

DELIBERATION, SOUTHEAST ASIAN LOCAL WISDOM IN RESOLVING DISPUTES

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Abstract

Cultural disputes, and others, often occur between neighboring countries in Southeast Asia and can be the seeds of disharmony, of course, this is not desirable. Southeast Asia as a cultural scope that is interrelated in history, has local wisdom in resolving disputes, resolving this dispute is known as deliberation. Deliberation is an identity that must be prioritized as a wise cultural approach for the ASEAN community. The purpose of this study is to explore the local wisdom of Southeast Asian people in resolving disputes in their communities and implementing them as a solution for the ASEAN community. Recognizing each other as cultural origins often occur between Malaysian and Indonesian communities. As a nation of the same family, this is commonplace, but the most important thing is how to solve it. Interviewing the people of both countries is the first thing to do in looking at this problem, how they understand and see culture in their culture. Questionnaires are distributed as much as possible, each data obtained will be processed and classified according to nationality, education, age, and others. The findings will be a study to see the perspectives of the two countries in understanding history, culture, and cultural results in addressing the differences of opinion that occur. At least the description of

the root of the problem is obtained, why this problem occurs, what are the main causes, how to understand it, how to react to it, and lead to the resolution of the dispute over ownership of culture itself.

Keywords: *Deliberation, Local Wisdom, Culture, Southeast Asia, Disputes, Settlement of Disputes.*

Author's short bio

The author is a lecturer at the Faculty of Law, Universitas Islam Riau, educated master of law, teaching courses in Alternative Dispute Resolution and Consumer Protection. Interested in resolving disputes through local wisdom and local community values. Having been asked to mediate disputes in the community, from observation and experience, the author proves that local wisdom is a policy solution to solving problems. The author is also the managing editor of the UIR Law Review legal journal, incorporated in the Association of Indonesian Legal Journal Managers, and Indonesian Journal Volunteers. The author can be contacted via e-mail address: rahdiansyah@law.uir.ac.id.

Introduction

The disharmony of relations between nations in Southeast Asian countries, especially Indonesia and Malaysia, is often cited as a sweet commodity sold by the mass media, ego and disturbance are a game of taste that is explored to arouse anger which leads to insults, innuendo, and even insults to everyone (nation) who are truly brothers. A sweet issue to be "fried" is one that recognizes ownership of cultural results. The masterpiece of the noble values of the nation embodied in the form of works of art, cuisine, literature, and so forth. As a cognate nation and having a very close kinship, Indonesia and

Malaysia are often hit by fluctuations in emotional nationalism triggered by cultural disputes.

Malaysia has become one of the countries often experiencing cultural conflicts with Indonesia. the rapid growth and development of the Malaysian state demand this country to establish its identity. Malaysia is known to have repeatedly made claims or the use of Indonesian culture for the benefit of its country. The reason is, that the culture that exists in Indonesia also developed in Malaysia long ago without considering the origin and origin of the culture (Yani Anshori, 2018)

June 21, 2012, Tempo media wrote "Malaysia Has Seven Times Claiming Indonesian Culture", ("Malaysia Sudah Tujuh Kali Mengklaim Budaya RI - Nasional Tempo.co," n.d.) in this article the tempo says that zapin, rendang, gamelan, and cendol dance are recorded in Malaysian cultural deeds, this has sparked debate in various media, both mass media and social media, this debate has spread throughout the community, both government and ordinary people, both those who understand culture, and those who are driven by a sense of nationalism, or emotion. The mass media in Malaysia is that they see the root of the conflict because the Indonesian government has not succeeded in reducing its mass media. Newspapers in Indonesia are accused of being the main igniter of the problem of conflict, so that the mass media, intellectuals and people of Malaysia ask that the mass media in Indonesia stop the news that will cause anti-Malaysian sentiment (Himpunan Sarjana Ilmu-Ilmu Sosial Indonesia. Cabang Jawa Barat., Universitas Pendidikan Indonesia. Fakultas Pendidikan Ilmu Pengetahuan Sosial., & Universiti Malaysia Sabah. Sekolah Sains Sosial., 2008).

Indonesia and Malaysia as one of the ASEAN member countries have a very close story in kinship relations, on many occasions it is said that a multi-ethnic Indonesian society which at that time still consisted of independent kingdoms spread various regions in the archipelago, the spread of society this happened because of various factors, the factor of

sending troops by the Moluccas to the Malacca region to fight conquering Portuguese colonialism which was entrenched in the Malay Peninsula, the Bugis people who were known as sailors who sailed the Ocean with their phased ships, to the culture of migrants in the Minangkabau community large in the spread of culture in various regions of the archipelago. It is undeniable that the people of Indonesia and Malaysia are two siblings who were born from the same cultural roots and developed from time to time with the development of a complex world.

