Ethics position towards the exploitation of manganese material in Oenbit Village, East Nusa Tenggara, Indonesia

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Abstract. Oenbit village is an area that is located in the district of Timor Tengah Utara (TTU), Timor Island, East Nusa Tenggara Province, Indonesia. In Oenbit ongoing a conflict between the economic interests of some parties namely the government, corporation and the local indigenous community. Government of Timor Tengah Utara give legal permission to the Elgari Resources Indonesia (ERI) Company to exploit the mining of Manganese in Oenbit Village which informally is the ancestral land of indigenous peoples Oenbit hereditary called pusuf kelef and Kot-tau niap-tau (king land). Oenbit society has an ethical belief that the ancestral land Oenbit should not be produced by outside parties besides the local community on the orders of the king. Manganese exploitation in Oenbit Village cause problems contradictorily interesting to reflect on the ethical-philosophical. This paper aims to reflect the ethical position against cases of exploitation of manganese in the Oenbit Village with focuses on the local government's decision to issue a permit exploitation and ERI Company exploit Mangan assumed unethical traditional indigenous tribe Oenbit. The study found that the district government and ERI Company has violated the public ethics and society traditional law, especially the rights of local indigenous communities by exploiting manganese material. The method used is the reflection of philosophy with ethical approaches and relevant ethical theories.

1. Introduction
Human beings are always doing economical activities to fulfill basic needs in order to survive in life. Unfortunately, the implementation of economic activities done often neglect ethical dimension. Economic activity which does not consider the ethical side will cause problems that harm humans and the natural environment. The primacy of ethical values which are ignored in economic business transactions have a negative impact on humans and the natural environment. This paper is an attempt ethical reflection on the empirical facts manganese mining activities undertaken by PT Energy Resources Indonesia (ERI) in Oenbit Village, East Nusa Tenggara Province that bring ethical controversies on various parties, especially Oenbit indigenous peoples in relation to the environment. This paper is to prove a thesis statement that all forms of exploitation of natural need to pay attention to the ethical aspects in its implementation so as not to bring ethical issues in human and local cultural environment. In the case of mining Oenbit Mangan, government of Timor Tengah Utara (TTU) and PT ERI assumed violation of ethics and common law of Oenbit society.

The method used philosophy methods particularly ethical reflection to find the meaning of the facts under investigation. Ethical reflection is a technique rational logical reasoning on the basis of
empirical facts to find ethical meaning to the problem being investigated. Data were collected by field observations and documentation from various sources that are relevant to the research topic.

2. Chronology of TTU Regent Permit to PT ERI and Conflict of Oenbit Manganese Exploitation

Oenbit Village located in Timor Tengah Utara District, East Nusa Tenggara Province was inhabited about 21 indigenous groups of Dawanese with customary rights to land are: Ataupah Tribe, Naikofi Tribe, Mantonas Tribe, Haukilo Tribe, Neonbeni Tribe, Taibenu Tribe, Tanouf Tribe, Amasene Tribe, Noetnana Tribe, Amtasi Tribe, Amkeun Tribe, Naiaiki Tribe, Naiboas Tribe, Banusu Tribe, Uskono Tribe, Pakaenoni Tribe, Us Olin Tribe, Taboy Tribe, Neonub/ Sijao Tribe, Aplasi Tribe, and Sonaf Lanasu-Taolin as King of Insana[1]. Oenbit administrative boundary region the eastern with the village of Teba, the northern with Upfaon Village, to the west with the Nunmafo Village, and the south by the Loeram Village. For hundreds of years Oenbit farmers live in communities and develop a pattern of ethical relationship with nature. Natural has spiritual and economics valuable for society of Oenbit. Mr. Amatus Naikofi say that nature is valuable for the local community because it provides benefit spiritually and economically[2]. While Mr. Niko Ataupah and Kornelis Us Olin said the same thing that Oenbit people appreciate ecological unity between human, nature, animals and plants. Oenbit community appreciate living in harmony with nature and preserving nature from being damaged or destroyed by human action that exploits crops such as mining activities. Oenbit community is an example of human ecological support of eco-philosophy (the term of Skolimowski) that claimed human ecological as human beings who live at one with nature[3]. Any mining exploitation definitely caused negative impact to nature and kill all life within it, including humans, animals and plants. Therefore, people of Oenbit reject all forms of exploitation of nature in their land.

