

Negotiation of State and Customary Authority over Village Governance in Jayapura Regency

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Abstract: This study aims to examine the dynamics of authority negotiations between state authorities and customary institutions in the administration of village governance in Jayapura Regency. Normatively, the existence of customary law communities is constitutionally guaranteed through Article 18B of the 1945 Constitution, which was further strengthened in Law Number 21 of 2001 concerning Special Autonomy for Papua. Using qualitative methods with a socio-legal approach, this study found that the Jayapura Regency Government, through Regional Regulation Number 8 of 2016, has taken progressive steps by integrating customary leadership structures into the formal administrative system through the Customary Village (Kampung Adat) scheme. The research findings indicate a dual power structure, in which Ondoafi performs roles encompassing governance, norm formation, and dispute resolution based on charismatic legitimacy that intersects with the demands of modern bureaucracy. The authority negotiation process is intense, particularly in the context of customary land (*ulayat*) management and conflict resolution through the Para-Para Adat mechanism, which, in practice, is considered more effective in maintaining social cohesion than formal judicial mechanisms. However, this integration still faces various obstacles, particularly the tension between state administrative standards and the genealogical and communal nature of traditional leadership. In conclusion, strengthening the position of Ondoafi as a liaison between investment interests and the protection of customary rights is a key factor in the successful implementation of special autonomy, while remaining within a framework of public accountability and respect for human rights principles.

Keywords: Ondoafi; Authority Negotiation; Customary Village; Special Autonomy; Jayapura.

Introduction

The existence of indigenous law communities in Indonesia is not only a sociological reality, but also has a strong juridical foundation within the constitutional system. This is explicitly reflected in Article 18B paragraph (2) of the 1945 Constitution, which affirms that the state recognizes and respects indigenous law communities along with their traditional rights, insofar as they remain alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia.¹ This constitutional recognition serves as an important foundation for the diversity of governance practices at the local level, where customary law often functions as the primary normative system before the establishment of modern state administrative structures.

¹ Herlambang P. Wiratraman, "Adat Court in Indonesia's Judiciary System: A Socio-Legal Inquiry," *Journal of Asian Social Science Research* 4, no. 1 (2022): 43–62, <https://doi.org/10.15575/jassr.v4i1.62>.

In Papua Province, recognition of indigenous communities takes a more concrete form through the Special Autonomy policy governed by Law Number 21 of 2001. This policy provides affirmative space for the protection of the fundamental rights of Indigenous Papuans, including rights over *ulayat* land, natural resource management, and the continuity of traditional leadership structures.² In this context, indigenous communities are no longer positioned as objects of development, but rather as legal subjects with the autonomous authority to determine the direction of their own lives at the local level.³

Jayapura Regency is one example of a region actively developing the strengthening of customary institutions through the Customary Village (Kampung Adat) transformation policy. In the social structure of local communities, particularly in the Tabi and Sentani regions, traditional leadership is centered on the figure of the Ondoafi. The role of the Ondoafi is central and comprehensive, encompassing governance functions, norm-making, and dispute resolution at the community level.⁴ He serves not only as a leader, but also as a guardian of social harmony, a community protector, and the collective representative in the management of customary resources such as *ulayat* land, forests, and water territories.⁵ His legitimacy is charismatic and inherited through lineage, placing him as the primary authority in the conflict resolution mechanism through the Para-Para Adat forum.

However, tensions emerge when customary authority confronts the formal governance system regulated through Law Number 6 of 2014 on Villages. The administrative standardization of village governance is often not fully aligned with the customary governing practices that have long developed. In Jayapura Regency, this situation has driven the emergence of various forms of customary articulation, one of which is through the strengthening of Customary Villages as a negotiation strategy against state dominance, as well as an effort to maintain sovereignty over *ulayat* territories amid the increasingly massive flow of investment.⁶ This situation reveals a complex space of authority negotiation between the formal bureaucratic structure and customary authority led by the Ondoafi.⁷

Although previous research has extensively examined the transformation of traditional villages in Papua, these studies generally fall into two main categories: *first*, research focusing on the formal legal aspects of harmonizing the Village Law with the constitutional rights of indigenous peoples;⁸ *second*, anthropological studies depicting the cultural resistance of the Ondoafi institution

² Roberth Kurniawan Ruslak Hammar et al., "Spatial Planning for Indigenous Law Communities to Solve Social Conflict Resolution in West Papua Indonesia," *Journal of Social Studies Education Research* 12, no. 4 (2021): 405–23.

³ Rosita Dewi, "The Paradox of Papuan Recognition After Two Decades of Special Autonomy: Racism, Violence, and Self-Determination," *Advances in Southeast Asian Studies* 17, no. 1 (2024): 25–44, <https://doi.org/10.14764/10.ASEAS-0105>.

⁴ Yustus Pondayar, "Ondoafi Power Structure in the Traditional Village Government System in Jayapura District," *International Journal of Multicultural and Multireligious Understanding* 10, no. 10 (2023), <https://doi.org/10.18415/ijmmu.v10i10.5232>.

