



IMPLEMENTATION OF REGIONAL REGULATION NO. 4/2009 ON OHOI LEADERSHIP ELECTIONS IN SOUTHEAST MALUKU

Venansius Yohanis Ars Kassiuw^{a1*}, Chanif Nurcholis^{b2}, Tehubijuluw Zacharias^{c3}

^{1,2,3}Postgraduate Program – Universitas Terbuka

¹Arskassiuw747@gmail.com*, ²hanif@ecampus.ut.ac.id; ³tehubijuluwtjak@yahoo.co.id

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ABSTRACT

Abstract This study aims to analyze the implementation of Regional Regulation No. 4 of 2009 concerning the nomination, election, and inauguration of the Head of Government of Ohoi in Southeast Maluku Regency. The research uses a qualitative descriptive approach with a socio-legal perspective. Data were collected through observations, document analysis, and in-depth interviews with 15 informants consisting of government officials, customary leaders, community figures, and academics. The findings show that the implementation of the regulation has not run effectively due to three main obstacles: unclear parameters of hereditary rights in the nomination process, excessive government intervention through the Saniri Ohoi Agency and regional officials in customary affairs, and inconsistent application of the regulation in the field. These conditions have triggered horizontal conflicts within indigenous communities and vertical conflicts between customary institutions and the regional government. The study concludes that harmonization between customary law and state law is necessary to strengthen legitimate, effective, and sustainable Ohoi governance in Southeast Maluku.

INTRODUCTION

The governance of customary villages in Indonesia has entered a critical phase following the constitutional recognition of indigenous peoples under Article 18B of the 1945 Constitution and its further institutionalization through Law No. 6 of 2014 on Villages. This legal recognition affirms indigenous autonomy, including the right to govern based on original structures, values, and customary norms (Ayu & Rahayu, 2021; Kubangun, 2025; Nurdin et al., 2024; Rahawarin et al., 2025). In Southeast Maluku Regency, this autonomy is manifested through the Ohoi governance system, which is rooted in the Kei customary law known as *Larvul Ngabal* (Bukido et al., 2025; Rumkel, 2020). However, the formal recognition of customary villages has not automatically translated into effective governance practices. Instead, the enactment of Regional Regulation (Perda) No. 4 of 2009 concerning the nomination, election, and inauguration of Ohoi heads has revealed profound governance challenges. Rather than strengthening customary leadership, the regulation has become a source of prolonged leadership vacuums, institutional uncertainty, and social conflict. The urgency of this research stems from the fact that unresolved leadership disputes at the Ohoi level directly undermine social stability, weaken customary institutions, disrupt public administration, and erode trust between indigenous communities and the state (Migdal, 2021; Muhtar et al., 2022; Nurcholis, 2020a, 2020b).

Empirical realities in Southeast Maluku demonstrate that the implementation of Perda No. 4 of 2009 has produced outcomes that contradict its original intent. Since the regulation's enactment, a significant number

of Ohoi have been governed by acting officials for extended periods due to unresolved disputes over hereditary leadership rights and conflicting interpretations of customary legitimacy. These prolonged interim arrangements have not only weakened governance capacity but have also intensified competition among clans claiming ancestral authority, often escalating into horizontal conflicts within communities and vertical conflicts between customary institutions and regional government actors. In several cases, these disputes have resulted in physical violence, destruction of property, administrative paralysis, and legal challenges brought before the State Administrative Court (PTUN), indicating that the issue extends beyond technical governance failure into a broader socio-legal crisis (Migdal, 2021; Laimeheriwa & Wargadinata, 2020; Stewart, 2020). Such conditions highlight the pressing need for systematic academic investigation into why a formally recognized regulatory framework has failed to produce governance stability.

From the standpoint of existing scholarship, studies on customary governance in Indonesia—particularly in Maluku—have largely focused on issues of recognition, identity preservation, and the resilience of indigenous institutions under modern state structures. Research by Laimeheriwa & Wargadinata (2020) and Muhtar et al., (2022) emphasizes the tension between administrative state governance and customary authority, noting that while institutional forms may change, customary values and legitimacy remain deeply embedded in local communities. Similarly, theoretical contributions from legal pluralism scholars such as Benda-Beckmann, (2022); Ter Haar (2021) and; Van Vollenhoven (2019) conceptualize customary law as a living and adaptive system that continuously negotiates its position within the national legal order. While these works provide essential conceptual insights, they tend to analyze customary governance at a normative or structural level rather than interrogating specific regulatory instruments and their operational consequences.