Oenbit is a region that contains the natural wealth in the form of manganese. For this reason too many entrepreneurs and corporations have an interest to exploit the manganese in the village of Oenbit. If a company wishes to carry out exploitation or mining Manganese, they necessary legal permits as a condition for mining activities. In the context of Oenbit, PT Elgari Resources Indonesia is companies get permission to exploit manganese of Oenbit. Government of Timor Tengah Utara (TTU) provides mining license in Oenbit to PT Elgari Resources Indonesia issued a decree No. 270 of 2013. In 2008, the Regent Gabriel Manek issued decrees to PT Elgari Resources Indonesia to exploit an area of 1,623 hectares in Oenbit and Loeram Village[4]. In the same year, the Regent Gabriel Manek represents of government signed a memorandum between the Government of TTU and Yayasan Bina Swadaya, Japanese government representatives and community representatives Oenbit to make Banam Neten locations including in rural areas Oenbit area of 110 hectares for planting distances and cashew. Based on the decision letter, then in 2009 PT ERI come to Oenbit communities and told people to dig manganese and must be sold to PT ERI at an initial price of IDR 350/kilogram. These activities occurred until 2010.

In 2010, the regional parliament of Timor Tengah Utara formed a Manganese Special Committee, chaired by Mr. Hendricks Saunoah, SE (Chairman of the Legislative Council of TTU now) to investigate the case of manganese in Oenbit. The findings of the investigation team showed that PT ERI had falsified documents on letter of request to the Regent to invest in mining of Oenbit manganese. The findings are then recommended to the authorities for further action yet taken any action until now. In 2012 without socialization, PT ERI build Stock file Mangan over tribal land in Oenbit Village especially Taesbenu without approach with tribal landowners concerned.

In June 2014, without the permission to the Naikofi Tribe, PT ERI opening a road along 4 kilometers of stock file Mangan to the basin location (on the top of Oenbit mountain) and damaged two traditional rituals (Bijae Bekuf) belongs to the Naikofi Tribe thus fined by the Naikofi Tribe IDR 13,000,000 (thirteen millions). Fines is claimed by the PT ERI as a form of submission of tribal land to them to be used, but not so. In October 2014, after becoming aware of the activities of exploitation in basin locations (communal land belongs to the Ataupah, Temuku Ha, Us Taolin Tribe), three representatives of the Ataupah Tribe namely Mr. Nikolas Ataupah, Mr. Anderas Leu Ataupah, and Mr. Markus Tasaeb) reprimand the PT ERI to halt mining activities, but PT ERI argue that their activities are not serious and test tool only. Following up on this, the Head of Oenbit Village bring together
people with PT ERI and the Government of Timor Tengah Utara (Mining and Energy). At the time of the dialogue is done, the Government of TTU intimidate people by citing Article of 33, paragraph 1, 2 and 3 that the soil, water, air and controlled by the state so that people speechless and can not argue anything. As if the government is arrogant to Oenbit People average not highly educated[5].

On January 30 2015, after it had been exposed in the media (Kompas Online) Secretary General of the National Student League for Democracy, Emanuel Tabean initiative to give direction to all members of the National Student League Democrat (NSLD) in Kefamenanu City for supporting the struggle of Oenbit People get justice by protesting the exploitation of Manganese of Oenbit. On February 6 2015, NSLD with communities who are members of the People's Alliance Environmental Concern (PAEC), protests to stock file of PT ERI and accepted by Mr. Hendra Castilio as the responsible of PT ERI Management. When it was agreed that the next meeting will be take place on February 23 2015, the deadline for the PT ERI manganese exploitation cease all activities at mine sites as well as agrees to bring the Regent of Timor Tengah Utara and Council of Timor Tengah Utara. But on February 23 2015, the Regent of TTU and the Regional Representatives Council of TTU was not present, so that people Oenbit leaving the location of meeting because they feel cheated by PT ERI.

On February 26 2015, the people of Oenbit demonstrate by visiting the office of the Regional Representatives Council of TTU convey the aspirations and accepted by two members of the Regional Representatives Council of TTU namely Mr. Agustinus Tulasi and Mr Heribertus Radja. Both of board members have promised to bring the aspirations of the people Oenbit on the agenda in Legislative Council of TTU and immediately summoned the Regent TTU and PT ERI to resolve this Oenbit case.

