

Communal Conflict Resolution Model in Bima Regency West Nusa Tenggara Province

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Abstract

This paper focused to analyze research results about cause's dan Communal Conflict Resolution Model in Ngali and Renda village Belo sub-district. That komunal Conflict lasted long enough and progressively are four stages: first conflict in years 1909-1911, this Communal Conflict occurred due to revenge which is the effect of Ngali war against the Netherlands ago where after Ngali be defeated by the Netherlands, then the house Ngali village burned by the Netherlands. The second phase in 1911-1970 that conflict between villagers Ngali with villages neighboring are, Lace villages, Baralau village, and Sakuru village of Bima. Phase three years 1971-1991, conflicts among youth without bare hands but already use a sharp object, and the fourth phase in 1991 to 2009 lasts four times: (1) (date 31/12/1999 to 2/1 2000) (2) in mid-2000 (16 August), (3) in early 2001 (date 7 February), (4) at the end of 2008 (19 October) and (5) on April 20 September 2009. At this phase the communal conflicts wear the guns and bullets organic lasted for 3 days.

Which be legal issues is why communal conflict occurred and how the model of Communal Conflict Resolution in Bima regency west Nusa Tenggara Province.

Communal Conflict Resolution Model in Bima regency through non penal policy acceptable in order to ensure benefits and justice for society. Whereas if in these communal conflict there criminal offense, then resolution to penal policy. Penal means are a facility which is applied the rules of Criminal Law in the context crime prevention Non penal means are facilities beyond the rules of Criminal Law which is also in the context of crime prevention. Then the question is when one of them or both will use.

Society faced the choice of conflict resolution models according to the level of importance and fulfillment of basic needs in view of communal conflict or dispute. Communal conflict can be resolved through the mechanisms of penal and non-penal and social manipulating. Each conflict resolution mechanisms have requirements, characteristics, and strength those enactments of each other are different. Communal conflict in Bima Regency use the MboloraDampa Resolution Model (peace deliberation agreement andKasamaNggahi Ra Eli (deliberation to reach a mutual agreement) this resolution model has been held since the days of the empire Bima time ago were very effective and achieve a harmonious life fully social cohesion.

Keywords: Model, Resolution, conflict, Communal in Bima.

1. Introduction

Indonesian Nations famous for its variety of ethnic groups, religions, languages and cultures as well as thousands of islands with the motto BhinekaTunggal Ika, these conditions existing a negative or positive impact to the development of the nation and state of Indonesia. Negative impacts include communal conflict caused by religious issues, indigenous and culture, natural resources, economic and political resources. While the positive impact are manageable capital to build the nation.

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In West Nusa Tenggara for last three years, are 2010 to 2012, researchers conducting research that has occurred communal conflict in 2010, occur seven (7) cases, eg communal conflict between groups of villagers Bonder dated August 24, 2010 that resulted in fatalities.⁵ In 2011 communal conflict have occurred 20 cases, e.g. communal conflict between Tolouwi village and Tolotangga villagers in Bima Regency on 12 January 2011. Communal conflict between KarangMajelo youth and north Kesembung village youth Masbagik village in East Lombok Regency. While in 2012 communal conflict as much as 19 times. E.g. dated January 5, 2012 communal conflict between communities Village Kolo communities Bima City Malay Village Bima City and dated July 7, 2012 conflict between the rural village of KawoKetara with that caused fatalities and houses burning, and conflict between villagers Samili with youth and students Woha Sub district Bima Regency dated August 20, 2012. In the Ketara village Central Lombok, communal conflicts between the environments is an environment with environmental BagekDayenRurungDewa known as the three-day battle. In 2007 up to now, there have happened 6 times conflicts between village and Bagik hamlet DayenRurung hamlet and bagik hamlet, Ketara Villages danKawo Villages.

Bima Regency is part of the Provincial West Nusa Tenggara (NTB), located at the eastern end, bordering the city of Bima and Dompu district, east of the Sape Strait, Flores Sea to the north and south of the Indonesian Ocean.

Total area after the formation of Bima Urban by Act Number 13, 2002 of 437 465 ha or 4394.38 km² (before division 459 690 ha or 4596.90 km²), with 54.36 percent details of state forests, public forests 9:25 percent. The land area that used for rice fields by 6.98 percent, and then the 13:07 percent land farm / garden. While land are not cultivated reach 5:21 percent. Others are embankment land, ponds, and other estates. Topographically Bima regency majority (70%) are textured mountain plateau while the rest (30%) is plain. Approximately 14% of these proportion of lowland rice fields and is more than half the land is dry, because of the limitations of such agricultural land and associated future population growth, would cause the carrying capacity of the land is getting narrower. Consequently the necessary transformation and reorientation of the economic base of traditional agriculture to agricultural entrepreneurs and small industrial sectors and the trade for conflict reduce.

In the review from the number of job seekers, the number of high school graduates (D1-S2) is quite high reaching 72.2% (9516 persons), while job seekers are not educated and less educated (elementary / junior high / high school) is only 27.8% (2644 org). This indicates the high number of educated unemployment in Bima Regency.⁶

Demographically, based on results data Population Projections 2011, the total population are 443 663 Bima Regency humans. This amount consists from 220 981 male and 222.682 women. in other words, sex ratio reached 99.23 percent. Meanwhile, the population density of 95.53 people / km². Seen by the distribution by district, District Bolo is a district with the densest population, 668 people per-square kilometer. While Tambora, the condition of a large area, and the population is relatively small, the density is only 11 inhabitants per square kilometer.

