



## The Role of Customary Leaders in Supporting the Duties of Bhabinkamtibmas in Resolving Legal Conflicts in Southwest Papua

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### ABSTRACT

*This study examines the role of customary leaders in supporting Bhabinkamtibmas in resolving village-level conflicts in Southwest Papua, Indonesia. Employing a qualitative socio-legal approach, the study draws on in-depth interviews with customary leaders, local government officials, and migrant community members in Sorong Regency and Sorong City. Guided by legal pluralism, hybrid governance, and community policing perspectives, the findings reveal that conflict resolution operates through a hybrid legal order in which customary and state institutions interact through cooperation, mutual recognition, and negotiated authority rather than hierarchical substitution. Customary leaders function as primary actors in restorative dispute resolution, deriving legitimacy from community trust, kinship networks, and communal consensus, while Bhabinkamtibmas strengthen procedural legitimacy and facilitate coordination between customary and formal institutions. The study advances the concept of negotiated legitimacy to explain how customary and state actors continuously construct authority, accountability, and social acceptance within legally plural governance systems. The findings demonstrate that effective community policing in indigenous societies depends on collaboration with locally legitimate institutions and that sustainable conflict resolution emerges through culturally responsive governance arrangements that reconcile customary authority with procedural accountability.*

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## 1. Introduction

Legal pluralism has become a central concept in contemporary socio-legal scholarship for understanding how multiple normative orders coexist, interact, and compete within a single political and social space.<sup>1</sup> Rather than viewing law as an exclusive product of the state, legal pluralism recognizes that social order is often shaped by the interaction of state law, customary norms, religious values, and community-based regulatory mechanisms. Across many postcolonial and indigenous societies, governance and dispute resolution emerge not from a singular legal authority but through continuous negotiations among formal institutions, traditional leaders, and local communities.<sup>2</sup> Consequently, recent socio-legal debates have shifted beyond documenting the coexistence of legal systems toward examining how authority, legitimacy, and governance are constructed through interactions between state and non-state actors.<sup>3</sup> This shift is particularly important in indigenous regions where customary institutions continue to command strong social legitimacy and where the effectiveness of formal governance frequently depends on its ability to engage with locally embedded normative structures.<sup>4</sup>

These debates have generated growing scholarly interest in the relationship between legal pluralism and community policing. While conventional policing models tend to emphasize formal legal authority and bureaucratic enforcement, studies increasingly demonstrate that policing effectiveness in culturally diverse societies is closely associated with social legitimacy, community participation, and local trust networks.<sup>5</sup> In indigenous contexts, law enforcement agencies often operate within normative environments where customary institutions retain substantial authority over dispute resolution and social regulation. As a result, policing practices frequently involve forms of cooperation, negotiation, and power-sharing between state actors and indigenous authorities.<sup>6</sup> Such

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<sup>1</sup> Fradhana Putra Disantara, “Konsep Pluralisme Hukum Khas Indonesia sebagai Strategi Menghadapi Era Modernisasi Hukum,” *Al-Adalah: Jurnal Hukum dan Politik Islam* 6, no. 1 (14 Juni 2021): 1–36, <https://doi.org/10.35673/ajmpi.v6i1.1129>.

<sup>2</sup> Febrian Jeki et al., “Revitalisasi Hukum Adat dalam Penyelesaian Sengketa Lingkungan Studi Komparatif di Wilayah Adat Indonesia Timur,” *JAKSA Jurnal kajian Ilmu Hukum dan Politik* 3, no. 2 (2025): 63–75, <https://doi.org/https://doi.org/10.51903/7qjyjdj65>.

<sup>3</sup> A Mahmutovic dan M Alsudais, “LEGAL PLURALISM AND GOVERNANCE: REDEFINING POWER AND ACCOUNTABILITY IN A GLOBALIZED WORLD,” *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 10, no. 2 (2025): 568–93, <https://doi.org/10.22373/petita.v10i2.791>.

<sup>4</sup> Yanuriansyah Ar Rasyid, Leni Sipra, dan Helen Rahakbauw, “Revitalization of Biak Numfor Customary Dispute Resolution : Harmonization of the Criminal Justice System in Indonesia,” *Jurnal Ilmu Hukum Kyadiren* 7, no. 2 (2026): 832–42, <https://doi.org/10.46924/jihk.v7i2.335>.

<sup>5</sup> M Singh dan M Yadav, “Building Trust and Fostering Collaborations Through Community Policing: Insights from India and the Global Perspective,” in *Rethinking the Police for a Better Future : Navigating Policing Challenges with Accountability and Trust*, 2025, 103–30, [https://doi.org/10.1007/978-3-031-83173-7\\_7](https://doi.org/10.1007/978-3-031-83173-7_7).

<sup>6</sup> M van der Giessen, E Brein, dan G Jacobs, “Community policing: The relevance of social contexts,” in *Advanced Sciences and Technologies for Security Applications*, 2017, 35–50, [https://doi.org/10.1007/978-3-319-53396-4\\_4](https://doi.org/10.1007/978-3-319-53396-4_4).

arrangements challenge conventional distinctions between formal and informal governance and give rise to hybrid forms of legal and security governance in which multiple actors jointly contribute to the maintenance of social order.