On March 16 2015, after receiving an invitation from the Regional Representative Council of TTU, Oenbit people came to the House of TTU Regent and meet the Regent, Chief of Police, and the Chairman of the Regional Representative Council of TTU. Raimundus Fernandez, Regent of TTU has promised to come to Oenbit to see manganese exploitation activities and will investigate the fake names were handed over the land to PT ERI. In accordance with Raimundus promise on March 16, then on March 28 2015, the Regent was accompanied by Vice Regent, Vice Head Police, and Chairman of the Regional Representatives Council of TTU meeting in the office Village Oenbit attended by managers of PT ERI (Mr. Daniel Castilio) with the community of Oenbit demonstrators. During the meeting, strangely, did not disclosed the names of fake transfer their land but instead track the king Insana and the chairmen of the actual rate, because at that time the Naikofi Tribe present flatly refused to hand over their land to PT ERI. On the occasion, the regent said that if until June of 2015 there was no agreement between PT ERI and community of Oenbit, the regent will revoke the mining permit of PT ERI in Oenbit Village.

On April 14 2015, Oenbit society demonstrated by closing the entrance to the mine site. Society closed the entrance with fencings and planting mahogany trees along the road that are above ground of Naikofi Tribe. On April 20 2015, the tribes residing in the territory Insana (15 tribes) to make a statement together to reject the presence of PT ERI submitted to the TTU Regent, the Chairman of the Regional Representatives Council, Chief of Army Region 1618, police chief of TTU, but the letter was not addressed. On June 19 2015, after being suspended 2 times (June 5 and June 12 2015), the community Oenbit coming back to the office of Regent for dialogue but not seriously addressed by the TTU Regent. Feeling the regents do not care about the community of Oenbit are present, the people walk out of the space where dialogue. Until now, the activity of exploitation of manganese in Oenbit discontinued granted. The assets of PT ERI still on the scene and issued a decree for the exploitation of manganese Oenbit had not been canceled. This issue is so silenced without a thoughtful and serious handling of the warring parties.

3. Ethical Reflections on the Exploitation of Manganese Material in Oenbit Village

Ethics comes from the word ‘ethos’ (Greek) which means habit forming characters or character of the individual[6]. Ethics is the study of the merits of human action in social reality together with others. Ethical discipline consists of two (2) part of the general ethics and special ethics. General ethics examines the essence of conscience, freedom and responsibility, values and morals, rights and
obligations as well as the ways in which humans live ethically. While special ethics is closely related to the application of ethics in the context of general or specific conditions. From this came the field of applied ethics. According to Beauchamp: "The term 'applied ethics' and its synonym 'practical ethics' Came into use in the 1970s when philosophers and other Academics Began to address the pressing moral problems in society and in professional ethics especially medical ethics and business ethics"[7]. Applied ethics evolved in the decade of the 1970s when the development of the fields of biomedical science and business creates problems for humans in society. This is supported by the occurrence of a variety of complex problems in the world of work or industry. Social movements like the labor movement, the environmental conservation movement, anti-war movement, the movement of gender, democratization movement and others are increasingly being made that drive the need for serious ethical reflection and depth in accordance with the context of the problem that occurred. Ethical reflection is an attempt to do philosophy in practice in accordance with the context of reality that is in empirical reality.

In ethics, there is a general ethical theories include: Ethics of Utilitarianism (Utilitarianism), Ethics of Deontology (Duty Based Ethics), Ethics of Rights (Right Based Ethics), and the Ethics of Virtue (Virtue Ethics). The fourth theory is a fundamental ethical theories related to the paradigm of thought, action, taking a stand and actualization of human behavior in existence of living. Ethical reflection that is developed in this paper applying the theory framework of Virtue Ethics Theory of Classical Greek philosopher, Aristotle as the main reference. The main peculiarities of Virtue Ethics Aristotle noticed dimension of attitude, character and morals of the human person as a moral agent in the actualization of its actions with others entities. According to Plato, the virtuous life is the life associated with behavior patterns that produce goodness and social harmony. "... However, goodness and virtue were Intimately connected with the mode of behavior that produced well-being and harmony"[8]. While Aristotle claimed that the highest aim of every human behavior in life that produces virtue. "... That man aims at a knowledge of the Idea of the Good"[9]. Aristotelian virtue ethics thoughts contained in the main work of the Nichomachean Ethics showing the main and highest goal of human life that seek goodness. "... Aristotle Nichomachean Ethics saying that 'every art and every inquiry, and similarly every action and pursuit, is thought to aim at some good ..."[10]. Virtue Ethics of Aristotle is also named teleological ethics. Thus it can be concluded that human life is an ethical and philosophical meaning of life by basing itself on the qualities and values of virtue directed at acts of goodness in life together. Model of virtuous life is what needs to be comprehended by the human subject as a moral agent in the totality of the existence of life.

