



Territory Reform and Boundary Conflict: A Case Study of Six Villages in North Maluku Indonesia

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Abstract: This study aims to describe regional boundary conflicts for six villages in North Maluku, Indonesia. In relation to problems with the issuance of the law regarding the Expansion of North Halmahera Regency, namely Law Number 1, 2003. The main focus of this research is first, the power relations between the regional center as an institution. As an institution, this power relation is through bureaucratic models. the central government as a representative of the state that has the authority to issue laws. The power relation between the central government and the provincial government has two dimensions. The first dimension is that the provincial government has a position as a representative of the central government in the regions. This means that the relationship that occurs between the central government and the provincial government is a coordinating relationship. The second dimension is the position of the provincial government as the ruler of the province. This means that the relationship between the central government and the provincial government is a command or command relationship. This research was conducted in 6 (six) villages which were disputed between two community groups and the government, namely the government of West Halmahera Regency and North Halmahera Regency. The villages in question are Dum Dum, Akesahu, Akelamo Kao, Tetewang, Bobane Igo, and Pasir Putih villages. Geographically, the six villages are located along the coast of Kao Bay on Halmahera Island.

Keywords: Territorial Reform, Conflict, Territory Boundary, Six Villages.

INTRODUCTION

The focus of this research is the context of power relations in the government bureaucracy as seen in the struggle for regional boundary conflicts. The discussion is about, first, the power relation between the regional center as an institution. As an institution, this power relation is

through bureaucratic models.

The pattern of power relations in the government bureaucracy is meant here is the relationship between the central government and the provincial government, the power relationship between the provincial government and the central government, the power relationship between the central government and the district government, the power relationship between the district government and the central government, the power relationship between the provincial governments and district governments and vice versa power relations between the district and provincial governments.

The relationship between the centers, in this case, the center as a representation of the state. As a representative of the state, the central government has the strong authority to issue regulations, in this case, is a rule of law (Elfverson, 2015). The power relation between the central government and the provincial government has two dimensions. The first dimension is that the provincial government has a position as a representative of the central government in the regions (Sulistiyono, *et al.*, 2014). This means that the relationship that occurs between the central government and the provincial government is a coordinating relationship. The second dimension is the position of the provincial government as the ruler of the province. This means that the relationship between the central government and the provincial government is a command or command relationship. In relation to the issue of the issuance of law regarding the Expansion of North Halmahera Regency, namely Law Number 1, 2003, it is a necessity if it is seen as a decision by the central government which is a representative of the state. This is entry point of this research to see power relation.

With the power and presence of the state, the center level is seen as the representative of the state and the provincial government as the representative of the central government in the regions. The center as the representative of the state, how to exercise that power is based on two pillars. First, the pillars of appropriate rules or regulations start with laws and the implementation of regulations. In implementing regulations, there is a power relation. The analysis of the policy document in the form of rule of law is the juridical basis (Yusuf & Qodir, 2014).

Furthermore, for the political analysis, this kind of power is interpreted and perceived as an actor (Manor, 1999). Here, So the state is an actor. Meanwhile, in this case, the power of politics works here can be categorized as a political fact. Likewise, when it comes to the case of power, it refers to the actors. In relation to the political system of villages in Indonesia, the case has already taken time, starting from the issuance of Law No. 1, 2003. This power lasts periodically through several regimes, both at the center and in the regions level. Therefore, what needs to be seen is the form of power in each regime in power when looking at the six villages. This will give us an idea that each regime has a different style. At the central level, since the issuance of Law Number 1 of 2003 until now, there have been three regimes of power. The regimes are Megawati Sukarno Puteri, Susilo Bambang Yudoyono, and Joko Widodo. At the regional level of North Maluku province, there have been two regimes, namely the reign of Thaib Armaiyn and Abdul Gani Kasuba. Meanwhile, at the district level, the same thing has happened, both in West Halmahera Regency and North Halmahera Regency. In West Halmahera Regency, the regime of Gahril Syah, Namto Hoi Roba, and Dani Missi began. Likewise, in North Halmahera Regency starting from the regime of Djidon Hangewa (caretaker), Hein Namotemo, and Frans Manery.

Second, what to see in this case is how the power relations between the regional centers are reflected in the relations between actors (but they are still within the scope of the government bureaucratic structure). However, to obtain data on the relationship between actors, there must be some challenges, as a consequence of the long-time gap between regional boundary conflict events as in the object of this research. The length of this time gap also goes hand in hand with the increasing period of periodization and restructuring of positions incompetent government institutions. The challenges or obstacles in question will be related to the following factors. First, in terms of the bureaucratic structure system. The system changes in the bureaucratic structure can have an impact on changes in the authority attached to decision-making officials. Second, repositioning in the government bureaucratic structure, which is a demand for institutional needs, as well as the retirement period that has been passed by a decision-making official. Third, there is a change in regulation. One empirical fact shows us that every time there is a change in the regime of power, the direction of political-legal policy is different (Duverger, 1989). One interesting fact that deserves attention is that the demands of the residents of six villages who are pro-West Halmahera to file a lawsuit to the Constitutional Court for a re-voting (PSU) have been granted by the Constitutional Court. This lawsuit was made because, during the governor election, the residents of six villages pro-West Halmahera to be Golput (abstain) because the governor election at the district level only involved the General Election Commission (KPU) of

North Halmahera. The basis for the argument that the Provincial KPU decided that the North Halmahera KPU was based on Law Number 1 of 2003, that the area of six villages is an area of six villages in the administrative area of North Halmahera Regency. Automatically the signal of this law gives authority to the North Halmahera KPU as the organizer of the gubernatorial election.

