

Molu Pair

Fines on Indigenous Tradition Kisar Island

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Abstract: In universal culture of Meher can be grouped into six sub-system of culture, namely the inauguration of the king, marriage, death, brotherly relationship (*kaka ali*), collaboration (*Roson*) and manners (*honoli*). As well as the cultures that exist and are in Kisar Island in clumps Meher, there is a rule or law fines custom (*Molu Pair*). Fined custom (*Molu Pair*) is the imposition of traditional sanctions as a means to reduce violations of norms of general, such as: (1) killing, (2) adultery, (3) eloped, (4) pregnant out of wedlock, (5) breach of caste marriage, (6) contempt, (7) rape, (8) theft. Sanctions for violations in the form of fines Indigenous (*Molu Pair*). This research method is a method of qualitative research focused on aspects of Indigenous Fines (*Molu Pair*) on the island of Kisar. Data collection techniques including observation, interview techniques, documentation techniques. Data analysis techniques through three grooves simultaneously: data reduction, data presentation, drawing conclusions or verification. Indigenous peoples in Kisar Island is divided into two clusters, namely Meher clumps consisting of seven villages and several hamlets namely *Wonreli*, the Old Town, *Abusur*, *Purpura*, *Lebelau*, *Lektor*, *Nomaha* and *Ma'aro* clumps consisting of village *OirataOirata* west and east, The division is based on the language and cultural differences between these two clusters. Although staying in one location on the island of Kisar, but clumps Meher and *Ma'aro/Oirata* vary from one another, both customs and language.

Keywords: traditions, customs fines

1. Preliminary

Kisar Island is one of the island group of Southwest Maluku district. It is located right on the North Country East Timor with a distance of approximately 7 miles. *Kisar* island communities in eight countries spread over customary, as the parent who oversees 23 Indigenous Affairs as a subordinate country. Culturally formation of indigenous peoples and indigenous lands in *Kisar* Island begins with a massive migration of the population as a result of the sinking of the island were destroyed and *Luang (Liono)*. Furthermore, there is also a massive migration from East Timor as a result of tribal wars and power struggles in the kingdom *Wehali/Timor* and the last entry of Europeans in the 15th century, formed a new community/new society known as *The Mystizen Auf Kisar* community or communities from the marriage of the people of Europe with people of *Kisar*. As a community or a society with the community since ancestors *Kisar* occupy the island of *Kisar*, initially living of the people were nomadic and over time they accept each other then their sedentary life form lands customary until now (Petrusz, Paerara JZ 2002).

In connection with it, the culture/culture is mutually agreed upon by the community with the promise and oath of indigenous sacred through supper together (*Nekerwawilayra'armapul*). This rite performed in *BaileoKarantonno* based on the Hindu belief embraced by the *Kisar* ancestors long before the arrival of the Catholic and Protestant Christians. System of rites carried out under the influence of Hinduism is customize specific contextual and exclusive.

Indigenous peoples in *Kisar* Island divided into two clusters namely *Meher* clump of seven State each *Wonreli*, the Old Town, *Abusur*, *Lektor*, *Lebelau*, *Purpura*, and *Nomaha* and *Ma'aro* clumps consisting of State *OirataOirata* West and

East. This division by language and cultural differences between the two clusters on the island of *Kisar*.

In universal culture of Meher can be grouped into six subsystems culture that is the inauguration of the king, marriage, death, brotherly relationship (*kaka ali*), collaboration (*Roson*) and manners (*honoli*).

Fined Custom (*Molu Pair*) is the imposition of traditional sanctions as a means to reduce violations of norms of general, such as: (1) killing, (2) adultery, (3) eloped, (4) pregnant out of wedlock, (5) breach of caste marriage, (6) contempt, (7) rape, (8) theft. Sanctions for violations in the form of fines Indigenous (*Molu Pair*).

Any violation of one form of common norms is a violation of customary law and shall be liable to a fine of customs as a symbol of compliance with customary law which binds every member of society as indigenous stakeholders. This study aims to explore and describe the forms of sanctions as a requirement as Indigenous Fine objects (*Molu Pair*) form of violation of general norms prevailing in society *Kisar* and has been designated as the Customary Law. The focus of this study include (1) murder (*Heri IHI-kolorara*) (2) adultery (*piki where hala-lunimanahala*), (3) elopement (*opohurui-manuulawan, opo breastfeed Outome kara-kara*), (4) pregnant out of wedlock (*huhumekem-apunpo'il*), (5) breach of caste marriage (*ran halakanakarwaku-au deneuln*), (6) insult (*welieweldai*), (7) rape (*limannaruPernepahari*), (8) theft (*ramnaa*).