More focused studies on leadership and hereditary rights within the Kei customary system have further enriched the literature, particularly those examining the Ratschap system and lineage-based authority Kubangun (2025); and Laimeheriwa & Wargadinata, (2020) explore inheritance rights in customary leadership, while Itrantoy & Nugroho (2022) analyze hereditary appointment mechanisms in particular Ohoi contexts. These studies underscore the centrality of patrilineal descent and ancestral legitimacy in Kei leadership structures. However, their analytical emphasis remains predominantly doctrinal and cultural, offering limited engagement with the dynamics of policy implementation. As a result, they do not sufficiently explain how state actors, bureaucratic procedures, and regulatory ambiguities interact with customary norms to produce conflict in everyday governance practices.

This limitation points to a significant research gap in the current body of knowledge. First, there is a lack of empirical research that treats policy implementation—not policy formulation or legal recognition—as the primary analytical lens for understanding customary governance failure. Second, existing studies rarely map the causal pathways through which vague regulatory provisions, overlapping institutional authority, and discretionary bureaucratic practices generate both horizontal and vertical conflicts. Third, the intersection between policy implementation theory and socio-legal analysis of indigenous governance

remains underexplored, particularly in the context of Southeast Maluku. Consequently, the persistence of conflict is often attributed to “cultural resistance” or “administrative weakness” without a deeper explanation of how implementation processes themselves structure these outcomes (Collins, 2019; Dahrendorf, 2022; der Heijden, 2022).

This research seeks to fill these gaps by placing the implementation of Regional Regulation No. 4 of 2009 at the center of analysis and examining it as a socio-legal process rather than a purely administrative one. Drawing on policy implementation theory, this study investigates how unclear parameters of hereditary rights, excessive government intervention through institutions such as the Saniri Ohoi Agency (BSO), and inconsistent application of regulations across Ohoi collectively shape conflict dynamics. Unlike prior studies, this research does not ask whether customary governance should be recognized—since that question has already been normatively settled—but instead interrogates how recognition is operationalized, contested, and sometimes undermined in practice (Dahrendorf, 2022; der Heijden, 2022; Emerson & Nabatchi, 2020; Foucault, 2021).

The novelty of this research lies in its integrative approach that bridges policy implementation studies with indigenous governance and legal pluralism. Empirically, it provides detailed evidence of how a single regional regulation can generate systemic governance instability when it fails to translate customary principles into clear operational rules. Theoretically, it advances the understanding of legal pluralism by demonstrating that the conflict between state law and customary law is not merely normative but deeply embedded in implementation mechanisms. Practically, the study fills a crucial gap by offering insights for regulatory reform, conflict-sensitive governance design, and institutional role clarification. In doing so, it contributes to broader debates on how indigenous autonomy can be safeguarded while ensuring effective and legitimate local governance within the framework of the modern state (Acemoglu & Robinson, 2022; Ansell & Trondal, 2020; Ayu & Rahayu, 2021; Benda-Beckmann, 2022).

RESEARCH METHOD

This study employs qualitative descriptive research with a socio-legal approach. The qualitative design is used to obtain an in-depth understanding of the implementation of Regional Regulation No. 4 of 2009 concerning the nomination, election, and inauguration of the Head of Government of Ohoi in Southeast Maluku Regency. The socio-legal approach allows the research to analyze law not only as a normative framework but also as a social practice that interacts with customary values, power relations, and administrative behavior. This approach is appropriate because the research problem involves the intersection between state law, customary law (*Larvul Ngabal*) (Ayu & Rahayu, 2021; Bukido et al., 2025; Kubangun, 2025; Nurdin et al., 2024; Rahawarin et al., 2025; Rumkel, 2020; Rumra, 2024), and policy implementation dynamics (Collins, 2019; Dahrendorf, 2022; der Heijden, 2022; Emerson & Nabatchi, 2020; Foucault, 2021).