Social Culture, Bima Regency celebrates anniversary or birth (*harlah*) every dated July 5. These dates refer to the events of that first inauguration of the Bima Sultan Sultan Abdul Kahir on July 5, 1640. So that in 2013 Bima Regency celebrates 373 birthdays. History of archaeological evidence found at Bima Regency as WaduPa'a, WaduNocu, and WaduTunti (inscribed stone) in the hamlet PadendeDonggo District indicate that this region has long been inhabited by humans. According Notes Bima Kingdom, before the coronation of the Emperor I that run the government already there several king that became ruler in this area. But did not known exactly when this Bima kingdom formed. Estimate between 11-13 M centuries.

Bima Sultanate survived up to post independence. As kingdoms / sultanates in Indonesia, Bima Sultanate also was in liquidation by President Sukarno in the 1950s. The Sultanate of Bima then became Swapraja area and turned into the District. In 2002 Bima Regency broken up into districts and the city of Bima.

Currently Bima Sultanate led by Ferry ZuKarnain which is at once the Sultan of Bima regent to 16. Ferry Zulkarnain crowned the Sultan of Bima on July 4, 2013 ago.

Bima society also known as the nomad's society. Generally they work as teacher and Army as well as scattered in various regions in Indonesia.

Seen from the side of Religious & Ethnic, religious ideology that generally growing and dominant in Bima Regency are modernist and puritanical Islam (Muhammadiyah, Salafi, Wahabi etc.). So the role of religious leaders did not occupy the main shaft in the social structure. Culture boarding/traditional cultural/spiritual (Bima; Old Reciting) are underdeveloped in religious discourse in Bima Regency. In addition to Islam, there are also other religions, especially

⁵Kesbangpoldepdagri, *Conflict Map in West Nusa Tenggara*, year 2012, p. 9.

⁶*Mapping Social Conflict Prone areas, Social Services*, West Nusa Tenggara, 2013, p. 46-49

the Christian/Catholic that has grown in Bima since the colonial era (18th century). Most of the people who embrace the Christian/Catholic are Donggo tribal society residing in rural areas Bring Donggo District, and the majority of the population are BimaMbojo tribe.

Indigenous Peoples Organizations & Institutions, dikabupatenBima there are various community organizations. Generally, the national organization such as Muhammadiyah, NU, etc. Exactly, there are also some hardliners Islamic organizations such as JAT and HizbutTahrir. While the Indigenous Institute exists is enough Indigenous Assembly Mbojo Fund, chaired by Mrs. Hj. Siti Maryam who an aunt from that presents Sultan of Bima.

The conflict comes from the English word terminology conflict, which means disputes, disputes, strife or contention. Conflict or dispute about something going on between two or more parties. Conflict or dispute barely separated from human life and society so it is difficult to imagine when society without conflict.⁷ Conflict or dispute is no longer ideological but already shifting toward multicultural conflict based on difference, shifting the understanding of conflict or dispute in turn have an impact on the emergence of the concept of alternative dispute resolution.

The conflict also indicates the relationship between two or more parties by Chris Mitchell, as in kutib by Pringondigdo, this definition indicates a clear distinction between conflict and violence. Violence includes act, words, attitudes, structures or systems that cause damage to physical, mental, social or environmental, and / or prevents a person from reaching its potential fully.⁸

Society faced choice of conflict resolution according to the level of interest and the fulfillment of basic needs in view of the conflict (communal) or the dispute itself. Communal conflict can be resolved through the mechanisms of penal and non-penal, litigation, non-litigation, mediation, social engineering and advocacy. Each conflict resolution mechanisms have requirements, characteristics, and strength of the enactment of each other is not the same.⁹

Bronislaw Malinowski in making ethnographic description, as far as possible applies the functional theory, although not all of them succeed. According to him, man to meet individual needs, but through life together (social) is organized or arranged in the law or certain values. Accordingly, the ultimate goal they want to achieve is a mutual agreement. Joint agreement on these goals will be achieved on the basis of common values that apply. All this according to Malinowski called the charter, which is defined as an organized system of social activities purposeful (based on common values and mutual agreement). System of values and common goals can be articulated in a more concrete becomes the norm. The principles of integration will be reflected in social institutions, and this is the basic human -needs. The principles of this integration are part of the basic-needs themselves. While the response is the culture manifested in the formation of social institutions. Culture as a response to basic-needs may be indicated as an instrument to achieve the goal, thus basic -needs satisfying.¹⁰

Furthermore, Malinowski institutions formed not because the basic community needs, but the fulfillment of basic-needs individuals, for the fulfillment of needs may not be met its own (so necessary presence of others). In respect of the need for the presence of other people,¹¹ he says:

“a human community is a body of people sharing in common activities and bound by multiple relationships in such a way that the aims of any individual can be achieved only by participation in action with others” (free translation, the human community is a “human body” that divides the similarity of activity (activities) and are bound by the relationships in the way in which individual goals can be achieved only by participation in action with other humans)

Based on description above it can be argued that Malinowski and Brown proposed a theory balance integration and social harmony, while conflict refers to the conflict in the community towards disintegration. The question which then arises is that the integration and conflict (two contradictory things) always exist in social life, and how the relationship between the two, at least what functions for social conflict is concerned. In this case the necessary laws that govern life together to achieve public order.