From the history of the same cultural roots, the above raises the question of what actually underlies the occurrence of cultural disputes between nations in the Southeast Asia region, and based on the long history of the community; how the local wisdom of the Southeast Asian nation in resolving disputes in their communities.

At present, if you see a lot of regional dispute points between Indonesia and Malaysia, a formalistic and militaristic approach is very likely to be able to sharpen the tension between the allied and bloodless nations. We can imagine, in the ocean alone, there are at least 18 points of border conflict between Indonesia and Malaysia, namely Sentut Island, Tokong Malang Baru, Damar, Mangkai, Pineapple Tokong, Tokong Belayar, Tokong Boro, Semin, Subi Kecil, Chief, Sebatik, Gosong Makasar, Maratua, Sambit, Berhala, Batu Mandi, Iyu Kecil, and Karimun. While on land, the point of the conflict stretched along the Sarawak and West Kalimantan-East Kalimantan borders(Pranowo, 2010).

Dispute resolution should not cause a new dispute, then there needs to be a solution to resolve the dispute wisely and wisely, as the purpose of the dispute resolution effort is to settle the problem with a verdict that can be accepted between parties, if this decision is obtained will not lead to following new problems afterward.

It seems difficult to solve the border problem if the approach is formalistic and militarist is rigid. The problem is very complex because each country uses a

different approach. The meeting point will be difficult except through a familial cultural approach. If this approach is done, surely many things can be solved together because, in essence, each country wants to live side by side in a safe and peaceful manner. Investment to build a safe and peaceful and friendly life between Indonesia and Malaysia is very large, both from the aspects of religion, social, culture and blood flow (kinship) (Pranowo, 2010).

This article aims to see the root of the problem of ongoing disputes between Indonesia and Malaysia over the cultural claims that occur many times, and how the people understand the culture and history of the community, and how to respond to cultural disputes that occur in order to resolve the dispute polite east.

Methods

A research method is needed to obtain data, the method used in this work is the Library Research and Field Research, which is collecting data by reading literature that has something to do with this work and taking to the field. The population in this study is Indonesian society in Central Sumatra which is geographically and culturally close to Malaysia. Samples from the population are taken through certain methods that also have certain characteristics, clear and complete. Sampling in this study, namely using a random sampling technique (randomly selected samples). Given the limitations of a workforce, time and cost, researchers are unlikely to take large samples.

The author conducts research using 2 (two) methods in data collection techniques, namely: 1) Field Research (Field Research) a. Observation, in this case, the writer goes directly to the research location, the object of research here is the region or group and not individuals who use the area (cluster) random sampling method by getting locations in Riau and West Sumatra.

Questionnaires or questionnaires are used to obtain information from respondents in the sense of

reports about the person, or things he knows. This work uses probability sampling, the authors draw samples by giving equal opportunities in the population to be selected as sample elements. The application of probability sampling is the only procedure to allow drawing representative conclusions for the population studied. The author objectively takes samples to be observed without choosing according to his own volition.

Oral questionnaires conducted by the author to obtain information and sources directly to the Minangkabau people in West Sumatra, and the Malay Community in Riau about all matters relating to and related to this paper. As secondary data, in this case, collecting and analyzing from some literature in the form of scientific journals and other sources that have a correlation with this research.

Referring to the problems discussed in this work, the types of data needed are quantitative and qualitative data. Through quantitative methods, the authors collected research data by distributing questionnaires to the Minangkabau Community in West Sumatra and Malay communities in Riau. Through the quantitative method, the writer held a special interview with the Indigenous People in West Sumatra.

Results

The results of a brief study that has been conducted, found that age levels, levels of education, the intensity of interaction and intensity of travel affect the point of view and contribute to addressing the issue of ownership of the culture and providing an attitude and solution to provide solutions to problems.

Respondents aged less than 15 years did not really think about this issue, in fact, they responded calmly, and the impression was negligent and ignored the issue. Respondents aged 16 to 18 gave a more active opinion, a short answer to the issue was also simple, and the same thing was found for respondents aged 18 years and over, the average respondent responded

wisely, stating that the culture in the claim was belonging to Indonesian origin, but they are also allied brothers, so it is normal for Malaysians to recognize it as part of their culture.

In educated people with primary to the high school level, the issue of mutual claims is a quite interesting issue to be debated in various media, of course, with all the limitations of existing knowledge, the perspective of addressing this issue is more than emotional, with very little underpinning. literacy, history and a culture that is qualified, this is very instrumental in the comments that tend to be spicy attacking one and the other, even out of the context of the issue itself, spread throughout all aspects, hurt and hurt, and attack yourself, individuals.