This empirical fact in the form of the decision of the judiciary (Decision of the Constitutional Court) has given an illustration that the legal politics in a country is largely determined by the regime in power at that time (Corbett 2016). What is the decision of a judicial institution, for example, the Constitutional Court, implies the interests of a regime in the political context on a national level to a local level. Theoretically, a judicial institution's decision is a legal product, but controlling the enactment of a country's legal system is a political decision of a ruling regime. In other words, the direction of the policy of the legal system that will be enforced or applicable in a country is largely determined by the regime in power at that time. The power and presence of the central state is seen as the representative of the state and the provincial government as the center (Vedi, 1987). The center as a representative of the state exercises that power based on two pillars. First, the pillars of rules or regulations, for example, starting from laws to technical guidelines, are elements that contain power relations. To prove the existence of an element of power relations, it can be analyzed from data sources originating from policy documents and laws and regulations. The determination of the center in that area is how the center determines its attitude and asks the region to follow up on that attitude (Martanto, 2007). So, the decision is the decision of the central government, and the decision is requested to be implemented in the regions. Here the central government has a higher superiority than the regions, both at the level of the Provincial Government of North Maluku and the Government of West Halmahera and North Halmahera. The power relation here is in the sense that the center has the ability to determine. So, the center has more power than the provincial and the regency governments (Rahman & Letlora, 2018).

This determination can be seen from two aspects and/or two data sources. First, the determination of the center can be seen from official documents on laws and regulations related to regional government and shows articles that are related to what is central power and how regional powers are and all related documents, for example, decisions referring to that legislation (Poloma, 1992). So that determination has a sense that the center has more power and the center asks the regions to carry out the decisions set at the center. The center determines and controls the area. Furthermore, it is a document analysis. Then another source of data to explore the determination of the center in the region is

interviews. This can be traced through interviews what exactly are the meetings from the center to the regions (Rahman, 2011). The center asked for what and area at that time and is now asking for what. It could be in the form of their interpretation of the rules but it could be in the form of their thoughts about the power relation. Their perception of this case is the power relation. Provinces find it difficult because the center has a different interest with the regency (Giddens & Held 1982). The will of the center is sometimes difficult to implement downwards or difficult to implement at the district level, due to resistance at the district level, for example in West Halmahera District or vice versa in North Halmahera District. Based on this reality, the question of this research is how the division and boundary conflict in the case of six villages in the North Maluku will be solved.

Based on the previous discussion, the objectives of this study were formulated 1) to describe regional boundary conflicts for six villages in North Maluku, and 2) to explain the theory of power relations in the central government's policymaking on cases of regional boundary conflicts.

LITERATURE REVIEW

Submission of Aspirations to the Central Government and DPR RI (House of Representative of Indonesia)

The formation of a district must be determined through the law. A proposed law on the formation of a district can be through a proposal from the central government, and the DPR RI as the right of initiative. So as to follow up on the DPRD's decision No. 188.4 /DPRD/MU/2002 concerning the DPRD's approval of the division of the North Maluku Regency and the development of the Morotai Island, Free Trade Zona (FTZ) to the central government and the Indonesian Parliament in Jakarta, on February 16, 2002, the DPRD held a deliberation committee meeting together with the special committee to determine the agenda for submitting the Decree to the Central Government and the Indonesian House of Representatives in Jakarta. The meeting comes to the following decisions: 1) Extending the Special Special Committee's Decree regarding the expansion of the North Maluku Regency area and the development of the special area of Morotai Island, until the hammer taps, 2) Transferring the special committee's activities from Ternate to Jakarta, and 3) Agreeing on changing the special committee to become a working team; the legality of the work team was determined through the decision of the Regent, and all members of the working team from the legislature were members of the special committee, only from PPP there was a change between M.Ali R. Ode Samy, BA replaced by Drs. Syamsul Hadi.

The transfer of special committee activities from Ternate to Jakarta, because the aspirations for regional expansion had entered the stage of the Central

Government and the Indonesian House of Representatives in Jakarta, so that on February 17, 2002, the activities of the Special Committee in following up on regional expansion moved from Ternate to Jakarta (Tahir *et al.*, 2013: 22).

The initial submission of the community's aspirations was by the Special Committee for DPRD and the Regent of North Maluku to the DEPDAGRI on February 18, 2002. At that time, the Pansus and the Regent were accepted by the Director of Regional Autonomy Management at the Ministry of Home Affairs (Ir. Syahril) and his staff. In the presentation meeting, the Director of Regional Autonomy Management at the Ministry of Home Affairs on behalf of the Central Government rejected the proposal for the expansion of the North Maluku Regency which was put forward by the Special Committee of the DPRD and the Regent. The reasons for the refusal were: 1) The Special Committee for the DPRD and the Regent of North Maluku Regency was late because for 2002 there were only 12 regencies/cities; namely 11 in Irian Jaya and 1 (one) in Banjar (West Java) which was recommended by the DPOD, 2) The central government did not have an agenda for regional expansion in 2002 while in 2003 the central government only concentrated on the General Elections, and 3) Regional expansion did not there's more, if we try to finish the 2004 general election, then there will be an expansion (Hanum, 2016).

The DEPDAGRI's refusal had made the special committee of the DPRD and the Regent "confused" and "fearful" because of the consequences they would face with the people of North Maluku. This phase is the most critical phase, in the expansion of the North Maluku Regency. In dealing with this condition, the Special Committee held an internal meeting on February 19, 2002, which took place at the Puri Mega Hotel, Jln. Jakarta Scouts to discuss DEPDAGRI's rejection and determination of further strategic steps. A strategic rarity that the DPRD special committee had to do at that time was to transfer the proposal for the expansion of the North Maluku Regency from the Central government to the DPR RI through initiative rights. So that all members of the Special Committee and DPRD of North Maluku Regency, are assigned to make personal contact with members of the DPR RI according to their respective parties or personal closeness.

