

# The Influence of the Position of Customary Territory Boundaries in Resolving Boundary Conflicts

Thimon Febby<sup>1</sup>, Retno Saraswati<sup>2</sup>, Amalia Diamantina<sup>2</sup>

<sup>1</sup>Universitas Musamus Merauke

<sup>2</sup>Universitas Diponegoro

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## Abstract

A country exists because of the existence of local communities who believe in and inhabit a region, control and utilize their territory with customs and traditions so that there are customary boundaries. In Papua Province, especially in Merauke Regency, boundary conflicts are part of maintaining identity. The influence of the position of customary boundaries often echoes an event of "tribal war" or "customary land disputes". It is important to understand how to handle boundary conflicts by suing customary boundaries because there is empirical evidence that the handling of administrative government boundary conflicts and local community boundaries has not been maximized which has resulted in loss of life. Customary boundaries according to the systems approach in national system management in the analysis of the conceptualization of socio-cultural life subsystems are related to culture and the position of boundaries in culture is one of the important supporters in the context of the formation of government, because if without a region with clear boundaries, then administratively or governmentally there is no institutional building such as the **\*\*Papua Customary Council (DAP)\*\*** and **\*\*Customary Community Institution (LMA)\*\*** play an important role in the process of mediating boundary conflicts in Merauke. The involvement of these institutions creates an effective communication channel between indigenous peoples and the government or external parties involved in land disputes. So that the boundaries can be used as a resolution of boundary conflicts and it is appropriate to make a regional regulation on the Resolution of Boundary Conflicts.

**Keywords:** Customary Territory Boundaries, Boundary Conflicts, Local Communities, Territorial Position and Regional Government.

## 1. Introduction

Territorial boundaries are important to determine the existence of a government on the surface of the Earth. Specifically, to determine the territorial boundaries of a country in any part of the world, of course, the agreement of the people living in that area is needed. Long before a country was created, the existence of local communities who inhabited an area controlled and utilized their territory with customs and traditions that were carried out from generation to generation so that there were boundaries with natural landscapes, large trees, rivers, and gave signs to the property controlled by defending it in the form of war and oaths or promises to give a pledge of ownership of a region. The development of development in the territory of the State also provides

a guarantee for Local Communities to control and have full rights to the Land and territory declared as theirs. Specifically, local communities are increasingly developing so that a division is needed between regions within the country. The position of territorial boundaries is very important to establish the existence of a government. Acceleration of development sometimes does not consider the position of territorial boundaries of local communities within their jurisdiction, and the interests of placing government administration alone are the main goals. It is well recognized that customary boundaries are boundaries of local communities that are obtained not through unilateral desires but during the existence of customary life or local community customs in maintaining boundaries to the point of sacrificing lives, so that the value of land and boundaries becomes very important for local communities.

Conflicts over boundaries and customary areas are complex issues and often occur, involving various interests and identities of different groups. Customary boundaries not only have economic value, but are also symbolic as markers of cultural and historical identity for indigenous communities. Prolonged conflict can strengthen internal group solidarity, but also trigger tensions with other groups. In this context, a deep understanding of the dynamics of boundary conflicts is essential to identify constructive and sustainable ways of resolving them.

Customary boundaries are an important force for the Local community that is united with claims to residential areas. Development needs and government objectives require a relationship in implementing development that connects the government and local communities in the control of customary areas in the Local Community. In Indonesia, this is quite different because of the diversity of regions and control of areas based on control by the Local Community, while customary areas and government administrative areas are two different things. Development interests should be in synergy with the existence of indigenous peoples/local communities in terms of land control. Often in accelerating development, the interests of regional expansion sacrifice the interests of indigenous peoples over control of their territory, for example in village areas/other terms, district/city areas and provincial areas standing on customary areas so that when economic development increases, conflicts occur (Sodjuangun Situmorang, 2006) land claims even occur in court to disputes that result in loss of life, for that; there is a legal need that many regulations made with concepts and legal bases have not been able to bridge the problem of boundary conflicts faced by the government with the government both at the provincial, district/city and village/customary villages/other terms levels as well as conflicts between families and families and even between families and the government. Customary boundaries are the initial boundaries that have existed since before the formation of the government, so that the position of customary boundaries has an important function as a deterrent to conflict.