Licence Exploitation of Manganese by PT ERI to Regent of TTU assumed to be less scrupulous in examining the document permissions. This is evidenced by the data that PT ERI falsified documents permission to the Regent of TTU without the knowledge of the regents (Documents of 15 Tribes Oenbit). In addition, the regents did not act ethically punish PT ERI who forged permission documents. When people Oenbit demonstrate, there is an impression by TTU Regent and acted indifferent to the aspirations of the people of Oenbit. This indicates that the Regent did not respect the aspirations of indigenous peoples of Oenbit. Regent did not act ethically by ignoring the current society dialogue was conducted in the office of Regent. TTU Regent does not have a good attitude to treat people Oenbit with ethical and respectful manner. TTU Regent ignore customary land rights of Oenbit society. TTU Regent poor decisions in manganese exploitation activities in Oenbit Village.

PT ERI showed quite a lot of unethical include: acting wrongly in the case of document forgery permission to the TTU Regent. PT ERI also not consider Oenbit indigenous communities ethics and destroy the customary ritual of Oenbit communities. PT ERI assumed to perform retrieval manganese Oenbit by way of unlawful and unethical. "Mining activities PT ERI carried out without the consent of land owners in the area of kot tau-naip tau and pusuf kelef thus assumed to be arbitrary, pilferage and theft of crops belonging to the tribes of native"[11]. This is an unethical action against Oenbit society traditional law.

The act of exploitation of PT Elgari Resources Indonesia conducted by Regent Decree No. 270 of 2013 raises ethical problems and harm the society Oenbit and nature Insana general. Manganese
exploitation actions undertaken by PT ERI caused some negative effects, among others: first, grazing animals belonging to residents in the location besin nia’ban Oenbit reduce economic income communities existing tribes. Second, agricultural production Oenbit area disadvantaged communities due to the narrowing of exploration farmland by local farmers in traditional. Third, the destruction of places of traditional rituals belonging to residents of Oenbit which is indigenous ancestral tradition passed down through generations. Fourth, the destruction of nature for hundreds of large trees have been cut by PT ERI during the opening of the road to the mine site of manganese. Fifth, the presence of PT ERI create horizontal conflict in the Oenbit community because there was a split (disharmony) in the society. Sixth, the alleged conspiracy triangle between the Regent, the regional council and PT ERI in the exploitation of Oenbit manganese.

Based on ethical reflection above, it can be concluded that in general the Regent of Timor Tengah Utara and PT ERI commit unethical acts in the exploitation of manganese in Oenbit Village, Timor Tengah Utara, East Nusa Tenggara Province. Government action and PT ERI is not only unethically, but also violated the positive law (falsification of documents permits) and the residents of Oenbit Village customary law (traditional ritual ethics of the local community). Therefore the exploitation of manganese in Oenbit Village can be said to contain ethical and legal contradictions. Manganese exploitation of Oenbit violated three main elements namely: against ethics, against the positive law and against law customary society of Oenbit.

4. Conclusion
We have seen together how ethics error, positive law violations and violations against indigenous communities of Oenbit ethics conducted by the TTU Regent, the Regional Representatives Council of TTU and PT ERI. Ethical reflection on the empirical facts manganese mining activities undertaken by PT Energi Resources Indonesia (ERI) in Oenbit Village, East Nusa Tenggara Province brings proven ethical and legal controversy. The thesis statement that all forms of exploitation of the natural need to consider ethical and legal aspects of the implementation is very necessary to be considered so as not to bring ethical and legal problems in humans in the application actions. In the case of mining Manganese of Oenbit, Regent of Timor Tengah Utara and PT ERI proved conclusively in violation of ethics, violate positive law and violated customary law of Oenbit society. Therefore, the authors recommend that the mining of manganese in Oenbit Village need to be stopped because the resulting detrimental to many parties, both in terms of ethics, the human aspect, the essence of the law, as well as nature conservation. If the exploitation of Manganese in Oenbit want to resume needs to be preceded by the analysis of the social and environmental impact comprehensively. Also necessary negotiations and agreements intelligent, ethical and in accordance with the law involving all the parties in a manner that is fair, ethical, legal, democratic and respectful of each other.

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