Effective personal contact, when Hamid Usman, SE, and Yusman Arifin, SH, on February 20, 2002, at 08:00 WIB contacted Drs. H. M. Yamin Tawary to facilitate the Special Committee to meet with members of Commission II of the DPR RI. This was confirmed by Yamin Tawary through an interview on August 28, 2020, in Ternate. In the interview, Tawary explained that when friends of the DPRD of North Maluku Regency together with the Regent went to the Ministry

of Home Affairs and the Ministry of Home Affairs forbade it. The reason was that at that time there was no plan from the Executive and then the condition of North Maluku was not stable (still in conflict), then the Regent of Gahral Syah, Hamid Usman (as the Special Committee for Expansion), and Yusman Arifin faced Yamin Tawary as a member of the Indonesian House of Representatives (Golkar Faction). During the meeting, Tawary offered them that we should go through the DPR's Initiative Rights. At that time the law provided an opportunity that the DPR had the initiative to propose a law for it, not only depending on the Executive. As a member of the DPR, Tawary saw this opportunity and tried to approach his fellow members of the Golkar Faction in Commission II and they agreed, and the process turned out to be successful. The division of the North Maluku district/city is the first initiative law in this republic (Interview with Yamin Tawary on August 28, 2020).

In line with the above description, on February 20, 2002, at 05:00 WIB, a special meeting with members of Commission II of the DPR RI was held at the Mulia Senayan Hotel, Jakarta. The meeting was attended by commission II namely; (1) Laode. J. Hasmar (2) Berny Tamara and (3) Drs. H. Yamin Tawary, Member of the Indonesian House of Representatives from North Maluku and (4) Reza Kamarraullah (North Maluku community leader in Jakarta). Meanwhile, the members of the Special Committee were attended by (5) Hamid Usman SE and (6) Yusman Arifin SH. During the meeting, Hamid Usman SE (chairman of ad hoc committee) conveyed the DEPDAAGRI's rejection of the proposed expansion of the North Maluku Regency. Then Drs H. Yamin Tawary suggested to the special committee to transfer the proposal for expansion from the government to the DPR RI through the right of initiative. The proposal was responded to and supported by members of Commission II of the DPR RI Special Committee (represented by Hamid Usman, SE, and Yusman Arifin, SH) who had received support from Commission II of the DPR RI. (Gahral Syah) at Pondok Indah Jakarta, to hold a brief coordination meeting for 30 minutes. This 30-minute brief meeting began with the submission of a report on the results of the meeting between the special committee and Commission II of the DPR RI at Hotel Mulia. Then the regent expressed his full support for the work of the Special Committee in Jakarta. Then at 02.30 in the morning, the special committee and the regent held a remote meeting (via telephone) with the financial technical team, namely, (1) Drs, Syahril Rajak and, (2) Muhajir Albar, M.Si. the remote meeting, starting with; (1) the submission of the Special Committee on the results of the Mulia hotel meeting, (2) the Regent's full support for the special committee's work in Jakarta, and the financial technical team expressed full support and ability of funds to finance the expansion activities in Jakarta Tahir, *et al.*, (2013).

From Ad Hoc Committe to Task Force Team

Based on the results of the meeting at the Mulia Hotel, on February 22, 2002; at 12.00 WIB the meeting of the Special Committee with the Regent and Commission II of the DPR RI was officially held in the meeting room of the Commission II of the DPR RI led by Prof. Dr. Manase Malo. The number of commissions II that attended was 8 people. The same thing was reinforced by Hamid Usman in the second interview on February 20, 2020, that the meeting with Commission II of the Expansion Sub-Commission led by Prof. Dr. Manase Malo (Interview with Hamid Usman, Chairman of the Special Committee for Expansion on February 20, 2020). At the time this meeting was held, the Indonesian House of Representatives was institutionally on holiday before Eid. However, the expertise of the special committee in lobbying, this meeting can be carried out and those who back up the initial funds before transferring funds from Ternate are; (1) Reza Kamaraulah, and (2) Mrs. Gahral Syah.

In this meeting, the Regent of the North Maluku conveyed the DEPDAAGRI's rejection of the division of the North Maluku Regency, and at the same time asked Commission II of the DPR RI to exercise its right of initiative. The Regent also conveyed the readiness of the Regional Government in terms of funding to finance the expansion of the North Maluku Regency. The decisions of this meeting are 1) The Special Committee must complete documents consisting of a) Recommendations from the Governor of the North Maluku, and b) Decisions from the DPRD of the North Maluku Province, and 2) Determination of the "H" day of the visit of the DPR RI Commission II for Regional Autonomy to the region. - expansion area.

To follow up on the results of the meeting with Commission II of the DPR RI, on February 24, 2002, the Special Committee held a coordination meeting with the DPRD of North Maluku Province, which was chaired by A. Rahim Fabanyo, SE (chairman of the Special Committee). To discuss the completeness of the documents for the expansion of North Maluku Regency; namely the recommendation of the Governor of North Maluku Province and the decision of the DPRD of North Maluku Province. The meeting resulted in two decisions; (1) The Provincial DPRD fully supports the division of the North Maluku regencies, and (2) the determination of scheduled day for the North Maluku Provincial DPRD meeting which is on February 27, 2002.

To follow up on the aspirations for the expansion of the North Maluku Regency which had been set out in the DPRD Decree Number: 188.4/06/DPRD/MU/2002 to the central government, on February 29, 2002, the Special Committee held a meeting with the Executive Technical Team at the Puri Mega Hotel, Jalan Pramuka, Jakarta to discuss the change of the Special Committee Decree into a Working Team. With consideration, the

special committee's tenure has ended and the special committee only carries out activities of a political nature, not technical aspects. And the meeting agreed to make changes to the Special Special Committee Decree to become a team for Evaluation, socialization, and follow-up activities for the expansion of the North Maluku district and the development of the special area for Morotai Island, which was stipulated in number 242 of 2002. After the Decree of the Regent Number 242 of 2002 was issued, starting on February 30 the work team formally carried out all activities for the expansion of the North Maluku Regency and the development of the special area of Morotai Island in Jakarta.