2. Research Methods

This research method is a method of qualitative research focused on aspects of Fines Custom (*Molu Pair*) on the island of *Kisar*, with some traits that are relevant according to Moleong namely (1) natural background, (2) people as a means (instrument), (4) an analysis of data inductively, (5) descriptive, (6) is more concerned with process than results,

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(7) the limits specified by the focus. Data collection techniques including observation, interview techniques, documentation techniques. Data analysis techniques through three strands simultaneously by Miles and Huberman of data reduction, data presentation, drawing conclusions or verification. In establishing the invalidity of all (trustworthiness) data is then used techniques based on the examination of a number of criteria, namely the degree of credibility, transferability, dependability, and certainty.

3. Research Result

Fines Indigenous History (*Molu Pair*) on the island of *Kisar*

Indigenous peoples in *Kisar* Island is divided into two clusters, namely *Meher* clumps consisting of seven villages and several hamlets namely *Wonreli*, the Old Town, *Abusur*, *Purpura*, *Lebelau*, *Lektor*, *Nomaha* and *Ma'aro* clumps consisting of village *OirataOirata* west and east. The division is based on the language and cultural differences between these two clusters. Although staying in one location on the island of *Kisar*, but clumps *Meher* and *Ma'aro/Oirata* vary from one another, both customs and language, not only that, but the coming history also different from one another.

In social life, the differences that exist is a treasure of inestimable wealth when viewed from the perspective of cultural diversity. The different cultural characteristics, resulting in differences in customary law that is operating in the realm of everyday life. The discussion this time will be devoted to the customs that exist in the *Kisaras* clump *Meher* which has become a culture that cannot be separated apart in public life. The word culture comes from the Sanskrit word *buddhayah*, which is the plural form of *buddhi* which means the mind or intellect. Thus all *budayaa* late means: "things that are concerned with the intellect". There are other scholars who explore the word culture as a development of a compound word cultivation, which means "power of the mind", a form of creativity, initiative and a sense of it. In terms of cultural anthropology difference was abolished. The word "culture" here is only used as a short course of "culture" with the same meaning (Koentjaraningrat 2005: 181).

In universal culture of *Meher* can be grouped into six sub-system of culture, namely the inauguration of the king, marriage, death, brotherly relationship (*kaka ali*), collaboration (*Roson*) and manners (*honoli*). As well as the cultures that exist and are in *Kisar* Island in clumps *Meher*, there is a rule or law *Molu Pair* (Fine Custom).

1. Murder (*Heri IHI-kolorara*)

Murder for the people on the island of *Kisar* is something that is not good and can cause a social rift between the two sides, either individually or in a large family between the perpetrator and the victim. But the murder has discretion based on the characteristics of what the basis of the person doing the killing, the murder may be murder or manslaughter.

Regulation *Wonreli* fines on public land, *Abusur*, *Lebelau* and hamlets *Yawuru*, up to now still underway with the rules set forth or imposed on a third country. In a murder case,

details of fines usually performed during the second meeting of the family, where the perpetrator's family went to the victim's family to talk about the purpose of their arrival in relation to children, siblings or relatives of those who do so.

The negotiation process is customary fine, usually based on the principle of kinship families do, so sometimes fines required to the perpetrator does not necessarily incriminate one of the parties, because the process of killing has discretion act of the perpetrator to the victim. Customary fine details include (1) piece of land, (2) 1 mas months, (3) a sword, (4) 1 sheet of fabric ground and *kebaya* clothes, (5) banquet.

2. Adultery (*piki where wherehalahala-luni*)

Adultery for the people on the island of *Kisar* is something that is not good and can cause a social rift between the two sides, either individually or in a large family between the perpetrator and the victim. But adultery is usually viewed from the perspective of people who have been married to a married man or a married person with someone who is not married. If that happens, it will be considered which one is the victim so that the customary right penalty payment to the victim.

Regulatory fines on people in the country *Wonreli*, *Abusur* village, village and hamlet *LebelauYawuru*, up to now still underway with the rules set forth or enacted in the three villages. Customary fine objects include (1) 3 pieces mas months, (2) two pieces of the sword, (3) 1 sheet of ground fabric and a black *kebaya* clothes, (4) a meal.