⁵ Ferdinand Saras Dhiksawan et al., "Indigenous Peoples Involment at the Environmental Impact Assessment (EIA) Process in Tabi Mamta Area of Papua Province," in *E3S Web of Conferences*, vol. 31, 2018, <https://doi.org/10.1051/e3sconf/20183108017>.

⁶ I Ngurah Suryawan, "Membangun Kampung Adat Dan Juga Melawan Investasi: Artikulasi Adat Di Kabupaten Jayapura, Papua," *Masyarakat Indonesia* 48, no. 1 (2023): 31–46, <https://doi.org/10.14203/jmi.v48i1.1179>.

⁷ Tri Mulyadi et al., "The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua," *Jurnal Media Hukum* 26, no. 1 (2019), <https://doi.org/10.18196/jmh.20190127>.

⁸ Yahya Ahmad Zein et al., "Indigenous, Diversity, and the Future of Human Rights in Regional Legal Systems," *Journal of Human Rights, Culture and Legal System* 5, no. 2 (2025): 581–607, <https://doi.org/10.53955/jhcls.v5i2.573>; Bagio

to state bureaucracy.⁹ However, existing research remains very limited and leaves an academic gap in analyzing how spaces of legal hybridity can function when the authority of the Ondoafi does not merely reject or submit to state formalism, but rather proactively engages in negotiations and pragmatic compromises regarding administrative functions to safeguard the sovereignty of customary lands from the expansion of economic investment. This study offers a novel conceptualization of the space for negotiation through the landscape of unequal legal pluralism, revealing that the relationship between positive law and customary law in Jayapura no longer takes the form of top-down administrative harmonization, but rather a contestation of sovereign authority that produces a fluid and transactional hybrid system of village governance.

The central question that arises is how the state can provide flexibility for customary authority without disregarding the principles of nationally applicable governance. The dualism of leadership between the Village Head as state representative and the Ondoafi as holder of customary authority often gives rise to overlapping jurisdictions that require an appropriate legal harmonization approach. Therefore, this study is important for tracing the authority negotiation process in village governance in Jayapura Regency, as well as formulating an integration model capable of creating governance that is harmonious, adaptive, and rooted in local wisdom values.

Method

This study employs a qualitative method with a socio-legal approach aimed at understanding the interaction between state law and living customary law practices within the community. This approach was chosen because it is capable of comprehensively examining how formal legal norms confront, negotiate, and adapt to social realities, particularly regarding the authority of Ondoafi in village governance. Accordingly, this study is not limited to a normative review of legislation, but also traces the social and political dynamics that emerge in the process of integrating customary structures into the modern administrative system. The study is located in Jayapura Regency, Papua Province, covering the area around Lake Sentani. This location was selected based on the consideration that this region is one of the areas actively developing Customary Village policies, where the role and legitimacy of the Ondoafi remains highly dominant in influencing local policy-making processes and conflict resolution, particularly concerning land rights and *ulayat* resources.

The data used in this study consists of primary and secondary data. Primary data was obtained through in-depth interviews and participatory observation, involving key informants such as customary leaders, village government officials, and regional government representatives

Kadaryanto, Ardian Kurniawan, and Burhanuddin, "RECONSTRUCTION OF INDIGENOUS COMMUNITY INCLUSION IN VILLAGE AUTONOMY POLICY: Towards a Substantive Autonomy Model in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025), <https://doi.org/10.30631/alrisalah.v25i1.1845>; Ulfia Hasanah, Nia Kurniati, and Maret Priyanta, "Legal Harmonization Between The Omnibus Law And Basic Agrarian Law (Uupa) In Protecting Indigenous Rights," *Cepalo* 9, no. 2 (2025): 95–106, <https://doi.org/10.25041/cepalo.v9no2.3930>.

⁹ Aditya Wirawan et al., "GOVERNMENT LAND PROTECTION IN THE CONTEXT OF LEGAL PLURALISM: EVIDENCE FROM INDONESIA'S INDIGENOUS AND PERIPHERAL REGIONS," *Planning Malaysia* 23, no. 6 (2025), <https://doi.org/10.21837/pm.v23i39.1935>.

handling indigenous community affairs in Jayapura Regency.¹⁰ The interview process was directed at gathering information regarding the decision-making mechanisms in the Para-Para Adat forum, and how the authority harmonization process between customary institutions and formal governance operates in practice.

Secondary data was obtained through literature review of various relevant legal and policy sources, such as Law Number 21 of 2001 on Special Autonomy for Papua, Law Number 6 of 2014 on Villages, and regional regulations in Jayapura Regency governing Customary Village administration. Additionally, documents relating to environmental impact analysis and resource management based on *ulayat* rights were also used as supporting materials to enrich the empirical findings. All collected data was then analyzed using a descriptive-qualitative approach through stages of data reduction, categorization, and interpretation. The analysis was carried out by comparing positive legal norms with social practices prevailing in the community, so as to identify the patterns of authority negotiation occurring in village governance in Jayapura Regency.

