeting with the two conflicting groups, each group submitted their demands. The mediator examined the demands of the conflicting parties and to help each side to a position of compromise for the purpose of fulfilling the demands of the parties and society to recover the condition [11].

It can be said that the entire process of mediation of Sambas conflict utilized the approaches legal project management on the grounds that 1) the two conflicting parties to a mediation process have specified goal, namely to end the ethnic conflict between Malay and Madurese ethnic group; 2) problems and risks are well identified and managed, in this regard the mediator and conflicting parties realized that the latent risks could be a conflict could extend to other parts of West Kalimantan; 3) there is a defined scope of work within the parties' budgets and time. The conflicting parties and the mediator realized that eventually a compromise had to be achieved to avoid the excess consume of time, energy and money; 4) the possibilities to conduct the mediation

process successfully and the possibilities of achieving an agreed outcome. The conflicting parties and mediator worked together to come up with compromises. The initial compromises during the process of mediation were: a) Both Madura and Malay ethnic groups apologize each other for their faults and incidents in the past. The incidents do not need to occur again and they will be reflections for the future; b) Temporarily, Madurese ethnic group or Madurese descendants who would like to go back to Sambas, should be patient to wait for the natural process of recovery; c) Madurese and Malay ethnic groups conduct the guidance and socialization programs for the short and long term supported by the Regional Government, Regional Police and Mediation Forum; d) Society can accept the open meetings which will be announced to public via printed and electronic media after the meetings of the two ethnics; e) The Regional Government of West Kalimantan can facilitate the 'silaturahmi' (dialog in harmony) in the short and long term towards peaceful reconciliation [11].

The lengthy mediation succeeded to reach the final compromises which were signed as a Peace Agreement of the two parties on 19 December 2009 in Singkawang City. The agreements among other things stipulates that: 1) The parties agree to conduct the efforts to improve peace to remove the conflicting feelings, hatreds, revenge, and suspicions which can cause detriments for all parties, society, nation and state; 2) The parties agree to accept apologies regarding faults and incidents in the past which should not be repeated and they will become the reflections in the future; 3) The parties agree that for time being the Madura ethnic or Madurese descendants from Sambas Regency who wish to go back to Sambas should assimilate themselves based on the natural process; 4) The parties agree that in order to prevent earlier the danger of conflict, all parties should coordinate and find solutions together in case a suspect of ethnicity conflict arises; 5) The parties agree to mandate the Government, Police to educate society and strictly punish those who violate the law to uphold the supremacy of law; 6) The parties agree that in order to facilitate the mediations, the Communication Forum between ethnics (Malay, Dayak, Tionghoa, Madura and other ethnics) should be established [11].

As the result of the mediation agreement, up to present Madurese ethnic group do not live in Sambas Regency, yet they are allowed to visit Sambas Regency without staying overnight. Both Malay and Madurese ethnic group suffered from a long trauma because of the conflict and they still need time to initiate their social interactions in Sambas Regency. After the peace agreement achieved through the mediation process, Madurese people lived in Sambas Regency were relocated to Tebang Kacang and Mekar Sari Village in Kubu Raya Regency. The two villages were selected by the government to relocate the Madurese IDPs from Sambas. Approximately 2000 Madurese people were relocated in Mekar Sari Village and about 1000 people in Tebang Kacang Village. The government provided a number of facilities in Tebang Kacang Village for Madurese people such as school from elementary to senior high school, mosques, road, village health center, electricity, houses and lands. Today, most of Madurese people in Tebang Kacang and Mekar Sari Village prefer to live in the two villages and do not wish to go back to Sambas Regency anymore [12].

The table below aims to sum up the utilization of legal project management in the Sambas mediation.

Table 1. The Utilization of Legal Project Management in the Sambas Mediation Process

Legal Project Management	Sambas Mediation Process
Setting objectives and define scope	Setting the specified goal, namely to end the ethnic conflict between Malay and Madurese ethnic group in Sambas Regency
Identifying and scheduling activities	<p>Identifying Activities:</p> <ul style="list-style-type: none"> -Identifying the causes of conflict in Sambas Regency (i.e. issues of identity, incapability to assimilate to the locals/Malay Sambas) -Identifying the stakeholders involving in the conflict (i.e. perpetrators, community and religious leaders) <p>Schedules (3 August 2002 – 19 December 2009)</p> <ul style="list-style-type: none"> -Dialogues in harmony with the conflicting parties; -Discussions on the drafts of peace agreements; -Signing the Peace agreements
Assigning tasks and managing the team	-Introducing the roles of Sambas mediator and how to conduct the mediation processes based on the spiritual-traditional approaches;

