RESOLVING CONFLICT MULTICULTURAL INDONESIA SOCIETY THROUGH SOCIAL MEDIATION

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Abstract

Indonesia is a nation of many islands in which there are traditional society who have a tradition. Every traditional society have traditional leaders are respected and adhered to solve the problems. Traditional leader acting as social mediators to help resolve problems. Settlement of problem through social mediation may be more effective and efficient, especially multicultural society in Indonesia.

Keyword : multicultural, social mediation, alternatif dispute resolution

A. Introduction

In Indonesia frequently happens conflicts of diverse nature as a religious conflict, conflict investment, political conflict, social conflict, conflict of laws. Various conflicts caused by social injustice and inequality in society. Often there is a difference that is hard to put together that lead to greater losses.

Indonesia, which has people of multicultural composed of diverse ethnic, racial, religious and particular groups often triggers a riot. Some of the events that took place in Indonesia as a religious conflict that was triggered statement Governor of Jakarta Mr.Basuki Purnama Tjahja alias Ahok which then led to widespread reactions throughout Indonesia.

Indeed, in Indonesia known upholds the motto "Bhinneka Tunggal Ika" that means is different but still one nevertheless. Indonesia consist of numerous ethnic groups, religions, races and groups but these differences can not be a reason for disunity.

The founder of the Republic of Indonesia Mr. Ir.Soekarno (first President of Indonesia) has sought to unify the differences between the people of Indonesia. Because that's the basic foundation of the Republic of Indonesia is Pancasila. Birth of Pancasila itself originally from the title of the speech delivered by Mr. Ir. Sukarno in Dokuritsu Junbi Cosakai Assembly or in the Indonesian language Investigation Agency Preparation for Independence.[1] For that reasson Pancasila is a unifying Indonesia. Without Pancasila, Indonesia will disintegrate.

In the history of the Nation of Indonesian is still often conflicts due to differences in ethnicity, religion, race and the particular group. In 2016 there were

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[1] https://id.wikipedia.org/wiki/Lahirnya_Pancasila, accessed on 14/01/2017 time 11:57 WIB

some events such conflicts for example Conflict in Tanjung Balai, Asahan, North Sumatra on July 29, 2016 due to the protests of loud sound of Azzan, Conflict Karo caused by the development plan of relocation sites independently for 1,683 families of victims of the eruption Mount Sinabung in Lingga village, Simpang Four district, Karo, North Sumatra, which gets local resentment, conflict in Mimika due to the beating that occurred in two boys from Toraja on July 25, 2016 where the losses recorded 17 houses burned, 13 people injured and two people were killed.

The conflicts that often occur there needs to be the quick solve because often law enforcement by police is not able to reduce or resolve the case and even some cases have even more to be due to the intervention of the police in handling conflict. It is necessary for the completion of which could bridge the conflict between the two sides either by mediation.

B. Problem

Is social mediation the right choice to solve the problems in the multicultural society in Indonesia?

C. Mediation Conflict Resolution as a Solution

One of conflict resolution way is through the mediation. In Collin English Dictionary and Thesaurus mentioned that mediation is an activity to bridge the two parties to the dispute to produce an agreement.[2]

According to J. Folberg and A. Taylor interpret mediation with "... *the process by the which the of participants, together with the assistance of a neutral persons, systematically isolate dispute in order to develop options, Consider alternatives and reach a consensual settlement that will a accommodate reviews their needs*".[3]

While understanding the mediation in Indonesian Dictionary contains 3 (three) important elements include:

a. Mediation is a dispute resolution process or a dispute between two or more parties.

b. Parties involved in the dispute are parties who come from outside parties to the dispute.

c. Parties involved in the dispute resolution act as advisers and do not have any authority in decision-making.