Crimes prevention efforts via the “penal” more focused on the nature of the “repressive” (suppression/ eradication suppression of after the crimes occurred, while the track “non-penal” is more focused on the nature of “preventive”

⁷RahmatSafa'at, *Advocacy and Alternative Dispute Resolution, Background, Concepts, and Implementation*, (Malang, Surya Gemilang Pena, 2011), p. 47

⁸Simon Fisher, dkk. *Managing Conflict Skills and Strategies for Action*, (London: British Council Indonesia, 2001). Without p.

⁹Ibid, p. 47.

¹⁰Malinowski, Bronislaw. *A Scientific Theory of Culture and Other Essays*. (New York : Oxford University, 1960), p. 62.

¹¹Van Baal, J. *Elements of Soscial Organization, Beacon Press, Boston, Hofsteede, W.M.F. Pembangunan Masyarakat, Society in Transition*, (Yogyakarta : Gama Press, 1994), p.

(prevention/deterrence/control) before crimes occurred. Given the crimes prevention efforts through “non-penal” is more precautions for the crimes, then the main goal is addressing the factors conducive to the cause of the crimes. Favorable factors, among others, centered on the problems or social conditions that directly or indirectly may cause or fertilize the crimes. Paying attention to these conditions, then from the standpoint of criminal politics and global macro, mentioned as a non-penal key and strategic positions of the whole criminal political efforts.

According to Muladi: “The issue of criminal law in Indonesia will bring to the problem crimes in society penanggulangan in the context of the Criminal Policy in familiar terms that are operational can be done by means of penal and non-penal facilities.”¹²

While BardaNawawiArief: “The policy or crimes prevention efforts are in fact an integral part of social policy (Social Policy), which leads to social protection (Social Defense) and social welfare (Social Welfare).”¹³

While William Friedman, said that the enforcement of the criminal law is strongly influenced by three components, as “elements of the legal system”, that is legal structures (legal structure), substance law (substantive legal), and the culture of law (legal culture).¹⁴ These three components were integrated in law enforcement efforts.

2. Methods

This research is an empirical socio-legal approach. In this study wear primary data (primary data) is data which directly obtained in either area interviews (interviews) and observation (observation) which includes, the behavior of law enforcement officials, and the reaction of the public perception of communal conflict that have occurred.

Secondary data (secondary data) legal materials in the form of legislation, research, books and other literature “. Data tertiary form of encyclopedias and dictionaries, then was analyzed qualitatively, that is by describing the materials that has been obtained from results research with an inductive framework.

3. Results and Discussion

3.1 The cause of communal conflict in Bima Regency, West Nusa Tenggara

3.1.1 The history the Conflict in Bima Regency

Since yore people has been an Original belief in Bima called “Marafu”, an animist belief system/dynamism. Some of these beliefs are still rituals practiced until now. Hinduism enter or expand in Bima around 10 to 16 M century mingle original trust Bima society.

At Century 13/14 A Figure named The Bima (from Java) successfully mediating the dispute heads tribe known as “Ncuhi”, so there was a social contract that marks the founding of Bima Kingdom.

Islam arrived in Bima around the 15th century, but just being around the port of Sape. In the 17th century the kingdom's internal dispute in Bima, because the struggle for the throne and Abdul Salisi born. Salisi received support from the Netherlands, while Abdul Kahir received support from Makassar.

In 1640 Abdul Kahir was appointed as the first Sultan Bima and Islam became the official religion of the empire. Bima Sultanate engaged in Makassar war against the VOC year 1660s. Makassar successfully subdued VOC and Sultan Abdul KhairSirajudinbe a fugitive VOC and resistance in Madura with Trunojoyo and offerings together with Sultan Ageng In Banten. But Sultan Abdul KhairSirajudin successfully captured by the VOC in Batavia.

The Christian / Catholic entered Bima through captives or slaves of Manggarai placed or settled around Donggo in the 18th century-early 19th before being sent to Batavia. Early 20th century, Zending entrance to Bima and had stagnated in the era of independence. New Missionary efforts continued in the early 1960s to the 1970s Donggo Territory and Madapangga. The effort was stalled due to social unrest in Sila.

In 1910 to 1916 occurred radicalization / community resistance in Ngali, Silaetc using Islamic ideology of the colonial (Dutch) and Sultanate tax man.

In 1906, the Dutch population registers to determine how many of the male population which will be used as forced laborers. The Dutch issued a new tax rules and shall take effect in January 1907 with the following conditions:

¹²Muladi, *Capita Selecta Criminal Justice System*, (Semarang: Agency Undip Publishers, 1985), pp. vii

¹³BardaNawawiArief, *Potpourri Flowers Criminal Law Policy* (London: Image AdityaBakti, Bakti 1996) p.2.

¹⁴Lawrance M. Fiedman, *American Law*. (New York : W.W. Norton & Company, 1984), page. 15.