The attitude shown by the East Coast of Sumatra society will be quite different from the attitude shown by other communities in the Indonesian region. Various sad words to read about this issue can be read openly without any obstacles. In this position it is difficult to tabulate a position or region that can provide valid information about the exact location of the commentary on this issue, so interviews need to be conducted to see and determine how the community behaves based on the location where they live. The people who live in, as well as being born and raised in the East Coast region of Sumatra are cooler in addressing this issue, many things that might underlie it. The East Sumatra Coastal Community, which is dominated by Malay culture, often interacts with neighboring countries, Malaysia and other ASEAN countries that are located around it, which are explored from generation to generation, this happens continuously, building a relationship wisdom that realizes that they are separated only because of the region what is referred to as the state, what about the others, almost all the people in this region do not mind, even tend to be unconcerned about the differences in their citizenship, the influence of inner closeness is more underlying this relationship than the issue of citizenship. Of course, this cannot be attributed to a lack of nationalism or patriotism, that is its wisdom, culture has penetrated the egocentric flag

boundaries of its territory, the spiritual relationship is more dominant than anything else.

“It is not difficult to find food with our tastes in Kuala Lumpur, many restaurants that provide Padang rice, even almost all provide rendang”, that is an illustration of a piece of conversation that is often heard when someone who first goes to Kuala Lumpur asks his colleague about a restaurant that he can visit with Indonesian tastes. The dominance of menus such as rendang, Balado chicken, Balado eggs, and other menus rich in spices and coconut milk shows Minangkabau culture enriching local culture in terms of food tastes. When celebrating Eid al-Fitr, the dishes served on the dining table of the people in Indonesia and Malaysia tend to be the same, ketupat, opor Ayam, rendang, curry sauce, crackers, and others almost become compulsory dishes that spread above the banquet of each house, this characterizes the interaction has happened long before now that has left a residue in various aspects, cultural residues are authentic evidence that links it to a long history with various stories that have happened before. This is certainly very influential so that the spread of society through overseas will bring its culture along, and it will be handed down and passed on to the next generation, and it can be ascertained that the next generation will continue to assume that this is their cultural value.

The response results obtained above, almost most of the respondents suggested resolving the problem by sitting together and discussing this by means of deliberation, kinship approach became the dominant response, but there were also those who encouraged this issue to be brought to the international community, some suggested that it be submitted to UNESCO at the United Nation, so that this problem becomes permanent and does not repeat itself in the future. From the opinion of respondents regarding the steps of family discussion between the two countries, the author asked about the reason respondents chose this step, respondents who were mature in thinking, both because of age, and educational factors stated that noise and emotion would not result in problem-

solving, so what if disputes involving the government and the state occur, not only is the resolution of the dispute with deliberations taken between ASEAN countries, but with any country and in any aspect.

Discussion

The spread of society in the archipelago and its integration and interaction dominates the penetration of culture, the people of Indonesia and Malaysia are a very close family, Muhammad Takari mentioned that: Likewise, after the two countries achieved independence, cultural relations were always closely intertwined. Although both countries are politically separated by state borders, culturally cultural arts such as joget, ronggeng, zapin, gurindam, nazam, nasyid, qasidah, humming and the like are growing in both countries so to this day (Maksum & Bustami, 2014).

In history, before the formation of two countries named "Indonesia" (1945) and Malaysia (1957) now, the relations between the two countries were relatively very close. Both nations have the same historical, linguistic, religious and cultural heritage. The population in both countries comes from the same ethnic group and most of them have close family ties, especially between residents in Sumatra and the Malay Land (Himpunan Sarjana Ilmu-Ilmu Sosial Indonesia. Cabang Jawa Barat. et al., 2008), The background of cultural relations between Indonesia and Malaysia is closely related and cannot be separated from the allied concept. According to Liow, the form of equality between Indonesia and Malaysia is mainly in the aspect of culture that is very tight that makes the two countries referred to as cognates (Maksum & Bustami, 2014).

Indonesian and Malaysian relations can be likened to "Hate but Miss", it is quite difficult to explain, can only be said with a sense, from the bottom of the two deepest hearts recognizing that they have an inner bond that cannot be separated, there is a social relation between the family and history, but this relationship is not always smooth. In

addition to the events of mistreatment of Indonesian migrant workers in Malaysia, which are often the stumbling blocks of Indonesia-Malaysia relations, it is a matter of cultural claims made by Malaysia on Indonesian cultural heritage products in the form of art (Himpunan Sarjana Ilmu-Ilmu Sosial Indonesia. Cabang Jawa Barat. et al., 2008).