Results and Discussion

1. Negotiation Dynamics: Between Charisma and Bureaucracy

The discussion of authority negotiation reveals that the relationship between customary institutions and the state is not separate, but mutually embedded, with the important role of elite actors within it. In Jayapura Regency, this process takes place in a complex political space, in which regional leaders often perform a dual role as representatives of the modern state and simultaneously as part of the Ondoafi lineage representing customary authority.¹¹ This condition on one hand facilitates policy harmonization, but on the other hand raises issues of transparency and accountability, especially when traditional charismatic legitimacy confronts formal and procedural administrative demands.¹²

Field findings indicate that conflicts related to overlapping ownership and use of *ulayat* land are generally resolved through customary mechanisms, particularly through the Sentani Tribal Customary Council session. This process emphasizes deliberation, mediation, negotiation, and arbitration by customary stakeholders based on the values of honesty, truth, and justice.¹³ In this context, institutions such as Para-Para Adat under the leadership of Ondoafi play an important role in bridging local values with broader agrarian justice principles.¹⁴ These findings also reinforce the view that customary institutions have significant capacity in resolving agrarian disputes, especially amid the complexity of land rights claims in Papua.¹⁵

¹⁰ Primary data obtained from in-depth interviews with key informants including customary leaders, village government officials, and regional government representatives handling indigenous community affairs in Jayapura Regency.

¹¹ Suryawan, "Membangun Kampung Adat Dan Juga Melawan Investasi: Artikulasi Adat Di Kabupaten Jayapura, Papua."

¹² Pondayar, "Ondoafi Power Structure in the Traditional Village Government System in Jayapura District."

¹³ Jordan Randy Zethdan Pellokila, "Analisis Penyelesaian Konflik Hak Ulayat Pada Masyarakat Hukum Adat Di Kabupaten Jayapura Papua," *Jurnal Syntax Transformation* 2, no. 8 (2021): 1111-23, <https://doi.org/10.46799/jst.v2i8.330>.

¹⁴ Mulyadi et al., "The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua."

¹⁵ Rajab Lestaluhu et al., "Rethinking Dispute Resolution: Moi Customary Law Within Indonesia's Legal Pluralism," *JUSTISI* 12, no. 2 (2026): 386-99, <https://doi.org/10.33506/js.v12i2.4872>.

The outcome of this process is the formation of a hybrid governance model that combines customary legitimacy with a formal bureaucratic structure. However, this hybridization is not without its potential ambiguities, particularly in the decision-making process related to resource distribution and public policy.¹⁶ This situation becomes increasingly complex with the implementation of regional regulations on Customary Villages that have not been fully effective and have even generated new problems, thus requiring comprehensive evaluation.

A review of these regulations becomes important in order to accommodate the genealogical and collective nature of Ondoafi's leadership structure, while preserving cultural values in conflict resolution.¹⁷ In practice, customary participation mechanisms such as *Obhe* meetings are often marginalized by formal forums such as *Musrenbang* (village development planning meetings), which are insufficiently sensitive to local knowledge, thereby weakening the position of traditional leadership.¹⁸

Furthermore, the implementation of the Customary Village policy in Jayapura Regency has also sparked debate regarding its consistency with the broader aspirations of indigenous communities.¹⁹ Various studies indicate that the Ondoafi-based governance system faces structural, administrative, and social challenges in its implementation.²⁰ Therefore, further study is needed to assess the effectiveness of existing regulations in integrating customary leadership into the formal governance system in an inclusive and sustainable manner. Empirically, the dualism between formal governance and customary structures in Jayapura shows that despite ongoing cultural preservation efforts, full integration still faces numerous obstacles. In practice, local leaders often have to navigate a dual role between bureaucratic demands and customary responsibilities, giving rise to a form of hybrid governance.²¹

This study analyzes that the negotiation of authority between customary institutions and the state in Jayapura Regency does not operate within a rigid separation of powers, but rather takes shape within a reciprocal interdependence mediated by the ambivalence of local elites' roles. Political harmonization occurs where local leaders simultaneously serve as representatives of the modern bureaucracy while inheriting the lineage of the Ondoafi, successfully transforming structural tensions into a hybrid governance model. However, an in-depth analysis of these dynamics reveals that this hybridity creates a new space of ambiguity that challenges traditional cultural institutions such as the *Obhe* assembly, which sometimes loses out in competition with state mechanisms like the *Musrenbang*. The theoretical novelty of this study lies in its challenge to the conventional legal pluralism thesis, which posits that bureaucratic modernization will marginalize local charismatic authority. Conversely, this study demonstrates the emergence of a "charismatic

¹⁶ Jan Erik Johanson et al., "Hybridised Public Management: Introduction to the Special Issue," *Australian Journal of Public Administration*, 2025, <https://doi.org/10.1111/1467-8500.70000>.

¹⁷ Ibrahim Kristofol Kendi and Muh. Akmal Ibrahim, "Forms and Historical and Cultural Roles of Traditional Governance (Ondoafi/Ondofolo) in the Governance of Indigenous Communities in Jayapura Regency, Papua Province," *KnE Social Sciences* 10, no. 18 (2025), <https://doi.org/10.18502/kss.v10i18.19474>.

¹⁸ Dhikawan et al., "Indigenous Peoples Involment at the Environmental Impact Assessment (EIA) Process in Tabi Mamta Area of Papua Province."

¹⁹ Pondayar, "Ondoafi Power Structure in the Traditional Village Government System in Jayapura District."