This study uses primary data and secondary data. Primary data consist of information obtained directly from field research, including the experiences, perceptions, and interpretations of actors involved in the implementation of the regulation. Secondary data include legal documents, official government records,

court decisions, academic literature, previous research findings, and relevant regulations related to village governance, customary law, and policy implementation.

Data collection was carried out using several qualitative techniques to ensure depth and data triangulation. First, in-depth interviews were conducted with selected informants who were directly involved in or affected by the implementation of Regional Regulation No. 4 of 2009, including government officials, customary leaders, Ohoi leaders, and community figures. Second, observation was undertaken through involved observation (*verstehen*), in which the researcher actively engaged with the social setting to understand interaction patterns, conflict dynamics, and governance practices in Ohoi communities. Third, documentation studies were conducted by examining regional regulations, village administrative documents, official correspondence, court rulings from the State Administrative Court (PTUN), and meeting minutes of customary and government institutions. In addition, focus group discussions (FGDs) were organized to capture collective perspectives and validate findings obtained from individual interviews.

The data were analyzed using qualitative data analysis techniques following an interactive and iterative process. Analysis consisted of four main stages: (1). Data reduction, by selecting, focusing, and categorizing data relevant to the research objectives; (2). Data display, by organizing information into thematic narratives and matrices to facilitate interpretation; (3). Data interpretation, by linking empirical findings with policy implementation theory and socio-legal concepts; and (4) Conclusion drawing and verification, by identifying recurring patterns, causal relationships, and explanatory themes.

As an analytical tool, this study uses a policy implementation framework inspired by the Mazmanian–Sabatier perspective as further developed by Van der Heijden, which emphasizes clarity of policy objectives, institutional roles, and consistency of implementation. This framework is combined with socio-legal analysis to examine how legal norms are interpreted and contested within customary governance contexts. Triangulation across interview data, observations, and documents was applied to enhance data validity and reliability. The informants in this study were selected purposively based on their roles, authority, and direct involvement in the Ohoi governance process.

Table 1: The List of Informants

No.	Category of Informants	Position / Description	Number of Informants
1	Regional Government Officials	Members of DPRD Southeast Maluku Regency	2
2	Legal and Administrative Officials	Head of Legal Division and Kesbangpol Officials	2
3	Law Enforcement / Administrative Apparatus	SATPOL PP Officials	1
4	Customary Leaders	Rat / Raja (Customary Kings)	3
5	Ohoi Leaders	Definitive Heads of Ohoi (Orang Kay)	3
6	Acting Ohoi Officials	Acting Heads of Ohoi	2
7	Ohoi Leadership Candidates	Candidates for Head of Ohoi (Orang Kay and Soa)	2
8	Academics and Community Leaders	Researchers and Indigenous Community Figures	2
Total			15

Source: Primary data, processed, 2025

RESULTS AND DISCUSSION

Overview of the Implementation of Regional Regulation No. 4 of 2009

This study analyzes the implementation of Regional Regulation No. 4 of 2009 concerning the nomination, election, and inauguration of the Head of Government of Ohoi in Southeast Maluku Regency using a qualitative socio-legal approach. In accordance with the research method, the findings presented in this section are derived from in-depth interviews, participatory observation, document analysis, and focus group discussions. The analysis does not aim to measure effectiveness quantitatively but to explain how implementation processes unfold in practice, how actors interpret legal norms, and why conflicts persist.

Empirical data show that the regulation has not been implemented uniformly across Ohoi. Instead, its application varies depending on the interpretation of hereditary rights, the role played by government institutions, and the strength of customary authority in each locality. These findings confirm that policy implementation in a plural legal context cannot be understood solely through formal regulatory texts but must be examined as a social process shaped by power relations, institutional practices, and customary legitimacy (Van der Heijden, 2022).

The findings confirm that the failure of Perda No. 4 of 2009 is not merely normative but fundamentally an implementation failure. Using Van der Heijden’s (2022) implementation framework, three weaknesses are evident: unclear policy content (hereditary rights), excessive discretion of implementing actors (BSO and regional officials), and lack of consistency across implementation sites. From a socio-legal perspective, this case exemplifies how state law, when inadequately translated into local contexts, can destabilize rather than strengthen customary governance (Ter Haar, 2021; Benda-Beckmann, 2022). Furthermore, the persistence of resistance and rejection by indigenous communities reflects what Migdal (2021) describes as “state–society friction,” where legitimacy is negotiated rather than imposed. The findings also support Ansell and Trondal’s (2020) argument that governance in plural societies requires clear boundary-setting between institutions rather than integration without differentiation.