Indonesia represents an important context for examining these dynamics. As one of the world's most legally plural societies, Indonesia has long been characterized by the coexistence of state law, religious norms, and customary law. Long before the establishment of a centralized legal system, indigenous communities regulated social life through adat institutions rooted in collective values, customary obligations, and local wisdom.<sup>7</sup> Although state law now constitutes the formal foundation of Indonesia's legal system, customary institutions continue to play a significant role in many regions, particularly in areas where indigenous identities remain strong and communal relationships constitute the basis of social organization. Within this context, customary leaders function not merely as cultural representatives but also as influential actors in conflict resolution, social mediation, and the preservation of community cohesion.<sup>8</sup> Their authority derives less from formal legal mandates than from social legitimacy, historical continuity, and collective trust, thereby enabling them to exercise substantial influence over community behavior and dispute-settlement processes.<sup>9</sup>

The continuing relevance of customary authority is particularly evident in Papua, where indigenous institutions remain deeply embedded within social and political life. Papua's socio-cultural landscape is characterized by strong kinship structures, communal land systems, and enduring customary governance traditions.<sup>10</sup> At the same time, the region presents unique challenges for state institutions, including law enforcement agencies, due to historical experiences of marginalization, social conflict, and varying levels of public trust in government authorities.<sup>11</sup> In such contexts, the effectiveness of

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<sup>7</sup> Rasyid, Sipra, dan Rahakbauw, "Revitalization of Biak Numfor Customary Dispute Resolution : Harmonization of the Criminal Justice System in Indonesia."

<sup>8</sup> E S Syaifei, I Habuddin, dan M Saputra, "MEDIATION IN SOCIAL CONFLICT RESOLUTION AT TANJUNGPINANG MALAY CUSTOMARY INSTITUTION, RIAU ISLANDS," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, no. 2 (2023): 198–214, <https://doi.org/10.30631/alrisalah.v23i2.1361>.

<sup>9</sup> Rasyid, Sipra, dan Rahakbauw, "Revitalization of Biak Numfor Customary Dispute Resolution : Harmonization of the Criminal Justice System in Indonesia."

<sup>10</sup> B Suhariyanto et al., "Reconstruction of Intersection the Customary Court and State Criminal Court for Indigenous Communities in Papua," *Journal of Indonesian Legal Studies* 9, no. 2 (2024): 1107–36, <https://doi.org/10.15294/jils.v9i2.19155>; T Mulyadi dan T Raharjo, "The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua," *Jurnal Media Hukum* 26, no. 1 (2019): 112–21, <https://doi.org/10.18196/jmh.20190127>; M S Sakmaf et al., "SPECIAL AUTONOMY AND PROTECTION OF CUSTOMARY LAND RIGHTS IN WEST PAPUA: PROMISE OR ILLUSION?," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 11, no. 1 (2026): 479–501, <https://doi.org/10.22373/petita.v11i1.1000>.

<sup>11</sup> F S Agustus et al., "Strengthening the Papua Steering Committee strategy: Reducing instability for accelerated development in Papua, Indonesia," *Social Sciences and Humanities Open* 11 (2025), <https://doi.org/10.1016/j.ssaho.2025.101413>; B Tambaip et al., "ORGANIZATIONAL BEHAVIOR IN RESPONDING TO SPECIAL AUTONOMY POLICY IN THE EMERGING MARKET: GOVERNANCE

formal policing cannot be understood solely through the lens of legal authority or institutional capacity. Rather, it depends significantly on the ability of law enforcement actors to engage with customary institutions that possess recognized legitimacy within local communities.

One of the most important state actors operating at the community level is *Bhabinkamtibmas* (*Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat*), the Indonesian National Police's community policing unit assigned to villages and local neighborhoods. *Bhabinkamtibmas* officers are responsible for maintaining public security, preventing conflict, facilitating dispute resolution, and fostering cooperation between police institutions and local communities.<sup>12</sup> Their role reflects broader shifts in policing philosophy toward preventive, participatory, and community-oriented approaches. Nevertheless, the implementation of community policing in indigenous settings presents particular challenges because legal authority alone may be insufficient to secure public compliance or resolve disputes effectively. In many Papuan communities, conflict resolution processes continue to rely heavily on customary norms, collective deliberation, and the involvement of traditional leaders. Consequently, the effectiveness of *Bhabinkamtibmas* frequently depends on their capacity to collaborate with customary authorities who possess cultural legitimacy and local social influence.

Existing studies across Indonesia have consistently demonstrated the significant role of customary leaders in conflict resolution and local governance. In Aceh, customary leaders collaborate with law enforcement agencies to mediate disputes through mechanisms that combine local wisdom and formal legal procedures.<sup>13</sup> In Papua, *ondoafi* and other customary authorities play important roles in land dispute settlement, social regulation, and communication between indigenous communities and state institutions.<sup>14</sup> Meanwhile, studies from other regions highlight how customary justice mechanisms emphasize restorative principles aimed at reconciliation, consensus-building, and the restoration of social harmony.<sup>15</sup> Collectively, these findings demonstrate the enduring relevance of customary institutions within Indonesia's legally plural governance landscape.

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AND REGULATORY CHALLENGES IN A CONFLICT-PRONE REGION,” *Journal of Governance and Regulation* 15, no. 1 (2026): 8–19, <https://doi.org/10.22495/jgrv15i1art1>.