²⁰ Hendrik Krisifu, "The Power Structure of Ondoafi in the Adat Village Government System of Jayapura Regency," *Journal of Law, Policy and Globalization*, 2019, 91–08, <https://doi.org/10.7176/jlpg/91-08>.

²¹ Mulia Jaya, Dedi Epiadi, and Didik Try Putra, "Administrative Identity Transformation and Hybrid Governance: Negotiating Bureaucratic and Indigenous Authority in Bungo Regency, Indonesia," *Jurnal Bina Praja* 17, no. 3 (2025), <https://doi.org/10.21787/jbp.17.2025-2705>.

bureaucracy” phenomenon, in which the cultural legitimacy of the Ondoarfi is adopted and capitalized upon by state bureaucrats—not to supplant customary law, but as a pragmatic framework for addressing agrarian resistance and ensuring local communities’ legal compliance regarding claims to communal lands amid a massive influx of investment.

2. Dualism and Structural Barriers to Integration

Although recognition of indigenous communities has been granted normatively, implementation still faces fairly serious structural and administrative barriers. The absolute and sacred nature of the Ondoafi's leadership system often clashes with state oversight mechanisms that demand administrative accountability.²² Moreover, there is a fundamental difference between the Village Law, which is based on electoral democracy, and the customary leadership system, which is hereditary.²³ This situation creates a dilemma for indigenous communities, namely between preserving the authenticity of the customary system or adapting to formal structures in order to gain access to village funds and development programs.²⁴ In practice, this is reflected in efforts to change village status to customary village status in several areas, which have not always proceeded smoothly.²⁵

Interviews with Ondoafi in Kampung Yobeh indicate that the role of customary leaders remains highly relevant in maintaining social harmony and is often involved in development programs that the formal government has been unable to resolve.²⁶ However, this strategic position also has the potential to trigger conflict with administrative village heads, particularly regarding the control and management of natural resources.²⁷ Similar phenomena occur in various other regions of Indonesia, such as West Sumatra and Bali, demonstrating the complexity of integrating dual governance systems. As a result, there is a fragmentation of authority that brings together customary legitimacy with formal legality, making it difficult to implement policies and distribute development benefits equitably.²⁸

Furthermore, the implementation of customary villages is also hampered by the slow demarcation of customary territories by regional governments, even though such recognition is an important prerequisite for integrating customary law into the governance system.²⁹ The lack of understanding among officials regarding customary law, and the state's tendency to control the

²² Krisifu, “The Power Structure of Ondoafi in the Adat Village Government System of Jayapura Regency.”

²³ Mulyadi et al., “The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua.”

²⁴ Suryawan, “Membangun Kampung Adat Dan Juga Melawan Investasi: Artikulasi Adat Di Kabupaten Jayapura, Papua.”

²⁵ Ivanna Mieske Christianny Monim, Muh Ilham, and Dadang Suwanda, “Implementasi Kebijakan Perubahan Status Kampung Adat Yoboi Di Distrik Sentani Kabupaten Jayapura Provinsi Papua,” *Jurnal Kajian Pemerintah: Journal of Government, Social and Politics* 10, no. 2 (2024): 68–80, [https://doi.org/10.25299/jkp.2024.vol10\(2\).19432](https://doi.org/10.25299/jkp.2024.vol10(2).19432).

²⁶ Fredrik Warwer and Devid R. Pontoan, “Ondofolo’s Leadership in Christian Perspective: A Study Based on Papuan-Indonesian Local Wisdom,” *Verbum et Ecclesia* 44, no. 1 (2023), <https://doi.org/10.4102/ve.v44i1.2773>.

²⁷ Yance Arizona and Erasmus Cahyadi, “The Revival of Indigenous Peoples: Contestations over a Special Legislation on Masyarakat Adat,” in *Adat and Indigeneity in Indonesia*, 2017, 43–62, <https://doi.org/10.4000/books.gup.167>.

²⁸ Zefrizal Nurdin, “Legal Protection of Customary Rights under Legal Pluralism and Its Impact on the Minangkabau Society: An Empirical Study in the District of Lima Pulu Kota, West Sumatra,” *Cogent Social Sciences* 8, no. 1 (2022), <https://doi.org/10.1080/23311886.2022.2045722>.

²⁹ Santje Magdalena Iriyanto and Yannice Luma Marnala Sitorus, “The Influence of Local Wisdom in Construction Risk Assessment,” *Media Komunikasi Teknik Sipil* 29, no. 1 (2023): 51–60, <https://doi.org/10.14710/mkts.v29i1.54406>.

system, further exacerbate the situation.³⁰ Regulatory ambiguity and multiple interpretations of customary village provisions also cause uncertainty in implementation, even placing customary villages in a subordinate position to regional government.³¹ This situation indicates a gap between normative recognition and field practice, making policy reconstruction that is more sensitive to local contexts imperative.