Policy Implementation in Ohoi Governance: Step-by-Step Process



Figure 1: Policy Implementation in Ohoi Governance: Step-by-Step process

Source: Primary data, processed, 2025

The figure 1 illustrates a sequential explanation of how the implementation of Regional Regulation No. 4 of 2009 unfolds in practice and why it produces governance problems in Ohoi. The process begins with the enactment of the regulation as a formal policy instrument intended to regulate Ohoi leadership selection. However, at the policy design stage, fundamental weaknesses already exist, particularly the absence of clear operational criteria for hereditary rights, institutional ambiguity regarding the division of authority, and the lack of standardized implementation guidelines. These weaknesses create space for varied interpretations when the regulation is translated from text into practice. As implementation moves to the actor level, multiple institutions—including the Saniri Ohoi Agency (BSO), local government officials, and customary leaders—become involved, often without clearly defined boundaries of authority. This situation reflects a classic policy implementation problem, where unclear policy content and fragmented institutional roles generate discretion and contestation rather than coordination.

The interaction between these implementation practices and the socio-legal context further intensifies the problem. Ohoi governance operates within a legally plural environment where state law coexists with the customary law of *Larvul Ngabal*, and overlapping authorities blur the line between administrative power and customary legitimacy. Instead of resolving leadership succession, this interaction produces immediate and cumulative consequences, including horizontal clashes among clans, vertical conflicts between communities and the state, and prolonged governance stagnation due to reliance on acting officials. The figure therefore demonstrates that conflict in Ohoi governance is not an isolated cultural issue but the outcome of a step-by-step implementation process in which policy design flaws, discretionary interventions, and legal pluralism interact to undermine effective and legitimate customary governance.

Unclear Parameters of Hereditary Rights in Ohoi Leadership Selection

Interview data from customary leaders, Ohoi officials, and leadership candidates consistently indicate that the main source of conflict lies in the absence of clear operational criteria regarding hereditary rights in the regulation. Although Perda No. 4 of 2009 recognizes leadership based on lineage, it does not define how lineage should be verified, prioritized, or resolved in cases of competing claims. As a result, customary deliberation processes are frequently contested, and decisions are perceived as subjective or politically influenced.

This condition is illustrated in several Ohoi where multiple clans claim descent from ancestral leaders. From a socio-legal perspective, this ambiguity creates what Collins (2019) describes as a “legitimacy vacuum,” where formal law fails to provide authoritative guidance, allowing social conflict to escalate. In terms of policy implementation theory, this reflects weak policy design, where goals are stated normatively but lack implementable criteria (Mazmanian & Sabatier, as elaborated by Van der Heijden, 2022).

Table 2. Empirical Findings on Hereditary Rights Disputes

Empirical Indicator	Field Evidence
Competing lineage claims	Multiple clans claim leadership ancestry
Verification mechanism	Relies on oral history and deliberation
Legal clarity	No clear criteria in Perda No. 4/2009

Source: Primary data, processed, 2025

The empirical findings summarized in the table reveal a structurally interconnected problem that lies at the core of leadership disputes in Ohoi governance. The presence of competing lineage claims, where multiple clans assert ancestral rights to leadership, indicates that customary authority in Ohoi is not inherently uncontested but depends heavily on shared recognition and collective acceptance. In practice, this competition is intensified by the verification mechanism, which relies predominantly on oral history, genealogical narratives, and customary deliberation rather than written records or standardized procedures. While oral tradition is a legitimate and authoritative source within the *Larvul Ngabal* customary system, its use becomes problematic when it is required to interface with formal state regulations that demand administrative certainty. This tension is exacerbated by the lack of legal clarity, as Regional Regulation No. 4 of 2009 does not provide explicit operational criteria for determining which lineage holds legitimate leadership rights when claims overlap. As a result, the regulation fails to function as a conflict-resolving instrument and instead creates a normative vacuum that allows subjective interpretation, power bargaining, and selective recognition by both customary and governmental actors. The cumulative impact of these conditions is the emergence of horizontal conflict and deep community division, where clans mobilize social, cultural, and sometimes coercive resources to assert legitimacy, fragmenting communal solidarity. Rather than serving as a stabilizing framework, the regulatory ambiguity transforms lineage verification into a contested political arena, demonstrating that unresolved legal pluralism at the implementation level directly contributes to social conflict and governance instability within Ohoi communities.