1. Rice yields must be issued 5% to the Dutch;
2. Each house shall pay Rp. 250.00., and
3. Each family obligated to pay 1 carry rice.

Deputy Governor of the Netherlands for east Indonesia A.A. Bance on October 1907 report to the Governor Swart about the refusal of the people Bima, especially Ngali related to the new tax regulations. Governor Swart sent Overte Van Der Zwas to investigate the situation in Bima and call gelarang (village head) of Ngali Salasa Ompu Kapa'a for asking accountability, but the Ngali society still refuse to implementing the new tax rules, because Ngali society hold religious principles of Islam was very strong, that it is prohibited to submit to the invader and is unlawful to pay taxes to the infidel, so the sultan Ibrahim tried to convince Van Der Zwas that people can overcome Ngali by Sultan but the fact remains Ngali residents rejected.

While in years, 1920-1950, religious organizations such as Islam States (SI), EXACTLY, Muhammadiyah and Nahdlatul Ulama (NU) entry / hold in Bima. A puritanical Islamic sect (Muhammadiyah) is dominant, shifting the traditional sects. In 1945 founding of the Sultanate of Bima support the Homeland and states to join.

In the 1952-1957 the elections Islamic parties won the election in of Bima Masyumi. Sukarno Sultan failed bill promises that will make Bima autonomous region (province separately) Bima considered as part of the Republic of East Indonesia. In 1972 there was a conflict between Islam and Christianity in Bolo & Donggo.

Ngali war against the Netherlands resulted in the Dutch commander, Lt. Vans tendu died shot by Adam. All Dutch troops killed collected and buried in the tomb "radebari" in the village Mbaju, and Vans late Lt. Tendu taken and buried in Makassar. While the troops Ngali, Ompu Kapa'a died shot by Dutch troops in the Ngali's mosque. Then after the murder of Dutch troops in the Ngali village, then four days later the Dutch troops Swart led by Governor again attacked and burned in Ngali villages, Ngali army troops finally defeated and then retreated to the outside of the village and spread also shelter to the surrounding villages such as Sila and Donggo. As evidence of the history of Ngali war, there are mass graves of the Dutch called "Rade Bari", and to commemorate the martyrs of the Ngali war, and then in 1980 in the village of Ngali established monument called "martyrs monument Ngali war".

After the 1998 Reform a lot of demonstrations happens and conflicts between residents in Bima and 2011-2013. The issue is not really about radical religious beliefs (Islam) as developed in the Bima terrorism. Several events occurs such as the stabbing of a police officer in the Police Bolo (1 cop dead), Arrests / Boarding Schools UBK raid in the village Sanolo by officials, arrest of several suspected terrorists by Detachment 88. Towards the regent election in 2010, Bima District Government issued 14 Quarry Permits to explore the potential of mining in Bima. It got a rejection from society. Residents residing in District Lambu reject the presence of PT Sumber Mineral Nusantara (SMN) which spawned several major events national scale. Start of combustion Lambu subdistrict office around February 2011, then the case of occupation of Sape port, to fall victim, two people died (December 24, 2011) and burning Bima Regent's Office January 26, 2012. The conflict ended after the regent revoke the mining license.

Ngali psychological effects of the war is what makes Ngali people commonly known as "Loves to fight and do not want to obey the king" when the people from other villages to position the sultan or his family as a man who should be respected, then people look Ngali king (Sultan) and his family as a matter of course, the attitude they seem less polite. In the 1955 elections, the son of Abdul Kahir (son of the last of Bima Sultan Muhammad Salahuddin) who joined the campaign for the party Wongsonegoro PIR, each to his village, then people scramble to shake hands and kiss hands, even his feet. While campaigning in the Ngali village time he did not get a response as in other villages, even when Golkar campaign in 1977, the people of the whole district which he visited Bima scrambling to shake hands and kiss his hand. Ngali residents while only a limited number of normal handshakes.¹⁵

Ngali society until now perceive that the surrounding village communities Lace especially as the enemy, they assume that Ngali defeat in the war against the Dutch, because help villagers Lace. Communal conflicts between the village and the village Ngali Lace, authors studying the Identity Theory, which assumes that the conflict is due to the threatened identity, are often rooted in a past of suffering that is not resolved properly and thoroughly by the state and society itself, so then re-communal conflicts happens.

3.1.2. Social and Economic Causes

Communal conflicts between the two communities are real social issues that arise, due to gaps and differences concerning the number of symbols needs and social and economic, such as impaired self-respect, self-esteem, and

¹⁵Marwan Saridjo, Crescent above the forehead An Autobiography, (New York: Ngali Literacy Foundation, 2003), p. 12.

prestige and local values. In Ngali village And Renda village eg communal conflict happened because existing of social problem, social symbols, self-esteem, prestige village, so that fight for the values and social symbols in a particular society and frequently used as the motive of perpetrators or supporters evolved into a communal conflict.¹⁶

In social conflict evolved into communal conflict in fact many are form of covert conflict which in the end because existing a trigger factor, mainly because of the emotional moment and then cause widespread into communal conflict openly. In Renda village when marriage which brought a dowry are often the women bride The most unique and expensive dowry are when that her future husband an Indonesian National Army (TNI) The second police, and civil servants in order to three. It is also a source of communal conflict.