After obtaining formal legality, the work team has 2 (two) very large responsibilities, first; the work team must succeed in the expansion of the North Maluku Regency, and secondly; the work team was able to ground the idea of developing a special area on the island of Morotai into a Free Trade Zone (FTZ). These two agendas require the seriousness and consistency of the work team because at the same time the demands of the community for these two agendas must be realized (Johan, 1973).

Acceleration of Territorial Reform by the Initiative Rights of the DPR RI (House of Representative of Indonesia)

To accelerate the expansion of North Maluku Regency through the initiative of the DPR RI, the working team held a consultation meeting as well as heard the results of the work visit of the Regional Autonomy sub-commission II which was held on March 6, 2002, which took place at the DPR RI building, Senayan, Jakarta.

It is undeniable that the division of North Maluku Regency through the DPRD's initiative rights requires sufficient funds, therefore on March 7, 2002, the working team held a meeting with the leaders and heads of DPRD factions at the Putri Jaya hotel, Jakarta, to discuss the budget. (fund) work team. The meeting resulted in a decision that all faction leaders approved the use of non-budgetary funds in the expansion of the North Maluku Regency. Furthermore, on March 15, 2002, the working team held a meeting to discuss the amendments to the draft bill for the expansion of the North Maluku Regency which was proposed by members of the DPRD, in particular articles 13 and 14 concerning candidates for members of the DPR from the newly appointed expansion areas. This meeting decided that the candidates for members of the DPR from the expansion areas were in accordance with the results of the 2004 general elections.

On 3-10 June 2002, the working team met with the DPR RI Commission II for Regional Autonomy, to discuss the submission of a proposal letter regarding the support for the signing of the DPRD's initiative right to the expansion of the North Maluku Regency as many as

38 members. On June 11, 2002, the working team attended a Special Plenary Meeting regarding the final opinion of the factions on providing support for the initiative of DPRD members, in the Nusantara V plenary room of the DPR RI. to the territorial boundary conflict, prior to the issuance of Law Number 1 of 2003 concerning the Expansion of North Halmahera Regency. This territorial boundary conflict then escalated more widely after the issuance of the law on the division of this region. The most basic reason is that Law Number 1 of 2003 refers to Government Regulation Number 42 of 1999 regarding the entry of 6 (six) villages, which were previously part of the Jailolo Subdistrict, North Maluku Regency, which is now West Halmahera Regency. The escalation of conflict as a result of the issuance of Government Regulation Number 42, 1999 only involved residents in 3 (three) sub-districts, namely Kao District, Makian Malifut District, and Jailolo District. However, after the issuance of Law Number 1 of 2003 concerning the Expansion of North Halmahera Regency, the escalation of this conflict shifted and did not only involve the residents of 6 (six villages) who were pro and contra about the results of the division but also involved the government of 2 (two) regencies namely West Halmahera Regency Government and North Halmahera Regency Government (Interview with Hamid Usman on February 20, 2020).

Resistance and the Six Villages Problem Solving Process

The dispute over the status of 6 (six) Villages begins with a statement of attitude submitted by the 6 (six) Village Heads, namely the Village Heads of Bobaneigo, Tetewang, Akelamo Kao, Gamsungi, Dum-Dum, and Pasir Putih, which represent their respective community components, the contents of which are: stated that the community members of six to 6 (six) villages did not want to be included in the Malifut District District. North Halmahera as regulated in Government Regulation No. 42 of 1999 (report on the results of the Monitoring of the Technical Team for Fact-Finding in 6 (six) Villages dated 5-14 July 2006). These statements are as contained in this quote. 1) That in principle, we, the people of the 6 (six) villages, namely Pasir Putih, Bobonoigo, Totowang, Akelamo Kao, Gamsungi and Dum-Dum villages, strongly object to the linkage of our villages to the PP.42, for that we request please review it again, 2) That before and until the formation of the expansion area, we the people of the 6 (six) villages have never carried out any activities, even dealing in any form with the Malifut sub-district, *let al.*, one the city of Tobelo as the capital of North Halmahera Regency, 3) For that we are still in touch with and dealing with the Jailolo sub-district as an area of West Halmahera Regency, 4) If our aspirations from 6 (six) villages are rejected, then the consequence is that we will not join North Halmahera Regency, but deal with West Halmahera Regency, and 5) Thus, based on item (six) the village refuses to be included in the territory of

North Halmahera Regency, and hereby declares: attitude to remain with the West Halmahera Regency (Document on the Development of Handling Aspirations in 6 (Six) Villages in Jailolo District, West Halmahera Regency 2006).

In addition to the joint statement from the village heads from 6 (six) villages as listed above, it is also accompanied by the submission of aspirations from representatives of each village from 6 (six) villages. The main aspirations were conveyed by representatives of the 6 (six) villages. Submission of the main points of aspiration started from Akesahu Gamsungi Village, which was represented by Salman. In conveying his aspirations, Salman stated, "We, the people of Gamsungi Village, remain part of the Jailolo District, West Halmahera Regency, because we are ingrained." Jailolo District, especially with the presence of West Halmahera Regency." Another resident who also represented Dum Dum, Pastor Poteratus Sangaji "Since the beginning we were born in West Halmahera Regency, so we remain in the position of being part of the West Halmahera Regency."