Government Intervention and the Role of the Saniri Ohoi Agency (BSO)

The findings from interviews with government officials, customary leaders, and community figures reveal that government intervention is perceived as excessive and intrusive, particularly through the Saniri Ohoi Agency (BSO), sub-district heads, and regents. Although formally positioned as an administrative facilitator, the BSO often becomes involved in substantive decisions regarding candidate eligibility and legitimacy, thereby encroaching upon customary authority.

From the standpoint of socio-legal theory, this overlap illustrates institutional hybridity that lacks functional differentiation (Luhmann, 2022). Policy implementation theory further explains that when implementing agencies possess discretionary power without clear limits, policy outcomes deviate from original objectives (Van der Heijden, 2022). The data show that such interventions frequently lead to rejection of appointed officials and prolonged leadership vacuums.

Table 3. Forms of Government Intervention Identified in the Field

Actor	Type of Intervention	Perceived Impact
BSO	Candidate verification beyond administration	Erosion of customary authority
Sub-district head	Approval of disputed candidates	Vertical conflict
Regent	Appointment of acting officials	Long-term governance stagnation

Source: Primary data, processed, 2025

The empirical pattern of interventions by government actors demonstrates how administrative involvement in Ohoi leadership selection has gradually transformed from facilitative support into substantive control, generating significant governance tensions. The Saniri Ohoi Agency (BSO), which is institutionally designed to perform administrative and procedural functions, is frequently reported to extend its role into the verification of candidate legitimacy, a domain that traditionally belongs to customary institutions. This intervention is perceived by indigenous communities as an erosion of customary authority, as it displaces ancestral deliberation with bureaucratic judgment and weakens the symbolic and normative power of customary leaders. At the next administrative level, the sub-district head's approval of disputed candidates further escalates tensions by granting formal recognition to individuals whose legitimacy remains contested at the community level. Such approvals institutionalize unresolved disputes and transform internal customary disagreements into vertical conflicts between communities and the state, as indigenous groups interpret these decisions as state endorsement of illegitimate leadership. The regent's appointment of acting Ohoi officials, often justified as a temporary administrative solution, has the most far-reaching consequences. In practice, these appointments frequently persist for extended periods, creating a cycle of dependency on interim leadership that undermines local democratic and customary processes. This pattern results in long-term governance stagnation, characterized by weak accountability, delayed decision-making, and declining public trust. Collectively, these interventions illustrate how discretionary administrative power, when exercised without clear boundaries in a plural legal context, not only fails to resolve leadership disputes but actively restructures authority relations in ways that destabilize customary governance and deepen conflict in Ohoi communities.

Inconsistency in Policy Application Across Ohoi

Document analysis and in-depth interviews conducted in this study demonstrate that the implementation of Regional Regulation (Perda) No. 4 of 2009 varies significantly across Ohoi in Southeast Maluku, revealing a pattern of inconsistency that undermines governance stability. In several Ohoi, the selection of leadership is predominantly guided by customary mechanisms rooted in *Larvul Ngabal*, where lineage verification and decision-making rely on deliberation among customary elders and clan representatives. In contrast, other Ohoi experience a dominance of administrative procedures, in which government actors prioritize formal documentation, bureaucratic approvals, and procedural compliance over customary legitimacy. These divergent practices indicate that the regulation functions less as a unified governance framework and more as a flexible instrument whose application depends on the relative power and influence of local actors. The absence of clear, standardized implementation guidelines exacerbates this situation, allowing different interpretations to coexist without an authoritative mechanism for reconciliation.