In general, the social condition of Ngali community and Renda villagers same type, that society the mechanical solidarity, and those in the community towards the development of organic solidarity which is currently in an abnormal period. When all elements in society can move and adjust to the condition is named after the balance (equilibrium), and when in the event of a condition element in society cannot adapt to the rapid growth of the community this condition is called anomie/normlessness/social degradation. Other forms of abnormality is the necessity to implement the regulations, because the background (status) of different social and educational. In the case where the different functions of members of the public should be implemented in the absence of mutual dependence.

Ngali society which separate the various interest groups cause they do not have the figures they hear or obey them, the loss figures were heard and obeyed by the people is also due to the political party system that is used in Indonesia, sparkling world of politics often make religious leaders and community leaders involved in the world of practical politics, so they are no longer a public figure who makes united. When they have entered the public confidence in the practical politics they become increasingly depleted. This condition occurs almost throughout Indonesia especially with the multi-party system. Political parties compete to get in touch with the people who have influence in the community to get a lot of sound for the party.

In addition to the absence of influential figures, local wisdom that used to exist and adhered progressively faded and left. It is also the result of society under conditions of anomalies / Normlessness / social degradation; there are no norms Dreaded and freedom into euphoria indefinitely. For example, a change from rice farmers into onion farmers also contributes to shaping society anomie. Young children no longer respect their parents, the education process should also be carried out by parents unable to do because of time parents spent a lot more to take care of the onion that takes more time than growing rice, on the other hand cannot take over schools the education process entirely.

The communal conflict according to the theory of Emile Durkheim, that if a simple society evolve towards a society that is modern city, the closeness (intimacy) is needed to continue the general norms (a common set of rules) will decline. The groups became separated, and in the absence of a general rules, the actions and expectations of people in the sector may be at odds by act and expectations of others, with no predictability of the system behavior will gradually collapse and society it was in anomie conditions, thus introducing the theory of Anomie Durkheim namely the destruction of social order as a result of loss of standards and values in society, resulting in an error that gave birth to the crime (communal conflict).

Robert Merton linked the crime problems with anomie, but the conception of Merton about anomie rather different from Durkheim's concept of anomie. According to Merton problem / real crimes are not created by a sudden social change (rapid social change) but by the social structure (social structures) that offers the same goals for all of its members without providing the means for achieving equitable. This lack of a blend between what is required by the culture (which encourages success) with what is allowed by the structure (which prevented obtain success), can lead to collapse because the norms are no longer effective for guiding behavior. Merton borrowed the term "anomie" from Durkheim to explain the collapse of this system is the norm.¹⁷

According to Merton, in a class-oriented society, the chance to be on top is not evenly be shared, very few members of the lower classes achieve it. Anomie theory of Merton emphasized the importance of two elements, namely:

1. Cultural aspiration or culture which believed goals worth striving for, and
2. Institutionalized means or accepted ways to achieve that goal. If a stable society, these two elements will be integrated, in other words, there must be facilities for individuals to achieve valuable goals for them. Disparity between goals and means fortressfrustration, the leads to strain.

Based on Merton opinion about social structure is the root of problem crimes (as it sometimes is called a structural

¹⁶Then WirasaptaNaidoo interviews with community leaders Sasak, academics, dated March 5, 2013

¹⁷TopoSantoso,EvaAchjaniZulfa, *Criminology*, (Jakarta, PT Raja GrafindoPersada, 2011) p. 61.

approach explanation). Strain, says this theory assumes that people obey the law, but under pressure they will commit a crime, the disparity between ends and means is what gives the pressure, so they commit a crime or communal conflicts that undermine the social structure of peace, harmony in accordance with the values of local wisdom and values of Pancasila as the way of life of the Indonesian nation.

Economically, the conflict occurs primarily because the struggle for access to the certain resources, such as a land grab. Unemployment in economy due to limited employment opportunities and land breadth.

Livelihood of Ngali community dominated by agriculture, with as many as 5042 the number of farmers with three (3) times the period of the planting of rice, onions (I) and red onion (II) with the largest source of income from the sale of onion farming area of 216.60 hectares of rice fields, results hectare 7 (seven) tons / kw with 450.000/kw price.

Ngali community planting period is adequate affect the appearance of a conflict villagers Ngali and Renda village, because the growing season planting rice with onions (II) there is a rest in farming (idle), which is for 3 (three) months. In the span of three months Ngali ordinary people doing Ndempa, both of fellow community Ngali and with surrounding rural communities. At this time Ndempa has changed initially using bare hands with no grudges into entertainment then turned into a communal conflict in using of firearms and sharp objects (no crime).

Ndempawhich began to change the meaning into conflict should be anticipated by all sides by create a special policy towards conflict areas such as creating sustainable community development programs and make Ndempa culture into popular entertainment.

When communal conflict happens, guns and bullets obtained from third parties, which Armed Forces and National Police officers, the price of a bullet between fifteen thousand dollars up to twenty-five thousand dollars/bullets. This is consistent by the narrative figures representing the villagers Nglaias well as Renda village. While the source of funds to finance the conflict is of a society that is collected by mothers and village officials Ngali around Rp. 10,000 to Rp.15.000/orang and the village mothers RendaRp. 5.000.000/RT during war /conflict communal progress.