The statement of the aspirations of Salman, Obet Kotong, and Pastor Poteratus Sangaji did not argue for other factors that caused them to choose to enter as residents of the Jailolo District of West Halmahera. We cannot conclusively interpret the term "flesh and blood" used by Salman, nor the "long time ago" statement made by representatives of Dum Dum in this statement of aspirations. However, this term describes how strong their emotional bond with the West Halmahera Jailolo District is, even though there are no historical, juridical, or other reasons.

In contrast to the aspiration statements submitted by representatives from Akesahu Gamsungi Village and Dum Dum Village who felt emotionally attached without any other arguments, representatives from Bobaneigo Village, focused more on the span of control and historical aspects of the government of Jailolo District, West Halmahera, which is a KPS area (Head of Local Government) separately. This means that they want that the determination of the area of government in this context should not ignore the historical aspects of the origins of government in this area. On the other hand, the representative from Bobaneigo village hopes that this problem will be resolved soon Brancati, (2009). Meanwhile, representatives from Tetewang Village expressed their aspiration that they still have the opinion to enter as part of the West Halmahera region. There is also a statement by representatives of Akelamo Kao who are considered more independent, who want their status not to be contested to be part of the West Halmahera or North Halmahera regions.

To note that since the beginning of the formation of the 6 (six) villages are part of the district of Jailolo Kab. North Maluku (now West Halmahera Regency).

However, since the formation of the Malifut District, according to PP No. 42 of 1999, there are several villages including the 6 (six) villages that were previously in the district of Jailolo sub-district included in the district of Malifut.

The reasons and considerations for the residents of the 6 (six) villages include Geographical location adjacent to the Jailolo sub-district so that in terms of administration and government services, it is more effective and efficient. In terms of culture/culture: the people of the 6 (six) villages from the beginning have shared a culture that has been integrated from generation to generation with the community in the Jailolo District, West Halmahera Regency. Whereas so far in terms of administration and government services including village subsidies, the 6 (six) villages have always dealt with the Jailolo District, West Halmahera Regency, including during the Legislative Elections, Presidential and Vice Presidential Elections, and Regional Head Elections (Pilkada). North Maluku Province then formed a 6 Village Fact-Finding Technical Team with Governor's Decree No. 9/KPTS/MU/ 2006, which aims to verify various policy products that have been issued by the two districts by referring to the provisions of the applicable laws.

In its development, there has been a change in the escalation, especially towards the development of community aspirations compared to the technical aspirations of fact-finding, in general, it turns out that the aspirations of the people of 6 (six) villages have undergone changes and there have been groupings. There are at least 3 (three) community groups that have different aspirations. (1) Community groups who still wish to become part of the West Halmahera Regency. (2) Community groups who wish to join the North Halmahera Regency. (3) Community groups that can receive any results, whether they are in North Halmahera Regency. For this reason, the personnel of the Team from the Government Bureau, with the consideration and approval of the Deputy Governor, feel the need to re-check the latest developments in the aspirations of the community (six) villages, in order to find out the factors causing the change in people's aspirations (adapted from the document of Regional Autonomy Section, North Maluku Governor's Office)

There is a significant reason for the formation of the Technical Fact-Finding Team is that several regulations, which are juridically viewed as products of laws and regulations, are also the political decisions of the Central Government. Some of the regulatory products referred to include: Law Number 1, 2003 concerning the territory reform of the North Halmahera Regency, South Halmahera Regency, Sula Islands Regency, East Halmahera Regency and Tidore City, Islands, North Maluku Province, Law no. 32 of 2004 concerning Regional Government, and Government Regulation Number 42, 1999 concerning the

Establishment and Arrangement of Several Districts of North Maluku Regency, North Maluku in the Province of Maluku (Aini, 2012).

As mentioned in the document from the Regional Autonomy Section above that the implementation of this monitoring, the Team immediately moved to the location of 6 (six) villages. Monitoring is divided into 2 (two) first stages, namely Dum-Dum Village, Akelamo Kao Village, and Ake Sahu Village, and for the second phase to Pasir Putih Village, Bobaneigo Village, and Tetewang Village. The team immediately collected data and facts through interviews with several figures, including with the government, such as the Camat of Kao Teluk, the Camat of East Jailolo, the Head of the Village, and Village Apparatus, the BPD, and other community leaders.

The first monitoring took place from 5 to 9 July 2006. The villages targeted for monitoring were Akelamo Kao, Dum-dum, and Akesahu (Gamsungi) villages. During the monitoring, interviews were conducted with informants who were considered to have the capacity to provide information related to this issue. In this paper, no excerpts from the interviews in this activity are shown, only a few quotes that represent the ideas of both parties are considered as the same as other figures interviewed in the monitoring. One of the figures considered to have the capability for this is Abdu Husain, SIP (the district government).

His statement concludes that of the 6 (six) villages that are still in dispute status between West Halmahera Regency and North Halmahera Regency, there are community groups in 4 (four) villages including Dum-dum Village Akesahu Village, Akelamo Kao Village, and Pasir Putih has submitted a written statement to join the North Halmahera Regency Government. Currently, there has been a grouping of six communities into 3 (three) groups. There are community groups that are pro-North Halmahera, groups that are pro-West Halmahera, and neutral groups. Between groups of people with different aspirations in each village, in general, there is a tendency to live in a state that is not harmonious. Often issues arise that can provoke and unsettle the community. For example, what happened in Akelamo Kao Village, if there was a celebration or/or ritual event held by one of the other groups, they were not invited (*dikoro*: local term). The current condition is that out of the 6 (six) villages, there are 4 (four) of them, namely Dum-Dum Village, Akelamo Kao Village, Ake Sahu Village, and Pasir Putih Village. they no longer receive government services from village officials who are pro to West Halmahera Regency. According to them, this is what motivates them to form shadow formations, including BPD. Currently, the North Halmahera Regency Government has distributed assistance in the form of a Village Subsidy of Rp. 10. Million, and TPAPD for 2 Quarters, to the Shadow

Government in the villages of Akelamo Kao, Dum-Dum, Ake Sahu, and Pasir Putih. The people of Dum-Dum Village, have rejected the BBR assistance that was handed over by the West Halmahera Regency Government” (Document excerpts from interviews with Abdu Husain, July 7, 2006).