From the perspective of policy implementation theory, such inconsistency represents a critical structural weakness. Van der Heijden (2022) emphasizes that consistency in interpretation and application is essential for policies to achieve their intended outcomes, particularly in complex governance settings. When

implementation varies across locations, policies lose predictability and credibility, creating uncertainty among stakeholders. In the context of Ohoi governance, this uncertainty encourages strategic behavior, as actors selectively invoke either customary norms or bureaucratic procedures depending on which avenue is perceived to offer greater advantage. As a result, leadership selection becomes a contested arena where legitimacy is negotiated rather than institutionally secured, increasing the likelihood of disputes and resistance at the community level.

This pattern of inconsistency also reinforces broader theoretical insights from legal pluralism scholarship. Benda-Beckmann (2022) argues that legal pluralism does not inherently produce conflict; rather, conflict emerges when coordination mechanisms between coexisting legal systems are weak or absent. The findings of this study confirm this argument by showing that the lack of clear institutional coordination between customary authorities and state agencies transforms legal diversity into a source of tension. Instead of complementing one another, state law and customary law operate in parallel and sometimes in competition, producing fragmented governance outcomes. Consequently, inconsistency in policy application not only weakens the effectiveness of Perda No. 4 of 2009 but also deepens structural conflicts within Ohoi communities, highlighting the urgent need for clearer guidelines and coordinated implementation frameworks grounded in both administrative and customary legitimacy.

Pattern of Horizontal and Vertical Conflict

Based on triangulated data, conflicts emerging from policy implementation can be categorized into horizontal and vertical dimensions. Horizontal conflicts occur between clans or families contesting hereditary legitimacy, while vertical conflicts arise between indigenous communities and government institutions. These conflicts are not isolated incidents but recurring patterns directly linked to implementation failures.

Table 4. Conflict Typology Based on Field Findings

Conflict Type	Actors Involved	Primary Cause
Horizontal	Clans / families	Unclear hereditary parameters
Vertical	Community vs. government	Institutional intervention
Structural	Ohoi governance	Prolonged acting officials

Source: Primary data, processed, 2025

The typology of conflict presented in the table illustrates how governance disputes in Ohoi emerge at multiple, interconnected levels as a direct consequence of policy implementation failures. Horizontal conflicts, which occur among clans and families within the same Ohoi, are primarily driven by unclear hereditary parameters governing leadership succession. When the regulation does not clearly define lineage criteria, competing claims to ancestral rights become inevitable, transforming kinship relations into arenas of political contestation and fragmenting community cohesion. Vertical conflicts arise between indigenous communities and government institutions as a result of institutional intervention in customary processes, particularly when administrative actors validate disputed candidates or impose decisions that contradict customary deliberation. These actions are perceived as violations of indigenous autonomy and provoke

resistance, protests, and rejection of state authority. Beyond these immediate disputes, the accumulation of unresolved horizontal and vertical tensions produces a structural conflict within Ohoi governance itself, characterized by the prolonged appointment of acting officials and the absence of definitive leadership. This structural condition weakens accountability, disrupts decision-making, and normalizes governance stagnation, embedding conflict into everyday administrative practice. Taken together, the conflict typology demonstrates that disputes in Ohoi governance are not isolated or episodic but systemic, arising from the interaction between ambiguous legal norms, intrusive institutional practices, and unresolved leadership succession, which collectively undermine the legitimacy and effectiveness of both customary and state governance systems.

Discussion

The findings of this study demonstrate that the implementation of Regional Regulation No. 4 of 2009 on Ohoi leadership elections in Southeast Maluku constitutes a complex and systemic policy implementation problem rather than a mere technical weakness in regulation. Although the regulation was formally enacted to provide legal certainty for the nomination, election, and inauguration of Ohoi leaders while recognizing customary governance, its application has instead generated persistent disputes, governance instability, and social conflict. This confirms a core insight of policy implementation theory, namely that the success of a policy is determined not by its normative intent but by the clarity of its operational design, the behavior of implementing actors, and the socio-political context in which it is applied (Bukido et al., 2025; der Heijden, 2022; Rumkel, 2020). In a governance environment characterized by strong customary legitimacy and legal pluralism, such as Southeast Maluku, even minor regulatory ambiguities can have amplified consequences.