<sup>12</sup> Kepolisian Republik Indonesia, “Peraturan Kepala Kepolisian Negara Republik Indonesia nomor 7 Tahun 2021 Tentang Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat” (2021).

<sup>13</sup> T M Mansur et al., “MEDIATING TRADITION: THE ROLE OF LAW ENFORCEMENT IN CUSTOMARY LAW DISPUTES,” *Jurnal Ilmiah Peuradeun* 13, no. 2 (2025): 1183–1208, <https://doi.org/10.26811/peuradeun.v13i2.1921>.

<sup>14</sup> Mulyadi dan Raharjo, “The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua.”

<sup>15</sup> R D Sutanti, N Rochaeti, dan A R Damora, “Customary law as an instrument of restorative justice: an alternative approach to criminal conflict resolution in plural legal systems,” *Clio. Revista de Historia, Ciencias Humanas y Pensamiento Critico*. 5, no. 10 (2025): 1348–81, <https://doi.org/10.5281/zenodo.15453907>; I Jauhari, “Resolving Land Disputes Through Land Offices and

Despite this growing body of scholarship, important analytical gaps remain. Existing studies on customary leadership in Indonesia have largely emphasized their roles in dispute resolution, customary justice, and local governance.<sup>16</sup> Similarly, research on community policing has predominantly focused on citizen participation, crime prevention, and police-community relations.<sup>17</sup> However, limited attention has been given to the institutional mechanisms through which customary leaders interact with formal policing actors in the co-production of community security. In particular, the role of customary authorities as governance actors who actively support *Bhabinkamtibmas* in maintaining public order, facilitating conflict resolution, and shaping the legitimacy of state law enforcement remains underexplored. Furthermore, empirical studies on such collaborative governance arrangements in Papua remain scarce, despite the region's strong customary institutions and distinctive socio-legal context.

To address these gaps, this study examines the role of customary leaders in supporting the duties of *Bhabinkamtibmas* in resolving community conflicts in Sorong Regency and Sorong City, Southwest Papua. Specifically, the study seeks to answer three questions: (1) What roles do customary leaders play in resolving community conflicts within indigenous and multi-ethnic settings? (2) How does collaboration between customary leaders and *Bhabinkamtibmas* operate in practice? and (3) What challenges emerge from this collaborative process?

This study contributes to the literature in three important ways. First, it extends legal pluralism scholarship by moving beyond the conventional focus on the coexistence of legal orders and examining how customary leaders actively participate in policing governance. Second, it contributes to community policing research by demonstrating how policing legitimacy is co-produced through collaboration between state police officers and customary authorities. Third, it provides new empirical evidence from Papua, a region that remains underrepresented in international socio-legal and policing scholarship despite its rich indigenous governance traditions.

The article advances the argument that the effectiveness and legitimacy of community policing in indigenous societies are not produced solely through formal state

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Customary Institutions: Perspectives from National and Customary Law in Aceh,” *El-Usrah* 8, no. 1 (2025): 366–88, <https://doi.org/10.22373/tqcdmt70>.

<sup>16</sup> B Suprianto, “The Use of Ritual in Mediating Customary Land Disputes by the Dayak Kantuk Community in West Kalimantan, Indonesia,” in *Religion, Decolonization, and the Planetary Community: Voices from the Indonesian Archipelago*, 2025, 273–81, <https://doi.org/10.4324/9781003527398-21>; Mansur et al., “MEDIATING TRADITION: THE ROLE OF LAW ENFORCEMENT IN CUSTOMARY LAW DISPUTES.”

<sup>17</sup> V E Kappeler dan L K Gaines, *Community Policing, Community Policing*, 2009, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84882129759&partnerID=40&md5=80729efe3070492a84d440bfb9c67555>; W T Jordan dan J M Hawron, “Community Policing,” in *The Encyclopedia of Crime and Punishment*, 2015, 1–4, <https://doi.org/10.1002/9781118519639.wbecpx106>; J D Scott, “Community Policing,” in *The Encyclopedia of Theoretical Criminology*, 2014, 1–3, <https://doi.org/10.1002/9781118517390.wbetc214>.

authority but are socially negotiated through collaborative relationships between police actors and customary institutions. In Papua, customary leaders function not merely as cultural symbols or informal mediators but as active governance actors whose authority contributes directly to conflict resolution, community compliance, and the legitimacy of policing practices. By analyzing these interactions, the study contributes to ongoing debates on legal pluralism, hybrid governance, and community policing by demonstrating how state and customary institutions collectively produce socially legitimate forms of justice and security governance within legally plural societies. This study draws upon Legal Pluralism Theory, Hybrid Governance Theory, and Collaborative Community Policing Theory to analyze how customary and state actors jointly shape conflict resolution and policing legitimacy in Papua.