3.1.3. Legal awareness

From the economic perspective, Ketara village is one of the underdeveloped villages in Central Lombok Regency. Their principal way of living is farming relying on the rain. According to the Data of Ketara Village, 666 families out of 1259 families in Ketara are categorized as poor families. This was why a lot of people from Ketara involved in crimes.

3.1.4. Law awareness

One cause of communal conflict are the weakness public awareness, which is often occurs fights conducted by young children which did not resolved quickly and thoroughly by law enforcement officials and parents and society, thus triggering the occurrence communal conflict. Besides the public perception of the law is still very conventional, with the understanding namely police duties and functions that does not appropriate. E.g. when existing reporting on the case then police should immediately arrest the culprit. In normative procedures police must be based on the criminal justice system, in order not to violate the Human Rights.

Ngali society in the process of law enforcement looks to protect criminals; it is certainly contrary to the wishes of the people Ngali its own. Ngali community fear the future, if the reveal or surrender the perpetrators, as it will be despised by the perpetrator (revenge) by threatening anyone who reports and a witness and disturbing the peace of his family.

There is an assumption of the Ngali Society, which the police side with Renda villagers. Officials at the time conflict located Renda village and around Monta village so it looks like a besieged village Ngali. These events affect the good relations between the police and villagers Ngali that interfere with law enforcement proceedings, where the villagers Ngali not proactive when it is done by the law enforcement process Bima Police, occurred even resistance to the police who want to arrest criminals.

In addition to the low legal awareness, Organizers and state in Bima Regency not optimally and directly to resolve communal conflicts, for example in the area of state administrators do silaturahmi to the community to resolve problems that occur. Additionally trigger communal conflict is Regent (Ferry Zulkarnain) as Operator in the country when the election, lost voice in the area of conflict then do political speeches by saying "will give more attention to areas that support first (win) the election". This greatly affects people psychologically because they assume that the regents will consider first elected village where he had the support, only then other villages. Organizers village (Village Chief Ngali) as the spearhead not have a harmonious relationship by village society.

Bima regent did not optimally coordinate the military police, in persuasive efforts, so it looks the relationship between the police is not in tune with the military, the police did not want to get involved in the process of communal conflict resolution, so that the two communities choose peace. The author found the name of the Model “Mbolo Ra Dampa” or deliberation agreement is in peace, by “Mbolo Rasa” or village’s deliberation according to local wisdom in Bima generally.

3.2 Communal Conflict Resolution In Bima Regency Mbolora Dampa Model (peace deliberation agreement).

Based on the results of interviews with Indigenous leaders of Bima Dr. Hj. Mariyam Rahmat, SH, H. Fatahullah,¹⁸ that communal conflict can strive peace through Kasama Nggahi Ra Eli (common perception). The agreement process begins with Mbolo Rasa or village deliberation, as container and then does as model Mbolo Ra Dampa means deliberation for the agreement with the following order:

1. *Kaboro Ro Kamboloangimeans* to gather all parties, both sides of the conflict as well as family with organizers mediator or other neutral party.
2. *Kancihicaokaimambui Puwara ma Cara* means finding a solution of the problem.
3. *Mafakaradampakaikuaibantau Na dumpu* means deliberation to resolve problems / conflicts so that there is no longer a problem in the future.
4. *Wausimafakaradampati du wara ma dompo Na* means when already deliberation and there is an agreement then there should not be denying that.
5. *Wausiranuntuwarande’icuanenti* meaning that if there is an agreement means that evidence kept / hold / be guidelines together.
6. *Wausiranentikaciati du waramaloakacou* meaning if there is written evidence held by the parties that there should not be question anymore.

After deliberation finished than closed with sentences “Ntauku Maja La Bo Dahu” means we must have a sense of shame and fear of Allah, indigenous law and positive law, either ashamed of self, society, nation and the republic of Indonesia on the terms of Pancasila values.

In communal conflicts between Ngali village and Renda village, each of villagers, including families of victims who died not to prosecute, because it is not known who shot / killed him, thus releasing sincere as victims of war and conflict as a result of the war and no one wins or loses.

In communal conflicts between Ngali village and Renda villages, each village residents, including families of victims who died not to prosecute, because it is not known who shot / killed him, thus releasing sincere as victims of war and conflict as a result of the war and no one wins or loses. Model Mbolo Ra Dampa (peace deliberation agreement), by Kasama Nggahi Ra Eli (common perception / build unity), this has been going on since the days of the empire Bima ago. Process-Ra-Dampa Mbolo specialized in conflict resolution begins with Mbolo Sense (village meetings) at the start of internal meetings in each village to make a deal with making the concept of a peace agreement to be submitted to a group of other villagers, then determine such figures as religious leaders, traditional leaders, community leaders, educational leaders representing each village/group in inter-village meetings facilitated by the organizers, the police and military. At the meeting each spokesperson submit proposals / concept of peace, at this meeting and express cause arguments and proposals of peace, then each of these figures back to their villages to perform Mbolo Sense (village meetings) to discuss the concepts proposed by each village must be submitted on-Ra-Dampa Mbolo next to determine the grain of peace agreed upon by both villages or communities where the neutral and facilitated by the Regent, the police chief, the commander, Chief Judge, head of the village and was attended by community leaders from the two villages at the time of this conflict and the peace agreement signed by each group and determine organizers, police, district military commander, chairman of the district court, followed by the pledge / declaration together to live in harmony and peace returned.