In Indonesia through the enactment of several laws in Indonesia such as Act Number 30 year 1999 on Alternative Dispute Resolution and the Supreme Court Regulation Number 1 Year 2016 has started promoting mediation as an ideal solution. There are several reasons why mediation be an alternative dispute resolution is ideal for:

1. The cost is cheaper and completion does not take a long time.

2. Approach the more persuasive persona respected especially supported both sides of the conflict.

3. Discussion of a wider problem, comprehensive and flexible.

4. Keep good relations between the two sides of the conflict.

Mediation is considered more effective to resolve disputes / conflicts, especially in Indonesia. Actually, the concept and value of mediation have long known that the Indonesian nation delibe-

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[2] Nurnangsih Amriani, *Mediasi Alternatif Penyelesaian Sengketa Perdata di Pengadilan*, PT.Raja Grafindo Persada, Jakarta, 2011, hal.29

[3] Gatot Soemartono, R.M, *Arbitrase dan Mediasi Di Indonesia*, PT. Gramedia Pustaka Utama, Jakarta, 2006, hal.44

ration to reach a consensus. The value forth in fourth principle of Pancasila. In Customary Law in Indonesia also recognize some indigenous settlement such as tappong tawar (Melayu), membasuh dusun (Lahat, South Sumatra), Gampong (Aceh), Silih Ngahampura (Baduy tribe). Conflict resolution through the application of customary law is considered more effective because there is still a shame culture.

D. Mediator Role In Resolving Conflict Multicultural Society In Indonesia

Mediator plays an important role in resolving the conflict. The success is largely determined mediator behaviors include:[4]

1. Problem solving or integration, namely the effort to find a way out "win-win". One estimate says that the mediator will apply this approach when they have great attention to the aspirations of the warring parties and considers that the way out the win-win is very likely to be achieved.

2. Compensation or attempt to invite the warring parties in order to make concessions or reach an agreement with their promise of reward or benefit. One estimate says that the mediator will use this strategy when they have great attention to the aspirations of the warring parties and considers that the way out is difficult to achieve a win-win.

3. The pressure, which is action to force the warring parties in order to make concessions or agree with the punishment or threat of punishment. One estimate says that the mediator will use this strategy when they have a few concessions to the aspirations of the warring parties and that agreements are difficult to achieve a win-win.

4. Silence or inaction, that is, when the mediator intentionally let the warring parties to handle their own conflicts. Mediators are expected to use this strategy when they have a few concessions to the aspirations of the warring parties and considers that the possibility of reaching an agreement "win-win solution".

Such behavior would have a higher level of success when the mediator is also a role model of society in which words are considered believed to have obeyed the truth and society.

For that in conducting social mediation in resolving conflicts in society, the role of mediator plays an important role. Social Mediator has the advantage because it can uphold the values of local wisdom.

The existence of a social mediator must be preserved by the government. Therefore, the government must be empowered through community or forums of local custom. In fact, the government should each take a policy must hold firm to the idea of local indigenous communities. With the good relationship between the Government and the Forum / local Indigenous Communities, conflicts in society can be avoided.

E. Conclusion

The emergence of some cases of social conflict because the government often can not accommodate the aspirations of the community. Though the people of

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[4] https://id.wikipedia.org/wiki/Mediasi#Mediasi_di_Indonesia, diakses pada tanggal 14/01/2017 pukul 13:16 WIB

Indonesia is a multicultural society that needs to be persuasive approach in resolving disputes.

Settlement of litigation sometimes unable to resolve social conflicts in society. Therefore, the government should hold and empower forum / local indigenous communities to assist the government in resolving the dispute through mediation.

Some of the reasons why mediation be an alternative dispute resolution are ideal for:

1. The cost is cheaper and completion does not take a long time.
2. Approach the more persuasive persona respected especially supported both sides of the conflict.
3. Discussion of a wider problem, comprehensive and flexible.
4. Keep good relations between the two sides of the conflict.

Social mediator's role is also very important in implementing social mediation. The authority of traditional leaders greatly influence the success of mediation. For the existence of these figures must be acknowledged and maintained by the government through the empowerment forum / traditional communities. Traditional communities in Indonesia must be nourished and to be involved in resolving disputes / conflicts in Indonesia. For that social mediation is needed to resolve conflicts in a multicultural society in Indonesia.

Bibliography

Gatot Soemartono, R.M, *Arbitrase dan Mediasi Di Indonesia*, PT. Gramedia Pustaka Utama, Jakarta, 2006

Nurnangsih Amriani, *Mediasi Alternatif Penyelesaian Sengketa Perdata di Pengadilan*, PT.Raja Grafindo Persada, Jakarta, 2011

Website :
https://id.wikipedia.org/wiki/Mediasi#Mediasi_di_Indonesia
https://id.wikipedia.org/wiki/Lahirnya_Pancasila

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GENERAL COMMENTS

Instructor