## 2. Legal Material and Methods

This study employs a qualitative research design using a socio-legal approach to examine how customary leaders collaborate with *Bhabinkamtibmas* in resolving legal and social conflicts within a legally plural society. A socio-legal approach is appropriate because the study investigates not only formal legal norms but also how legal authority, legitimacy, and conflict resolution are negotiated and practiced through interactions between state institutions and indigenous customary structures.<sup>18</sup> The study is situated within the context of legal pluralism in Papua, where customary law and state law coexist and jointly shape local governance and dispute-resolution practices.<sup>19</sup>

In addition to empirical data, the study incorporates legal materials to examine the normative framework governing the relationship between customary institutions and state law-enforcement actors. Primary legal materials include legislation, government regulations, police regulations, and legal provisions concerning indigenous peoples, community policing, and Papua's Special Autonomy framework. Secondary legal materials consist of academic literature, journal articles, policy reports, and other scholarly sources relevant to legal pluralism, indigenous governance, and community policing. These materials were analyzed to contextualize the empirical findings and assess the legal position of customary leaders and *Bhabinkamtibmas* within Indonesia's plural legal system.

The research was conducted in Sorong Regency and Sorong City, Southwest Papua, Indonesia. These locations were selected because customary institutions continue to play a significant role in community governance while maintaining close interaction with formal law-enforcement agencies. The study focused on customary institutions of the *Moi*

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<sup>18</sup> John W Creswell, *Research Design: Qualitative, Quantitative, and Mix-methods Approaches*, Third Edit (Los Angeles, London, New Delhi, Singapore: SAGE Publications Asia-Pacific Pte. Ltd., 2009).

<sup>19</sup> Suhariyanto et al., "Reconstruction of Intersection the Customary Court and State Criminal Court for Indigenous Communities in Papua."

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Indigenous People, including the *Malamo* Indigenous Community Institution (Lembaga Masyarakat Adat - LMA) and other indigenous organizations involved in customary governance and conflict resolution. Papua represents a critical case of legal pluralism in Indonesia, where customary authority continues to influence social regulation and conflict management.

Participants were selected through purposive sampling based on their direct involvement in conflict-resolution processes and their relevance to the study objectives. A total of 15 participants were interviewed, comprising 5 customary leaders, 5 state and security actors - including *Bhabinkamtibmas* officers and local government representatives - and 5 non-indigenous community members. These groups were included to capture diverse perspectives regarding customary authority, policing practices, and legal legitimacy within a plural legal environment. Participant recruitment continued until thematic saturation was reached.

Data were collected between March and August 2025 through in-depth semi-structured interviews. The interviews explored participants' experiences and perceptions of customary conflict resolution, collaboration between customary leaders and *Bhabinkamtibmas*, legal legitimacy, community trust, and challenges associated with collaborative conflict management. All interviews were conducted with informed consent, audio-recorded, and transcribed verbatim for analysis. To protect participant confidentiality, all interviewees were assigned anonymized identification codes. Customary leaders are identified as CL (Customary Leader), local government and security actors as LGO (Local Government Official), and migrant community members as MC (Migrant Community Member), followed by a numerical identifier. These codes are used throughout the findings and discussion sections when presenting interview excerpts.

Data were analyzed using thematic analysis with an inductive coding strategy. Interview transcripts were systematically coded to identify recurring concepts, patterns, and narratives, which were subsequently organized into broader themes relating to customary legitimacy, restorative conflict resolution, collaborative policing, and institutional challenges. The analysis involved iterative reading, open coding, thematic categorization, and cross-participant comparison to identify convergences and divergences among stakeholder perspectives. Although coding was conducted inductively, interpretation of the findings was informed by Legal Pluralism Theory, Hybrid Governance Theory, and Collaborative Community Policing Theory. The empirical findings were further examined alongside the relevant legal framework to understand how formal legal provisions interact with customary practices in the co-production of community security and conflict resolution.

To enhance analytical rigor, the study employed data triangulation across participant groups, iterative review of coding consistency, reflexive memo-writing, and informal participant validation of selected findings. These procedures strengthened the credibility and trustworthiness of the analysis by enabling comparison of perspectives among customary leaders, state actors, and community members.

Ethical considerations were addressed through informed consent procedures, anonymity safeguards, and culturally sensitive engagement with indigenous communities. Participants were informed of the study's objectives, the voluntary nature of participation, and their right to withdraw at any stage of the research. Particular attention was given to respecting local customary norms, ensuring culturally appropriate communication with indigenous leaders, and avoiding extractive research practices. These measures were intended to ensure that the research remained ethically responsible, socially accountable, and respectful of indigenous customary values and community expectations.

### 3. Results and Discussion

#### 3.1. The Role of Customary Leaders in Community Conflict Resolution

The empirical findings demonstrate that customary leaders remain central actors in community conflict resolution in Sorong Regency and Sorong City, Southwest Papua. Across all participant groups - customary leaders, local government officials, and migrant community members - there was broad recognition that many disputes are initially addressed through customary mechanisms before reaching formal state institutions. This finding indicates that customary institutions continue to function as an important source of social regulation and conflict management within local communities.

A defining characteristic of customary conflict resolution is its restorative orientation. Rather than focusing primarily on determining legal guilt or imposing sanctions, customary mechanisms emphasize reconciliation, social harmony, and the restoration of relationships among individuals and groups. As one customary leader explained, *"When a conflict happens, we do not ask who is right or wrong first. We ask how peace can return to the community"* (CL1). This statement reflects the underlying normative logic of adat-based dispute resolution, in which maintaining communal cohesion is prioritized over adversarial adjudication.

The effectiveness of customary conflict resolution is closely linked to the social legitimacy of customary leaders. Unlike formal state institutions whose authority is derived from legal mandates and administrative structures, customary leaders derive their legitimacy from community trust, ancestral traditions, kinship networks, and their recognized role as guardians of social harmony. Within this framework, compliance is achieved primarily through moral obligation and collective acceptance rather than coercive enforcement. Consequently, customary leaders function not only as mediators of disputes but also as custodians of communal values and social stability.