One of the most significant findings concerns the unclear parameters of hereditary rights embedded in Perda No. 4 of 2009. While the regulation formally acknowledges lineage-based leadership in accordance with customary principles, it fails to define concrete mechanisms for verifying, prioritizing, or resolving competing hereditary claims. Empirical evidence shows that multiple clans frequently assert ancestral rights to leadership, with verification relying heavily on oral history and customary deliberation. Although oral tradition is a legitimate epistemological foundation within the *Larvul Ngabal* system, its interaction with state administrative requirements creates uncertainty and contestation (Herawati & Yulida, 2022; Itrantoy & Nugroho, 2022; Kubangun, 2025; Laimeheriwa & Wargadinata, 2020; Rumra, 2024). From a socio-legal perspective, this condition produces what Collins,(2019) describes as a “legitimacy vacuum,” in which unclear rules intensify competition and social conflict rather than providing authoritative resolution.

This ambiguity highlights the limits of state law in governing customary systems when legal recognition is not accompanied by operational translation. Benda-Beckmann (2022) emphasizes that customary law functions as a living normative order with its own logic of legitimacy, but becomes vulnerable when state regulations impose formal authority without accommodating customary epistemologies. The findings show that rather than strengthening customary leadership, Perda No. 4 of 2009 inadvertently politicizes lineage determination by placing it within a regulatory framework that lacks guidance. As a result, hereditary

verification becomes a contested political arena shaped by power relations, strategic behavior, and selective recognition, thereby deepening horizontal conflicts and fragmenting community cohesion.

Government intervention emerges as the second major factor undermining effective policy implementation. Interviews reveal that the Saniri Ohoi Agency (BSO), sub-district heads, and the regent frequently extend their roles beyond administrative facilitation into substantive decision-making regarding candidate legitimacy. The involvement of BSO in candidate verification, in particular, is perceived by customary leaders as a direct encroachment on ancestral authority. From an institutional perspective, this reflects a lack of functional differentiation, where administrative institutions assume normative roles traditionally held by customary bodies (Luhmann, 2022; Migdal, 2021; Muhtar et al., 2022). Such overlap not only weakens customary legitimacy but also creates confusion regarding authority, accountability, and responsibility within Ohoi governance.

The approval of disputed candidates by sub-district heads further institutionalizes unresolved conflicts, transforming internal customary disagreements into vertical confrontations between indigenous communities and the state. These actions are often interpreted as state endorsement of illegitimate leadership, provoking resistance, rejection, and in some cases open confrontation. Similarly, the regent's appointment of acting Ohoi officials—although justified as a temporary administrative measure—has produced long-term governance stagnation. The concept of state–society friction helps explain this phenomenon, as state interventions that disregard local legitimacy fail to consolidate authority and instead deepen mistrust (Itrantoy & Nugroho, 2022; Laimeheriwa & Wargadinata, 2020; Luhmann, 2022; Migdal, 2021). Over time, prolonged interim leadership erodes accountability, weakens decision-making capacity, and normalizes governance paralysis.

Inconsistency in the application of Perda No. 4 of 2009 across different Ohoi represents another structural weakness revealed by the findings. In some villages, customary mechanisms rooted in *Larvul Ngabal* dominate leadership selection, while in others administrative procedures override customary deliberation (Ayu & Rahayu, 2021; Kubangun, 2025; Nurdin et al., 2024; Rahawarin et al., 2025). This variation reflects the absence of standardized implementation guidelines and weak coordination between state and customary institutions. According to Der Heijden (2022), consistency is a critical variable in policy implementation, as it ensures predictability, credibility, and compliance. When policies are applied unevenly, they lose their regulatory authority and become vulnerable to manipulation by actors seeking strategic advantage.

This inconsistency reinforces broader insights from legal pluralism scholarship. (Benda-Beckmann, (2022); and Brubaker (2021) argues that legal pluralism does not inherently generate conflict; rather, conflict emerges when coordination mechanisms between coexisting legal orders are absent or ineffective. The findings of this study confirm this argument by showing that state law and customary law in Southeast Maluku operate in parallel rather than in a complementary relationship. Without clear institutional coordination, leadership selection becomes fragmented, legitimacy becomes conditional, and governance

outcomes depend on local power configurations rather than established norms, increasing the likelihood of dispute and resistance.

