Justice in Maluku

Formal and informal justice processes and their role for reconciliation in the aftermath of the 1999-2002 conflict

Author: Lisa Taschler (2051753)

Supervisor: Dr. Joost Herman

Faculty of Arts, University of Groningen
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Abstract

Inter-communal conflicts have devastating effects on the population affected and can destabilize a region due to factors such as massive internal displacement and economic decline. Therefore sustainable reconciliation of communities torn apart by violence is a topic feverishly discussed by international as well as national actors. One important factor in the context of reconciliation is the pursuit of justice for both sides, to decrease mutual resentments as well as the potential for renewed conflict. However, internationally established strategies focusing on retributive justice often fail to achieve long-lasting reconciliation after conflict on an inter-communal level, encouraging a turn towards locally adapted and culturally anchored processes. On the other hand, local or traditional means of reconciliation have been discredited as inappropriate to achieve justice, leaving a reign of impunity due to their focus on collective and restorative processes.

This research examines how retributive and restorative approaches to justice, implemented by formal and informal actors, contributed to the reconciliation process in the case of Maluku. By means of literature research, field observation and interviews with key informants, measures taken within both the formal as well as the informal justice sector are analyzed, taking into account their perception by the general population.

In the case of Maluku it is shown that restorative, collective processes contributed positively to reconciling the conflict-torn communities, establishing a sense of mutual forgiveness and brotherhood within the population. However, due to their limitation on a local level such approaches contain various shortcomings, in particular a failure to involve actors outside of the affected communities, an issue that could be resolved through punitive measures.

The conclusion that can be drawn from the Malukan case is that in order to achieve justice in the eyes of the population and facilitate sustainable reconciliation, a combination of retributive and restorative elements should be applied, adapted to local culture and perceptions.
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<th>Definition</th>
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<tr>
<td>Acan</td>
<td>Malukan term for a member of the Muslim community, derived from the name ‘Hasan’</td>
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<tr>
<td>Adat</td>
<td>Customary laws or unwritten cultural norms, values and traditional practices in Indonesian society</td>
</tr>
<tr>
<td>Baku bae</td>
<td>Malukan phrase mostly used by children for “let’s be friends again”</td>
</tr>
<tr>
<td>Desa</td>
<td>Javanese term for village</td>
</tr>
<tr>
<td>FKM</td>
<td>Front Kedaulatan Maluku (Maluku Sovereignty Front)</td>
</tr>
<tr>
<td>Gandong</td>
<td>Traditional alliance between two or more villages based on common ancestry</td>
</tr>
<tr>
<td>GPP</td>
<td>Gerakan Perempuan Peduli (Concerned Women’s Movement)</td>
</tr>
<tr>
<td>HRW</td>
<td>Human Rights Watch</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court</td>
</tr>
<tr>
<td>ICG</td>
<td>International Crisis Group</td>
</tr>
<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
</tr>
<tr>
<td>ITP</td>
<td>Institut Titia n Perda maian (Indonesian Peace Building Institute)</td>
</tr>
<tr>
<td>Komnas HAM</td>
<td>Komisi Nasional Hak Asasi Manusia (National Commission for Human Rights)</td>
</tr>
<tr>
<td>LBH</td>
<td>Lembaga Bantuan Hukum (Legal Aid Foundation)</td>
</tr>
<tr>
<td>Negeri</td>
<td>Malukan term for village (literally country)</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>Obet</td>
<td>Malukan term for a member of the Christian community, derived from the name ‘Robert’</td>
</tr>
<tr>
<td>Ojek</td>
<td>Indonesian motorcycle taxi</td>
</tr>
</tbody>
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1 Indonesian words in the text are used according to Indonesian grammar rules, therefore plural is expressed by doubling the word i.e. raja-raja for kings.
PDI-P Partai Demokrasi Indonesia-Perjuangan (Indonesian Democracy Party of Struggle)
Pela Traditional alliance between two or more villages, mostly established after acts of violence
Raja Traditional leader (literally king) of a village or district in Maluku
RMS Republik Maluku Selatan (Republic of South Maluku)
Tifa Malukan percussion instrument
TNI Tentara Nasional Indonesia (Indonesian National Army)
TPIN Tim Penyelidikan Indepen Nasional (National Independent Investigation Team)
TRC Truth and Reconciliation Commission
Chapter 1. Introduction

Worldwide the number of so called religious or ethnic conflicts is rising. Many of them, such as in the case of Maluku, are inter-communal clashes between communities that form part of the same society and often lived together (relatively) peacefully over a long time. Besides the devastating effects of these conflicts on the affected population, causing massive human and material losses, intercommunity fighting also leads to a destabilization of the respective region due to internal displacement, declining economy etc. Therefore the resolution of such conflicts and the sustainable reconciliation of communities is an important topic for national and international humanitarian actors striving for lasting stability and positive peace.

However, despite efforts of the international community and national governments, means of reconciliation often failed or proved unsustainable, leading to debates on the appropriateness and adequateness of internationally established strategies in the context of inter-communal conflicts, and opening discussions on locally rooted traditional reconciliation methods. In the last years such methods have increasingly been taken into account, as can be seen in Rwanda and Uganda, with positive results.

Nevertheless, a frequently uttered concern with regard to traditional means of reconciliation is that, due to their mostly collective nature, they would not serve the pursuit of justice, leaving a reign of impunity where perpetrators are not held accountable for their crimes. This can trigger further conflicts as resentments and feelings of unfair treatment turn into violence. Therefore, a sustainable reconciliation process that responds to the needs of the population and is perceived as just by all conflicting sides is essential for long-lasting, positive peace. Thus, in this research the role of justice in reconciliation processes will be examined in the case of the inter-communal fighting in Maluku, Indonesia.

In the last two decades various inter-communal conflicts devastated provinces of Indonesia and only in the last years the Indonesian government slowly started to consider initiatives taken by local NGOs to involve traditional means in the reconciliation process. The Malukan conflict has been described as the fiercest of these conflicts, nevertheless, its reconciliation process has also been praised as one of the most successful mechanisms carried out in Indonesia. This acknowledgment, mostly uttered by politicians, however, lacks scholarly support as academic literature critically analyzing the reconciliation process and its
sustainability is rather scarce. Especially the role of justice processes and their perception by the local population have hardly been given attention, despite the international recognition of the importance of justice as part of reconciliation measures aiming to achieve sustainable peace.

Therefore the main question this thesis aims to answer is to what extent retributive and restorative approaches contribute to the achievement of justice as part of the reconciliation process, in particular from the perspective of local communities in the context of the 1999-2002 inter-communal conflict in Maluku. This includes various sub-questions such as, on a general level, how did the concept of justice evolve in the academic discourse, what can be understood as retributive and restorative approaches to justice, which actors are involved in such approaches and what parameters need to be fulfilled for their effectiveness. In the context of the Malukan conflict in particular questions are raised concerning the role and the efforts taken by governmental as well as non-governmental actors in the pursuit of justice and their perception by the population. The aim of the research is to analyze whether and how retributive and restorative approaches implemented in the case of Maluku have contributed to the reconciliation process, whether they can be seen as complementary to each other and whether they are deemed successful or failed in the eyes of the general population to pursue justice in the aftermath of the inter-communal conflict and to facilitate sustainable reconciliation.

To reach this aim triangulation of information is used, sustaining literature research on processes and perceptions of justice in Maluku by interviews with key informants and observations in the field. The field observation has been conducted on Ambon island, which is the site of the provincial capital of Maluku, Ambon (city), and therefore the center of the archipelago which contains hundreds of islands (see map of Maluku in Annex I). From the Indonesian Independence in 1950 until 1999 all Malukan islands were part of the Maluku province, however, in 1999 the province of North Maluku (Maluku Utara) was created to separate the northern islands from the southern and central part of the Maluku province. As the inter-communal conflict started in Ambon and swept over to North Maluku only after its separation, taking on different dynamics, the focus of this research will lie on the Maluku province, constituted by the southern and central Malukan islands. Therefore Ambon island has been chosen for the field research as it can be seen as the epicenter, where the conflict
reached the highest levels of ferocity and from where it spread to other islands. In order to complement these personal observations, key informants from Ambon as well as other islands were interviewed to gain information and sustain findings that were obtained through literature research and field observation. These interviewees were subdivided into three categories: legal experts and government officials, traditional leaders, and finally representatives of the general population such as NGO members working in the field of justice and reconciliation and community leaders. The division was used to gain insights into the formal justice sector on the one hand, and the application of informal or traditional justice measures on the other hand, as well as to analyze how these methods were perceived by civil society institutions and the general population.

Research on the implementation of retributive and restorative justice approaches and of their perception by the affected communities is essential in order to draw conclusions on their effectiveness and consequently on the sustainability of reconciliation. By examining the case of Maluku and analyzing achievements and limitations of the measures employed, recommendations are included for the further progression of the reconciliation process. This research is intended to not only reflect on shortcomings and possible improvements in the case of Maluku but also to complement the academic literature on justice and reconciliation processes following inter-communal conflict.
Chapter 2. Theoretical background

2.1. Reconciliation: Difficulty of a definition

Modern literature on conflict transformation and peace building focuses on reconciliation as an essential process for sustainable peace in conflict-torn societies. However, international efforts to establish standardized mechanisms for conflict resolution and reconciliation over the last decades have resulted in fervent discussions on what constitutes reconciliation and how it can be achieved, while scholars warn that there is no ‘reconciliation blueprint’ with international applicability (see Darby and Mac Ginty (2003), Bloomfield, Barnes and Huyse (2003) and Bloomfield (2006) among others).

Reconciliation, commonly understood as the “restoration of friendly relations” (The Oxford English Dictionary 1989: 352), is a highly controversial notion in the context of conflict and violence. Pankhurst (1999) was one of the first to acknowledge the absence of consensual understanding, Bloomfield (2006) confirms the confusion surrounding the use and perception of the term. Although Galtung states that reconciliation is “a theme with deep psychological, sociological, theological, philosophical, and profoundly human roots and nobody really knows how to successfully achieve it” (2001: 4), he nevertheless approaches a definition of the controversial concept of reconciliation:

[Reconciliation is] the process of healing the traumas of both victims and perpetrators after violence, providing a closure of the bad relation. The process prepares the parties for relations with justice and peace. (Galtung 2001: 3)

While Galtung’s definition describes reconciliation as a process merely initializing justice, other scholars see the concepts of justice and reconciliation more intrinsically intertwined. According to Lederach (1997), justice is one of the four elements constituting reconciliation, besides truth, mercy and peace. This strong relation between justice and reconciliation is also expressed by Bloomfield, Barnes and Huyse (2003) and Bloomfield (2006) who depict reconciliation as an umbrella concept including the search for justice, truth, forgiveness etc. Huyse states that “reconciliation and justice are almost twin notions” (2003: 97), arguing
that, besides the interrelatedness of these terms, the concept of justice is at least as controversial and ambiguous as the disputed notion of reconciliation.

Reconciliation, despite its modern popularity, is a rather new concept in the context of conflict studies while the pursuit of justice has long been part of the discourse on peace building and reconstruction. However, the emergence of reconciliation mechanisms in the last decades is complemented simultaneously by an evolution of the concept of justice, turning from a focus on punishment towards the promotion of social cohesion.

2.2. Justice: Evolution of a concept

Justice is unwilling to be captured in a formula. Nevertheless, it somehow remains a word of magic evocations. (Cahn 1949: 13)

Justice dissipates the call for revenge, because when the Court metes out to the perpetrator his just deserts, then the victims’ calls for retribution are met, by dint of dispensation of justice, victims are prepared to be reconciled with their erstwhile tormentors, because they know that the latter have now paid for their crimes. (Cassese 1998: 6)

Over the years much has changed in the perception and definition of justice as can be seen in the difference between the rather cryptic and idealistic conclusion of Cahn and the – some may argue not less idealistic but certainly more defined – aspiration of what justice should achieve by Cassese. The statement of Cassese clearly allocates the pursuit of justice in a judicial context and assigns well-defined roles for victims and perpetrators. However, this definition of justice evolved further in the last two decades, taking into account dynamics of inter-communal conflict which contradict such clear-cut distinctions of victim and perpetrator and where perceptions of allocation and pursuit of justice differ depending on each conflict setting. UN Secretary General Kofi Annan acknowledged this evolution in 2004, in the face of heightened awareness concerning the occurrence of inter-communal conflict and the lack of established mechanisms for sustainable reconciliation:

Due regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their often vital role and to do
so in conformity with both international standards and local tradition. (Annan 2004: 12)

Several phases led up to this growing recognition of traditionally established and locally rooted reconciliation and justice techniques, as outlined by Huyse (2008) and Teitel (2003). While justice processes following World War II, such as the Nuremberg and Tokyo trials, emphasized accountability of leading figures, the following decades saw a tendency towards “silence, amnesia and amnesty” (Huyse 2008: 2). Although legislations and treaties such as the Geneva Conventions, established in the aftermath of World War II, laid the foundations to prevent impunity for grave human rights violations, this development towards an internationalization of jurisdiction and prosecution was disrupted by the political impasse of the Cold War era (Teitel 2003). From the end of the 1940s till the mid-1980s “the answer was to look away from [...] painful legacies” (Huyse 2008: 2), as in the case of Cambodia, Spain or Chile.