The society of Ngali and Renda Village choose Mbolo Ro Dampa to make a statement of peace as follows:

1. Our first party and second party both expressed peace and no longer hostile to each other in between Ngali and Renda villagers,
2. The village head and Renda village head Ngali with all society will help law enforcement agencies in the law enforcement process;
3. After this agreement was agreed both villagers not to be disturb another / eg disturbing society road users activities

¹⁸TokohadatMbojo (Bima) danAkademisi, Wawancara 11 Juni 2013

and society activities in the agricultural sector;

4. Establishing security posts in the border village of Renda and Ngali villages located in WaduNocu;
5. If there is a point who violate the peace agreement will be taken strict action in accordance to legislation force.

This represented a peaceful affidavit and signed by the Ngali village head and Renda village head and society representatives from Ngali village and Renda Village (H. Ferry Zulkarnaen, ST) and Chairman of the Bima Regency Central Government (Drs. H. MuchdarArsyad) Bima Regency District Police Chief, DANDIM 1608/Bima, Chairman of Bima District Court.

The peace agreement made according to local wisdom “mbojo” or Bima generally, such as Bima Society is brothers to the term “KeseTahopodua” meaning its own better were both, or “maja la bodahu” means shy fellow human beings and the fear of God in religion and violate the norms of living in society, there is also a term “Mbolo Rasa” meaning that the entire community meetings in order to plan something that will be done or finish something that arise in society, such as communal conflict resolution and the communal conflict when there is a crime, then the model is a penal resolution.

In society there is a motto or slogan of Bima be a guideline for associate or behave in building a life together, namely “NggahiRawiPahu” by what it is “Nggahi” The speech and “rawi” the behavior or actions, while “pahu” results of behavior. Generally pronounced by oral means, embodied in the form of actions that arise from the words and deeds that something positive. What is done by the community to the analysis of by consensus theory? Consensus theory of the basic assumptions in society that occurred consensus / agreement so that there are common values are then mutually agreed.

Multidimensional crime and criminal behavior is things that cannot inevitable in an atmosphere of communal conflict anywhere, including in the village Ngali with lace, but the uniqueness of the conflict that occurred in these two villages is how the solution does not have permanent legal force, only a peace agreement only. Drs. Juremis¹⁹ as the head the Forum Southern unified communications districts Belo explained that:

“As a law enforcement police once willing to enforce the law, but the public does not want. If people were doing wrong and law enforcement officials want to process, but if the community does not want the country to be prosecuted, aparatpuncan not do much. Logically if this problem be prosecuted then, almost all the people in the village Ngali Lace conflict. While this is a matter of proof, because the provisions of the law, the legal process at least two items of evidence and people do not want to be a witness, after all the victims who died did not know who shot him and his family have a willing to take it off as a victim of war, as well as each of the same village both the person who died.

Communal conflict resolution with such wisdom Bohanan accordance with the opinion, in I NyomanNurjana:

“Conflict is an integral social phenomenon (inherent) of human life, especially in the multicultural character of society. He could not avoid or ignore the common life, that must be done are how conflict is managed, controlled, accommodated, and resolved peacefully and wisely so as not to cause social disintegration in the society.”²⁰

Public figures, both religious leaders, education leaders, traditional leaders, youth leaders, and society Ngali village and Renda village agreed to make peace as are indigenous Mbojo (Bima) was doudou ma sabua or dou ma samaMaikaina means which the person or persons whose origins are the same because they are siblings.

Non penal mediation is applied in the process of conflict resolution is the mediation that reflects communal justice without distinguishing shapes disputed cases, but comprehensively viewed from the overall violations that appear as a result of what happened. According to the authors, although non penal mediation is for civil matters, but reality shows that the offenses occurred as a result of communal conflicts resolved through Ra DampaMbolo models with mechanisms and the container is Mbolo Sense (village assembly), a mechanism that is structurally built since ancestors of the Indonesian nation.

“Model Mbolu Ra Dampa” This is appropriate the theory Nader and Todd, which is communal conflict resolution by selecting: mediation (mediation), negotiation (negotiation), used in accordance Mbojo indigenous communities or Bima to end the communal conflict and be obeyed by all citizens of the two communities Ngali and Renda villages which until now has conduct society activities, building a harmonious communication and cooperation of peaceful coexistence in accordance to the values of Pancasila and the Constitution Republic of Indonesia in 1945, by Bhineka Tunggal Ika in The Republic of Indonesia.

A peace beyond courtroom have juridical consequences are not the same as in trial court. Peace beyond the court has no

¹⁹Wawancara, tanggal 6 Januari 2013, di Bima The interview, dated January 6, 2013, in Bima..

