



Original Article

Synergy between Police Law and Customary Law in Resolving Social Conflicts in West Papua

Muhammad Alwafi✉

Universitas Terbuka

wafimtd@gmail.com✉

Abstract:

This study aims to analyze the synergy between police law and customary law in resolving social conflicts in West Papua. The approach used is juridical-sociological, with a descriptive-analytical method, combining interviews, observations, and legal document studies, including Perpol No. 8 of 2021 concerning restorative justice and the Papua Special Autonomy Law No. 21 of 2001/Law No. 2 of 2021. The research locations include Manokwari, Sorong, and Fakfak districts, with informants consisting of police officers, traditional leaders, and affected communities. The results of the study show that social conflicts in West Papua, especially between indigenous communities, can be resolved more effectively through the synergy of police law and customary law. The police act as facilitators of restorative deliberations, while customary courts emphasize deliberation, consensus, and the restoration of social relations. The integration of these two legal systems results in community-accepted conflict resolution, increases compliance of perpetrators, and maintains social stability. This multi-dimensional approach is in accordance with the theory of restorative justice and living law, which emphasizes the restoration of social relations as well as the recognition of the legal norms that live in society. This study concludes that the harmonization of formal law and customary law in West Papua is an important strategy in realizing substantive justice, reducing the burden of cases in formal courts, and maintaining social harmony between communities. These findings can be a reference for police officers, local governments, and traditional leaders in developing standard operational procedures for restorative-based conflict resolution in accordance with local wisdom.

Keywords: Police Law, Customary Law, Restorative Justice, Social Conflict, West Papua.



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Introduction

The entry of social dynamics in the West Papua region requires a conflict resolution approach that does not rely solely on the formal criminal enforcement model. In many cases of social conflict in West Papua — whether between indigenous communities, between community groups, or between communities and state institutions — there are strong cultural and traditional elements, so approaching only through the conventional police system or pure criminal process is often inadequate.

Within this framework, there is a need to synergize between two legal systems, namely police law (which is represented by the investigation, investigation and law enforcement function by the National Police of the Republic of Indonesia or police) and customary law (which lives in indigenous communities in West Papua). This synergy is interpreted as a collaboration between the formal mechanisms of the state and the informal/cultural mechanisms of the community in resolving social conflicts.

One of the important aspects of relevant police law is the restorative justice approach. Through Perpol No. 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, the police have a framework to resolve criminal acts by involving perpetrators, victims, families of perpetrators, victims' families, as well as community leaders, traditional leaders or religious leaders in order to seek a just settlement and restore the situation (Felisiano & Paripurna, 2023)

Thus, the restorative justice model does not only emphasize the dimension of retribution or criminal sanctions, but rather the restoration of social relations, the responsibility of the perpetrator to the victim, and the involvement of the community or customary as a stakeholder (Afifah, 2024)

Meanwhile, at the local level of West Papua, the existence of indigenous peoples and customary institutions has significant weight in people's lives, including in the resolution of social conflicts. Customs are not just a cultural symbol, but a mechanism that has been used to formulate peace, restore social harmony, and maintain a balance of relations between community members.

In this context, the application of restorative justice through police law has the potential to "meet" with customary court mechanisms that live in communities—namely mechanisms based on deliberation, demands for restoration (not just punishment), and the collective involvement of indigenous communities. Therefore, it is important to discuss how such synergies can be built systematically.

The formal legal framework that regulates special autonomy for Papua is Law No. 21 of 2001 concerning Special Autonomy for Papua Province (and subsequently amended through Law No. 2 of 2021) which provides recognition of the existence of indigenous peoples, culture, and basic rights of indigenous Papuans within the framework of the Unitary State of the Republic of Indonesia (NKRI) (Nomor, 21 C.E.).

Law No. 21 of 2001 states that "the people of Papua ... upholding basic rights, cultural values that live in customary law societies" as one of the bases for carrying out special autonomy. This rule opens up space for respect for customary law as part of the national legal system in special autonomy areas.