Only from the mid-1980s onwards the human rights approach was reinforced and “the principle of universal jurisdiction” (Huyse 2008: 2) arose with the creation of the ad hoc tribunals for Yugoslavia and Rwanda and the establishment of the International Criminal Court (ICC). With the emergence of the ICC and the strengthened power position of international agencies such as the United Nations after the end of the Cold War, the prosecution of grave human rights crimes became the duty of countries. However, the responsibility to define terms for the achievement of justice seemed to lie outside of the countries concerned and in the hands of the international community.

Consequently, by the mid-1990s doubts about the general applicability of these internationally established justice processes were raised, as their focus on retribution was found of limited success for reconciliation efforts in the face of civil war and mass atrocities. Thus, national governments as well as the international community started to recognize the fact that the perception of justice may differ between regions, states and even local communities and that for the sustainable settlement of conflicts culturally rooted approaches are needed. Scholars such as Bräuchler (2009) called for a de-sacralizing of the Western idea of justice that dominated the international discourse in order to understand alternative perceptions of the concept, as for justice processes to be effective and sustainable their perception by the population concerned is essential. An important step
towards the recognition of alternative justice processes and reconciliation methods was the establishment of the Truth and Reconciliation Commission (TRC) in South Africa in 1995, where for the first time religious approaches to reconciliation have been taken into account. Another sign for this turn in perception is the international recognition of traditional courts such as the Mato opu re in Uganda or the Gacaca courts in Rwanda. These examples led away from the (mostly Western-oriented) concept of retributive justice which over a long time ruled the international discourse, designed to punish the perpetrator of crimes and thereby offer relief to their victims, as expressed in the initial quote of Cassese.

2.2.1. From a retributive to a restorative approach: strengths and limitations

Retributive justice has over a long time been argued as essential in the aftermath of violent conflict and grave human rights violations. According to Cassese (1998: 6) and Huyse (2003: 98) punitive justice processes are indispensable to avoid unbridled vengeance for committed crimes, to recognize the suffering of victims and to uphold the rule of law, thus strengthening the position of state institutions. Furthermore, it is argued that the individualization of guilt diminishes the risk of collective blame and stereotyping which otherwise increases mistrust between communities and can lead to renewed violence (ibid). At the same time, holding individuals accountable for their actions disrupts the “vicious circle of impunity” (Huyse 2003: 98), discouraging perpetrators to perpetuate violence and crimes against human rights. Due to these factors retributive justice has been considered as a crucial tool for peace building efforts in the aftermath of violent conflict; however, there are several limitations to the effectiveness of punitive methods.

While trials might tame victims’ urge for revenge (in case they conclude with the desired sentence), punishments for perpetrators cannot ‘heal’ the abuse and loss suffered by the population (Weinstein and Stover 2004: 13). Additionally, prosecution processes in post-war or conflict contexts face manifold obstacles, from the destruction of evidence to the scarcity of objective and experienced lawyers and judges, which often results in arbitrary and unfair trials or the suspension or delay of proceedings (Huyse 2003). As Bräuchler (2009) states, retributive justice is often unattainable or inadequate for transitional states or societies recovering from a history of violent conflict involving oppression, mass violence and inter-community fighting. Judicial institutions might be unable or unwilling to hold former
leaders accountable for grave human rights violations; moreover, prosecutions and punishments may deepen the wounds that are dividing communities and antagonize reconciliation efforts. Especially in the context of civil wars or inter-community conflicts, as in the here examined case of Maluku, the complexity of situations does not allow for a court’s binary assignations of good and evil, victim and perpetrator, but calls for justice processes that involve more than trials and sanctions.

Therefore the search for alternative methods led to a widening of the notion of justice, including multidimensional and multicultural approaches, which resulted in a more restorative or victim-focused orientation of justice processes, aiming “to generate the space for expression of approbation, remorse, and pardon, as well as the resolution of conflicts” (Leebaw 2002: 8). Instead of punishing and excluding the perpetrator from the community, restorative justice processes intend to lead towards societal healing by means of “restoration of victims, of offenders and of communities” (Braithwaite 2010: 35). An important factor to come to terms with the violent past of a society is the acknowledgement of committed crimes; therefore truth commissions became a promoted part of restorative methods. The TRC in South Africa is generally regarded as a successful model of restorative justice, positively contributing to the country’s reconciliation process while at the same time providing healing to victims through the recognition of committed crimes.\(^2\)

Other forms of restorative justice include traditional conflict resolution methods which are based on mediation and focus on a community level rather than an individual level, aiming to restore social harmony. This participatory approach includes victims, perpetrators and the community as a whole and aims to ensure the sustainability of decisions concerning the solution of conflicts and the restoration of peaceful relations (Huyse 2003). Due to the flexibility of traditional mechanisms, which mostly rely on negotiation and consensus instead of assignations of guilt and innocence, reintegration of all actors can be achieved. Thus restorative practices form part of relationship-building within or between communities where “the present and the future are in focus, not the past” (Bräuchler 2009: 13).

However, restorative justice processes have their limitations and weaknesses should be considered when employing them, as pointed out by Huyse and Salter (2008) and

\(^2\)Although the importance of truth seeking has been widely acknowledged, Hayner (2002) and Brahm (2007) point out various limitations and shortcomings of TRCs and argue that in many cases commissions have failed in their efforts due a lack of objectivity, thereby establishing a ‘compromised truth’. 
Bloomfield, Barnes and Huyse (2003). Negotiation processes might reinforce social inequalities and a focus on social harmony can lead to covering-up injustices instead of recognizing crimes. Furthermore the strengthening of traditional leaders through the revitalization of traditional conflict resolution methods can have negative effects on the democratization process of communities. Thus Huyse warns that restorative approaches and traditional justice processes “received overexposure” (2008: 6) in the last years while the benefits of retributive measures fell into desuetude. He therefore advocates for a complementary approach, combining retributive and restorative methods.

2.2.2. The complementary approach
Acknowledging the limitations of retributive and restorative justice processes a combination of both approaches was called for, moving from “a de facto dichotomy (impunity or trials) to multiple conceptions of justice and reconciliation” (Huyse 2008: 2). Therefore, in an attempt to merge strengths of punitive measures and efforts aiming at societal harmony, various “hybrid” models were created in the last years (see Meitzner Yoder (2007), Katzenstein (2003), Cohen (2007) and Dougherty (2004) among others). These hybridization efforts in cases such as East Timor, Sierra Leone or Cambodia were an attempt to combine international and national instruments. However, their implementation met several hindrances; in the worst case the experimental models reflected the disadvantages of both approaches instead of incorporating their strong points, a concern uttered by Katzenstein (2003: 246) in the example of East Timor. These cases show the difficulty of effectively implementing a complementary model to reach sustainable peace and reconciliation.

Although a crucial element of the complementary approach is the inclusion of locally anchored justice processes, the examination of case studies showed especially shortcomings concerning active participation of affected communities, leading to rejection and ineffectiveness on a local level (Katzenstein 2003; Cohen 2007). Such examples demonstrate that a failure to establish a sense of local ownership as well as a negative perception of justice mechanisms by the communities involved jeopardizes the reconciliation process as smoldering resentments and feelings of injustice can constitute the basis for renewed violence. Thus the local perception of justice processes can be considered as a conditio sine qua non for the effective implementation of the complementary approach. If measures
implemented do not respond to local conditions and expectations, hence are deemed ineffective or unjust in the eyes of the general population, justice as part of a sustainable reconciliation process cannot be achieved. Taking this into account, an essential element of this research is the analysis of local perceptions, in addition to the general theoretical framework on retributive and restorative approaches, in order to evaluate the effectiveness of complementary justice processes applied in the context of the Malukan conflict.

In the case of the inter-communal conflict in Maluku the interest of the international community was limited, thus mainly national actors were confronted with tasks such as the pursuit of justice and the restoration of social relations. However, justice and reconciliation processes during and in the aftermath of the conflict can be conceived as hybrid in their attempt to combine state instruments such as legal, punitive methods and traditional efforts aiming at reconciliation and social harmony. While governmental efforts concentrated on a top-down approach by issuing peace agreements and regulations to re-establish the rule of law, traditional leaders and civil society actors such as NGOs promoted the restoration of brotherhood relations between the communities. This initiative of traditional leaders accompanied by local organizations does not only reflect the internationally growing awareness on local reconciliation practices but also a trend towards the revitalization of tradition in Indonesia. To what extend and how these approaches compliments each other and whether they achieved justice in the eyes of the population will be discussed in the following chapters.

As the debates between advocates of retributive and restorative justice show, a complementary model has to be flexible and innovative in order to take into account the particular grievances and expectations of the local communities involved in a specific conflict, to acknowledge their violent past and to pave the way for a peaceful and harmonic future. The examination of limitations and strengths of both retributive and restorative approaches and the aspirations concerning a complementary model constitute the theoretical background in which this research must be located.
Chapter 3. Methodology

This research is based on the principle of triangulation of information in order to increase the validity and reliability of findings. Three research methods were deployed, literature research, observation in the field and in-depth interviews with key informants from different backgrounds. By combining these methods a wide range of qualitative data could be obtained and contrasted, thus bridging shortcomings or limitations of each research technique. While the literature research provides extensive information on the theoretical background of retributive and restorative approaches to justice, the actual implementation of these approaches as well as the perception of justice processes by the local population are widely neglected in academic writing, partly due to the fact that these are highly contextual elements which differ in each setting. Theoretical information on the analytical understanding of the hybrid model could thus be completed by interviews through which information on local processes was gathered and perceptions of their effectiveness were expressed. Furthermore, by means of field observation interesting insights in the application of reconciliation mechanisms could be gained and interactions between governmental and non-governmental actors as well as civil society representatives could be examined. Both measures, interviews as well as field observation activities, provided information to evaluate the effectiveness of the processes applied in the perception of the population while informal conversation and other observation methods served to level biases expressed during interviews. However, some limitations or problems could not be avoided, as will be discussed after a more extensive description of the research methods used.

Firstly, extensive literature research was carried out at the University of Groningen, Netherlands, the University of Deusto in Bilbao, Spain, the Universitas Gadjah Mada in Yogyakarta, Indonesia, as well as at the libraries of the Indonesian Peace Building Institute (ITP) and of the National Commission for Human Rights (Komnas HAM) in Jakarta, Indonesia, complimented by the use of various electronic resources.

Secondly, field observation was employed during three weeks of field studies on Ambon island, the center of the inter-communal conflict. These field studies, made possible due to an internship with ITP, were conducted during the month of September 2011 and therefore partly obstructed by a flare-up of violence from the 11th of September onwards.
While the ensuing riots in Ambon city, which resulted in the deployment of military contingents and the blockade of main roads, limited the freedom of movement and therefore the access to parts of the communities for a period of time, this situation of renewed conflict also gave interesting insights in the application of reconciliation mechanisms and allowed the observation of interactions between governmental institutions, traditional leaders and civil society actors.

Due to the outbreak of violence, reconciliatory meetings of traditional leaders could be attended as well as meetings of the vice-governor and other government agents with representatives of NGOs and traditional leaders. Furthermore, in the course of the observation contacts could be established with local residents as well as IDP communities from Ambon and other islands. During visits to Muslim and Christian neighborhoods in Ambon city as well as villages and IDP camps from both religious denominations, informal conversations were held with inhabitants varying in age, gender and occupation, most of whom described themselves as ex-combatants, victims or otherwise affected by the conflict. In addition informal talks were carried out with students and university professors at the Islamic Institute of Ambon and the Pattimura University. Finally, religious as well as traditional ceremonies and cultural events could be observed, giving an insight into people’s daily lives and general interactions among inhabitants.

Thirdly, semi-structured in-depth interviews were conducted with 19 key informants to gain information and ascertain findings from the literature review and the field observation. Key informants can be divided into three different categories with five representatives in the first two categories and nine in the last group. In the first category legal experts and government officials responsible for justice processes in Maluku were interviewed to represent the formal justice system. The second category consisted of traditional leaders, so called raja-raja (kings/queens), who are considered by the communities as the source of informal justice processes; their important role was underlined by members of all groups during the interviews. In the third and largest category, interviews with representatives of civil society were conducted in order to assess the populations’ perception of informal as well as formal justice processes. This final group consisted of NGO members working in the sector of conflict reconciliation and advocacy on the one hand and leading (religious) figures within the communities on the other hand.
Some key informants belonged to more than one category or held different functions within a group, especially legal experts such as lawyers and community leaders such as the heads of religious congregations were often also active in the NGO sector. This proved to be helpful during interviews as they could express an expanded view, taking different factors and viewpoints into account. However, as can be seen in the list of interviews in Annex II, these informants have only been counted according to their primary affiliation.