However, the findings reveal that customary authority is neither monolithic nor internally uniform. Participants expressed different views regarding the relationship between customary law and state law. Some customary leaders emphasized the autonomy of adat as a normative order that existed before the establishment of the modern state. One respondent stated, *"Before the state came here, adat already governed our lives. Why*

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*should adat now be considered only informal?”* (CL4). This perspective reflects a strong commitment to the continuing relevance and legitimacy of customary governance.

In contrast, other customary leaders adopted a more pragmatic position by acknowledging the limitations of customary jurisdiction. According to one participant, *“If it is a family dispute, adat can solve it. But if it is a serious crime, it must go to the police. We know our limits”* (CL5). This perspective suggests that customary leaders actively differentiate between disputes that can be resolved through community-based mediation and those requiring formal legal intervention. The findings therefore, indicate that customary authority is continuously adapted to the nature of the dispute and the broader social context in which it operates.

The study also highlights the preventive role of customary institutions in maintaining social order. Through deliberation (*musyawarah*), consensus-building (*mufakat*), and mediation, customary leaders often intervene before disputes escalate into open conflict. Several respondents noted that many disagreements are resolved at the community level without requiring involvement from government offices or formal law-enforcement agencies. As one local government official observed, *“Many conflicts never reach the village office because they are already settled by adat leaders”* (LGO6). This finding suggests that customary institutions function as an informal but effective mechanism of conflict prevention and social stabilization.

Despite their broad legitimacy, customary institutions also face challenges in increasingly diverse social environments. While many migrant respondents viewed customary leaders as respected and capable actors in maintaining peace, concerns were raised regarding participation and representation within customary deliberation processes. One migrant participant stated, *“Sometimes migrants are not fully heard in adat meetings. Indigenous voices are stronger”* (MC12). This observation indicates that the legitimacy of customary institutions is not static but must be continuously maintained through perceptions of fairness, inclusivity, and equal participation.

At the same time, other migrant respondents acknowledged the practical effectiveness of customary leadership in reducing tensions and restoring social harmony. As one participant noted, *“Even though I am not Papuan, I see adat leaders as wise people who calm the situation”* (MC11). These differing perspectives suggest that customary legitimacy extends beyond indigenous communities when customary leaders are perceived as effective mediators, although questions of inclusivity remain important in multicultural settings.

Overall, the findings demonstrate that customary leaders continue to play a vital role in community conflict resolution in Southwest Papua. Their authority is sustained through social legitimacy, restorative practices, and community trust rather than formal coercive power. At the same time, the diversity of perspectives among both indigenous and non-indigenous participants indicates that the effectiveness of customary institutions depends on their ability to adapt to changing social conditions while maintaining

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legitimacy across different segments of society. These findings provide an important foundation for understanding the broader interaction between customary authority, legal pluralism, and community policing discussed in the following section.

### 3.2. Legal Pluralism, Hybrid Governance, and the Juridical Integration of Community Policing

The findings demonstrate that conflict resolution in Southwest Papua cannot be adequately understood through a state-centric conception of law. Rather than operating within a singular legal hierarchy, dispute resolution is embedded within a plural legal environment in which customary institutions, state authorities, and community actors collectively shape governance outcomes. In this setting, legal authority is dispersed across multiple institutions and continuously negotiated through social practice. The findings therefore suggest that legal order in Papua is not produced through the dominance of state law over customary law, but through the interaction and accommodation of multiple normative systems.

This empirical reality closely reflects Griffiths' (1986) conception of legal pluralism, which challenges the assumption that law is exclusively generated and enforced by the state.<sup>20</sup> Instead, multiple legal orders coexist within the same social field and derive legitimacy from different sources of authority. Similar observations have been made by Merry (1988), who argues that state law often functions alongside locally embedded normative systems that retain significant influence over everyday social relations.<sup>21</sup> The findings of this study support these perspectives by demonstrating that customary institutions remain primary sites of dispute resolution despite the expansion of formal state institutions in Papua.

Importantly, the findings also indicate that legal pluralism in Papua is not characterized by institutional separation, but by continuous interaction between customary and formal legal authorities. Customary leaders frequently initiate conflict-resolution processes, while *Bhabinkamtibmas* officers become involved when disputes require broader mediation, formal oversight, or preventive intervention. As one customary leader observed, “*Sometimes adat alone is not enough; when the situation becomes dangerous, the police help us so that our decision is respected by everyone*” (CL2). This finding suggests that legal pluralism operates not as a parallel existence of separate systems but as a practical arrangement of interdependence.

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<sup>20</sup> John Griffiths, “What is Legal Pluralism?,” *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1 Januari 1986): 1–55, <https://doi.org/10.1080/07329113.1986.10756387>.

<sup>21</sup> Sally Engle Merry, “Legal Pluralism,” *Law & Society Review* 22, no. 5 (1988): 869–96, <https://doi.org/https://doi.org/10.2307/3053638>; Paul Schiff Berman, “Sally Engle Merry and Global Legal Pluralism,” *Law & Society Review* 54, no. 4 (10 Juni 2020): 839–45, <https://www-jstor-org.proxy.undip.ac.id/stable/48642092>.