In communities in the country *Wonreli*, village *Abusur*, village *Lebelau* and hamlets *Yawuru*, until today still follow the system of strata/group consisting of strata *Marna* (I), Strata *Wuhur/Bur* (II) and strata *Stam/Akaa* (III). The principle is, if the adultery committed by strata *Wuhur/Bur* into strata *Wuhur/Bur*, the terms of the fine as mentioned above, whereas if the perpetrator of strata *Stam/Akaa* to victims stratified *Wuhur/Bur*, then the fine is doubled to 2x (twice). Different requirements to be imposed on perpetrators of adultery, both the perpetrators of strata *Marna*, Strata *Wuhur/Bur* and Strata *Stam/Akaa* with people from strata *Marna*, where a multiplication of very large that is equal to 30x (thirty times) the fines the above, as well as when the perpetrator is from strata *Marna* to victims stratified *Wuhur/Bur* and strata *Stam/Akaa*, then there 30x (thirty times), this is because the strata *Marna* is a strata that should keep the values custom law applicable in *Kisar* island. The same thing would apply to immigrants if they commit adultery.

3. Eloping (*hurui-manuulawanopo, oposuisui Outcome kara-kara*)

Eloping for the people on the island of *Kisar* is something that is not good and can cause a social rift between the two sides, either individually or in a large family between the perpetrator and the victim. Elopement is seen as part of the couple's disrespect towards parents even their extended families, marriage is usually based on the romance that is not sanctioned by parents even large family eloped couples doing it. In *Kisar* mainly on domestic *Wonreli*, *Abusur* village, village and hamlet *LebelauYawuru*, eloped this issue

usually frequent and continue to have consequences, namely indigenous customary fine that every time become a social rebuke for couples who have eloped it. Fines were imposed in the form of (1) 3 pieces mas (gold) months, (2) two pieces of the sword, (3) 1 sheet of ground fabric and a black *kebaya* cloths, (4) Banquets.

4. Pregnant Outside of Marriage (*huhumekem-apunpo'il*)

One good deed is not considered is pregnant out of wedlock, and for the people on the island of *Kisar* is something can cause cracks in the social relations between the two sides, either individually or in a large family between the perpetrator and the victim. Pregnant out of wedlock is seen as part of the couple disgrace and disrespect towards parents even their extended families, these issues are usually based on the romance that is not sanctioned by parents and even a large family and over the couple's desires. In *Kisar* mainly on domestic *Wonreli*, *Abusur* village, village and hamlet *LebelauYawuru*, problems usually occur pregnant outside marriage and still has consequences, namely indigenous customary fine each time into a form of social rebuke for couples who are found pregnant outside of marriage. The form of fines which are (1) 3 pieces mas (gold) months, (2) two pieces of the sword, (3) 1 sheet of fabric of indigenous and black**kebaya** cloths, (4) banquets

5. Violation of Marriage Castes (*hala run kanakarn Waku-au deneuln*)

One of the prohibited act and should not be done is the marriage between castes/strata/classes, and for the people on the island of *Kisar* is something that can cause a social rift between the two sides, in a large family. Inter-caste marriage/strata is seen as a violation of customs rules and the couple disrespect towards parents even their extended families, these issues are usually based on the romance that is not sanctioned by parents and even a large family. In *Kisar* mainly on domestic *Wonreli*, *Abusur* village, village and hamlet *LebelauYawuru*, mating issues *Atar* caste/strata usually occur and continue to have consequences, namely indigenous customary fine each time into a form of social rebuke for couples who are caught doing so.

Regulatory fines and indigenous communities in the country *Wonreli*, village *Abusur*, village *Lebelau* and hamlets *Yawuru*, until now still in progress in order to maintain social stability in society, and with the customary rules are not expected to arise the problems of conflict among fellow *Kisar* especially in the country *Wonreli*, *Abusur* village, and hamlet *YawuruLebelau*. In the case of marriages between castes/strata, details of fines usually performed during the second meeting of the family where the perpetrator's family/man came to the victim's family/women to talk about the purpose of their arrival in relation to children, siblings or relatives of those who do that, and the initiative to come to one of the family is a family of males, because basically a man is a human life that is socially responsible were so big. Require imposition of fines include (1) 30 pieces mas months, (2) 30 pieces sword, (3) 30 sheets of fabric soil and black *kebaya* cloths, (4) Banquets (all materials included 30) If the offense was committed by *Stam* towards certain groups *marna* then the twice fine.