The second monitoring took place in Pasir Putih Village, Bobane Igo Village, Akelamo Kao Village, and Tetewang Village from 13 to 15 July 2006. In this second monitoring activity, one of the government figures interviewed was Bobi Djumati (Camat Jailolo Timur, West Halmahera Regency). As excerpts from the following interview. “East Jailolo District was established based on Regional Regulation no. 6 of 2005 concerning the Establishment of the District of East Jailolo, West Halmahera Regency, which oversees 6 villages. That the aspirations of the people of 6 (six) villages that have changed to join the North Halmahera Regency are impure aspirations because they are lured by money and materials. That the East Jailolo District is ready to serve the community members of 6 (six) villages. West Halmahera has distributed the Village Apparatus Allowance Fund for 2 quarters, the next funds will disburse the Village Subsidy Fund. There is a tendency for increasingly disharmony relations between people with different aspirations, so we hope that this problem can be resolved soon” (Document excerpted from an interview with Bobi Djumati dated July 13, 2006).

The results of monitoring that have been carried out in 6 (six) villages based on the results of interviews with the two Camats, Village Heads, Head of BPD, and community leaders, both those who want to be in West Halmahera Regency or those who want to join North Halmahera Regency, can be concluded based on the data collected The team in the field shows that in general the aspirations of the people of 6 (six) villages have changed and there have been groupings.

There are at least 3 (three) community groups that have different aspirations, including community groups who still want to be part of the West Halmahera Regency. Community groups who wish to join the North Halmahera District. and, Community groups who can receive any results, whether they are in West Halmahera Regency or joining the North Halmahera Regency. Of the 6 (six) villages that are still in dispute status between West Halmahera Regency and North Halmahera Regency, the composition that occurs in each village is, among others, Dum-dum Village and Akesahu Village, there is a tendency for most of the community to want to join North Halmahera Regency. This condition was marked by the stipulation of Dum-Dum as the temporary capital of Kao Teluk District. For Akelamo Kao Village 60% of the people still want to stay in West Halmahera Regency, 40% want to join North Halmahera Regency. For Bobaneigo Village and Tetewang Village, in general, all (100%) people still

want to be in West Halmahera Regency. For Pasir Putih Village, there is a tendency that most people want to join North Halmahera Regency. However, in general, the people of Pasir Putih accept any option from the settlement decided by the Government.

The factors that influence changes in people's aspirations to date are based on 2 (two) things, namely (1) Disappointment with the promises of the West Halmahera Regency Government, especially related to the distribution of BBR assistance. (2) There are thoughts of some people who appear to no longer oppose the laws and regulations. They feel that the settlement process carried out by the Provincial Government and the two Regencies is very slow, so the thought that comes to their mind is that the aspirations of the people cannot beat the regulations, including the PP. 42 of 1999 and Law Number 1 of 2003. (4) The current conditions are in 6 villages, 4 (four) of them, namely Dum-Dum Village, Ake Lamo Kao Village, Akesahu Gamsungi Village, and Pasir Village White is a shadow government formed by people who are pro North Halmahera Regency. They assume that so far they have no longer received government services from village officials who are pro-West Halmahera Regency. This, according to them, motivated the BPD. to form a shadow government that enters North Halmahera. (5) In general, the relationship between community groups with different aspirations in each village, there is a tendency for disharmony to occur. Often issues arise that can provoke and unsettle the community. For example, what happened in Akelamo Kao Village, if there is a celebration/ritual event carried out by one group, the other group is not invited, even though they have kinship relations. The same thing happened in Ake Sahu Village where there was an argument that almost developed into a physical clash. (6) Currently, there are some people who want to be independent to form a new village. In Ake Sahu and Dum-Dum villages, people who are pro-West Halmahera want to separate from their parent village, while in Akelamo Kao Village, people who are pro-North Halmahera stated that they want to separate from their parent village. The two districts have distributed subsidy funds and other assistance through their respective Village Governments. The West Halmahera Regency Government has distributed the Village Apparatus Allowance Fund (TPAPD) for 2 quarters and will distribute the Village Subsidy Fund of Rp. 6 Million. On the other hand, the North Halmahera Regency Government has also distributed assistance in the form of a Village Subsidy of Rp.10 millions, Empowerment Fund of Rp. 10 million, and TPAPD for 2 Quarters, to the Shadow Government in Akelamo Kao Village, Dum-Dum, Ake Sahu, and Pasir Putih. (8) Basically, there is a tendency for people in 6 (six) villages to expect an accelerated settlement of the status of 6 villages so that there is clarity and legal certainty based on the provisions of applicable regulations, which provide a firmness, where they should be served.

Because according to them, from the start, the genuine aspirations of the people were how the community of 6 (six) villages could be formed in one sub-district (Fact-Finding Team 6 (Six) Villages, North Maluku Provincial Government Bureau, 2006).

The reality shows that the area of six villages in the administrative area of North Halmahera Regency, but services, both public services and government services are also carried out by the West Halmahera Regency government. This fact can be seen in the access of the community in six villages in making ID cards and birth certificates, which are dominantly served by the West Halmahera Regency government. Apart from the above services, there are other services, such as health and education services by building health and education facilities in the area of six villages. Even the West Halmahera Regency government has also built facilities for the East Jailolo Camat Office in the area of six villages. This condition will certainly lead to inequality in regional management. This is because of the area of the six villages in the administrative area of the government of the North Halmahera Regency.