In terms of implementation, there are challenges in integrating the formal legal system (criminal enforcement) with the customary law system which has different logic both

in terms of process, justice value, form of recovery, and community involvement. In West Papua, these challenges are increasingly complex due to the problems of social conflicts connected to indigenous identities, land grabs, and development that often ignores local wisdom.

Within the framework of this synergy, the resolution of criminal acts or social conflicts in West Papua is not enough if only seen from one side, namely the criminal aspect which solely processes the perpetrators to the formal realm. On the contrary, aspects of customary courts and social restoration must also be considered so that the outcome of the settlement truly brings substantive justice and harmony to the community.

Concretely, the restorative justice mechanism regulated in Perpol No. 8/2021 provides an opportunity to "stop the investigation or investigation (SPP-lidik) or stop the investigation (SP3) for the sake of the law" if certain conditions are met, and if the perpetrator and victim are willing to conduct deliberations for peace (Budi, 2023). In the customary context, this deliberation process, for example, in the presence of traditional leaders and community leaders, is very much in line with traditional practices of conflict resolution.

Thus, if the police in West Papua are able to open up space for integration between restorative justice mechanisms and customary courts, then the conflict resolution process will be more responsive to local cultural and social realities. This can also minimize tensions between indigenous communities and law enforcement officials.

However, it is important to remember that customary courts are not a substitute for the formal criminal system alone. Rather, it is as a complement or partner in resolving social conflicts that have a customary dimension. In this case, the police continue to exercise their authority through national legal procedures, but with openness to customary mechanisms.

In practice in West Papua, one clear example is that when there is a land conflict between tribes or between indigenous communities, in addition to the process of reporting to the police, customary deliberation led by indigenous leaders can also be carried out, which then involves the police as a facilitator of recovery—not just the aspect of criminal sanctions (Sugandi, 2008) This approach strengthens the meaning of restorative justice in the context of customs.

Furthermore, this synergy requires strengthening the capacity of police officers and customary institutions to understand each other's mechanisms. The police need to gain an understanding of West Papua's customary law—for example, how the structure of indigenous leaders work, the prevailing customs, and how indigenous communities view security and conflict resolution. On the other hand, traditional leaders need to understand when and how formal criminal mechanisms apply.

In terms of regulations, in addition to Perpol No. 8/2021, there is also an affirmation that restorative justice can be applied to certain cases as studied in the literature. Meanwhile, in terms of special autonomy, the revision of the Special Autonomy Law (Law No. 2 of 2021) shows that there is a commitment to strengthening the protection of the rights of indigenous Papuans, including in socio-cultural aspects and customary wisdom (Sofian, 2025) (Murofikoh, 2023)).

The synergy between police law and customary law also carries the message that the resolution of social conflicts in West Papua cannot be separated from the historical, cultural, and social context of indigenous peoples. Customary practices in West Papua are often not just a system of norms, but also a very strong social enforcement mechanism and inter-group

relationships.

On the other hand, police officers in West Papua face challenges in enforcing laws that must be sensitive to local culture. Without good cultural adaptation, there is often resistance from the community—if the law enforcement process is considered "foreign" or violates customary norms. Therefore, building trust between the authorities and indigenous peoples is key.

In many social conflicts in West Papua, such as conflicts between villages, between tribes, or between indigenous peoples and outsiders (investors, development), the factor of restoring inter-community relations is often more important than simply sanctioning the perpetrators. This is where the relevance of restorative justice and customary courts lies—that is, focusing on restoration, reconciliation, and maintaining the sustainability of social harmony.

Furthermore, this synergy framework also demands a written guideline and operational mechanism that combines the two legal systems. For example, when the police use Perpol No. 8/2021 as a guideline, then in areas that have a strong customary system such as West Papua, there needs to be procedures for how traditional leaders are involved, how customary deliberations are formulated as part of a joint settlement.

This means that the concept of restorative justice that appears in police regulations must be "introduced" and "adapted" to the customary context of West Papua—that is, by taking into account customary norms, local community values, and customary institutions that function as mediators in social conflicts (Sugandi, 2008) As mentioned, restorative justice is "the settlement of criminal cases involving the perpetrator, the victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders or stakeholders" contained in Perpol No. 8/2021.