	<ul style="list-style-type: none"> -Asking the disputing parties (Malay and Madurese Sambas) to explain and detail their causes of dispute and expectations; -Clarifying the positions of the conflicting parties; -Establishing what is important and what is not to each of the parties
Planning and managing the budget	-The venue of mediation process was mostly in Singkawang Regency due to its neutrality and transportation cost from Sambas Regency to Singkawang Regency
Assessing risks to the budget and scheduling	<ul style="list-style-type: none"> -If the mediation failed to come up with the solutions, the mediation process would be ended; consequently the Human Rights Commission of Indonesia would handle the conflict resolution and the meeting venue between the conflicting parties would be in Jakarta -New schedules and more costs if the meeting were taken place in Jakarta
Managing quality	<ul style="list-style-type: none"> -The results of mediation had to be accepted and signed by the conflicting parties' representatives; -The results of mediation had to be obeyed by all people in Sambas Regency
Managing client communication and expectations	<ul style="list-style-type: none"> -Both conflicting parties had to agree with the Mediation results -The results of mediation had to end the Sambas conflict
Negotiating change orders	<ul style="list-style-type: none"> -The government and law enforcers (i.e. police) had to involve in executing the Sambas mediation results; -The government had to facilitate, monitor and evaluate the implementation of Sambas mediation results. In this regard, the government provided Tebang Kacang and Mekar Sari Village to relocate Madurese Sambas

Up to present, the results of Sambas mediation remain debatable even though the mediation results which utilized the legal project management approach have resumed the peaceful situation in Sambas Regency. This is because the mediation results are discriminative against Madurese Sambas since one provision of the agreements has caused the expulsion of Madurese Sambas from Sambas Regency. It is clear that the utilization of legal project management was successful to come up with the agreement between the disputing parties, but it is questioned whether legal project management is merely deemed for the process of mediation without considering the human rights law which is governed by Law No.30 of 1999 on Human Rights. It may be argued that a mediator's methods are not ordinarily governed by law, therefore the mediation mechanism in Malay-Madurese conflict combined two different approaches based on the religion and customary beliefs of the conflicting parties, consequently the results of mediation were also based on those methods. In short, it can be said that the mediation results of the Sambas conflict may be argued from the legal point of view. This is because although the peaceful condition in Sambas Regency could be resumed because of the implementation of the mediation results, the results are somehow discriminative against Madurese-Sambas. The expulsion of Madurese-Sambas was clearly against the human rights law. Article 3 (1) of Law No.30 of 1999 on Human Rights clearly stipulates that "each person is born to be free with dignity and equality to live in community and the state based on the brotherhood spirit". Article 3 (3) of Law No.30 of 1999 on Human Rights even emphasizes that "each person has the rights to acquire human rights protections and fundamental human freedom without discrimination". If these provisions are used to argue the mediation results of Sambas conflict, then it is affirmative that the mediation results are not legitimated under the Human Rights Law of Indonesia, consequently the results are not acceptable under the law. However, it is obvious that the law has been exempted for the Sambas mediation results. It may be then questioned as whether the exemption of law for the Sambas mediation results could be supported from the Indonesian legal perspectives.

To answer this question, the prominent Indonesian legal theory “Law Development Theory” can be used as the legal base to justify the mediation results of Sambas conflict. According to Mochtar Kusumaatmadja in his infamous theory of Law Development, ‘law is a means to maintain order in society’. The role of law is ‘to ensure the dynamic changes occur in regular manner’. Law is ‘a society’s renewal media which means that law should serve as a director for society’s actions to support the development’ [13]. Based on the Theory of Law Development, the exemption of Human Rights Law can be accepted since the development of Sambas Regency and Indonesian nation can be hampered if the social conflict in Sambas Regency cannot be ended. Another question may be arisen in relation to those who got involved in the killings of Madurese Sambas. Law No.39 of 1999 on Human Rights and Law No.26 of 2000 on Human Rights Court merely regulate the violations of human rights which are conducted by the state against its people. As the result, the two laws are not applicable to examine the Sambas conflict even though the two laws can be implemented to the human rights violations prior to the enactment of the laws. Accordingly, Malay Sambas who got involved in the killings of Madurese Sambas are not prosecuted. Up to present there are no evidences that people involving in social/communal conflicts are given penalties.