From a juridical perspective, this interaction is supported by Indonesia's constitutional framework. Article 18B(2) of the 1945 Constitution recognizes and respects indigenous communities and their traditional rights, thereby providing formal legal space for the continued operation of customary institutions.<sup>22</sup> Consequently, the interaction between customary leaders and state actors should not be viewed as an informal accommodation outside the legal system. Rather, it represents an institutional expression of constitutionally recognized legal pluralism within the Indonesian state.

The findings further demonstrate that *Bhabinkamtibmas* occupies a distinctive position within this plural legal order. As the operational arm of Indonesia's community policing strategy, *Bhabinkamtibmas* functions beyond the conventional role of law enforcement. Participants consistently described police officers as facilitators, mediators, and connectors between state institutions and local communities. According to LGO8, "Police officers need adat leaders to understand the community. Without them, policing here will fail." This observation highlights that the effectiveness of community policing in indigenous contexts depends not solely on institutional authority, but also on the ability of police officers to engage with locally legitimate governance structures.

These findings resonate strongly with the concept of hybrid governance developed by Boege et al. (2009), which describes governance arrangements emerging through the interaction of formal state institutions and locally embedded authority systems.<sup>23</sup> In Southwest Papua, conflict resolution is neither exclusively state-driven nor entirely customary. Instead, governance functions are jointly produced through collaboration between customary leaders, *Bhabinkamtibmas*, local government actors, and community members. The resulting governance arrangement is therefore hybrid in nature, drawing legitimacy simultaneously from constitutional authority and community-based recognition.

Nevertheless, the findings also reveal that hybrid governance is inherently characterized by tension. State institutions prioritize procedural consistency, legal certainty, documentation, and accountability, whereas customary institutions emphasize social harmony, contextual flexibility, and restorative outcomes. These differences were reflected in the concerns expressed by government respondents regarding the absence of written documentation and variations in customary decisions (LGO7; LGO10). Such tensions should not be interpreted as evidence of institutional incompatibility. Rather, they

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<sup>22</sup> Lukman Ansar dan Sabar Podu, "A l-Adalah : Jurnal Hukum dan Politik Islam Reconstruction of the Authority of the Papuan People ' s Assembly Based on the Principles of Siyasa h Syar ' iyyah : A Study of the Function of Cultural Representation," *Al adalah: Jurnal Hukum dan Politik Islam* 11, no. 1 (2026): 229–41, <https://doi.org/https://doi.org/10.30863/ajmpi.v11i1.10900>.

<sup>23</sup> Volker Boege, M Anne Brown, dan Kevin P Clements, "Hybrid Political Orders, Not Fragile States," *Peace Review* 21, no. 1 (1 Maret 2009): 13–21, <https://doi.org/10.1080/10402650802689997>.

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illustrate the dynamic processes of negotiation and adaptation that characterize plural legal orders, as emphasized by von Benda-Beckmann (2002).<sup>24</sup>

The study also contributes to broader debates on restorative justice. While restorative justice is often discussed as an alternative mechanism within formal criminal justice systems,<sup>25</sup> The findings indicate that restorative principles have long been embedded within customary dispute-resolution practices. The emphasis on reconciliation, consensus-building, and restoration of social harmony described by customary leaders closely reflects Zehr's (2002) understanding of restorative justice as a process that prioritizes repairing social relationships rather than assigning punishment.<sup>26</sup> The collaboration between customary leaders and *Bhabinkamtibmas* therefore demonstrates how restorative justice can be institutionalized through cooperation between indigenous governance structures and state institutions.

Taken together, these findings suggest that legal pluralism in Papua should be understood not merely as the coexistence of multiple legal orders, but as a process of negotiated legitimacy within a hybrid governance framework. Legal authority is continuously constructed through interaction among customary leaders, police officers, government actors, and community members. In this regard, the Papua case extends existing socio-legal scholarship by illustrating how community policing can serve as an institutional mechanism through which legal pluralism is operationalized and restorative justice is sustained within a constitutionally recognized indigenous setting.

Accordingly, the effectiveness of conflict resolution in Southwest Papua depends not on the replacement of customary authority by formal institutions, but on the capacity of both systems to cooperate while respecting their distinct sources of legitimacy. This finding underscores the importance of culturally responsive policing and adaptive governance arrangements in managing conflict within legally plural and socially diverse societies.

### **3.3. Negotiating Legitimacy: Challenges and Prospects for Collaborative Conflict Resolution in a Plural Legal Environment**

Although the findings demonstrate the continuing relevance of customary institutions and the effectiveness of collaboration between customary leaders and *Bhabinkamtibmas*, the empirical evidence also reveals a number of tensions that challenge the long-term sustainability of this arrangement. These tensions are not merely operational

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<sup>24</sup> Franz von Benda-Beckmann, "Who's Afraid of Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 34, no. 47 (1 Januari 2002): 37–82, <https://doi.org/10.1080/07329113.2002.10756563>.

<sup>25</sup> D Williams, "Restorative Practice: Background and Framework," in *Restorative Justice and Practice in US Education*, 2024, 11–31, [https://doi.org/10.1007/978-3-031-68412-8\\_2](https://doi.org/10.1007/978-3-031-68412-8_2).