On the implementation side, one of the real challenges is to ensure that indigenous peoples are truly equally involved in the conflict resolution process—not just as witnesses or formalities, but as stakeholders who have social legitimacy within their communities (Afrihadi et al., 2025) If not, then the synergy can turn into a mere formality without substantial meaning.

Furthermore, it is also important to note that formal criminal mechanisms still have an important role—including law enforcement when social conflicts contain elements of serious crimes that cannot be resolved through customary deliberation or restorative justice alone. However, when possible, social recovery efforts through customary and restorative efforts are very relevant.

Thus, the synergy between police law and customary law in West Papua must be seen as a new paradigm for resolving social conflicts—one that is multi-dimensional, respects local culture, and is able to deliver justice that is not only formal but also substantive. This synergy can serve as a model for other regions that have similar customary wealth and social conflict challenges.

As a closing of this introduction, it is important to emphasize that policy formulation and implementation on the ground must always bear in mind that in the West Papua region — within the framework of special autonomy — not only does the "one size fits all" national legal system apply (Mutaqin, 2013) Rather, integration between the national police system and the local customary law system through a restorative justice approach is a promising path to strengthening social harmonization, maintaining local wisdom, and realizing sustainable

peace.

Methods

This study uses a qualitative approach with a juridical-sociological method, which examines the relationship between the prevailing positive legal norms—especially police law and customary law, and the social reality of the community in West Papua (Huda & S HI, 2021) This approach was chosen because the issue of synergy between police law and customary law can not only be understood from the normative aspect (written rules), but also from the social and cultural legal practices of indigenous Papuans.

The juridical-sociological approach aims to understand how law in action works in society, not just how law is written in laws and regulations (law in books). In this context, the research focuses on the implementation of Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice and Law Number 21 of 2001 concerning Special Autonomy for Papua Province (and its amendments through Law No. 2 of 2021).

The type of research used is descriptive-analytical research (Yusyanti, 2019) This means that this study seeks to describe in detail the practice of synergy between police officers and customary institutions in resolving social conflicts, then analyze them based on positive legal provisions and the values of restorative justice contained in them.

This research was conducted in the West Papua region, especially in areas that have a high intensity of social conflicts based on indigenous communities, such as Manokwari, Sorong, and Fakfak Regencies. The selection of the location was based on the consideration of the existence of active customary institutions and the involvement of the police in various forms of social conflict resolution in the community.

The source of research data consists of primary data and secondary data. Primary data was obtained directly from the field through in-depth interviews, observations, and documentation. Meanwhile, secondary data comes from literature studies which include laws and regulations, books, legal journals, research articles, and official government documents.

Primary data was obtained through semi-structured interviews with several key informants, such as police officers at the Police and Police levels, traditional leaders, community leaders, and parties who have been involved in the process of resolving social conflicts through customary approaches. This interview technique allows researchers to dig into in-depth information about the synergistic practices of the two legal systems.

In addition to interviews, the researcher also conducted participatory observations on the process of customary deliberation or peace forums facilitated by local police officers. Observations were made to understand firsthand how the principles of restorative justice are applied in the context of West Papuan customs, for example through mediation by tribal chiefs or religious leaders.

Secondary data is collected through the search of legal and policy documents, such as:

- Perpol No. 8 of 2021, which regulates procedures for handling criminal acts based on restorative justice, including the stages of investigation, investigation, and termination of cases on the basis of peace.
- Law No. 21 of 2001 and Law No. 2 of 2021, which are the legal basis for Papua's special autonomy, including the recognition of the existence of customary law communities and

customary court institutions.

- Special regional regulations (Perdatus) or provincial regional regulations (Perdasi) related to customary law and conflict resolution in West Papua.

Data analysis is carried out qualitatively-interactively, namely by studying, reducing, and interpreting data obtained through interviews and literature studies. The analysis steps include (1) data collection, (2) data reduction, (3) data presentation, and (4) conclusion drawn. The analysis process is carried out repeatedly to ensure validity and consistency between empirical and theoretical data.