Conclusion

Based on the elaboration of the Sambas mediation process which was conducted by Zulfydar Zaidar Mochtar of the FKPM, it is clear that the mediator acted as a project manager in the sense that he adopted the functions of project manager to his position as a mediator. This notion is acceptable under the approaches of legal project management because a mediation can also be considered as a project because it has a definite starting and finishing points. The conflicting parties to a mediation process (Malay and Madurese ethnic group) agreed with the starting and finishing time of mediation process. Similar to the function of a project manager, the mediator of Sambas conflict had to conduct the process of mediation to meet specific objectives (i.e. peace agreement) within defined cost and performance parameters. Since the mediator of Sambas conflict examined the substances of the conflict involving Malay and Madurese ethnic group, tried to identify the primary issues of the conflict, being an active listener in the mediation process, provided open-ended questions, and skillfully analyzed the demands of conflicting parties, it is obvious that the mediator of Sambas conflict managed the process of mediation to facilitate the disputing parties to reach a peace agreement to end the conflict. Although the results of mediation caused the Madurese ethnic group had to leave Sambas Regency, the mediation process succeeded to end the conflict. The use of legal project management in the Sambas mediation process proved that legal project management is adaptable to facilitate a social or ethnic conflict.

However, it is questionable whether the utilization of legal project management is merely deemed for the process of mediation without considering the human rights law under Law No.30 of 1999 on Human Rights. The mediation results of Sambas conflict are obviously against the fundamental rights of Indonesian citizens because Madurese Sambas can no longer live in Sambas Regency. It can be further argued that the mediation results cannot provide human rights protection to Madurese Sambas. It seems that the mediation process of Sambas conflict has exempted the current national laws for the sake of society harmony. If this reason is taken into consideration, then there should be a legal base to justify the results of the mediation process, otherwise it can be said that the utilization of legal project management in Sambas mediation is only successful in managing the process of mediation, but it completely fails to come up with win-win solution which complies with the Indonesian human rights law. In order to justify the entire approaches of legal project management in Sambas mediation including the results of mediation, a legal support becomes necessary. It is apparent that Law Development Theory can be used to justify the mediation results since the theory emphasizes the ultimate function of law is as a director for society’s actions to support the development. It is correct to say that the development of Sambas Regency and Indonesian nation as a whole can be hampered if the social conflict in Sambas Regency cannot be ended. It can be concluded here that legal project management can be adopted to settle the social conflict through its utilization in the mediation process. More importantly, the utilization of legal project management in the Sambas mediation has created a new approach to the solution of social conflict in Indonesia, that is “the exemption of law may be permitted in order to create harmony in society to support the development of society and Indonesian nation”.

References

- [1] Shamir, Y: *Alternative Dispute Resolution Approaches And Their Application*, Israel Center For Negotiation And Mediation (ICNM), Israel: UNESCO PCCP Series No.7. retrieved on 20 August 2014, http://webworld.unesco.org/water/wwap/pccp/cd/pdf/negotiation_mediation_facilitation/alternative_disput

e_resolution_approaches.pdf

- [2] Terret, A (2011): *Legal Project Management*, Canadian Association of Law Librarians.
- [3] Quick, R: *Legal Project Management*, PRM Pty Ltd, 3, retrieved on 20 August 2014, from: www.imninc.com/iln/lpm.pdf.
- [4] Levy, S B (2009): *Legal Project Management: Control Costs, Meet Schedules, Manage Risks, and Maintain Sanity*, Seattle, WA: DayPack Books.
- [5] Legal Project Management Quick Reference Guide, 2nd Edition, Sample Chapters, LegalBizDev.com retrieved on 29 August 2014. <http://www.legalbizdev.com/projectmanagement/quickreferenceguide.html>.
- [6] Duncan, W (1996): *A Guide To Project Management Body of Knowledge*, retrieved on 1 September 2014, www.unipi.gr/akad_tmhm/biom_dioik_tech/files/pmbok.pdf
- [7] Petebang, E & Sutrisno, E (2000): *Konflik Etnik Di Sambas*, Institute Studi Arus Informasi, Jakarta
- [8] Huddleston, T (2007): *Identity, Diversity and Citizenship: A Critical Review of Educational Resources*, a report presented to the Association for Citizenship Teaching by Citizenship Foundation, retrieved on September 01, 2014, http://www.citizenshipfoundation.org.uk/lib_res_pdf/0747.pdf
- [9] Klinken, G (2007): *Communal Violence and Democratization in Indonesia: Small Town Wars*, Routledge Contemporary Southeast Asia Series, New York
- [10] Davidson, J. S (2002): *Violence and politics in West Kalimantan, Indonesia*, PhD thesis, University of Washington
- [11] Mochtar, Z Z (2012): *Mediasi Tradisional (Malayu-Madura)*, PT. Romeo Mitra Grafika, Pontianak
- [12] Field work and interviewed conducted by Rina Shahrullah in Tebang Kacang Village on 28 May 2014
- [13] Kusumaatmadja, M (1976): *Hukum Masyarakat, dan Pembinaan Hukum Nasional*, Binacipta, Bandung