The conflict typology identified in this study—horizontal, vertical, and structural—illustrates how policy implementation failures manifest at multiple and interconnected levels. Horizontal conflicts among clans stem directly from unclear hereditary parameters, while vertical conflicts arise from intrusive administrative intervention that undermines customary authority. Over time, these unresolved tensions accumulate into structural conflict, marked by prolonged acting leadership and institutional stagnation. This pattern aligns with Stewart's (2020) argument that unresolved group-based legitimacy disputes are a primary driver of sustained conflict in plural societies, particularly when governance institutions fail to provide inclusive and authoritative resolution mechanisms.

Taken together, the findings demonstrate that the core problem in Ohoi governance is not resistance to modernization or rejection of state authority, but the failure of state policy to translate customary principles into coherent and bounded implementation mechanisms. Ansell & Trondal (2020) argue that effective governance in plural societies requires clear boundary-setting between institutions rather than unchecked integration. The experience of Perda No. 4 of 2009 shows that when boundaries between administrative authority and customary legitimacy are blurred, policies intended to strengthen governance instead erode trust, escalate conflict, and weaken institutional effectiveness.

This study contributes to the literature on policy implementation, legal pluralism, and indigenous governance by demonstrating that harmonization between customary law and state law is fundamentally an implementation challenge rather than a purely normative one. The failure of Perda No. 4 of 2009 illustrates how regulatory ambiguity, excessive discretion, and inconsistent application can transform legal recognition into governance conflict. Addressing these challenges requires not only regulatory revision but also institutional redesign that respects customary epistemologies while ensuring administrative clarity, coordination, and accountability. Only through such an approach can Ohoi governance in Southeast Maluku achieve legitimacy, effectiveness, and long-term sustainability.

CONCLUSION

This study concludes that the implementation of Regional Regulation No. 4 of 2009 on the nomination, election, and inauguration of Ohoi leaders in Southeast Maluku has not functioned as an effective instrument for strengthening customary governance, but instead has generated persistent governance instability and social conflict. The findings demonstrate that three interrelated implementation problems—unclear operational parameters of hereditary rights, excessive and intrusive government intervention, and inconsistent application of the regulation across Ohoi—constitute the primary sources of failure. These problems interact within a legally plural context where state law and *Larvul Ngabal* customary law coexist without adequate coordination, producing horizontal conflicts among clans, vertical conflicts between indigenous communities and government institutions, and structural stagnation characterized by prolonged reliance on acting Ohoi officials. Rather than resolving leadership succession, the regulation has

unintentionally politicized customary legitimacy and weakened both administrative effectiveness and customary authority, confirming that policy failure in indigenous governance contexts is fundamentally an implementation problem rather than a rejection of customary values or democratic principles. The study further affirms that harmonization between customary law and state law cannot be achieved solely through normative recognition or formal regulation but requires clear operational translation and institutional boundary-setting. Effective Ohoi governance depends on the ability of state policies to respect customary epistemologies while providing unambiguous implementation guidelines that limit bureaucratic discretion and prevent institutional overlap. Drawing from policy implementation theory and socio-legal analysis, this research underscores the necessity of revising Regional Regulation No. 4 of 2009 to explicitly regulate hereditary verification mechanisms, clarify the administrative role of government institutions such as the Saniri Ohoi Agency, and establish consistent procedures applicable across all Ohoi. Such reforms are essential to restoring leadership legitimacy, strengthening accountability, and ensuring sustainable customary governance in Southeast Maluku.

Despite its contributions, this study has several limitations that should be acknowledged and addressed in future research. The qualitative and case-oriented nature of the research, while allowing for in-depth analysis, limits the generalizability of findings across all customary villages in Maluku and other regions of Indonesia. The study also relies on a relatively limited number of informants and selected Ohoi, which may not fully capture variations in leadership practices across different Ratschap and Lor systems. Future research should adopt comparative and mixed-method approaches to examine policy implementation across multiple customary governance settings, incorporate longitudinal analysis to assess the long-term effects of regulatory reform, and explore institutional models that successfully integrate customary authority with modern administrative systems. Such research would contribute to a more comprehensive understanding of legal pluralism, policy implementation, and indigenous governance reform in Indonesia and beyond.

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