In conducting the analysis, the researcher used the framework of restorative justice theory as formulated by (Yunus, 2021) which emphasizes the restoration of social relations between perpetrators, victims, and communities. This theory was later linked to the concept of West Papuan customary courts, which placed peace and social balance at the heart of resolving cases.

To strengthen the analysis, the theory of living law from Eugen Ehrlich (Ehrlich & Isaacs, 1922) is also used, which states that the laws that live in society are often more effective than written laws in maintaining social order. Thus, West Papua's customary law can be understood as a living law that must be recognized in national law enforcement practice.

The validity of the data was tested using source triangulation techniques and method triangulation. Source triangulation is carried out by comparing data from various informants (police, traditional leaders, and communities). Meanwhile, the triangulation method is carried out by comparing the results of interviews, observations, and document analysis.

Research ethics are also strictly observed, especially considering the context of West Papua which has sensitive customary values. Before conducting interviews or observations, the researcher first asked permission from traditional leaders and local police officers. The identity of the informant is kept confidential in accordance with the principles of social research.

This research is non-doctrinal, but still contains elements of normative analysis, because the ultimate goal is to formulate a synergy model between police law and customary law that can be applied as a policy guideline. Thus, the results of the research are expected to be not only descriptive, but also applicable to police institutions and local governments in West Papua.

Results

Location Profiles and Research Informants

The research was conducted in three districts in West Papua that have the intensity of social conflicts based on indigenous communities: Manokwari, Sorong, and Fakfak. The location was chosen based on the consideration of the existence of active customary institutions, the involvement of the police in conflict resolution, and the existence of cases that have been resolved through restorative justice mechanisms.

The research informants consisted of:

1. Police Officers (Police and Local Police Station)
2. Traditional Leaders (tribal heads, heads of customary institutions, and community elders)

3. Affected communities (victims and perpetrators of social conflicts)

Table 1 summarizes the number of informants by category

Category Informant	Manokwar Regency	Kabupate Sorong	Kabupate Fakfak	Total
Police Officer	5	4	3	12
Traditional Leaders	6	5	4	15
Affected communities	10	8	7	25
Total	21	17	14	52

The results of the study show that the selection of locations in Manokwari, Sorong, and Fakfak is not only due to the high frequency of social conflicts, but also because of the existence of customary institutions that are still active and respected by the community. This is in line with the theory of living law from Eugen Ehrlich, who states that living law is often more effective in maintaining social order than written law alone (Ehrlich & Isaacs, 1922). Thus, the involvement of indigenous peoples as key informants shows that the customary law system functions as a means of socialization that is recognized normatively and practically. In addition, the involvement of police officers as informants confirms that state officials have a strategic role in integrating formal law with customary law. Previous studies by (Zehr, 1990) on restorative justice show that restorative justice will be effective if it involves all relevant parties, including community leaders and traditional leaders. The results of this study corroborate the findings, that the synergy between the police and customs requires a mutual understanding between the apparatus and the community.

Forms of Social Conflict in West Papua

Based on interviews and observations, social conflicts in West Papua generally are:

1. Conflicts between indigenous communities over land, territorial boundaries, or natural resources.
2. Internal conflicts of indigenous communities, such as family disputes or inheritance disputes.
3. Conflicts between indigenous peoples and external parties such as companies or development projects.

Table 2: Types of Conflicts Observed

Types Conflicts	Manokwari	Stretch out	Fakfak	Total Cases
Inter-indigenous communities	8	6	5	19
Internal indigenous	5	4	3	12

communities				
Indigenous peoples external parties	3	3	2	8
Total	16	13	10	39

These results show that conflicts between indigenous communities are the most dominant, thus demanding a settlement mechanism involving customary courts and restorative justice by the police.

The dominant conflict is between indigenous communities, which often involve land or natural resource disputes. Internal community conflicts and conflicts with external parties also appear, but the frequency is lower. These findings support previous research by (Azis & Muddin, 2025) which shows that conflicts in the Papua region are closely related to local wisdom, cultural identity, and indigenous rights of communities.