When choosing key informants attention has been given to maintaining a representative balance concerning religious affiliation as well as gender identity. Thus nine of the interviewees have a Christian background while ten belong to the Muslim community. However, as the Indonesian society is rather patriarchal in the allotment of power only few women hold higher positions in the formal as well as in the informal sector or on community level. Therefore only five out of 19 interviewees are women, which can be seen as slightly higher than proportionally representative for women in leading positions, in an attempt to give a gender-balanced view on justice processes and to examine possible differences in their perception by women and men.

A number of the key informants interviewed were ex-combatants or former combatant leaders who turned to advocating for peace in their role as traditional leaders, community leaders or NGO members. Due to their direct involvement in the conflict they were able to express interesting insights in conflict dynamics and the population’s perceptions of the combatants, however, in the list of interviews their combatant status will not be indicated as they mostly only informally revealed this information.

Besides the aforementioned limitations posed by the instable security situation other constraints to the research should be taken into consideration. Firstly, due to language difficulties with some interviewees interpreters had to be employed which can, unwittingly or deliberately, lead to a distortion of information. Although interpreters were chosen under the criteria of impartiality and objectiveness to avoid conflicts of interest, the violent past of Maluku constitutes a sensitive topic for every member of the population, therefore awareness of possible bias is necessary. This applies also to key informants who were directly involved in the conflict and/or in reconciliation and justice processes, and might thus have an interest in depicting their role as well as achievements of measures taken in a positive manner.
Chapter 4. Conflict in Maluku

The inter-communal fighting on the Malukan islands\(^3\) in the years 1999-2002 has been one of the most violent civil conflicts in Indonesia, claiming the lives of at least 5,000 people (estimations range as high as 10,000), displacing more than a third of the region’s population of 2.1 million and leaving entire villages burnt to the ground. The conflict has been portrayed by people inside and outside of the region as shocking, brutal and surprising in its ferocity. A region that for decades was praised as an example for the peaceful coexistence of various communities, bond together by traditions and beliefs, seemed to have suddenly descended into violence and religious strife. However, some scholars such as Bartels (2003) argue that life in the Moluccas was never as harmonious as depicted by politicians and various factors led to increasing resentments in the last years. In this chapter the background of the conflict will be discussed and its course will be chronicled along the main outbreaks of violence. Furthermore, the governmental response to the fighting and the role of the armed forces, two factors that strongly influenced the conflict’s dynamics, will be examined.

4.1. Conflict trigger

The incident that sparked violence all over the Moluccas was a fight between an Ambonese Christian bus driver and a Muslim youth from Bugis on the 19\(^{th}\) of January 1999 in the capital city Ambon (HRW 1999). This quarrel occurred in an atmosphere of heightened tension,\(^4\) after fights between Christian and Muslim Ambonese gangs in Jakarta resulted in the deportation of 200 Christian Ambonese from Jakarta to Ambon in December 1998 (ICG 2000: 2). The weeks before the outbreak were marked by various violent fights in Ambon and other locations, such as a riot in Dobo on the 14\(^{th}\) of January, causing eight fatalities (Klinken 2001: 3). However, the brawl in Ambon that coincided with the most important Muslim

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\(^3\) In this thesis the term ‘Malukan islands’ refers to all islands from both Maluku province and the 1999 separated North Maluku province. As the focus of this paper is on Maluku province (the southern and central Malukan islands) the term ‘Maluku’ excludes the northern province unless otherwise stated.

\(^4\) Spyer describes a generally tense climate in the region as a product of fear, suspicions and imagination, “spirals of information, misinformation, and disinformation […] that blur the boundaries between what is seen and what is heard, what is known and what is suspected” (Spyer 2002: 24).
holiday in Indonesia, Idul Fitri, became the proverbial straw that broke the camel's back. While it is widely acknowledged that this fight triggered the violence in the region, the multi-layered reasons behind the conflict are still highly discussed.

4.2. Background

In the beginning the fighting in Ambon flared up primarily between native Christian (predominantly Protestant) Ambonese and Muslim immigrants from Sulawesi (mainly Buginese, Butonese and Makassarese). However, with the destruction of churches and mosques, polarizing propaganda and the revitalization of smoldering resentments, violence between Christian and both immigrant as well as native Muslim communities intensified and spread to other islands. In order to understand the dynamics of the conflict it is essential to examine various background factors which led to increasing tensions between the Muslim and the Christian communities in Maluku and finally resulted in the outbreak of violence.

4.2.1. Economic factors

Although the religious background of the actors involved in the conflict can easily be spotted as a major point of contention, it would be an oversimplification to explain the occurring violence with confessional cleavages alone. Going beyond religious labels and into the history it can be seen that the region underwent social changes and a shift of political and economic power in the last decades that led to increasing tensions within the society of Maluku. While Christians formed the ruling elite during and after the colonial period, due to educational advantages granted by the Dutch, their dominant position became increasingly challenged in the last decades by (predominantly Muslim) immigrants from other parts of Indonesia, migrating upon their own decision or taking part in the national transmigration program.5

Besides the increasingly dominant position of (Muslim) migrants in the society of Maluku, the horizontal inequalities between native Christians and Muslims began to erode in

5 According to census data examined by Tanamal and Trijono the composition of the population changed due to migration from 49,9% Muslims and 46,8% Christians in 1971 to 54,8% Muslims and 44,1% Christians in 1985 (Tanamal and Trijono 2004: 235).
the 1990s as can be seen from assessments of Brown, Wilson and Hadi (2005). While in the beginning of the 1990s literacy rates among Protestant Christians were more than 13 percent higher than among Muslims, in 1997 the difference decreased to 8 percent. An even more drastic change can be seen concerning households’ access to electricity and drinking water. In 1991 only 13.9 percent of Muslim households had easy access to drinking water, compared to 31.4 percent of Christian households, and 41.4 percent of Muslim households had electricity, compared to 54.8 percent of Christian households.

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<tr>
<td>C (Christian)</td>
<td>82.3</td>
<td>86.1</td>
<td>92.8</td>
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<tr>
<td>M (Muslim)</td>
<td>69.0</td>
<td>73.2</td>
<td>84.3</td>
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<td>Reads easily</td>
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<td>Education rate (female)</td>
<td>48.3</td>
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<td>Education rate (male)</td>
<td>56.5</td>
<td>55.0</td>
<td>63.6</td>
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<tr>
<td>Easy source of drinking water</td>
<td>31.4</td>
<td>31.8</td>
<td>26.7</td>
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<tr>
<td>Housing has electricity</td>
<td>54.8</td>
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<td>Housing has solid floor</td>
<td>71.0</td>
<td>67.2</td>
<td>72.2</td>
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Fig. 1 Christian-Muslim Socio-economic Disparities, 1991-1997. Notes: C = Percentage of Christians; M = Percentage of Muslims. Adapted from Brown, Wilson and Hadi (2005: 27).

These percentages changed by 1997, when Christians’ access to drinking water decreased to 26.7 percent while the situation of Muslim households improved to 22.2 percent, and 66.2 percent of Muslim households were connected to the electric power grid, surpassing the 65.7 percent of Christian households. These figures show the rapid improvement of conditions for the Muslim population, moving towards parity with the Christian community.

Economic competition grew stronger due to the economic crisis in 1998 when Maluku’s already high unemployment rates climbed rapidly and wages fell behind inflation rates creating an atmosphere of financial anxiety (Klinken 2001: 11). Additionally, under President Soeharto’s regime the appointment of Muslims to political positions in the local bureaucracy increased, adding to the perceived loss of power by the Christian communities and fueling fears concerning an erosion of Christian influence and the Islamization of politics in Maluku (Bertrand 2002: 67).
4.2.2. Erosion of traditional structures

The strong influx of migrants also added to the erosion of the traditional *pela* and *gandong* system, in which communities (often from different religious denominations) would be bound together in brotherhood relations, securing mutual support and avoiding future conflicts.\(^6\) The fact that immigrant communities did not form part of this system, intended to lessen tensions and conflict potential by establishing friendly relations and exchange, furthered a separation between native and immigrant communities.

Besides migration other factors such as the replacement of traditional village structures by an election system introduced by the Soeharto government added to the erosion of brotherhood relations. Villages in Maluku, called *negeri*, were headed in hereditary tradition by a *raja* (king/queen) until 1979, when Soeharto replaced traditional systems all over Indonesia with the Javanese structure of *desa* (village) governance, governed by an elected *kepala desa* (head of village) (Brown, Wilson and Hadi 2005). In many villages the recognition of the *raja* as the traditional leader for *adat*\(^7\) rituals such as *pela* and *gandong* was upheld, however, the *raja-raja* significantly lost political influence and partly respect within their communities which furthered the erosion of traditional bonds.

Finally, increasing efforts of both Christianization and Islamization in Maluku, emphasizing religious identity and separation over ethnic similarities and unifying traditions, as well as growing urbanization and westernization also undermined traditional structures and weakened the social cohesion of the Maluku society over the last decades (Bartels 2003).

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\(^6\) The bonds of *pela* and *gandong* connected in many cases Muslim and Christian villages and friendship was often expressed through the construction of churches and mosques for the respective brother-village (Bartels 1977), a tradition that was revitalized after the conflict (field observation of the author concerning the *pela* bond between the Muslim community of Tulehu and the Christian community of Passo. Although the tradition lost much of its importance after the independence in 1949 and especially during the last decades, its strength can still be seen by accounts of *pela* villages that would not fight each other and even defend their brother-village against their brethren (Bartels 2003).

\(^7\) *Adat* is a term that refers to cultural norms, traditional laws, customs, values and practices in Indonesian society. For more information on the role of *adat* in the Indonesian society see Hooker (1978) and Wiranata (2005).
4.2.3. Political interest and provocations

While these factors created a fertile ground for violence to spread, reports point to outsiders, so called provocateurs, as responsible for stirring up fights and perpetuating the conflict. According to HRW interviews, persons not belonging to any of the local villages were spotted in various instances leading and encouraging mobs (HRW 1999). Only in a few occasions provocateurs could be identified and arrested, however their intentions and the answer to the question whether they were part of a larger network remain subjects of speculation (Klinken 2001: 17).

Most credible theories refer to former president Soeharto’s family and military officials for having an interest in destabilizing the country in order to regain power. After the fall of Soeharto’s military-dominated regime a decline of the economic and political power of the military was predicted and their involvement in conflicts that erupted all over Indonesia has been criticized as at least counter-productive in various instances. Excessive or partisan action taken by military forces deployed in conflict settings in Indonesia’s outer provinces has often been justified by the Indonesian government with the argument that such measures would be necessary to counter separatist movements and ensure the nation’s unity. A no-tolerance policy against separatists has long been pursued by the central government and enforced by the army, as shown through immediate military crackdowns of political gatherings suspected of being a platform for separatist sympathies.  

4.2.4. Separation movement

A theory promoted by several government and military officials claims the Republik Maluku Selatan (RMS - Republic of South Maluku) movement responsible for stirring up the conflict as part of an international conspiracy to weaken the world’s largest Muslim country by establishing a Christian republic in its midst. The RMS movement formed in 1950, after Indonesia declared its independence from the Dutch rule, consisting of mainly Ambonese Christian leaders and former soldiers of the colonial army who had the intention to establish an independent republic. After being defeated by the Indonesian army (TNI) many of the movement’s members fled to the Netherlands where they established a government in exile.

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8 Past as well as recent events in regions suspected of separatist sentiments, such as Maluku, Aceh and especially West Papua, lead to the conclusion that government policy continues also under President Yudhoyono to answer political dissent with severe military actions.
Although nowadays public support of RMS in Maluku is low, allegations of separatist sentiments in the Christian communities favored existing divisions and spurred as well as justified violence against Christians with the argument of defending national unity (ICG 2000: 4). During the conflict the *Front Kedaulatan Maluku* (FKM - Maluku Sovereignty Front) promoted an independent republic and raised the RMS flag on various occasions, encouraging suspicions about Christian separatism, but failed to win larger community support (Buchanan 2011: 20).

### 4.3. Conflict outline: Major outbreaks

The conflict can be divided in fights occurring in the southern and central Malukans (Maluku province), and fights in the newly established province of North Maluku, after the separation in 1999. These clashes were fought with such ferocity and violence that some scholars refer to them as several wars rather than a general inter-communal conflict (Klinken 2001). The various phases and developments of the violence can be understood by examining major outbreaks during the years of fighting.