Harmonization efforts require the strengthening of clearer and more operational derivative regulations, including the formulation of technical guidelines capable of bridging customary and state interests.³² Without this, the regulatory vacuum at the regional level will continue to hinder the effective implementation of Customary Villages.³³ On the other hand, differences in land ownership concepts between customary law and national law also constitute a source of ongoing agrarian conflict. Therefore, the integration of both legal systems becomes an urgent need to guarantee the protection of indigenous peoples' rights as well as legal certainty.³⁴

An analysis of this dualism and these structural barriers reveals that the crisis of integration in the Traditional Villages of Jayapura Regency is not merely a matter of technical obstacles or delays in mapping territorial boundaries, but rather a manifestation of an epistemological clash between the state's formal legal rationality and the Ondoafi's genealogical-sacred rationality. When the state imposes standards of fiscal accountability and secular electoral mechanisms onto charismatic traditional structures, it is, in effect, carrying out a subtle act of subjugation that traps indigenous communities in an existential dilemma. The fragmentation of authority between the Administrative Village Head and the Ondoafi in the management of natural resources, as seen in Yobeh Village, underscores that the state's formal legality often fails to function without relying on the legitimacy of the local community. The novelty of this research lies in its formulation regarding the scope of legal integration through the concept of subordinate legal pluralism.

3. Ondoafi as Mediator between Investment and *Ulayat* Interests

In the context of natural resource management, Ondoafi acts as a mediator bridging the interests of indigenous communities with external parties, including investors. This role is critically important in licensing processes and environmental impact assessments, particularly related to the

³⁰ Sri Wahyu Kridasakti et al., "The Legitimacy Crisis of Customary Villages Under Indonesia's Village Law," *Sriwijaya Law Review* 9, no. 2 (2025): 432–56, <https://doi.org/10.28946/slrev.v9i2.3998>; Tine Suartina, "Between Control and Empowerment: Local Government and Acknowledgement of Adat Villages in Indonesia," *Indonesia Law Review* 10, no. 3 (2020), <https://doi.org/10.15742/ilrev.v10n3.679>.

³¹ Muhtadli Muhtadli, "Recognition of Traditional Villages as Local Government Administrators in Indonesia Based on the Principle of Autonomy," *Constitutionale* 1, no. 1 (2020): 57–70, <https://doi.org/10.25041/constitutionale.v1i1.2008>.

³² Fijanatin Aliah, Zaki Ulya, and Muhammad Natsir, "Synergy in Resolving Border Disputes after Regional Expansion: A Case Study of Gampong Meurandeh Dayah, Langsa City," *Jurnal Geuthèè: Penelitian Multidisiplin* 8, no. 2 (2025): 72–83, <https://doi.org/10.52626/jg.v8i2.404>.

³³ Yenny Febrianty, Joko Sriwidodo, and Priyaldi Priyaldi, "Establishing Regional Regulations for the Protection of Local Wisdom," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 3 (2023): 189–216, <https://doi.org/10.25041/fiatjustisia.v17no3.2708>; Feng Jing, Rohaslinda Ramele Ramli, and Na'asah Nasrudin, "Protection of Traditional Villages in China: A Review on the Development Process and Policy Evolution," *Journal of Cultural Heritage Management and Sustainable Development*, 2024, <https://doi.org/10.1108/JCHMSD-01-2023-0008>.

³⁴ Feny Yan Putri, "Legal Certainty of Indigenous People's Land Rights of Former Customary Land Ownership Evidence After Its Validity Period Expires," *International Journal of Law Dynamics Review* 3, no. 1 (2025): 30–38, <https://doi.org/10.62039/ijldr.v3i1.95>.

relinquishment of *ulayat* rights.³⁵ However, without strong regulatory support, the position of Ondoafi becomes vulnerable to pressure from large-scale economic interests. Therefore, strengthening the institutional capacity of Customary Villages becomes important as a legal protection instrument to ensure that every investment process continues to respect the rights of indigenous communities.

The integration of state law and customary law in Jayapura Regency shows a tendency toward a responsive legal model, in which positive law provides space for the existence of living law within the community.³⁶ This affirms that the success of development and social stability in Papua depends greatly on the recognition of Ondoafi's role as a strategic partner in governance.³⁷ In practice, indigenous communities still demonstrate a strong preference for conflict resolution through customary mechanisms as they are considered more effective and consistent with kinship values. However, the misalignment between state administrative boundaries and customary territories frequently triggers prolonged conflicts.³⁸ Therefore, it is necessary to strengthen the legal validity of customary decisions and establish independent institutions capable of guaranteeing the protection of indigenous communities' rights more comprehensively.³⁹

Furthermore, the application of the principle of Free, Prior, and Informed Consent (FPIC) within the framework of Papua's Special Autonomy opens opportunities for indigenous community participation in every development process. However, its implementation still faces various obstacles, including pressure from economic interests and weak oversight.⁴⁰ Accordingly, a legal reconstruction is needed that can accommodate legal pluralism in a more just and adaptive manner. This effort is important not only to provide legal certainty for investors, but also to protect the rights of indigenous communities and prevent prolonged agrarian conflicts. Without such steps, the tension between state law and customary law will continue to be the primary challenge in resource governance and administration in Papua.

An interpretive analysis of the Ondoafi's role as a mediator between investment interests and customary land rights indicates a shift in the function of traditional authority from the sacred cultural realm into the realm of practical political economy. When the principle of Free, Prior, and Informed Consent (FPIC) was incorporated into the Special Autonomy model, the state appeared to make room for the living law of the community. However, due to structurally unequal realities, the role of the Ondoafi is instead exploited as a bridge in land acquisition by powerful capital interests.