6. Insult (*welei-weldai*)

Contempt for the people on the island of *Kisar* is an act that is not good and can cause a social rift between the two sides, either individually or in a large family between the perpetrator and the victim. However Insults seen from several aspects if issued hurling words consciously or unconsciously and in a state at the center of the official forum of indigenous or between both actors themselves.

Regulation customary fine in case of humiliation, then the state of society *Wonreli*, *Abusur* village, village and hamlet *LebelauYawuru*, still to this day is still ongoing with the rules set forth or imposed on the third of this environment. The imposition of fines on the type of offense, namely (1) 2 pieces *mas* months, (2) two pieces of the sword, (3) 1 sheet of fabric of indigenous and black**kebaya** cloths, (4) banquet. If the abuses carried out by the group under *Stam* and bur to *Marna* then the fine imposed 30 times

7. Rape (*Limannaruperepahari*)

One act that is not considered good and tarnish the good name of the family is a rape, for the people on the island of *Kisar* is something can cause cracks to the breakdown of social relations between the two sides, either individually or in a large family of the perpetrator and the family of the victim. Rape is considered as ill-treatment and unethical as well as the lack of respect of the perpetrator against the victim or his family and the families of the victims. In *Kisar* mainly on domestic *Wonreli*, *Abusur* village, village and hamlet *LebelauYawuru*, the issue of rape when it happens it will be followed by positive law but still have consequences, namely indigenous customary fine each time into a form of social rebuke for the perpetrators to be paid reape. The fines include (1) 3 pieces bulam mas, (2) two pieces of the sword, (3) 1 sheet of fabric of indigenous and black**kebaya** cloths, (4) Banquets

The opposite situation will occur in men strata *Marna*, strata *Wuhur/Bur* and strata *Stam/Akaa* when rape women who stratified *Marna* and in the end had to marry the woman or not marry, then still have to pay a fine that is equal to 30x (thirty times) and, consequently, the woman who was raped when a man married to a man who strata below it will fall following the degree of these men, and their children will follow the man's strata.

8. Theft (*ramna'a*)

One act that is not considered good and tarnish the family name is theft, and for the people on the island of *Kisar* is something can cause cracks in the social lives of everyday people, either individually or in a large family of the perpetrator and the family of the victim. Theft is considered as the treatment is not ethical and not honor belongs to someone else. In *Kisar* mainly on domestic *Wonreli*, *Abusur* village, village and hamlet *LebelauYawuru*, theft issue in case it will be followed by positive law but still have consequences, namely indigenous customary fine each time into a form of social rebuke for the perpetrators of these offenses theft. The fines in the form of (1) 2 pieces mas months, (2) a sword, (3) 1sheet of fabric ground andblack *kebaya*cloths, (4) a meal.

4. Conclusions and Recommendations

4.1 Conclusion

Customary law is one of the wisdom of the ancestors on the island of *Kisar* and has become a socio-cultural fabric of society, and is a means to govern the community association governance life and *Kisar*. Customary law was born as a value system that regulates general norms prevailing in society that must be obeyed by every citizen.

Violation of the norms established in customary law has resulted or legal consequences that must be accounted for by any member of the public. Sanctions for violations set out in the customary law in *Kisar* Island known as the Indigenous Fine (*Molu Pair*).

Customary fine (*Molu Pair*) is a form of value of a breach of norms generally applicable customary law in *Kisar* Island, such as murder, theft, rape and so on, that are considered damaging values of community life.

The existence of social strata in the life of society, is a form of restriction value that enables the stability of social life in the midst of society. Customary rules corresponding strata and the form of fine custom, not a thing that should be feared, but the availability of the rules of customary fine or usually referred to by the community *Kisar Molu Pair*, solely for their social order in public life in order to maintain a harmonious relationship with each the other, be it between individuals, groups of individuals and even groups with the group.

4.2 Suggestions

Based on the description in the concluding section it is necessary suggestions have implications of applying the customary fine applicable customary law *Kisar*.

- 1) As a cultural product that contains good values in society customary fines are still needed to preserve the moral ethical values prevailing in society *Kisar*.
- 2) It is expected from the local government to be able to make regulations that protect each local wisdom including customary laws which have become the order of the local community and the function of regulating social relations-cultural community.
- 3) Fines customary or *Molu Pair*, a cultural wisdom that you have to live in the midst of society in *Kisar* in clumps *Meher* as part of the stability and order in the social life of the community.

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