²⁰I NyomanNurjaya, Natural Resource Management: Perspectives in Legal Anthropology, Malang, Malang State University Press, 2006, p. 1.

power to force if one party denies the content of peace. Even the party to the conflict is possible to ask lawsuits. According to Munir, the PrijaDjatmika,²¹ peace out of court basically rests on the willingness of each party which implementation is based on cultural strengths, namely awareness of the parties concerned. Compliance based on the cultural strength is voluntary, while the observance of the law is coercive.

This is accordance with Peter Lovenheim opinion, that the use of mediation as a process is a process and it can be used for almost all types of cases. Mediation works very well, because mediation looking to the future, not into the past, guided mediation by a neutral mediator. Law looks backward to determine who is right and who is wrong mediation look forward to find a solution by which the parties can adjust. In the court of law using power to instruct a decision: while in mediation, the parties to the dispute giving authority to himself to find his own solution therefore even if there are various forms of mediation as where mentioned earlier, but in line with the way of resolving a conflict is communal mediation model of “community panels or courts”. This model is a program for diverting the criminal act of prosecution or judicial procedures more flexible society and the informal and often involves an element of mediation or negotiation. “Traditional village or Tribal Moots”. According to this model, the whole society met to resolve conflicts between citizens crime. This model exists in some countries which are less developed and rural / interior, including remote areas.

People habits to deliver a moral decision, while the doctrine teaches an understanding of socially accepted. This fact shows how widespread the sources of law which has been adopted by the Indonesian people, not only the law that the legitimacy of the state and positivistic legalistic, but also other sources of legal recognition of society, especially indigenous peoples.

According to Renda Village chief, that, “when a mass conflict occurs, the police in rural areas and villages Ngali Lace, more concentrated run security functions and persuasively cessation of communal conflict in the sense that there is no real law enforcement efforts, for example, to search for suspects , witnesses, victims, and so on “. Including legal action against those who are having an organic weapon, police appealed to the public just handed weapons, so the 38 pieces collected organic weapon used for warfare including traditional weapons.

Based on the phrase G. Peter Hoefnagels, it appears that, “criminal law application”, a reflection of penal policy and “influencing views of society on crime and punishment (mass media)” and “prevention without punishment” is a non-penal policy that emphasizes prevention elements (preventive), the main objective focused on addressing the factors conducive to the cause of crime (factor kriminogen). Non penal policy is very broad, even stated by G. Peter Hoefnagels, in which covered various aspects such as, the role of the mass media in influencing public opinion about crime and punishment, social policy, social planning, public health, social services, social welfare, the organization of the administrative law and civil law.

Non penal policy is the most strategic of all efforts to make the community as the social environment and a healthy environment from the cause kriminogen. In this case means that the whole community with its potential to be used as a filter / antidote to crime. Viewed from the side it means non penal policy, need to be explored, developed and exploited the full potential of the support and participation of the community in an effective and development efforts “extra legal system” or “informal and traditional systems” that exist in the community.²²

Similarly with these developments, Idrus Abdullah, said: “Dispute resolution is one important aspect of the law that required people to achieve law and order in the society, this led to the development of various legal institutions, customs, or traditions of dispute resolution mechanisms in cultural practices, both in developing countries, as well as in developed countries.”²³

In the context of non-penal policy greatly to note the means of social control which is culturally rooted a tradition in the community. By understanding while, “shaming” that requires the element of “mutual ketergantungan” and “komunitarisme” is a cultural characteristic features of Indonesian society in general, and very likely to be a means of crime prevention non penal lines corresponding to the values of local wisdom that life developing appropriate with the values of Pancasila.

²¹PrijaDjatmika, Contempt Case Settlement Means Using Press, (UB Doctoral Program, 2008) p. 57-58.

²²Barda Nawawi Arief, Potpourri Flowers Criminal Law Policy, (New York: PT. Citra Aditya Bakti, 1196), p: 57 (see also, Muladi, Capita Selecta Criminal Justice System, (Semarang: Board Undip Publishers, 1995), p. 12, Note also the results of the United Nations Congress on the "Prevention of Crime and Treatment Of Offender" 4th, the which is submitted: "it was important that the primary traditional forms of social control should be revived and developed", to the seventh congress confirms anyway “when new crime prevention measures are introduced, necessary precautions should be taken not to disrupt the smooth and effective functioning of traditional system, full attention being paid of the preservation of cultural identities and the protection of humans right”.

²³Idrus Abdullah, Through Dispute Settlement Mechanism of Local Institutions, (New York: PT Idea Pillar Media Group, 2008). p.1.

4. Conclusion

- a. The cause of communal conflict in Bima district, are: Effect of a long history in Bima district gives colors to the conflict, in addition to the social and economic factors, and public awareness as well as contribute their own State administrators, therefore all of are interrelated either due to weak the existing social order in society or because genitas.
- b. Communal Conflict Resolution Model In Bima Regency, especially conflict in Ngali villages and Renda villages, use MboloraDampa model (peace deliberation agreement) danKasamaNggahi Ra Eli (deliberation to reach a mutual agreement) initiated the process of Mbolo Rasa (villages deliberation) by making the agreement of peace signed by religious leaders, traditional leaders, education leaders, community leaders and know local leader committee of Bima district It is appropriate with Mbojo (Bima) indigenous is *dou ma sabua* or *dou ma samamaikaina* one person to another that the same origins and they are siblings

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