³⁵ Dhiksawan et al., "Indigenous Peoples Involment at the Environmental Impact Assessment (EIA) Process in Tabi Mamta Area of Papua Province."

³⁶ Hammar et al., "Spatial Planning for Indigenous Law Communities to Solve Social Conflict Resolution in West Papua Indonesia."

³⁷ Helben Gainau et al., "The Existence of the Rights of Indigenous People in the Implementation of Regional Autonomy," *International Journal of Applied Business and International Management* 8, no. 2 (2023): 67-84, <https://doi.org/10.32535/ijabim.v8i2.2426>.

³⁸ Hammar et al., "Spatial Planning for Indigenous Law Communities to Solve Social Conflict Resolution in West Papua Indonesia."

³⁹ I. Gusti Agung Mas Rwa Jayantiari et al., "The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025), <https://doi.org/10.29303/IUS.V13I1.1329>.

⁴⁰ Saher Remal Agungta Ketaren and M. Rizki Yudha Prawira, "Unheard Voices: Analyzing Non-Compliance with the FPIC Principle in Protecting Indigenous Peoples' Rights in Indonesia," *Law Development Journal* 6, no. 4 (2024), <https://doi.org/10.30659/ldj.6.4.478-502>; Ani Widyani Soetjipto, "Journey to Justice: The United Nations Declaration on the Rights of Indigenous Peoples in the Context of West Papua," *Journal of ASEAN Studies* 10, no. 1 (2022): 129-49, <https://doi.org/10.21512/jas.v10i1.8491>.

The absence of a clear legal framework for customary decisions and the lack of well-defined communal land boundaries—or boundaries deliberately left ambiguous by administrative regulations—places the Ondoafi in a vulnerable position, susceptible to coercion and economic co-optation. Rather than serving as a model for the protection of communal rights, the institutionalization of the Traditional Village in this context is often trapped within a landscape of cultural legitimization designed to facilitate the penetration of external capital—which, in turn, leads to social fractures among indigenous communities due to the unfair distribution of economic compensation and the loss of access to sociological living spaces for future generations of Papuans.

This study offers conceptual and empirical novelty through its approach, which rejects the oversimplifications of conventional development theories—theories that typically portray customary authorities either as passive victims of state-led capitalist expansion or, conversely, as groups opposed to development. This study proposes a new concept—that of “cultural brokerage within the capitalist regime”—which demonstrates that under the legal framework of Papua’s Special Autonomy, the relationship between national law, customary law, and investors has produced a transactional hybrid model of mediation. This study offers an original analysis of how the legitimacy of Ondoafi has been restructured into a macro-legal-economic instrument, in which customary law is no longer confined to a cultural vacuum but actively negotiates customary land rights as a legal instrument with high bargaining power. This theoretical contribution offers a new paradigm for the study of global legal pluralism: the enforcement of customary law in the management of natural resources in postcolonial regions is often not designed to protect indigenous communities, but rather as a system of legal domestication aimed at creating a false sense of legal certainty regarding market stability and global investment.

Conclusion

This study affirms that the position of Ondoafi in Indonesia's constitutional system possesses strong constitutional legitimacy, albeit adaptive and continuously evolving. Recognition of Ondoafi's authority not only reflects the state's respect for indigenous law communities as affirmed in Article 18B of the 1945 Constitution, but also functions as an important instrument in the implementation of Special Autonomy policy in Papua. In Jayapura Regency, this recognition is concretely realized through the Customary Village policy, which opens a space for integrating traditional leadership structures with the formal governance system.

The ongoing dynamics reveal a pattern of “dual governance” reflecting the coexistence of two authority systems. Ondoafi continues to hold a central role with charismatic and sacred legitimacy, particularly in *ulayat* land management and dispute resolution through the Para-Para Adat mechanism. However, within the Customary Village framework, this authority must interact with state administrative demands, including accountability in village fund management and compliance with positive legal regulations. Although this situation creates the potential for overlapping jurisdictions and administrative challenges, the negotiation practices that have emerged actually serve as an important mechanism for maintaining social stability while strengthening the protection of *ulayat* rights amid development and investment pressures.

Ultimately, the success of village governance in Jayapura Regency is greatly determined by the ability to maintain a balance between state authority and customary sovereignty. Customary dispute resolution practices demonstrate that living law remains highly relevant in fulfilling the

community's sense of justice. Therefore, a more flexible policy space from the state is needed to accommodate the role of Ondoafi within the framework of special autonomy, so as to create sustainable harmonization between traditional values and modern governance systems.