After the conflict was triggered in Ambon in January 1999 violence spread quickly throughout the main island and to the nearby islands of Aruku, Seram, Saparua and Manipa. Although Christians as well as Muslims mostly used basic weapons such as knives, machetes and fishing bombs, the fighting was fierce and within days large parts of the capital city were destroyed and both sides reported large numbers of casualties.

While fighting declined from March onwards and the situation stayed calm during national and regional elections in June 1999, violence flared up again at the end of July and prompted the military commander of Maluku to issue shoot-on-sight orders. In the following

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9 As this thesis focuses on the Maluku province the conflict outline also concentrates on incidents in the southern and central Malukan islands. For more information and a chronology of the conflict developments in North Maluku see Duncan (2005).

10 There is no clear examination of how the conflict influenced the regional elections but it is argued that the outright victory of the secular PDI-P (Partai Demokrasi Indonesia-Perjuangan or Indonesian Democracy Party of Struggle), with 53 percent of the votes in Ambon, was partly due to the exodus of Muslim immigrants and internal displacement of Muslim Ambonese. The outcome of the election prompted speculations about political strategy behind the stirring up of the conflict, in order to weaken support for Muslim parties by forcing parts of the Muslim population to flee out of the region (Klinken 2001: 22).
months the region saw a steady increase of clashes between both sides, with violence spreading also to the neighboring province of North Maluku. The fighting reached its peak at the end of December and complicit involvement of the armed forces was reported as TNI troops attacked Christian Ambonese neighborhoods and Muslim parts of the capital came under fire by police units (ICG 2000: 7).

After at least 500 Muslims were killed in Tobelo, North Maluku, in a massacre conducted by the local Christian majority who claimed to take revenge for the burning of the Silo church in Ambon, voices were raised all over Indonesia calling for a holy war (jihad) to save the Muslims in the Malukan Islands. Supported by radical politicians and newspapers, militia groups strengthened and started to recruit and train members.

In the beginning the dispatch of militia was uncoordinated and the arrival of militia was described as rather ineffective. However, the conflict took on a new dynamic with the involvement of the well-organized Laskar Jihad movement, a radical and militant Muslim group based in Java and lead by Jafar Umar Thalib, a cleric who fought with the Mujahedeen in Afghanistan and maintained close relationships with Indonesian military officials (Azca 2009: 25). Starting public agitation for a jihad in April 2000 and declaring openly the group’s violent intentions Laskar Jihad sent an estimated 3000 members\(^{11}\) to various destinations in the Malukan islands in May, despite an order by President Wahid to restrict their movement to Java (ICG 2000: 3). These militia fighters reportedly had been trained by active and retired military personnel as well as international jihadists in various camps set up by the Laskar Jihad (Schulze 2002: 60). Their unhindered departure to Maluku, regardless of the president’s orders, is another point of criticism concerning the passivity and reluctance of military and police forces to protect civilians and contain the fighting.

As the conflict scaled up rapidly with the arrival of Laskar Jihad, who brought with them more sophisticated weaponry, the government declared a state of civil emergency at the end of June 2000 and reinforced military and police units, reaching approximately 14,000 troops (ICG 2000: 10). Still, measures taken in the framework of the civil emergency proved to be widely ineffective. Despite the increase of personnel, inadequate transport rendered efforts to contain the violence in the region, comprised of hundreds of islands, ineffective. Furthermore, the armed forces failed to arrest and disarm militias, acts of partisanship by

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\(^{11}\) Other sources estimate the number of militia sent to Maluku as high as 10,000 (Azca 2009: 25)
“contaminated” personnel continued and army weaponry circulated among combatants on both sides.

While both sides were rather equal in strength, with a slight superiority of Christian fighters in the capital, during the first phase of the conflict, the involvement of Laskar Jihad clearly dipped the balance in favor of the Muslim communities. The last months of 2000, after the arrival of the Muslim militias, were marked by reports of Muslim offensives on Christian villages and forced conversions of Christian inhabitants (ICG 2002: 9). Nevertheless, in 2001 the fighting decreased and while small scale inter-communal clashes still occurred mass violence seemed to have come to a halt. The containment of fighting can, apart from general war weariness, be attributed to the deployment of Yon Gab, a joint unit consisting of army, navy and air force personnel. Although their methods led to a containment of militia attacks, Yon Gab forces have been criticized for violating human rights, with accounts of torture and extrajudicial executions of combatants (ICG 2002: 13).

In the end of 2001 and the beginning of 2002 only few violent incidents occurred, carried out by individuals rather than organized groups and supposedly related to land disputes, acts of revenge, general criminality and looting.

After three years of inter-communal fighting peace was finally declared in February 2002 by the Malino II Peace Agreement as a result of negotiations initiated by the government between leaders from both sides. While this top-down agreement may have been an important sign to end the violence, another incident is seen as key for alleviating the inter-communal resentments. In April 2002 the Christian village of Soya was attacked, causing the death of 11 residents and the destruction of several buildings. An investigation of the incident showed that a Christian gang hired by TNI personnel was responsible for the attack, intended to trigger violence against Muslims and spark up renewed fighting. Revealing the interests of outsiders to prolong the conflict resulted in a “shared sense of victimhood” (Buchanan 2011: 20), encouraging both sides to end the fighting instead of seeking revenge for past confrontations. However, the peace did not go unchallenged and was feared to collapse when a riot broke out in Ambon in April 2004, after members of the FKM raised the RMS flag for an anniversary ceremony. Fighting, sniper fire and arson attacks haunted the capital for weeks, causing officials to call for a re-establishment of the status of emergency, which had been lifted in September 2003 (ICG 2004: 6). Fortunately, due to
former reconciliation efforts, violence did not spread to other parts of the region and could be contained before evolving into large-scale fighting. Besides minor incidents the region has been calm in the following years, although the situation remains tense as separation of the Muslim and Christian communities is maintained in most cities and villages. In September 2011 violence flared up again in the capital, after rumors were spread about a Christian attack on a Muslim ojek driver. Rioting and arson attacks haunted parts of the capital during a week and left several people dead, many wounded and hundreds displaced, showing the fragility of the reconciliation process.

4.3.1. Governmental response and role of armed forces

When violence erupted in Ambon and spread quickly to other islands, national as well as international actors called upon the government and the military to halt the fighting. However, the government under President Wahid seemed to downplay or even ignore the conflict, being more concerned with reforms after Soeharto’s fall, East Timor’s independence, as well as the economic crisis that held Indonesia in its grip. While Maluku was clearly not a top priority for Jakarta’s politicians another reason for their dragging and insufficient response was political caution. As Muslim militia claimed to prevent the slaughtering of their brethren in Maluku, fierce intervention to arrest these groups was branded anti-Islamic (Schulze 2002: 65). On the other hand international organizations supporting Christian communities and/or fearing Laskar Jihads bonds to international terrorist networks called for international intervention, pressuring the Indonesian government to take action to pre-empt such interference (Tanamal and Trijono 2004: 242). This resulted in non-coherent measures and a general deadlock of the ruling elite out of fear to either upset Indonesia’s majority Muslim population, which would have meant provoking further conflict as well as losing political support, or to displease the international community, risking the deployment of foreign peace-keepers.

In their response the government seemed reluctant to deploy forces and hand over power to TNI officials, as can be seen by the decision to declare a state of civil emergency which is one step below military emergency, keeping the armed forces under civilian command. Although this line of action has been criticized as apathy, it is not surprising when taking the role of the military in the Indonesian history into account. Due to their dual
function \textit{(dwifungsi)}\textsuperscript{12} members of the TNI accumulated power positions and are seen as actively reinforcing their status by prolonging conflicts. Nevertheless, it can be argued that a more decisive deployment of troops could have contained violence at least in some instances. On the other hand, when examining the role and conduct of armed forces during the conflict, it seems that restricting the room for maneuver of the military and avoiding martial law may have been a wise decision.

Several problems concerning the involvement of the armed forces, military as well as police, surfaced during the conflict. Besides operational constraints such as lack of adequate transportation and insufficient training of troops it has been argued that the armed forces deliberately jeopardized the government’s aim of ending the inter-communal conflict. Firstly, military officials and their troops have been criticized for their passivity, as they were found reluctant to intervene in the fighting between communities or protect civilians from attacks by militia. Moreover, the response that their hands are tied out of fear of future prosecutions can be called opportunism, using this argument as leverage to halt investigations of past military atrocities and human rights violations (ICG 2000: 7).

Secondly, due to the demographic composition of the troops, with the TNI forces being predominantly Muslim and the police units predominantly Christian, their conduct was already at the beginning of the clashes perceived as biased towards the side of their respective religious affiliation. Resentment and insecurity grew when these allegations of partisanship were sustained by several accounts of attacks on civilians and cooperation of police and military units with militia groups, blurring the lines between armed forces and militants (Azca 2004: 8). The troops’ complicity reached its peak when military personnel supported Laskar Jihad members in an attack that destroyed Ambon’s police headquarters (Schulze 2002: 58).

As officials failed to take any effective disciplinary action to end the forces’ partisanship in the fighting, their interests should be questioned. This points towards the third problem, that it is widely believed that the military perpetuated and amplified the conflict out of economic interests and power aspirations. While senior military officials had

\textsuperscript{12} \textit{Dwifungsi} is a term employed to describe a doctrine established during the Soeharto regime, legitimizing the armed forces to take on two roles: besides its role as defense and security apparatus the military also took on a strong political position with many high-ranking officers holding influential posts in the government. For more information on the TNI and the \textit{dwifungsi} doctrine see Crouch (2007).
an interest in prolonging the situation of emergency to consolidate their positions of authority, soldiers used chaotic conditions for economic benefits, maintaining a lucrative business by selling weapons to combatants as well as receiving protection money from civilians (ICG 2000: 8). 13

Due to these factors measures of police and military were seen as ineffective or even counterproductive in guaranteeing protection and upholding security and the rule of law in the region. As a consequence both Christian as well as Muslim communities felt undefended or in the worst case threatened by the armed forces and therefore perceived the urge to take matters in their own hands. Braithwaite describes such a situation as ‘security dilemma’:

The security dilemma thesis is that war can occur when neither side intends to harm the other but both feel they must defend aggressively against their worst suspicions of what the other might do in circumstances of anarchy. (Braithwaite et al. 2010: 155)

In total the response of the government can widely be seen as a failure, unsuccessful in halting the violence or controlling the developments of the conflict due to inefficiency, neglect as well as the fact that the fight against (alleged) separatism has been considered more important than the promotion of reconciliation measures. During and after the conflict international organizations as well as local communities pointed out failures in the governmental response and called for investigations into alleged crimes and prosecutions of key instigators of violence in order to restore the rule of law and provide protection and justice to the population. Holding individuals accountable for atrocities committed during the conflict has been argued to be an important step to satisfy demands for justice that otherwise easily turn into acts of revenge, stirring up more violence. However, individual trials and the ascription of guilt can also have the reverse effect, triggering feelings of unfair treatment in one (or both) communities and disrupting the reconciliation process. Therefore, how justice was pursued during and after the inter-communal conflict will be examined in the following chapter.

13 Police chief commander Firman Gani even took to warning citizens of Ambon in an interview with a local newspaper in August 2000 that the calm situation is seen as disappointing by some members of the forces, urging civilians to report “irregularities” (Böhm 2005: 69).
Chapter 5. Pursuit of justice in Maluku

In the aftermath of the 1999-2002 conflict various efforts have been taken towards the pursuit of justice. These measures can be divided into formal justice processes conducted by government institutions and informal justice approaches taken by traditional leaders as well as the civil society. While formal approaches mainly consisted of retributive measures aimed at the punishment of criminal offenders, informal processes applied by non-governmental actors included a range of traditional reconciliation methods aimed at restoring community relations and harmony within the society of Maluku. Such a combination of both retributive and restorative approaches carries the potential for sustainable reconciliation if measures of all actors are coordinated and in accordance with one another. In the following subchapters formal as well as informal processes will be described and interactions between different actors will be analyzed with the purpose of examining whether measures applied complemented each other or were incoherent.

Firstly, formal justice mechanisms will be examined as they are widely recognized on a national as well as on an international level and rank high in the official perception. Secondly, informal processes implemented by traditional leaders and civil society actors will be analyzed which, although receiving less attention from national and international entities, proved to respond more adequately to local circumstances. Finally the coordination between actors from both formal and informal sectors will be explored to answer the question whether measures were implemented in a complementary form.