According to conflict theory (Bartos & Wehr, 2002) social conflict is not always destructive; conflict can also be an opportunity for social change if resolved through socially accepted mechanisms. In the context of West Papua, settlement through customary courts allows for the restoration of social relations, so that conflicts do not recur and community harmony can be maintained. This approach is also in line with the principle of restorative justice, which emphasizes the restoration of social relations and the responsibility of the perpetrator to the victim.

Synergy Mechanism between Police and Customary Law

The Role of the Police in Conflict Resolution

Police officers use a restorative justice mechanism in accordance with Perpol No. 8 of 2021, with the following stages:

1. Fingerprints and Investigations: Preliminary investigations are conducted by the police to gather facts and evidence.
2. Mediation: If the case can be resolved restoratively, the police invite the perpetrator, the victim, and the community to deliberate.
3. Documentation and Approval: The peace agreement is officially recorded by the police.

The police facilitate the implementation of restorative justice based on Perpol No. 8 of 2021. Preliminary investigations (investigation and investigation) are carried out to ascertain facts and evidence before deliberation. This stage is in accordance with the principle of restorative justice, which prioritizes the involvement of perpetrators, victims, and communities in reaching an agreement (Ozdilek & Robeck, 2009) This practice proves that the police are not only formal law enforcers, but also facilitators of social recovery.

The Role of the Customary Court

Customary courts in West Papua conduct conflict resolution on the following principles:

1. Deliberation and consensus: All parties are actively involved in resolving problems.
2. Social relationship restoration: Focus on restitution, compensation, and reconciliation.

3. Collective justice: Not only looking at the perpetrators, but also the affected communities.

Customary courts emphasize deliberation, consensus, and the restoration of social relations. This is in accordance with the theory of customary law (VON BENDA-BECKMANN, 1981) which emphasizes that customary law functions as a means of social regulation in traditional societies. The customary deliberation process emphasizes consensus, not punishment alone, so that decisions are more accepted by the community and increase legal legitimacy.

Practical Synergy

Synergy occurs when the police facilitate customary courts, with the following steps:

1. The police are present as mediators or bodyguards of the deliberation process.
2. The results of customary deliberations are recorded as legal agreements that have formal force as a consideration for law enforcement.
3. If the perpetrator agrees to the customary decision, the case can be stopped or lightly punished according to the restorative agreement.

Table 3: Police and Customary Legal Synergy Mechanism

Handling Stage	The Role of the Police	The Role of the Customary Court	Synergy/Outcome Results
Preliminary investigation (probe)	Gathering evidence and facts of the case	—	Identify conflicts and related parties
Initial deliberation	Facilitating and maintaining the security deliberations	Determining solutions according to customary values	Interim peace agreement
Restorative negotiations	Presenting perpetrators, victims, and community leaders	Social recovery mediation	Formal restorative agreement
Documentation and approval	Record the agreement in white paper	—	Policy of termination of case or light punishment
Post-conflict evaluation	Monitoring the implementation of the agreement	Monitoring the recovery of social relationships	Inter-community relations restored

Synergy occurs when the police facilitate customary deliberations, and the results of the deliberations are recognized as formal agreements that can be considered in law

enforcement. Studies by (Sumaya, 2025) show that the integration of formal law and customary law can reduce recurring conflicts and increase public trust in the authorities. The results of this study strengthen these findings, showing that the synergy of the two legal systems in West Papua is effective in resolving social conflicts.

Conclusion

This research shows that the synergy between police law and customary law in West Papua is effective in resolving social conflicts. The police act as facilitators for the implementation of restorative justice based on Perpol No. 8 of 2021, while customary courts emphasize deliberation, consensus, and the restoration of social relations. The integration of these two legal systems allows for community-accepted conflict resolution, increases compliance of perpetrators, and maintains social stability. The results of the study strengthen the theory of restorative justice and living law, while showing that a multi-dimensional approach that combines formal and customary law is an important strategy to realize substantive justice and sustainable social harmonization in West Papua.

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