In the value of harmony, the influence of influence on local values is very thick, including the values of local wisdom. One of them is the culture of resolving disputes or problems with friendly communication, listening to problems openly and patiently, and this is known as deliberation. In this study examples of cultural penetration that instill local wisdom values are taken from Minangkabau and Malay cultures, the question is why Minangkabau and Malays are used as examples or starting points for discussing local wisdom in resolving disputes in the ASEAN region, and in this case the relationship between Indonesia and Malaysia, Minangkabau and Malay is one of the ethnic groups that inhabit the territory of Indonesia, the state administration of the Minangkabau region and Malays are currently dominant in the territory of Indonesia, which is in the Province of West Sumatra and Riau Province, a province geographically located on the heart and the west and east coasts of the island of Sumatra. The Minangkabau and Malay communities are known as migratory communities which can be said to be almost everywhere, the existence of the Minangkabau and Malay communities can be ascertained its spread with the existence of the Padang Restaurant, and the trading profession which is its mainstay.

The spread and confusion of Minangkabau and Malay people brought with them their original cultural values, in some areas in the alliance region of Malaysia, Minangkabau and Malay languages affected everyday language, architecture, cloth art, even food became inseparable from the region, proving penetration culture gets space and is acceptable.

In resolving conflicts, the ASEAN community is a very wise society, if viewed from the history of ethnic groups spread throughout the archipelago in ASEAN,

we can find that communication and deliberation have always been the mainstay.

The dominant Malay and Indonesian people of Malaysia, have long been in touch with the culture of deliberation in resolving disputes faced, even deliberation has not only been sparked due to disputes, in Malay culture every step and action that will be taken will usually be put to be discussed, at least in small family forum, even this deliberation step will still be chosen even if it does not adhere to the public interest, deliberation not only to decide a matter, but deliberation is also concerned with respect and respect for elders, family, and people.

A simple example, in the Minangkabau community, someone who will wander usually will convey their intent and purpose to the prince of his people, or his uncle, or his family. Previously he might have made a unanimous decision, in this case, going to leave whatever happened, this meant the decision had been taken. Then why does he keep sitting together to deliberate on his decision with his extended family?!, The answer is: this is an act of respect, he hopes to get prayers and blessings from his family, he also hopes to get advice to behave and step in the overseas country, the quote above is one function of community in Minangkabau community even though there is no dispute.

Other meetings are deliberations conducted to avoid problems that might occur in the future. Events that will be held will certainly affect the surrounding environment, hustle, bustle, and garbage that will scatter is a form of access that is certain to occur in an event, usually the Malay community will hold a meeting by inviting surrounding residents to discuss the event to be carried out, organizers will ask for permission and willingness of the surrounding population if the event will disturb their daily activities, this is another form of deliberation carried out even though there has been no dispute.

Resolving disputes in adat density is another means when a dispute occurs that is quite serious, only the big things will be talked about by this Institute. The

settlement of disputes carried out by the Minangkabau indigenous people is through a non-litigation route, namely a settlement conducted at the Kerapatan Adat Nagari. Procedures for resolving disputes are: carried out in a straight way up, straight down, starting from leader of the clan, tribe, then Kerapatan Adat Nagari (Azra, Ananingsih, & Triyono, 2017).

From the brief review above, it can be seen that the wisdom of eastern communities in Southeast Asia is very close to wisdom, tolerance, respect, deliberation, patience, polite communication, and other things that are very ethical.

This culture of deliberation is believed to have existed since the eastern nation of Southeast Asia developed, especially with the entry of Islam into the archipelago Dudung Abdullah mentioned in his writings: in the Islamic world was born the conception and application of deliberation. This can be seen in the Prophet's time as "Rais al-Din and Rais al-Bilad in the State of Medina" Deliberation as the principle of state and rule in the system of government" (Abdullah, 2014).

Islam brings new colors into the realm of social life in the archipelago, as is believed that Islam entered together with the arrival of traders from the Middle East. From the coast of Sumatra Islam developed far into the depths of Sumatra, Islamic teachings gradually influenced the customs values of the people and their customs. In addition, the high interest of the Minangkabau people to study religion in Mecca and spread it by purifying their practices in the Minangkabau area has made religion an inseparable part of customs.

In its development, Islam also developed throughout the region, including the Malay Peninsula, and other overseas regions, at this point the kinship relationship and the influence of adat that had been enriched by Islamic values helped to piggyback and build a new civilization.