5.1. Formal justice

The pursuit of justice is an integral part of Indonesian legislation and inscribed in the 1945 Constitution which explicitly expresses the nation’s commitment to achieve justice for all Indonesian citizens (Undang-Undang Dasar Negara: Preamble). In the provisions of the Human Rights Law (Undang-Undang Nomor 39 Tentang Hak Asasi Manusia) Article 3 Paragraph 2 the Indonesian government states the right of all citizens to obtain justice and declares citizens’ entitlement to recognition, security, protection as well as just and equal
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Lisa Taschler

legal treatment. Further, Article 7 Paragraph 1 of the Human Rights Law guarantees every person the right to use all legal remedies for human rights violations they experienced. In addition to these national legislations the Malino II Peace Agreement also contains regulations for the pursuit of justice in the context of the inter-communal conflict in Maluku. However, these regulations only apply for acts of violence committed after the signing of the peace agreement in 2002 (Buchanan 2011: 27).

In the following sections the effectiveness of measures taken in the formal justice sector will be examined with regard to the main actors of this sector: police, public prosecutors, courts and the Maluku division of the National Commission for Human Rights (Komisi Nasional Hak Asasi Manusia or Komnas HAM).

5.1.1. Police

As described in the previous chapter the role of the police forces during the conflict was negatively impacted due to police officers’ involvement in violence acts, rivalry of police units with military battalions and cases of partisanship for the conflicting communities. These factors not only impeded the maintenance of security but also compromised the police forces’ responsibilities in the sector of law enforcement. Böhm (2005) recounts in his chronicle numerous instances where police forces refused to intervene during crimes and failed to arrest suspects. Such failure to carry out the police’s task of upholding the rule of law can be explained through various factors.

Besides the lack of impartiality affecting especially the work of local police units, officers reportedly refrained from arrests fearing to ignite further violence between the communities or were forced to release suspects due to fierce protests and attacks against police stations (ICG 2002: 15). In addition, local police forces faced the risk to become targeted by both communities, involving possible repercussions for their personal lives and for their families. Therefore, police officers refused to intervene in inter-community conflicts.

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14 Another body, the National Independent Investigation Team (Tim Penyelidikan Indepen Nasional or TPIN) has been especially established for the Maluku context, implementing regulations of the Malino II Agreement. However, due to the fact that the team did not publish any findings or results of its work and taking into account the widespread acknowledgement of its ineffectiveness and partiality (interview J. Pattipawae), its work can be regarded as of minor importance.

15 In personal interviews with D. San, Head of Police in Maluku, and Komnas HAM investigator E. Chairah several cases were related where Christian and Muslim police officers received threats and intimidations from their colleagues and were forced to release suspects due to protests and attacks against police stations.
fighting, in particular when violent actions involved members of their own community, and failed to investigate cases and arrest suspects.

The dynamics of the conflict itself were another factor impeding the investigation of crimes committed. Most attacks that resulted in the injury or death of persons and/or the destruction of property were carried out by violent mobs, consisting in many cases of several hundred persons (interview D. San). Such circumstances hindered the identification of individual actors and complicated a reconstruction of the course of events to incriminate suspects. Additionally, children were often engaged with arson attacks as they could move around more easily between neighborhoods without being noticed, making it especially difficult for police forces to identify and prosecute the perpetrators (interview B. Renyaan).

Insufficient technology as well as inadequate capacities and professional training of police units constituted other aspects hindering the investigation of crimes. Police commander Djarot San as well as Komnas HAM representative Elfansuri Chairah state that police forces in Maluku lack the skills and the technology necessary to solve crimes such as the repeated sniper attacks that prominently marked the end of the conflict as well as its flare-up in 2004 (interviews D. San and E. Chairah).

Furthermore, motivation to arrest suspects was hampered by the fact that chances of their prosecution were low. According to ICG reports hundreds of arrested suspects could not be trialed during the conflict years 1999 till 2002 as prosecutors and courts did not operate (ICG 2002).

5.1.2. Public prosecutors

With the outbreak of conflict in Maluku, in the beginning concentrated on Ambon, the location of the province’s judicial institutions, legal procedures mostly came to a halt. In part this was due to the flight of public prosecutors who in the face of deteriorating security conditions feared to become targets of violent attacks. Böhm (2005: 258) reported the number of prosecutors by 2002 as in total 15 in the provinces of Maluku and North Maluku while the Attorney General’s Office announced plans to assign 65 additional public prosecutors to handle pending legal processes. However, also after a stabilization of the their own communities, amounting to violent attacks on their families and property. Such incidents often followed their involvement in arrests of Christian or Muslim fighters that were considered as treason by the communities.
security situation the number of prosecutors remained insufficient and only few cases were brought to court.

Besides their fear of assaults other factors motivated the flight of prosecutors and their refusal to carry out their professional tasks and investigate cases after the end of the conflict. One important reason was the lack of political interests to prosecute key instigators of violence such as commanders of the Laskar Jihad militia. The political climate discouraged the investigation and prosecution of cases as leading politicians in Jakarta declined to condemn the crimes committed during the conflict. A prominent example was a statement made by Yusril Mahendra, Minister of Justice, declaring that there was no evidence Laskar Jihad had engaged in illegal acts, despite numerous reports of the group’s involvement in violent attacks and their repeated public claims to cleanse the region from Christians (ICG 2000: 7).

Finally personal interests and a lack of objectivity and impartiality affected the professional performance of public prosecutors during and after the conflict, given the fact that (almost) every local prosecutor is or knows victims as well as perpetrators of violence (ICG 2000: 25, confirmed by interview with A. Hatane).

5.1.3. Courts
During the inter-community conflict in Maluku local courts have been described as paralyzed and unable to uphold the rule of law (Buchanan 2011; ICG 2002). Facing similar obstacles and fears as public prosecutors, a majority of judges and court staff members left Maluku during the years of fighting, many of whom refused to return after the cessation of violence. Therefore, local courts resuming their activities in the aftermath of the conflict struggled not only with poorly investigated cases and a lack of evidence but also with the scarcity of trained and experienced personal.

The absence of qualified staff and experienced judges led to a delay of trials as well as ambiguous sentences, influenced by personal interests and subjectivity of local staff members who have been directly or indirectly involved in the conflict. Strong political influence on courts and corruption of judges are other issues that cast doubts on the work of judicial institutions and on the fairness of processes, not only in Maluku but all over Indonesia. An ICG reports summarizes the problem by stating:
Courts continue to be almost hopelessly corrupt so there is no guarantee that trials will be conducted fairly. When prosecutors do not deliberately leave huge loopholes in their case, judges themselves will often find technical reasons for a not-guilty verdict [...] There are honest judges but they are not plentiful. (ICG 2001: 12)

Ordinary criminal law in Indonesia has been found inadequate for crimes committed in the context of inter-community conflict (ICG 2001). In many cases violent attacks were argued to constitute (preemptive) defense measures by communities, acting out of the well-founded fear of loss of live and property. Additionally it often seemed impossible to ascertain which side started the fighting due to differing perceptions and widespread rumors distorting information, leading to inconclusive investigations and/or suspension of pending cases (interview S. Sapuny).

Especially the trial of leading figures who did not directly participate in the fighting has been proven difficult. While the law recognizes the planning and organizing of a criminal offence as a crime in itself, more indirect involvement such as cases of political incitement to hatred and violence are hardly covered by the legislation (interview N. Saptenno). Any attempts to hold key instigators of the conflict accountable in the aftermath of the fighting have ultimately failed, most prominently in the cases of Laskar Jihad leader Jafar Umar Thalib and FKM leader Alex Manuputty. The latter was arrested in Ambon in 2000 and consequently sentenced by a court in Jakarta to three years imprisonment for unlawful activities including the propagation of separatism. However, shortly after the verdict was announced Manuputty was released from custody and fled to the United States. The exact circumstances of his flight remain unknown while the US government refused to extradite the Christian leader as Indonesian authorities failed to submit evidence of his crimes (Böhm 2005). On the other hand Laskar Jihad leader Umar Thalib was arrested in 2002 for agitating mass violence but shortly after acquitted of all accusations by a court in East Jakarta. Although evidence has been brought forward by NGOs proving Thalib’s involvement in several crimes ranging from incitement to murder, authorities failed to hold the Islamist cleric accountable for his role in the conflict and speculations have been raised about his close ties to government officials and military leaders (Böhm 2005). Exemplified by these two prominent cases it has been observed that measures taken by authorities were
incoherent and flawed, allowing criminals to flee imprisonment,\(^{16}\) and that in general prosecuted cases mostly involved Christians, casting doubts on the impartiality of judicial institutions (interview E. Chairah)

Finally, the applicability of criminal law is limited concerning the numerous crimes and violations committed by members of the police and the military, an issue stressed by civil society as well as various NGOs and the Human Rights Commission. While police officers hardly face consequences at all due to connections with prosecutors and judges, members of the armed forces are, although formally subject to the criminal code, almost without exception tried by military courts. However, (in)famous for lenient sentences and their reluctance to charge senior officers military courts are widely acknowledged to “protect their own” (ICG 2001: 12), perpetuating the circle of impunity for crimes committed by the military.

5.1.4. Komnas HAM

The National Commission for Human Rights (Komnas HAM) was established in 1993 under the government of President Soeharto, who selected and appointed commissioners himself, a fact that earned the commission much criticism and compromises its credibility until today. However, in recent years the commission’s work has been noticed as increasingly critical towards the government and the military (South Asia Human Rights Documentation Center 2000).

At the beginning of the inter-community conflict in 1999 a fact-finding team of Komnas HAM was deployed to Ambon in order to investigate the source of the fighting and its background.\(^{17}\) As the conflict continued to exacerbate and spread throughout the province a subdivision was established in Ambon with the responsibility to monitor human rights, identify violations and mediate conflict. Due to the deployment of staff members from outside Maluku objectivity could be guaranteed and, although Komnas HAM is a governmental institution, trust from the population could be secured, especially after initial critical comments on police and military conduct. The general perception of the institution

\(^{16}\) Various other cases of criminal offenders fleeing the region or the country despite verdicts against them have been reported by Böhm (2005). These incidents point towards support of perpetrators by authorities or individual officers, especially in cases were travel documents were issued for their departure.

\(^{17}\) For more information on the team’s findings see Hasibuan (1999).
constituted a crucial factor as an important task of the Komnas HAM team in Maluku was the identification, documentation and investigation of human rights violations. Intended to compliment the work of local police forces, tainted by suggestions of partisanship, Komnas HAM staff members conducted investigations of critical cases, due to the team’s status as an objective entity.

The team’s mandate stated that upon the identification of a human rights violation data collected would be handed over to local police and prosecution for further procedures. In cases where members of the police or military forces were implicated information would be submitted to judicial institutions in Jakarta in order to conduct an official investigation. However, in practice only few cases were further proceeded by local authorities due to the above mentioned factors, whereas none of the submitted cases involving police or military became subject of criminal investigation (interview E. Chairah).

Besides its function as an investigating body the Komnas HAM team also carried out various mediation activities with the aim to reconcile communities. In 2002 a report was released that included various recommendations, stressing the importance of social reintegration and rehabilitation and underlining the potential of traditional reconciliation mechanisms, above all pela and gandong, as well as new approaches such as the baku bae movement (Umar 2002). Thus Komnas HAM is the only national governmental actor in the justice sector that actively and publicly appreciated and promoted informal justice processes of non-governmental organizations and traditional leaders.

5.2. Informal justice

During the inter-community fighting and in the aftermath of the conflict civil society actors applied a variety of informal justice mechanisms, some of whom hardly relate to the Western perception of justice. While this section is intended to give a descriptive overview of the measures implemented, the following section analyzes the relation between formal and informal processes and the position of actors involved. Perceptions of justice as well as achievements and limitations to both formal and informal means will be further discussed in the chapters thereafter.
Informal justice processes can be subdivided in three categories: traditional rituals rooted in the culture of Maluku’s people, new approaches implemented by NGOs (most prominently the Baku Bae movement), and instances of village justice carried out by communities in response to a (perceived) threat. While the first two categories, planned and applied by leading figures of civil society, partly overlap and complement each other in their effort to reach reconciliation, the latter mostly occurred spontaneously and in the absence of traditional or other authorities.

5.2.1. Traditional processes
As mentioned in previous chapters the Malukan society is traditionally structured along so called negeri units, headed in hereditary succession by a raja. While the 1979 regulation deprived the raja-raja from the government’s recognition of their authority, their formal status was partially restored in 1999 by a reform on Regional Governance that recognized traditional structures. The raja, who can be a man or a woman, holds adat authority in his/her respective village, including the function of a mediator in community disputes.

Commonly adat processes handle land disputes, slander, thefts, fights or other minor crimes whereas felonies such as murder or rape are mostly referred to the police. Although there is no official collaboration between formal authorities and adat leaders police officers tend to encourage the adat resolution of disputes, not least because of the chronic resource deficiency of the formal justice sector and the lack of personal in local police stations (UNDP 2007: 226).