In the study, it was found that access to ID cards by the community in six villages, for example, was almost 80% having an ID card domiciled in West Halmahera, although there were some people who also had an ID card in North Halmahera. This was mainly due to access to health services in the District. North Halmahera and also facilities and infrastructure assistance from the local government of North Halmahera Regency through Community Development funds from PT. NHM. However, the creation of the West Halmahera version of the KTP in the area of six villages encountered obstacles. A resident of six villages from Akelamo Kao, that in the process of recording ID cards for groups of residents of six villages who chose to join West Halmahera failed because the data could not be read by the recording system. This is because the system has been formatted according to the area or area of government administration.

As a manifestation of government services in six villages, the local government of West Halmahera Regency built a Camat Office school in East Jailolo with its capital in the village of Akelamo Kao and built an elementary, middle, and high school in Bobane Igo. who built the Kao Teluk sub-district office in Dum-Dum which is also the sub-district capital. The two districts each build various government services, including health services, education, and other public facilities.

Health facilities are one of the most vital components in providing health services to the population. Because it is realized that the health aspect is so important, the government at various levels always pays special attention to this dimension. The two local

governments, namely the West Halmahera Regency government and the North Halmahera Regency government, also provided health services to the community in six villages. This service in the health sector is carried out as part of the realization of the partiality of the two district governments over the people in the six disputed villages.

Health services provided to the community of six villages are by building various infrastructure facilities in the area of six villages. This reality reflects the inequality of government services to the people in the region. This is because the government of West Halmahera Regency, which is *de jure*, is not its territory but also provides health services to the community of six villages through the construction of health facilities (Utomo, 2015) In fact, this area is part of the administrative area of the government of the North Halmahera Regency.

The provision and distribution of health facilities in the North Halmahera Regency area is needed to support services to the community. This is because the area of North Halmahera Regency is quite wide so access to public health services in the six disputed villages is very far away.

According to a study conducted by Hasyim *et al.*, (2010), the percentage of health services in six villages was higher, carried out by the government of West Halmahera Regency with 14 facilities divided into 1 puskesmas, 1 pustu and 12 posyandu, while North Halmahera Regency with 8 units which is divided into 2 supporting health centers and 6 posyandu. The same thing is also seen in the alignment with the world of education in six villages which seems to be more significantly carried out by the West Halmahera Regency government (Hasyim *et al.*, 2010).

METHOD

Research Design

This research is a library research that relies on data from two sources, namely documents and interviews. Interviews were conducted with people (figures) involved in resolving conflicts in six villages as a result of territory reform.

Source of Data

This study uses two types of data, namely primary data and supporting data. Primary data is obtained from interviews, documents and reports, while supporting data is an information aspect that strengthens primary data. Source of data based on both structured and incidental interviews with related parties to see power relations in policy making, all data are presented descriptively with reference to the rule of law.

Method of Collecting Data

Method of Collecting data of this research is done through some sources of TV, newspapers, reports, and the results of investigations, both from the government and the community, in this context the community is divided into two, namely those who agree with territory reform and those who reject the expansion. Data collection is carried out in a balanced manner without taking sides with their interests.

Method of Analyzing Data

All data were analyzed based on the theory of power relations introduced by Foucault (1990). The principle of power relations is a power relationship. Power is a mode of action that does not act directly or immediately on others; it is a set of action upon other action (Foucault, 2002: 340). It is different from the use of violence that has immediate effect on someone or something.

RESULT AND DISCUSSIONS

There are several things that are the key to this discussion. Basically, power relations require a coordinated process carried out by the central government and local governments. Local government is a sub-system of the central government. So, there is always coordination between the central government and local governments because each government unit has the authority of the central government, the provincial government, and the authority of the district government. For example, the provincial government has a governor as a central government official in the region. A governor coordinates with the district government, then the results are followed up with the central government. This is where the formal bureaucratic power relation occurs between government units, both between the North Maluku provincial government and the West Halmahera and North Halmahera district governments, in resolving the problems of 6 (six) villages that are the object of dispute,

In carrying out the authority but must coordinate. However, the authority possessed by each region is independent but not independent. This means that it is free in the corridor as a unitary state with a decentralized system. Therefore, it is impossible to delegate the authority freely, but what is regulated and managed by the regional government is basically the business of the central government as well. It's just that the affairs were delegated to the local government. Therefore, what is done is still accountable to the central government,

Power relations in the case of the six villages are also top-down. This can be proven by the policies or regulations of the central government in the form of laws to ministerial regulations. In relation to the problems of the six villages, if viewed hierarchically, the legislation starts from Law Number 1 of 2003 to

Regulation of the Minister of Home Affairs Number 60 of 2019, 4)

In his political analysis, the face of power is interpreted as an actor. Power is perceived as an actor while the state is an actor. Likewise, when it comes to the face of power, it means that what is being discussed is about actors.