<sup>26</sup> Howard Zehr, *The little book of restorative justice*, Good Books, 2002.

problems but reflect deeper questions concerning legitimacy, accountability, inclusivity, and the institutional boundaries of authority within a plural legal environment. Rather than being fixed or inherited from either customary tradition or state authority, legitimacy appears to be continuously negotiated among customary leaders, police officers, government actors, and community members. The findings, therefore suggest that collaborative conflict resolution depends upon an ongoing process of negotiated legitimacy through which competing expectations of justice, authority, and participation are reconciled. In this study, negotiated legitimacy refers to the process by which customary and state actors continuously construct, contest, and reinforce authority through mutual recognition, cooperation, and community acceptance within a plural legal environment.

One of the most significant challenges concerns the question of inclusivity. While customary institutions continue to enjoy substantial legitimacy among indigenous communities, their legitimacy is not uniformly experienced across all segments of society. Several migrant respondents acknowledged the important role of customary leaders in maintaining peace and social stability. As one participant explained, *“Even though I am not Papuan, I see adat leaders as wise people who calm the situation”* (MC11). This finding indicates that customary authority can extend beyond indigenous constituencies when it is associated with effective conflict management and community leadership.

However, this legitimacy is accompanied by perceptions of unequal participation. One migrant respondent stated that *“Sometimes migrants are not fully heard in adat meetings. Indigenous voices are stronger”* (MC12). This observation highlights a structural dilemma within customary governance operating in increasingly multicultural settings. Historically, customary institutions evolved within kinship-based communities characterized by relatively homogeneous social identities. Contemporary demographic realities in Papua, however, require these institutions to operate within socially diverse environments in which participants may not share the same genealogical, cultural, or normative affiliations. Consequently, the legitimacy of customary dispute resolution can no longer be assessed solely in terms of cultural authenticity but must also be evaluated through the lens of procedural inclusion and participatory fairness.

Similar concerns have been identified in indigenous justice systems beyond Indonesia. Research from Australia and New Zealand demonstrates that the institutionalization of restorative justice through state legislation, while expanding accessibility, also creates tensions regarding the preservation of community-based legitimacy and the risk of state appropriation.<sup>27</sup> Studies have shown that restorative justice

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<sup>27</sup> “INDIGENOUS JUSTICE SYSTEM : A KNOWLEDGE SHARING SYMPOSIUM,” vol. 2024, 2024; Andrea Pañosanu et al., “Whakamana Tangata : An evaluation of a restorative Te Ao Māori-based approach in youth justice,” *Aotearoa New Zealand Social Work* 37, no. 2 (2025): 5–17, <https://doi.org/https://doi.org/10.11157/anzswj-vol37iss2id1219>; W R Wood, M Suzuki, dan J Tauri, “Restorative Justice in Australia and New Zealand: A Faustian Bargain with the State?,” in *Restorative*

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mechanisms may become increasingly embedded within administrative and criminal justice frameworks, potentially weakening their original relational and community-oriented character. The Papuan case reflects a related challenge, suggesting that the long-term legitimacy of customary institutions depends not only on cultural authenticity but also on their ability to maintain community participation while developing mechanisms of accountability within a plural legal environment.

This challenge becomes particularly important when disputes involve resources, property, or competing economic interests. Respondent MC15 noted that “*When money or land is involved, adat decisions can be biased*” (MC15). Although such concerns do not necessarily invalidate customary mechanisms, they indicate that perceptions of impartiality become increasingly important as social complexity increases. In plural societies, legitimacy is derived not only from cultural recognition but also from confidence that decision-making processes are fair, transparent, and accessible to all affected parties.

The findings also reveal tensions concerning accountability and procedural certainty. Government respondents generally recognized the effectiveness of customary institutions in preventing conflict escalation. Nevertheless, they expressed concerns regarding the administrative dimensions of customary dispute resolution. Respondent LGO7 emphasized that “*From the administrative side, we need clear records. Customary decisions are often not written, and this is a problem*” (LGO7). Similarly, LGO10 observed that “*Sometimes the decision depends on who the adat leader is. This can confuse the community*” (LGO10). These concerns reflect the contrasting rationalities that underpin state law and customary law. While customary systems prioritize relational restoration and contextual flexibility, state institutions operate according to principles of documentation, consistency, and procedural accountability.

Importantly, the findings suggest that these differences should not be interpreted as evidence of incompatibility between customary and formal legal systems. Rather, they illustrate the inherent tensions that characterize legal pluralism itself. As socio-legal scholars have long argued, plural legal orders rarely function through complete harmonization. Instead, they operate through continuous processes of negotiation, adaptation, and mutual accommodation among competing normative systems. In this context, the challenge is not whether customary institutions should conform entirely to bureaucratic standards, but how accountability mechanisms can be developed without undermining the restorative and community-based character of adat justice.

This dilemma is consistent with findings from hybrid governance research in Pacific Island societies such as Fiji, Solomon Islands, and Vanuatu, where customary authorities continue to function as primary providers of local governance while state

institutions seek to expand their regulatory presence.<sup>28</sup> Existing scholarship demonstrates that excessive state intervention may unintentionally weaken the legitimacy of customary institutions, whereas insufficient engagement may reduce the effectiveness of public governance. The findings from Southwest Papua reinforce these observations by demonstrating that successful hybrid governance depends not on institutional substitution but on the continuous negotiation of authority between customary and state actors.