References

- Aliah, Fijanatin, Zaki Ulya, and Muhammad Natsir. "Synergy in Resolving Border Disputes after Regional Expansion: A Case Study of Gampong Meurandeh Dayah, Langsa City." *Jurnal Geuthèè: Penelitian Multidisiplin* 8, no. 2 (2025): 72–83. <https://doi.org/10.52626/jg.v8i2.404>.
- Arizona, Yance, and Erasmus Cahyadi. "The Revival of Indigenous Peoples: Contestations over a Special Legislation on Masyarakat Adat." In *Adat and Indigeneity in Indonesia*, 43–62, 2017. <https://doi.org/10.4000/books.gup.167>.
- Dewi, Rosita. "The Paradox of Papuan Recognition After Two Decades of Special Autonomy: Racism, Violence, and Self-Determination." *Advances in Southeast Asian Studies* 17, no. 1 (2024): 25–44. <https://doi.org/10.14764/10.ASEAS-0105>.
- Dhiksawan, Ferdinand Saras, Sudharto P. Hadi, Adji Samekto, and Dwi P. Sasongko. "Indigenous Peoples Involment at the Environmental Impact Assessment (EIA) Process in Tabi Mamta Area of Papua Province." In *E3S Web of Conferences*, Vol. 31, 2018. <https://doi.org/10.1051/e3sconf/20183108017>.
- Febrianty, Yenny, Joko Sriwidodo, and Priyaldi Priyaldi. "Establishing Regional Regulations for the Protection of Local Wisdom." *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 3 (2023): 189–216. <https://doi.org/10.25041/fiatjustisia.v17no3.2708>.
- Gainau, Helben, Ronny A. Maramis, Merry Elisabeth Kalalo, and Caecilia J. J. Waha. "The Existence of the Rights of Indigenous People in the Implementation of Regional Autonomy." *International Journal of Applied Business and International Management* 8, no. 2 (2023): 67–84. <https://doi.org/10.32535/ijabim.v8i2.2426>.
- Hammar, Roberth Kurniawan Ruslak, Christina Samangun, Yosep Malik, and Agustinus Luturmas. "Spatial Planning for Indigenous Law Communities to Solve Social Conflict Resolution in West Papua Indonesia." *Journal of Social Studies Education Research* 12, no. 4 (2021): 405–23.
- Hasanah, Ulfia, Nia Kurniati, and Maret Priyanta. "Legal Harmonization Between The Omnibus Law And Basic Agrarian Law (Uupa) In Protecting Indigenous Rights." *Cepalo* 9, no. 2 (2025): 95–106. <https://doi.org/10.25041/cepalo.v9no2.3930>.
- Iriyanto, Santje Magdalena, and Yannice Luma Marnala Sitorus. "The Influence of Local Wisdom in Construction Risk Assessment." *Media Komunikasi Teknik Sipil* 29, no. 1 (2023): 51–60. <https://doi.org/10.14710/mkts.v29i1.54406>.
- Jaya, Mulia, Dedi Epriadi, and Didik Try Putra. "Administrative Identity Transformation and Hybrid Governance: Negotiating Bureaucratic and Indigenous Authority in Bungo Regency, Indonesia." *Jurnal Bina Praja* 17, no. 3 (2025). <https://doi.org/10.21787/jbp.17.2025-2705>.
- Jayantiari, I. Gusti Agung Mas Rwa, I. Nyoman Prabu Buana Rumiarta, I. Gst Pt Bagus Suka Arjawa, I. Gusti Ngurah Dharma Laksana, and Anak Agung Sagung Ngurah Indradewi. "The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law." *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025). <https://doi.org/10.29303/IUS.V13I1.1329>.
- Jing, Feng, Rohaslinda Ramele Ramli, and Na'asah Nasrudin. "Protection of Traditional Villages in