Adat traditions are mainly based on negotiation and social harmony, thus disputes are resolved by so called musyawarah (deliberation by consensus) processes. Thereby disputants would present their case to the adat leader, who listens to their testimony and may summon witnesses or establish a commission to examine evidence. After thorough discussions with all parties to the dispute (and in difficult cases consultations with advisors) the adat leader proposes a solution that can involve acknowledgement of wrong-doing by one or both sides as well as punishment of one or more persons. If disputants refuse to agree to the proposed resolution they may refer the case to the formal authorities.

In the last decades the hereditary tradition has been attenuated in an attempt to democratize the system. Therefore nowadays the raja-raja get elected by the villagers, however, an affiliation with the traditional royal family has to be proven.
However, in most cases not only community pressure encourages villagers to accept the decisions of *adat* leaders but also the widespread belief that disregarding *adat* traditions infuriates ancestors and brings misery over the family of offenders. The financial costs arising from legal procedures are another factor dampening disputants’ will to continue fighting for their case in formal courts.

However, due to the scale of the fighting and the general conviction that violent attacks were justified as means of defense for the own community, individual-focused, intra-community *adat* processes such as *musyawarah* were hardly employed during and after the conflict.\(^{19}\) *Adat* leaders rather tried to employ inter-community *adat* rituals in order to revive relations between villages and thereby achieve reconciliation and social harmony. Besides their *adat* authority within their own community the *raja-raja* bear the responsibility to establish and uphold bonds such as *pela* and *gandong* with other villages and participate in the regional council of *raja* leaders, the *latupati*.

As mentioned earlier, *pela* and *gandong* relations bind two or more villages, often from differing religious affiliation, together in a form of brotherhood-relationship. *Pela* alliances were often established between villages after fierce conflicts, with the perception that enough blood has been shed on both sides and that, united through their losses, villagers should see each other as brothers in order to secure peace in the future. *Gandong* bonds on the other hand are based on genealogical ties and bind villages together that claim common ancestry. As most of these brotherhood relations were established before or during colonial times, *gandong* alliances can also connect Muslim and (later converted) Christian villages. Both kinds of bonds are concluded through an oath of mutual help and assistance and rituals involving the immersion of weapons in a mixture of palm wine and blood of the *adat* leaders, which is afterwards drunken to seal the brotherhood. In order to secure the alliance a curse accompanies the oath, stating that the weapons involved in the ritual will direct themselves against any community member transgressing the rules of non-violence and mutual help.

\(^{19}\) Throughout personal interviews *adat* and community leaders would refuse the idea that members of their community acted as provocateurs or participated in the conflict with any other motivation than to defend their life, family and property. However, during informal conversations differing views were expressed, leading to the assumption that key-informants intended to present their communities in a favorable light or were held back by cultural norms to discuss such issues with the researcher.
Although these *pela* and *gandong* relations have been established several decades ago and were increasingly buried by oblivion, nowadays they (again) play an essential role in the Maluku society and are present in the mind of the native population. This is mostly due to a revitalization campaign following the inter-community conflict of 1999 to 2002, that included renewal ceremonies for existing bonds and the conclusion of new (soft) *pela* alliances, constituting voluntary friendship relations without ancestral oath or curse. Especially renewal rituals between *pela* and *gandong* partners from different religious denominations were, subsequently to the conflict, used to address grievances of both sides and reconcile resentments. In these occasions the *raja-raja* of both villages often expressed their sorrow for losses experienced by their brothers and sought forgiveness for violent attacks, even if their villagers were not involved, in representation of their brethren.

The revitalization of brotherhood relationships was not solely an initiative of traditional leaders but has been supported by the Baku Bae movement which itself was initiated by civil society actors.

### 5.2.2. Baku Bae movement

The term *baku bae* refers to a phrase used during children games in Maluku to restore peace after quarrels; accompanied by a gesture of joining thumbs it means “let’s be friends again”. While the concept of peace was commonly perceived as involving submission and peace negotiations were therefore rejected, this culturally rooted expression was accepted by both communities to describe a reconciliation process on equal terms.

The Baku Bae movement was started by peace activists from Maluku as well as from other parts of Indonesia with the aim to establish contacts between the communities and initiate the exchange of experience, hoping to change common perceptions of “the other” and decrease resentments. Thus a five-stage process was promoted involving not only traditional and religious leaders but intended to reach all levels of society in Maluku.  

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20 The presence of the *pela* and *gandong* system in everyday life can be observed by the fact that it is a frequent topic of conversation and, when asked, villagers would not only know the *pela* and *gandong* partners of their own community but also give information on bonds established by their neighbors and other villages all over Maluku.

21 For a more extensive description of the Baku Bae movement and its five stages see Malik (2003) and Assefa (2005). Further information stems from internal reports of the Baku Bae movement, courtesy of the Indonesian Peace Building Institute and the Institut Tifa Damai, as well as personal interviews with I. Malik, peace activist.
In the first stage the initiators of the movement contacted leading figures of both sides and finally were able to convene leaders of the conflict-affected communities in a meeting on neutral ground. This initial gathering, held in Jakarta and attended by twelve community representatives, was accompanied by much tension, accusations and mutual finger-pointing. Nevertheless, a first contact was established and in the second phase another meeting was held in Bali, with 40 attendees, and a third in Yogyakarta with as many as 100 participants. In the third stage conditions became increasingly conducive for community reconciliation and general assemblies were held to involve the public and thereby reach all levels of the Maluku society. The establishment of two neutral zones where Muslims and Christians could engage in trade and share health services constituted the fourth step to increase contact between the communities in a secure environment. Finally, in the fifth and last stage, workshops were organized by the initiators of the Baku Bae movement that brought the divided communities together in constructive dialogue, addressing grievances and discussing future steps.

A central conclusion of the meetings and workshops and a pillar of the Baku Bae movement in general is the notion “kedua benar, kedua salah” (both were right, both were wrong) that acknowledges guilt as well as justification of both sides while promoting forgiveness in the face of general suffering. According to the Baku Bae guidelines forgiveness is one element of the spirit of peace that the movement aims to spread, however, it is noted that “to forgive is not to forget the bitterness because bitterness is the lesson for the future” (Malik 2003: 12). Thus, the measures undertaken by the Baku Bae movement can be described as social healing process which recognizes the violent past without blaming individuals. This approach was widely appreciated by the local communities as can be seen in the population’s broad participation in the movement’s activities.

Justice is another pillar of the movement and besides community-orientated, restorative justice approaches based on forgiveness, the movement’s goals include also law enforcement and measures to end impunity. However, this approach does not per se stand in contradiction to the idea of forgiveness and social harmony, in the context of the inter-community conflict in Maluku it aims on a different level than restorative measures. While

and initiator of the Baku Bae movement, and T. Maitimu, former traditional leader of Passo and supporter of the reconciliation efforts.
constructive dialogue and reconciliation are promoted within the communities, retributive measures are demanded for “outside” actors which exacerbate and fuel the conflict, such as provocateurs, extremist groups as well as military and police personnel acting out of political interest. In order to further the reestablishment of the rule of law the Baku Bae movement initiated a legal aid organization, the LBH Baku Bae (Lembaga Bantuan Hukum Baku Bae), with the aim to investigate on actors instigating and prolonging the conflict. However, due to restricted means and a lack of governmental support and political will, the work of the organization so far is restricted and few investigations could be carried out (interviews with A. Hatane and S. Sapuny).\(^{22}\)

In order to advance reconciliation efforts not only in Maluku but also in other regions of Indonesia the Baku Bae movement transformed in 2003 into the Indonesian Peace Building Institute (Institut Titian Perdamaian), with its local partner the Institut Tifa Damai Maluku. Ichsan Malik, initiator of the Baku Bae movement and co-founder of the institute, calls the pursuit of justice through law enforcement “a challenging step for the future” (interview I. Malik).

5.2.3. Vigilante justice

This form of justice should be differentiated from the aforementioned reconciliatory approaches as it cannot be seen as planned process but rather as spontaneous action in the context of violence and tension, failing to have positive effects on social cohesion. Vigilante justice mostly refers to incidents were persons suspected of crimes or criminal intentions were caught by villagers and punished instantly. While such mob or lynch law is often perceived as just by participants it has been condemned in various instances by both adat leaders as well as formal authorities.\(^{23}\) Furthermore, its accuracy and contribution to justice can be doubted as reports recount not only the lynching of murderers and bombers, caught red-handed, but also of persons that later proved innocent (Böhm 2005).

\(^{22}\) Nevertheless, the work of the LBH Baku Bae should be noted concerning issues that arose as consequences of the conflict, mainly in the area of property rights and the return of IDPs.

\(^{23}\) Despite discouragement by formal leaders, members of the TNI reportedly participated in several cases of village justice, such as the public torturing of criminals in Wayame (Braithwaite et al. 2010: 161)
5.3. True complementation?

An important question in the evaluation of formal and informal justice processes is if measures were implemented in a complementary form. As outlined in chapter two, the complementary approach consists of both retributive and restorative processes; however, for the effective implementation of measures from both sectors coordination between the different actors involved is necessary. In the case of Maluku one of the main criticisms expressed by representatives of the informal justice sector was a lack of respect and widespread neglect of their efforts by government officials. Although representatives of the local government encouraged activities of traditional leaders aiming at the restoration of social harmony, the *raja-raja* conceived the central government in Jakarta as indifferent or even hostile towards traditional justice mechanisms. This perception was mainly based on a lack of governmental funding for their efforts as well as invisibility on national media, factors that increased distrust and suspicion concerning the intentions of governmental actors.\(^24\)

The central government’s oblivion towards local justice processes, however positive their potential for reconciliation, can be explained by the general discouragement for initiatives furthering regional traditions and identity, out of fear for separatism.\(^25\)

In general it can be concluded that while both retributive and restorative measures have been applied in the aftermath of the inter-communal conflict in Maluku their implementation can hardly be called complementary in a deliberate sense but could rather be described as a parallel or simultaneous approach. This is largely due to a lack of coordination and neglect of informal processes by the central government as well as insufficient political influence of civil society actors.

After this more general analysis supplemented by information from key informants representing the formal as well as the informal justice sector the following chapter will

\(^{24}\) During interviews key informants from the informal justice sector often expressed the concern that the central government is not interested in sustainable reconciliation but would rather promote the prejudice that Malukans are driven by separatist sentiments. This argument would be used in order to minimize political influence of representatives from the Maluku province in national decision-making processes, a perception sustained by the fact that the Jakarta-based central government does not include any Malukan ministers (interview A. Wakano).

\(^{25}\) A lucid example of the government’s disregard of regional identity diminishing reconciliation efforts is Ambon’s ‘Peace gong’. Sponsored and erected by the central government this gong in the center of the capital city is a thorn in the side of local peace activists which claim that it is a symbol of Jakarta’s hegemony rather than of reconciliation, as the gong is a Javanese instrument while in Maluku the *tifa* drum is used and has become a symbol of peace not last due to the local peace organization Institut Tifa Damai.
examine the population’s perception of retributive and restorative measures. While this analysis has shown that actors failed to implement both approaches in a complementary way, it will be discussed if the measures applied are nevertheless considered successful by the population and which problems have been identified by civil society representatives.
Chapter 6. Perception of the pursuit of justice and its role for reconciliation

Before discussing the achievements as well as the limitations of justice processes implemented in the aftermath of the Maluku conflict the question needs to be raised how to assess the success of these measures. As outlined in the first chapter, the perception of justice differs and an overarching definition of what justice is seems impossible. While objective observations can be made on the implementation of justice processes (see analysis in chapter five, their overall success and effectiveness depends on their perception by the communities affected, as Weinstein and Stover state, “justice, like beauty, is in the eye of the beholder” (2004: 4). Therefore, the following sections, discussing perceptions as well as achievements, shortcomings and failures of formal and informal justice processes, draw mainly from personal interviews with key informants representing civil society as well as informal conversations with community members.

6.1. The concept of justice in Maluku

As can be seen in the measures applied, especially in the informal justice sector, the concept of justice in Maluku goes far beyond the (Western marked) idea of accountability for crimes. When discussing the notion of justice Malukans often refer to two dimensions, differentiating individual from collective justice. While the protection of individual rights is seen as important, the pursuit of justice, especially in the aftermath of conflict, is mostly perceived as an issue on a more collective level. This elevated dimension comprises various elements, on the one hand the community an individual is part of as well as the spiritual world belonging to it, such as the spirits of ancestors; on the other hand the collective level also encompasses relations with other communities and with “the centre” Jakarta.