In colonial colonialism carried out by European nations, even long before the relationship between the kingdoms in the archipelago had been intertwined

with trade relations and marital relations. So this relationship can be said to be a complex relationship, until now. Actually, in relations between Indonesia and Malaysia, cultural problems are far more intense in their interactions than economic problems. This happened because between Indonesia and Malaysia, historically had allied languages and blood. Therefore, the relationship between Indonesia and Malaysia is more than just economic and cultural relations, but also kinship (genealogical) (Pranowo, 2010).

The relationship that has been connected continuously between the people of Indonesia and Malaysia today can still be traced because the lineage is still close and not so far away. This can be traced from the descendants and bloodlines of several sultans in Malaysia, which are not a few of them, originating from Sumatra, Java, and Sulawesi. Likewise the Ulama in Malaysia, including many who study or study at the famous Kyai or Ulama in Sumatra and Java (Pranowo, 2010).

The impact of these historical events, at present, there are many social and cultural similarities between citizens of Indonesia and Malaysia. Especially in regions that are geographically very close to Malaysia such as Sumatra, Kalimantan, and Java. In these areas, not only intense social-cultural relations but also blood kinship occurred (Pranowo, 2010).

When connected between the history of lineage relations, geographical proximity, the same basic cultural values, religious beliefs and religious values that emphasize brotherhood, it can be said that deliberation is the noble value of the Southeast Asian nation's culture to resolve disputes. As for Abdullah, he argues: deliberation is a negotiating activity by exchanging opinions from various parties regarding a problem to be considered and decided and taken the best for the benefit of the common good. (Abdullah, 2014)

And the wise opinion of Pranowo states that: In this context, the Indonesian people should be able to understand Malaysia's claims to the art of Ponorogo and batik craft. That claim is very likely a

reflection of the feeling of cultural closeness between Malaysia and Indonesia. Unfortunately, the claim because of the closeness of the culture received an uncomfortable reaction from the Indonesian people (Pranowo, 2010).

Conclusions

From the above conclusions, it can be concluded that there is no denying the anger of the Indonesian people when the Malaysians made claims of cultural ownership that were born, grew and developed in Indonesia, but it must also be remembered, the Malaysian people who have now developed are family members of the same family. It cannot be blamed directly on what if they claim Indonesian culture as its true culture, this is because the culture adopted at this time has been lowered down since its ancestors who also originated from the archipelago.

It can also be seen that the mass media plays a role in the sentiment that occurs in both communities in both countries, the most interesting thing to read or witness on a media is bad news. It is undeniable that bad news will get great attention from the public because the selling value of bad news will be higher for them and this can be seen from the news broadcast repeatedly on TV stations.

In addition to age, education, intensity of interaction and intensity of travel play a lot of role in people's attitudes in addressing a problem, also build knowledge and character of the community in digesting existing problems, but there is a happy thing, namely the attitude of the community that suggests dispute resolution through the Deliberation media, media based on the foundation of the wisdom of the Southeast Asian community.

In resolving disputes, it is fitting that the value of local wisdom gets a special place, because local wisdom is actually a national identity, a value that is born, fostered and built by times and history has experienced many trips that enrich it into new values that develop and can be accepted throughout the Southeast Asian region.

Based on the conclusions above, it can be suggested, namely the need to establish harmonious communication between the two countries, visits and cultural displays and other things that will merge relationship need to be held to glue and show that the culture of sadness is an integrated part of a nation.

The news that is mutually cornering must at least be based on valid and not repeated information, it is true that it is the right of the mass media to proclaim it. But at least there is a balance of social societies to maintain the unity and regional unity of Southeast Asia, because the flames which are always doused with fuel will surely increase and endanger their surroundings if they are out of control and cannot be controlled, soothing and constructive news needs to be encouraged, of course, this news based on programs made by the two countries.

The development of national character in each country is an integral part, because as a neighboring nation it will certainly be more susceptible to contact, if the national character is not well developed, it will not only endanger relations between nations but can also lead to the integrity of the nation itself, one of which is through education, the level of public awareness to get education needs to be encouraged, but this is not only an awareness of the community, the state needs to go down to fulfill the nation's intellectual life as the constitution salvages it, if this is possible this nation will be better, not only better as an Indonesian society, but as a world community.

The Southeast Asian community is known as a friendly society, this is recognized by almost all the people of the world. But this is not just born, friendliness and wisdom are born from the values that are firmly embedded in every part of the community, this must be maintained, youth exchanges by bringing and introducing cultural values must be encouraged, because that is where the nation's successor will see similarities culture, where the similarity of culture will be a lesson for the creation of a peaceful, just and prosperous Southeast Asian society.

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