- China: A Review on the Development Process and Policy Evolution." *Journal of Cultural Heritage Management and Sustainable Development*, 2024. <https://doi.org/10.1108/JCHMSD-01-2023-0008>.
- Johanson, Jan Erik, Jarmo Vakkuri, David Mills, and Adina Dudau. "Hybridised Public Management: Introduction to the Special Issue." *Australian Journal of Public Administration*, 2025. <https://doi.org/10.1111/1467-8500.70000>.
- Kadaryanto, Bagio, Ardian Kurniawan, and Burhanuddin. "RECONSTRUCTION OF INDIGENOUS COMMUNITY INCLUSION IN VILLAGE AUTONOMY POLICY: Towards a Substantive Autonomy Model in Indonesia." *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025). <https://doi.org/10.30631/alrisalah.v25i1.1845>.
- Kendi, Ibrahim Kristofol, and Muh. Akmal Ibrahim. "Forms and Historical and Cultural Roles of Traditional Governance (Ondoafi/Ondofolo) in the Governance of Indigenous Communities in Jayapura Regency, Papua Province." *KnE Social Sciences* 10, no. 18 (2025). <https://doi.org/10.18502/kss.v10i18.19474>.
- Kridasakti, Sri Wahyu, Rina Elsa Rizkiana, Purwaningdyah Murti Wahyuni, Ni Made Jaya Senastri, and Henny Yuningsih. "The Legitimacy Crisis of Customary Villages Under Indonesia's Village Law." *Sriwijaya Law Review* 9, no. 2 (2025): 432–56. <https://doi.org/10.28946/slrev.v9i2.3998>.
- Krisifu, Hendrik. "The Power Structure of Ondoafi in the Adat Village Government System of Jayapura Regency." *Journal of Law, Policy and Globalization*, 2019, 91–08. <https://doi.org/10.7176/jlpg/91-08>.
- Lestaluhu, Rajab, Sokhib Naim, Cintia Dwi Puspita, Sayed Husaini, and Wahab Aznul Hidayat. "Rethinking Dispute Resolution: Moi Customary Law Within Indonesia's Legal Pluralism." *JUSTISI* 12, no. 2 (2026): 386–99. <https://doi.org/10.33506/js.v12i2.4872>.
- Monim, Ivanna Mieske Christianny, Muh Ilham, and Dadang Suwanda. "Implementasi Kebijakan Perubahan Status Kampung Adat Yoboi Di Distrik Sentani Kabupaten Jayapura Provinsi Papua." *Jurnal Kajian Pemerintah: Journal of Government, Social and Politics* 10, no. 2 (2024): 68–80. [https://doi.org/10.25299/jkp.2024.vol10\(2\).19432](https://doi.org/10.25299/jkp.2024.vol10(2).19432).
- Muhtadli, Muhtadli. "Recognition of Traditional Villages as Local Government Administrators in Indonesia Based on the Principle of Autonomy." *Constitutionale* 1, no. 1 (2020): 57–70. <https://doi.org/10.25041/constitutionale.v1i1.2008>.
- Mulyadi, Tri, Kamsi, Surwandono, and Trisno Raharjo. "The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua." *Jurnal Media Hukum* 26, no. 1 (2019). <https://doi.org/10.18196/jmh.20190127>.
- Nuridin, Zefrizal. "Legal Protection of Customary Rights under Legal Pluralism and Its Impact on the Minangkabau Society: An Empirical Study in the District of Lima Puluh Kota, West Sumatra." *Cogent Social Sciences* 8, no. 1 (2022). <https://doi.org/10.1080/23311886.2022.2045722>.
- Pondayar, Yustus. "Ondoafi Power Structure in the Traditional Village Government System in Jayapura District." *International Journal of Multicultural and Multireligious Understanding* 10, no. 10 (2023). <https://doi.org/10.18415/ijmmu.v10i10.5232>.
- Putri, Feny Yan. "Legal Certainty of Indigenous People's Land Rights of Former Customary Land Ownership Evidence After Its Validity Period Expires." *International Journal of Law Dynamics Review* 3, no. 1 (2025): 30–38. <https://doi.org/10.62039/ijldr.v3i1.95>.

- Randy Zethdan Pellokila, Jordan. "Analisis Penyelesaian Konflik Hak Ulayat Pada Masyarakat Hukum Adat Di Kabupaten Jayapura Papua." *Jurnal Syntax Transformation* 2, no. 8 (2021): 1111-23. <https://doi.org/10.46799/jst.v2i8.330>.
- Remal Agungta Ketaren, Saher, and M. Rizki Yudha Prawira. "Unheard Voices: Analyzing Non-Compliance with the FPIC Principle in Protecting Indigenous Peoples' Rights in Indonesia." *Law Development Journal* 6, no. 4 (2024). <https://doi.org/10.30659/ldj.6.4.478-502>.
- Soetjipto, Ani Widyani. "Journey to Justice: The United Nations Declaration on the Rights of Indigenous Peoples in the Context of West Papua." *Journal of ASEAN Studies* 10, no. 1 (2022): 129-49. <https://doi.org/10.21512/jas.v10i1.8491>.
- Suartina, Tine. "Between Control and Empowerment: Local Government and Acknowledgement of Adat Villages in Indonesia." *Indonesia Law Review* 10, no. 3 (2020). <https://doi.org/10.15742/ilrev.v10n3.679>.
- Suryawan, I Ngurah. "Membangun Kampung Adat Dan Juga Melawan Investasi: Artikulasi Adat Di Kabupaten Jayapura, Papua." *Masyarakat Indonesia* 48, no. 1 (2023): 31-46. <https://doi.org/10.14203/jmi.v48i1.1179>.
- Warwer, Fredrik, and Devid R. Pontoan. "Ondofolo's Leadership in Christian Perspective: A Study Based on Papuan-Indonesian Local Wisdom." *Verbum et Ecclesia* 44, no. 1 (2023). <https://doi.org/10.4102/ve.v44i1.2773>.
- Wiratraman, Herlambang P. "Adat Court in Indonesia's Judiciary System: A Socio-Legal Inquiry." *Journal of Asian Social Science Research* 4, no. 1 (2022): 43-62. <https://doi.org/10.15575/jassr.v4i1.62>.
- Wirawan, Aditya, Taufik Raharjo, Reni Shintasari, and Fery Bagong. "GOVERNMENT LAND PROTECTION IN THE CONTEXT OF LEGAL PLURALISM: EVIDENCE FROM INDONESIA'S INDIGENOUS AND PERIPHERAL REGIONS." *Planning Malaysia* 23, no. 6 (2025). <https://doi.org/10.21837/pm.v23i39.1935>.
- Zein, Yahya Ahmad, Adymas Putro Utomo, Muhammad Husin Ali, Rafiq Idris, and Didi Adriansyah. "Indigenous, Diversity, and the Future of Human Rights in Regional Legal Systems." *Journal of Human Rights, Culture and Legal System* 5, no. 2 (2025): 581-607. <https://doi.org/10.53955/jhcls.v5i2.573>.