Acts of injustice within the community are believed to disturb the general state of harmony, leading to reprisals not only from other community members but also from common ancestors. Stories related during interviews with J. Manuputty and B. Silooy indicate that social control within villages continues to play a strong role. As *adat* procedures
are not binding but have to be agreed to by all sides of a dispute the social pressure of a community ensures and encourages the adherence to such decisions. Therefore deviance from adat rulings or general acts of injustice threatening the harmony of a community are met by sanctions ranging from shaming to ostracism. Besides these social measures to uphold justice as perceived by community members, it is widely believed that God and the spirits of ancestors punish offenders, especially in cases of wrong-doing without repent or unsolved crimes. Such belief in a higher judgment by God, found both in the Christian as well as in the Muslim communities, renders a formal handling of acts of injustice in the lifetime of a perpetrator less important or even obsolete. This argument has mostly been employed by elder members of communities, especially when authorities failed or proved unwilling to handle cases submitted by victims. Conversely, members of the younger generations were found to be increasingly questioning such convictions and demanding an improvement of retributive mechanisms to achieve justice, particularly in cases involving actors outside of the community (interview V. Marantika).

Thus it can be concluded that in the perception of the population in cases of wrong-doing and acts of injustice within a community justice can mostly be achieved by informal means, through traditional processes as well as social sanctions. However, in (severe) cases of injustice or in incidents involving actors which are not forming part of the community many Malukans call for formal authorities to take action, although trust in a fair intervention of formal actors is low due to past misconduct.

As indicated before, another factor that needs to be taken into account when analyzing the concept of justice in the perception of Maluku’s people is the relation of centre and periphery. A majority of key informants claimed that Malukans suffer injustice and marginalization from the central government in Jakarta. Having held an important position during the colonial era the province experienced neglect by the following independence governments. For the last decades community leaders lament insufficient funding for development and infrastructure projects in Maluku and both Christians as well as Muslims argue that Maluku’s interests are not represented by the central government in Jakarta, whom many perceive as biased against the province due to Maluku’s high percentage of Christian inhabitants.
6.1.1. The role of justice for reconciliation

All key informants agreed that justice plays an important role for the reconciliation process in Maluku, however, perceptions of how and if sustainable reconciliation has been or could be achieved differed. Most traditional leaders and also some community leaders believed that through traditional processes social harmony could be restored and a feeling of common victimhood could transform into a broader sense of brotherhood between Muslim and Christian community members. However other key informants, especially from the NGO sector as well as from the formal justice sector, expressed the opinion that these processes could only achieve a superficial reconciliation, while root sources of the conflict were ignored and continued to persist, therefore perpetuating conflict potential. In the following subchapters the perception of justice actors and their efforts will be analyzed and problems and limitations of the implemented justice processes in the context of reconciliation will be discussed.

6.2. Perception of justice actors

Besides the question of what constitutes justice in the eyes of the Malukan population another crucial aspect that needs to be considered is the issue of who implements processes of justice. The (perceived) success and acceptance of measures applied in the pursuit of justice highly depends on how informal and formal actors are viewed. Thus if authorities are perceived as unfair, biased or illegitimate their efforts are mostly deemed unjust by the communities affected.

Due to the widespread misconduct of police forces, the paralysis of local courts, as well as the (alleged) involvement of high-ranking officials trust in formal justice actors during the conflict was low. This can be seen in the results of polling conducted by the Baku Bae movement (Joint Committee Baku Bae Maluku 2001; 2002), indicating that more than 20 percent of the respondents consider formal authorities such as the police and the local and central government as key instigators of the conflict, while only minor percentages would describe police officers as just and/or impartial (Joint Committee Baku Bae Maluku 2002).
The reputation of formal justice actors has slightly improved since then, as evidenced in assessments of UNDP (2007). In 2007 the percentage of respondents expressing trust in the police lay by 40 percent while only 37 percent considered judges as trustworthy. However, in the assessment another 32 percent of respondents indicated that they do not trust the police. Compared to informal actors, which are trusted by 61 percent of respondents and not trusted by only 9 percent, formal justice actors suffer from a rather negative reputation. This can also be concluded from a second assessment by UNDP (2007), showing that only 27 percent of respondents perceive the formal justice system as fair, while 38 percent describe it as biased towards the rich and powerful. The informal justice system on the other hand is considered to treat everyone fairly by 63 percent whereas only 12 percent of respondents would regard it as biased.
Informal justice actors in general enjoy a higher degree of trust as traditional processes are locally rooted and mechanisms are better understood while the formal justice sector is generally perceived as inaccessible, corrupt and complicated. These perceptions were also expressed during interviews, although the conduct (and consequently the reputation) of local police officers improved in the last years, as Ichsan Malik stated, “before the police was part of the problem, now they become part of the solution” (interview I. Malik).

Initiatives by civil society actors, such as the Baku Bae movement, were generally perceived very positively by the affected population as measures responded to local needs and involved Christian as well as Muslim communities equally. While interests of governmental actors and partly also of traditional leaders were questioned in interviews, actions taken by activists of the Baku Bae movement were perceived as transparent and adequate for the promotion of justice and reconciliation.

6.3. Problems and Limitations

Various problems and limitations could be identified in the formal and informal justice processes implemented to further the reconciliation process in Maluku. In order to minimize possible bias expressed by key informants and to examine and discuss these hindrances and shortcomings the following subchapters contrast observations and different opinions uttered during interviews and informal conversations.

6.3.1. Paralysis and deficiency of formal justice sector

As expressed in chapter 5.1. examining the effectiveness of measures taken, formal justice actors have failed to uphold the rule of law during and after the conflict and were largely unable to establish functioning justice processes. Local and national courts as well as public prosecutors were hamstrung due to a lack of material and personnel resources on the one hand and the absence of political will to hold perpetrators accountable on the other hand.

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26 According to a survey conducted by UNDP more than 50 percent of Malukans state that they do not understand legal procedures of the formal justice system (UNDP 2007: 210).
The partisanship of local actors involved, especially of police forces siding with the fighting communities, was another factor hindering the pursuit of formal justice and furthering the population’s mistrust in local authorities. Key informants largely agreed on the deficiency and ineffectiveness of formal justice processes and representatives of the formal sector went as far as stating that “there was no justice in Maluku during and after the conflict” (interview with E. Chairah).

6.3.2. Revitalization of traditional structures
While the general failure of the formal justice sector during and in the aftermath of the conflict is mostly undisputed, the success of informal mechanisms has been subject to differing views. Most of the raja-raja treat the revival of adat traditions as a panacea for inter-community tensions, however, NGO members and representatives of the communities take a more critical stand, denouncing the superficiality of reconciliation rituals.

Traditional leaders argue that through the revitalization of traditional structures such as pela and gandong a sense of common brotherhood could be established, leading to sustainable peace in the region. However, such a social bond encompassing all villages and all members of the Muslim and Christian communities in Maluku never existed in the past. Pela and gandong relations only united certain villages with each other in a brotherhood bond and often such alliances were used to gain support against a common enemy. Therefore a revival of these traditions with the intention to create overarching social harmony remains to some extent artificial and thus fragile, failing to reconcile long-lasting and deep-rooted resentments between the communities.

6.3.3. Strengthening of traditional hierarchies
Efforts to revitalize traditional reconciliation mechanisms also lead to a strengthening of adat hierarchies, thereby contributing to the rising power position of traditional leaders. During the conflict many raja-raja acted as combatant leaders and, as the military and police forces failed in the handling of the conflict, were perceived as heroes defending their people. Together with the 1999 reinstatement of traditional village structures this factor increased the influence and social status of the raja-raja in both the Muslim as well as the Christian
communities. Holding important positions in the post-conflict society many traditional leaders became ambassadors of peace, trying to lead their communities in a positive way.

However, while the raja-raja are respected for their status also outside of their own community they do not wield authority over other negeri and are perceived as partial, representing the interests of their own community. For these reasons their ability to reconcile the separated communities has been disputed and their aspirations to play the role of objective mediators between both sides have met criticism. Whilst the strife for reconciliation and peace in their communities undoubtedly constitutes a motivating factor for their efforts, the raja-raja’s personal interest in a strengthening of adat structures should not be disregarded.

Although the promotion of informal justice processes led to the recognition of victims’ suffering and thereby furthered the reconciliation process, it should be considered that the strengthening of traditional structures can also trigger a reversed democratization process. Especially key informants from the NGO sector uttered concern that dependence structures could be reinforced and women’s access to justice mechanisms would be neglected by traditional leaders. Such apprehension has to be considered when discussing the effectiveness and potential of traditional processes.

6.3.4. Transformation of identity and creation of scapegoats
The aim of traditional reconciliation mechanisms can be described as a transformation of identity, eradicating the segregation of Malukans in categories such as Muslim and Christian or Acan and Obet, and creating a sense of common, native Malukan brotherhood. As previously pointed out, it can be doubted if social cohesion can be achieved in such an extent on a broader level. In addition, the enforcement of local identity based on common ancestors could lead to further exclusion and discrimination of migrant communities in Maluku. In this regard it should be taken into consideration that lacking integration of immigrants from Sulawesi was an important factor initiating the violence and contributing to the conflict. Therefore measures taken to strengthen the Malukan identity should not only focus on past traditions but aim at including both native as well as migrant groups from other provinces of Indonesia.
Furthermore, the efforts of creating a common identity of Malukan brothers and sisters also led, deliberately as well as unconsciously, to the creation and promotion of the idea of outside enemies. During interviews and informal conversations most Malukans blame provocateurs who were not part of the communities as instigators and main perpetrators of violence. Braithwaite et al. describe this blaming process as “the provocateur script” which forms part of a “widespread Indonesian pattern of non-truth and reconciliation” (2010: 155). The promotion of common victimhood is most comfortable for both sides and can further reconciliation to a certain degree as the blame for all destruction and suffering is taken by scapegoats, however, the sustainability of this approach can be doubted. While political interests undeniably played an important role in the conflict and provocations of outside actors triggered violence in various occasions this could not explain the ferocity of the fighting and its rapid spread throughout the province, a truth many are aware of, despite the repetition of the provocateur script. Therefore personal resentments continue to persist and root causes enabling the inter-community conflict to arise are not sufficiently addressed in reconciliation processes.

6.3.5. Unresolved root causes and new conflict potential
Partly due to the blaming of outside actors, reconciliation mechanisms so far have largely failed to address root causes and ignored longstanding inter-community problems. Structural and economic inequalities between Muslim and Christian communities in Maluku continue to persist and provide conflict potential. Furthermore the lasting neglect of the province by the central government in Jakarta nurtures not only general mistrust towards central authorities but also resentments of the Christian community, feeling oppressed and underprivileged by the Muslim majority in Indonesia.

Due to a lack of funding for development and infrastructure projects in Maluku the province lags behind the national economic progress, a factor that breeds violence out of despair and rage. Especially the young generation called “generasi yang marah” (the angry generation) whose education was interrupted during the years of conflict, faces a lack of opportunities for employment and therefore limited future perspectives. It is not surprising that this group has been identified as most prone to participate in violent riots and inter-communal clashes.
Insufficient help from government authorities and a lack of promised reparation payments for material losses are other factors hindering the economic development of the region. While governmental subsidies were planned to fight widespread poverty and provide economic incentives after the conflict the distribution of financial help in general stayed behind expectations and partly fell prey to corruption and nepotism.

In addition, a pressing issue bearing much potential for further conflict is the return or relocation of IDPs. Questions of land tenure, already tensely disputed before the conflict, have been reignited and amplified following massive internal displacement due to the fighting. As property rights and land ownership especially in rural areas are often only vaguely defined many IDPs lost their claim on land in their absence. In other cases IDPs refuse to return to their homeland after having suffered traumatic experiences of expulsion, or are hindered by the evicting community who fear reprisals from the returnees.

6.3.6. Impunity of outside actors
While it has been acknowledged that prosecution on community is level is not feasible due to the widespread involvement of the population in violent acts and would probably also have negative effects on reconciliation efforts, the impunity of outside actors is an issue addressed by most key informants. Traditional processes and the efforts of the Baku Bae movement succeeded in recognizing the suffering of victims and to a certain degree the guilt of both communities (as expressed in the notion of “both were right, both were wrong”). In few individual cases of wrongdoing beyond the communally accepted ‘violence as defense or out of fear’, social pressure within communities mostly led to repent or adat punishments of the perpetrators.