In addition to representatives from the 2 (two) villages above, there are also statements of aspirations from representatives from Bobaneigo Village and Tetewang Village. Bobaneigo Village is represented by Rahmat. In his statement, Rahmat said, "we hope that this problem can be resolved in the not too distant future, and we have hoped for a long time that this problem can be resolved during the formation of the South Jailolo sub-district." In addition to conveying the aspirations of Rahmat, there is a representative from the same village, namely Hi. Den Djumati. In his statement, he said "we think that the span of control of government services is more effective if our village is part of the Jailolo District, West Halmahera Regency. In principle, we, the people of Bobaneigo Village, want convenience in various aspects, and this can be achieved if Bobaneigo Village remains part of the Jailolo sub-district, West Halmahera Regency. Since the KPS Administration (Head of Local Government) until today, we have kept in touch with the Jailolo District Government, West Halmahera Regency." In addition to the aspiration statements that came from 2 (two) representatives from Bobaneigo Village, it was the turn of the representatives from Tetewang Village, represented by Fredik Punene. West Halmahera Regency and this is not a personal matter but an aspiration of the people." There were 2 (two) representatives from Akelamo Kao Village and Pasir Putih Village. Akelamo Kao village was represented by Burhan, Aswin Djamrud, and Abdullah. Separately, the three representatives delivered the following statement of their aspirations. Burhan "We are still part of the Jailolo District, West Halmahera Regency. This meeting was held on July 17, 2004, where it is known that the number 17 is a sacred number for the Indonesian people, so we hope that on August 17, 2004, the status of the 6 (six) villages legally has become part of the Jailolo sub-district, Halmahera Regency. West." Aswin Djamrud "It seems that the rules are ambiguous because most of the people in our village do not know about the existence of these regulations." Abdullah "the aspirations that are conveyed don't really need to be contested by our status, they must go to Kao District, North Halmahera Regency or to Jailolo District, West Halmahera Regency." Submission of the aspirations of the representative of Pasir Putih Village Otnil Dodowo "we remain part of the Jailolo sub-district, West Halmahera Regency." (Problem Resolution File Status 6 Villages: North Maluku Provincial Government, 2004).

Then, if this mode of power is correlated with the politics of six villages, then the timeframe is quite long or long, starting from the issuance of Law Number 1 of 2003. If calculated periodically, this power extends through several regimes, both at the center and in the regions. Therefore, what needs to be seen is the face of power in each or every ruling regime when looking at the six villages. This will give us an idea that each regime has a different color. At the central level, since the issuance of Law Number 1 of 2003 until now, there have been three regimes of power. The regimes of power are the regimes of Megawati Sukarno Puteri, Susilo Bambang Yudoyono, and Joko Widodo. At the regional level of North Maluku province, there have been two regimes of power, namely the reign of Thaib Armaiyn and Abdul Gani Kasuba. Meanwhile, at the district level, the same thing has happened, both in West Halmahera Regency and North Halmahera Regency. In West Halmahera Regency, the regime of Gahral Syah, Namto Hoi Roba, and Dani Missi began. Likewise, in North Halmahera Regency starting from the regime of Djidon Hangewa (PLT), Hein Namotemo, and Frans Manery.

In this case (case of six villages), power relations in the formal government bureaucracy have been implemented in each government unit, both at the central government level, provincial government, and at district government level. This power relation begins with the existence of a state policy regarding regional expansion (Nasikun1995). This policy emerged as the implementation of one of the functions of the state as a regulator, even though the policy was met with resistance or resistance. The resistance that appears on the surface is the existence of social movements from community groups, especially community groups that reject the presence of the policy. However, the real resistance comes from the elite of the formal government bureaucracy Armstrong & Bernstein (2008). This can be proven by the existence of various documents that the bottom-up relationships through administrative channels in the formal government bureaucracy. The roles of formal actors are one of the determining factors in power relations.

In the perspective mentioned above, actors are not only assumed to be individual government officials but the state or state institutions are also assumed to be actors because every decision taken by the government in this context is a representation of the state. Especially in the case of border conflicts involving the West Halmahera district government and North Halmahera district government, many highlights the roles of formal actors or elite figures in the central and local government. The role of central formal actors at the product level of decisions in the form of Government Regulations issued by the President to the Minister of Home Affairs. These decisions were addressed to the Governor of North Maluku and the Regent of West Halmahera and the Regent of North Halmahera.

At the provincial government level, the governors have roles in issuing decisions that are binding internally to institutions as well as coordinating with the governments of the two districts. Likewise, the roles performed by the governments of the two districts, for example in the form of submitting applications and others, are addressed to the provincial and central governments.

Determination of power is a necessity in a power relation process. From document data and interviews, it is revealed that the determination of power comes from the State or the central government, although it is not ignored that the emergence of power determination comes from the formal bureaucratic roles originating from the regional government, both the provincial government and the governments of the two districts.

Essentially, the results of the analysis of the document illustrate that the state or central government as a regulator regarding regional expansion has the obligation to issue policies that are implementable, through the provincial government as the representative of the central government in the regions. On the other hand, if the determination arises from the regional government, especially the regional governments of the two districts, it is only oriented towards the goal of "winning" the interests of the two respective district governments.

CONCLUSION

Territory reform and Conflict of Territorial Boundaries (Case of Six Villages in North Maluku) is a phenomenon of territorial reform, which often occurs in Indonesia. Especially the case in North Maluku is one of the unique cases and is interesting to study. Realities show that the area of six villages in the administrative area of North Halmahera Regency, but services, both public services and government services are also carried out by the West Halmahera Regency government. This research concludes as follows;

1. The power relation requires a coordinated process carried out by the central government and local governments. Local government is a sub-system of the central government.
2. . A governor, for example, coordinates with the district government, then the results of activities are coordinated with the central government. This is where the formal bureaucratic power relations occur between government units, both between provincial governments and vice versa
3. Power relations in the case of the six villages are also top-down. This can be proven by the policies or regulations of the central government in the form of laws to regulations at the ministerial level. From this, it will be seen that each regime has different policies.
4. In the case of this study, power relations in the formal government bureaucracy have been implemented in each government unit
5. This power relation begins with the existence of a state policy regarding regional expansion. This policy appears to guarantee the implementation of one of the functions of the state as a regulator, even though the policy faces resistance. The resistance that appears on the surface is the existence of social movements from community groups, especially community groups that reject the presence of the policy.
6. Especially in the case of border conflicts involving the West Halmahera district government and the North Halmahera district government, the roles of formal actors or elite figures in the central and local government are highlighted.
7. The results of the analysis of the document illustrate that the state or central government as a regulator regarding regional expansion has the obligation to issue policies that are implementable, through the provincial government as the representative of the central government in the regions.

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