Another significant challenge concerns the management of institutional boundaries between customary authority and formal law enforcement. The findings demonstrate that customary leaders generally recognize the limits of their jurisdiction. As noted by CL5, *“If it is a family dispute, adat can solve it. But if it is a serious crime, it must go to the police. We know our limits”* (CL5). At the same time, respondents also expressed concern regarding excessive intervention by state actors. According to CL3, *“If the police come too fast, people stop trusting adat. They think everything must go to the police, and our role disappears”* (CL3). These contrasting perspectives reveal that effective collaboration requires a delicate balance between support and interference.

This tension reflects a broader governance dilemma. On the one hand, the involvement of *Bhabinkamtibmas* enhances procedural legitimacy, particularly among non-indigenous residents who may perceive formal institutions as more neutral. Respondent MC13 stated that *“I feel safer if Bhabinkamtibmas handles the case because they are neutral”* (MC13). On the other hand, excessive reliance on formal intervention may inadvertently weaken the social legitimacy of customary institutions that continue to function as primary mechanisms of community-based conflict management. The challenge, therefore, is not simply to increase cooperation but to establish clear and mutually recognized boundaries regarding when, how, and under what circumstances formal intervention becomes necessary.

Despite these challenges, the findings also reveal substantial opportunities for strengthening collaborative conflict resolution. Several respondents emphasized the importance of coordination between customary leaders, police officers, and government institutions. As noted by LGO9, *“Coordination meetings are important so that adat leaders, police, and government do not contradict each other”* (LGO9). Similarly, LGO8 emphasized that *“Police officers need adat leaders to understand the community. Without them, policing here will fail”* (LGO8). These observations suggest that collaboration is most effective when it is institutionalized through regular communication, mutual recognition, and shared problem-solving mechanisms rather than relying solely on informal personal relationships.

Taken together, these findings indicate that the future effectiveness of collaborative conflict resolution in Southwest Papua depends on the capacity of customary and state

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<sup>28</sup> M Anne Brown, Kevin P Clements, dan Anna Nolan, “States Emerging from Hybrid Political Orders – Pacific Experiences,” *ACPACS Occasional Papers Series*, no. 11 (2008).

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institutions to adapt to changing social realities while preserving their distinct sources of legitimacy. More importantly, the findings suggest that hybrid governance should be understood not as a fixed institutional arrangement but as an ongoing process through which authority, participation, accountability, and justice are continuously negotiated among multiple actors operating within a plural legal environment.

From a broader socio-legal perspective, the study advances the argument that legitimacy in legally plural societies is neither monopolized by the state nor exclusively rooted in customary tradition. Rather, legitimacy is co-produced through ongoing interaction, mutual recognition, and negotiated authority among customary leaders, police officers, government actors, and community members. The study advances the concept of negotiated legitimacy, whereby the effectiveness of governance arrangements depends on their ability to reconcile cultural legitimacy with procedural accountability. The case of Southwest Papua, therefore contributes to wider debates on legal pluralism, indigenous governance, and community policing by demonstrating that sustainable conflict resolution emerges not from the dominance of a single legal order but from the continuous negotiation of legitimacy across multiple normative systems.

#### 4. Conclusion

This study demonstrates that customary leaders in Southwest Papua play a central role in village-level conflict resolution through socially legitimate, restorative, and consensus-based mechanisms. Their authority derives from community trust, kinship networks, and moral legitimacy rather than coercive power. Many disputes are initially resolved within adat institutions, reflecting the enduring relevance of indigenous legal practices. Customary authority operates complementarily with *Bhabinkamtibmas*, forming a hybrid governance model in which community policing reinforces rather than replaces adat mechanisms. This interaction exemplifies legal pluralism in practice: state law and customary law coexist and negotiate legitimacy dynamically, producing outcomes that are both socially accepted and institutionally recognized under Article 18B(2) of the Indonesian Constitution.

The study highlights several challenges to sustaining this collaborative model. Inclusivity remains critical, as migrant respondents noted that participation in adat deliberations is sometimes limited (“Sometimes migrants are not fully heard in adat meetings. Indigenous voices are stronger” – MC12). Procedural accountability and documentation are also important: customary decisions are often unwritten, and variability between leaders can confuse (LGO7, LGO10). Finally, clear boundaries between customary and formal legal authority are necessary to balance legitimacy, neutrality, and effective conflict management. Theoretically, this study contributes to socio-legal scholarship by framing legal pluralism as a continuous negotiation of legitimacy within hybrid governance systems. Restorative justice is conceptualized not only as a procedural tool but as a broader normative framework that guides culturally grounded and socially credible dispute resolution. Practically, the findings underscore the importance of

culturally responsive policing and sustained collaboration between customary leaders and Bhabinkamtibmas to maintain social cohesion and durable peace in multicultural communities.

The study's limitations include its geographic focus on Sorong Regency and Sorong City, restricting generalizability; the qualitative design prioritizing depth over representativeness; and limited examination of gender and youth dynamics within customary leadership structures. Future research should expand comparative analysis across other indigenous regions, adopt longitudinal approaches to capture evolving relationships between adat and formal institutions, and incorporate gender- and youth-focused perspectives to enrich understanding of internal transformations in customary legal systems.

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