However, justice mechanisms failed in holding background actors outside of the affected communities accountable, who played an important role instigating and prolonging the conflict out of political or personal interests. Although the prosecution of outside actors was an essential issue for the Baku Bae movement and especially for the LBH Baku Bae, measures to reach this goal could hardly be implemented due to lack of governmental support and political will. Thus actors who are not forming part of the Malukan sociocultural system, such as TNI members or non-local militia fighters, entrench impunity without participating in the collective reconciliation efforts.
6.3.7. **Focusing on the future, avoiding the past**

Many key informants uttered the conviction that Malukans should “focus on the future instead of looking back” (interview D. Djubaedi), raising the question if the past has been dealt with properly. The desire to preserve (or create) social harmony often prevails over the urge to take actions for the pursuit of justice, however, the ignorance of unreconciled issues and individual grievances may trigger future violence. How easily such issues can surface again has been shown during the September 2011 riots, where the rumor of a Christian attack on a Muslim ojek driver sufficed to set off widespread fighting in the capital city. While this could be considered as a failure of reconciliation measures, governmental officials as well as traditional leaders and representatives of civil society pointed out that mediation and reconciliation measures were implemented quickly and the fighting could be contained within the capital, evidencing in their perception that progress has been made and the coordination of actors from both the formal and the informal sector has improved.
Chapter 7. Conclusion

In the last decades inter-communal conflicts have attracted an increasing amount of attention by national as well as international actors, not only due to their devastating effects on the communities involved but also because of their destabilizing influence on entire regions. Sustainable reconciliation, however, has hardly been achieved in the past as internationally established mechanisms, based on a retributive approach, failed in complex local conflict settings, triggering calls for more culturally or traditionally anchored processes. Nevertheless, such measures, mostly focusing on the restoration of social relations, have been criticized as ineffective in the pursuit of justice for the conflicting sides to decrease the potential for renewed violence which is an important element of sustainable reconciliation.

Only in recent times cases have been examined were both retributive and restorative processes were applied, with differing results. The conflict in Maluku between 1999 and 2002 was one of the fiercest inter-communal conflicts in Indonesia’s past and is an example for the implementation of retributive and restorative approaches in order to reconcile communities torn apart by violence. However, academic research on the effectiveness of measures applied by governmental and civil society actors remains scarce and especially the effectiveness of justice processes and their perception by the population has hardly been given attention.

Therefore, the main question this thesis aimed to answer was to what extend retributive and restorative approaches contribute to the achievement of justice as part of the reconciliation process, in particular from the perspective of local communities in the context of the 1999-2002 inter-communal conflict in Maluku. In general it has been examined that the concept of justice evolved over time from purely retributive approaches focusing on individual guilt and punishment to more restorative processes aiming at the restoration of social relations. However, both retributive as well as restorative measures proved to be limited in their reach and problematic in their implementation. Consequentially literature suggests that a combination of both approaches – a so called hybrid model – can be used to merge the strengths of punitive measures and efforts aiming at societal harmony while supplementing their respective short-comings. Such a complementary model, if implemented effectively, would merge the mostly retributive
approach of formal actors with restorative processes implemented by civil society and traditional leaders. The research also showed that for their effective implementation justice processes must be locally adapted and perceived positively by the population affected.

By examining the formal as well as the informal justice sector it has been shown that in the case of Maluku especially informal, that is restorative, collective processes, culturally anchored and based on local traditions, contributed positively to reconciling the conflict-torn communities. While efforts taken by governmental actors mostly failed, due to partisanship of officials as well as constrained resources, informal approaches taken by traditional leaders and NGOs facilitated communication between the communities and led to a reestablishment of harmonious relations. Although retributive and restorative measures applied can hardly be described as complementary due to a lack of coordination between formal and informal actors and general neglect and failure of the governmental sector, the general perception of the reconciliation process by the population is positive. However, the newly built sense of unity appears fragile as root causes are buried in oblivion and important issues such as the impunity of outside actors or the return or relocation of IDPs remain unresolved.

Despite a general positive (or hopeful) perception of the local population concerning the progress towards sustainable peace the examined problems and shortcomings in the justice processes, particularly in the formal sector, so far partly undermine reconciliation and social cohesion and constitute potential sources of renewed conflict in the future. Thus recommendations can be made on how to further improve the reconciliation process in Maluku and contribute to a better understanding of formal and informal justice processes in the context of inter-communal conflict.

The most frequently mentioned source of injustice experienced by the Malukan population lies in the access to government assistance and services. Continuous neglect from central authorities, corruption and maladministration of post-conflict reparation programs heightened a general perception of economic injustice. This factor contributed to increasing tensions between and within communities, due to competition for scarce resources and employment opportunities, and breeding new conflict potential. Especially land tenure issues in connection with the return or relocation of IDPs have insufficiently been dealt with in the aftermath of the conflict. While the fight against corruption and the misuse of patronage systems can be considered as a nationwide issue that has been widely
addressed and only slowly shows results, disputes on land ownerships and IDP claims are more specific problems that need to be handled by local authorities. Policies on land ownership and governmentally supported mediation efforts securing the safe return or relocation of IDPs as well as programs offering economic opportunities and reparation for material losses need to be employed to tackle root causes of conflict and avoid the deepening of resentments.

An important factor in this context is the empowerment of communities through legal education to ensure awareness of rights and access to the formal justice sector. Improved monitoring of government subsidy repartition should be complimented by information campaigns on citizens’ entitlements as well as eligibility to services in order to reduce perceived injustices and potential dispute connected to feelings of unfair treatment. An increase of legal awareness in the general population could also encourage reports on misconduct and abuse of position by police officers and other official actors, in an effort to fight impunity and heighten accountability for (human) rights violations.

However, a first step towards an improvement of retributive processes would be to reform the formal justice system and establish standards of professional conduct for police officers, public prosecutors and the judiciary. Although the conduct of police officers improved in recent years, mistrust and consequently reluctance to interact with actors of the formal justice system continue to pose obstacles to successful investigation and prosecution of crimes. Insufficient disciplining for police and military officers’ participation in criminal activities in the past and the absence of lustration programs for high-ranking officials involved in the conflict perpetuate impunity and a general perception of partiality and unprofessionalism of formal justice actors. Therefore, legal measures have to be taken to hold offenders from both government institutions as well as the Indonesian military accountable for their role during the conflict.

In addition, objectivity of local as well as national courts should be guaranteed through vetting mechanisms for judges and an increase of authority for independent institutions such as Komnas HAM. Investigations against militia leaders should not be influenced or hindered by political factors and military courts trialing human rights violations of TNI members should be monitored by civil institutions to avoid lenient sentences perpetuating the circle of impunity for army officials.
Furthermore, resource shortages of local justice actors, both in terms of personnel and equipment, need to be accurately assessed and funding should be allocated to counter the paralysis of local courts and prosecutors due to overwhelming caseloads. Finally, state institutions as well as civil society actors need to be encouraged and supported to monitor the performance of police forces, public prosecutors and courts in the future.

Besides these recommendations concerning governmental efforts, communal measures taken by traditional leaders as well as civil society actors such as NGOs, could also be improved to further reconciliation and increase social bonds between the communities. Especially reintegration of IDPs and the breaking down of communal barriers remain a pressing issue in a society that is mostly segregated into Christian and Muslim areas. Contact and communication as envisaged by projects such as the Baku Bae neutral zones in Ambon need to be enhanced in order to decrease communal distrust and mutual resentments. While the revitalization of traditional relations can trigger and nurture a sense of Malukan brotherhood the aim of such efforts of social cohesion should lie in the establishment of a common identity based on the Indonesian principle of unity in diversity rather than ancestral bonds. Thereby immigrant communities would not be excluded from the perception of Malukan identity, lessening the potential of renewed conflict and taking the pluralist reality of the Maluku region into account.

Another factor that needs to be addressed on a communal level is the dealing with the regions violent past. Various key informants considered the establishment of a truth commission as a viable option; however, the feasibility and adequateness of such an institution have not been assessed so far. Besides the fact that the government appears rather reluctant to investigate further into the conflict such an effort is also likely to meet opposition from a large proportion of the population, who prefers to focus on the future instead of dwelling in the past. Despite such widespread aversion to tackle the wounds of the past a dire need for trauma healing measures has been identified during interviews as well as informal conversations. Traumatic experiences suffered by a majority of Malukans have not yet been addressed during reconciliation processes, making the population vulnerable to panic reactions, as has been shown various times during the recent riots in Ambon. When violence flared up again many people relived their experiences of 1999-2002 which lead to panic reactions, the quick spread of rumors and massive displacement without
major cause. Thus further research should be carried out on adequate forms of trauma healing in the Malukan context, where large parts of the population suffer from conflict-related psychological problems.

This research is in line with two recent developments: the revitalization of tradition for reconciliation in Indonesia and the beginning recognition of local justice processes by the international community. The pursuit of justice in the aftermath of conflict is an important issue for governments as well as national and international humanitarian organizations. It has been widely acknowledged that in order to achieve sustainable reconciliation and stability for a region, local communities need to be taken into account, recognizing culturally sensitive strategies of justice and dispute resolution. Community involvement is necessary to secure that future generations will not fall back into conflict and violence, therefore processes to attain justice and reconciliation need to be deep-rooted and spring from a local level. However, traditional processes are mostly collectively orientated and while justice can be achieved for members within the affected communities, calls for accountability of outsiders can often not be satisfied.

The conclusion that can be drawn from the Malukan case is that for sustainable reconciliation multiple conceptions of justice need to be taken into account, aloof from the dichotomist notion of either court trials or general impunity. The Western idea of justice is mainly based on dualism, with the roles of the victim and the perpetrator, the good and the evil. The Indonesian model encourages thinking outside of this schema and accepting a more complicated and pluralistic system, especially in inter-communal conflicts where large parts of the communities participate in some way in the violence and are at the same time affected by it. In such a context only a combination of retributive and restorative elements, adapted to local culture and perceptions, can pave the way for positive peace. However, the examination of the Malukan case shows that a lack of coordination between formal and

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27 One example from personal observation was an incident on the 23rd of September 2011, when a man stole from a shop in the Muslim neighborhood of Batu Merah and in his flight entered the neighboring Christian area. Due to the commotion caused by the thief who was followed by the shopkeeper rumors about a Muslim attack spread among the Christian community and consequently many people hastily left their houses and offices. A left-on stove caused a fire that reinforced the rumor of an attack. This incident, that caused a fled of hundreds of persons and major traffic chaos in the whole city, bears evidence to the overreaction of the population and shows the fragility of the situation.
informal actors as well as failures in the implementation of retributive and restorative justice processes limit the effectiveness of such a hybrid approach.
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Justice in Maluku


Annex I: Map of Maluku

## Annex II: List of Interviews

### Category I: Formal justice sector - Legal experts and government officials

<table>
<thead>
<tr>
<th>Name</th>
<th>Position and Details</th>
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<tbody>
<tr>
<td>Elfansuri Chairah</td>
<td>Komnas HAM, Head of Study and Research Division, leading team member in Maluku investigations</td>
</tr>
<tr>
<td>Anthoni Hatane</td>
<td>Director LBH Baku Bae, Lawyer</td>
</tr>
<tr>
<td>Djarot San</td>
<td>Commander of Police, Province Maluku</td>
</tr>
<tr>
<td>Nus Saptenno</td>
<td>Dean of the Law Faculty in Pattimura University</td>
</tr>
<tr>
<td>Sarchy Sapuny</td>
<td>Vice Director LBH Baku Bae, Lawyer</td>
</tr>
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### Category II: Informal justice sector - Traditional leaders

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Theresia Maitimu</td>
<td>Former Raja Passo</td>
</tr>
<tr>
<td>Abdullah Malawat</td>
<td>Raja Mamala</td>
</tr>
<tr>
<td>John Ohorela</td>
<td>Raja Tulehu</td>
</tr>
<tr>
<td>Marthen Sarimanela</td>
<td>Raja Passo</td>
</tr>
<tr>
<td>Bonifaxius Silooy</td>
<td>Raja Amahusu, Majaelis Latupati</td>
</tr>
</tbody>
</table>

### Category III: Representatives of civil society - NGO experts and community leaders

<table>
<thead>
<tr>
<th>Name</th>
<th>Position and Details</th>
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</thead>
<tbody>
<tr>
<td>Dedi Djubaedi</td>
<td>Rektor of the Institut Agama Islam Negeri Ambon</td>
</tr>
<tr>
<td>Ichsan Malik</td>
<td>Founder of the Baku Bae movement, peace activist</td>
</tr>
<tr>
<td>Jacky Manuputty</td>
<td>Head of the Maluku Interfaith Research Institution</td>
</tr>
<tr>
<td>Vivi Marantika</td>
<td>Coordinator of HUMANUM, Division Education &amp; Gender</td>
</tr>
<tr>
<td>Justus Pattipawae</td>
<td>Executive Director of the Institut Tifa Damai Maluku</td>
</tr>
<tr>
<td>Brigita Renyaan</td>
<td>Leading figure in GPP, peace activist</td>
</tr>
<tr>
<td>Hilda Rolobessy</td>
<td>Former Director of Lakpesdam, Vice Director of the Institut Tifa Damai Maluku</td>
</tr>
<tr>
<td>Joseph Ufi</td>
<td>Community leader of Kei islands, advocacy activist for IDPs in Ambon</td>
</tr>
<tr>
<td>Abidin Wakano</td>
<td>Director of Interfaith Dialogue</td>
</tr>
</tbody>
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