## **2. Literature review**

### **Concept of Customary Territory Boundaries**

Talking about Customary Territory Boundaries is a boundary that is claimed to have existed long before all the basic rules in a country/province/district/city/village/customary village were held, which started from and is bound by the existence of local communities inhabiting the area. Local communities generally have institutions that function to regulate customary territory boundaries

both on land, sea and in the air. According to Hans Kelsen (Solibin Malian, 2022), what is meant by state organs is that the state carries out at least one of 2 (two) functions, including creating laws (law-creating function) and implementing laws (law-applying function). In this regard, the presence of customary territorial boundaries is at the level of the function of customary institutions to be able to carry out the creation of law (law-creating function) and the function of implementing law (law-applying function) that the intention to create law from the existence of customary territorial boundaries is attached to ownership as the origin of the land position, also attached to the existence of a source of institutions that have the authority to accommodate and know the position of customary territories, and from customary territorial boundaries the principles for resolving legal problems faced can be determined. While the boundaries of customary areas in the function of implementing the law, because by placing the boundaries of customary areas of the local community, an approach can be used from the layers of society that are in contact with the spiritual life of the land or belief in living spirits that the land has a connection with the souls that have passed away so that the sacredness of respecting the release of rights originating from the local community called customs in its institutions that embrace the interests and rights of individuals and group rights in the control of customary boundaries, in addition, the function of customary boundaries in implementing the law is seen as an important part that when there is a decision of the local community, especially through the voice of customary institutions in the local community, it becomes an oath and promise that will not be denied because it uses offerings or offerings and prayers and language that are connected to the initial conditions of the local community to revive the specialness of the land as a source of their life.

### The Border Conflict

Border conflicts in their development are one of the triggers of Horizontal conflict (Syamsudin Haris, ed, 2006). Borders, legally and technically, are determined by regulations and those that apply in Indonesia are the Regulations of the Minister of Home Affairs which are equipped with boundary maps as attachments that provide clear information on the scope of the bordering area, coordinates of boundary points, symbols of boundary pillar positions and other geographical elements, also marked by the installation of boundary pillars and indications of the coordinates of the position of the boundary pillars (Article 4 Paragraph 2 of Law No. 32 of 2004 concerning Regional Government).

Border Conflicts by Local Communities in Papua are often encountered, namely with the existence of "tribal wars" or "customary land disputes" in the local community's everyday language. This term refers to disputes that occur between tribes regarding claims to customary land rights, which are one of the main sources of conflict in the region (Santoso, 2018). Customary land has very high cultural and economic value in Papua, and disputes over its boundaries can trigger conflict between communities (Suroso, 2017). In addition, the term "marga" is also often used to describe disputes related to territorial boundaries between kinship groups in Papuan society (Wanggai, 2019). It turns out that boundary conflicts are part of maintaining local wisdom that is believed in and guided and passed down from generation to generation and is the identity of the local community regarding its position over its territory (Asnat Juljana Luturmas, et al., 2024). It is important to understand that handling boundary

conflicts using customary boundaries is because there is empirical evidence that the handling of administrative government boundary conflicts and local community boundaries has not been maximized which has resulted in loss of life, in addition to violations of Human Rights even though there have been many regulations in the layers of laws and regulations in the form of prevention or action involving the community, but leaving behind the true essence, namely the existence of the local community itself, where it feels like the need for customary law as part of a source of law has not found its way to fill its position in positive law in the form of legal products (Laws) unfortunately the narrative of protection is only for the public interest of the government bureaucracy but the interests that should be from the local community are abandoned. This also causes the failure of program alignment which is felt as a lack of trust from local communities in the government so that the development objectives are understood that local communities are not cooperative in development (Asep Nurjaman in Nurdin, et al., 2006) carried out by the government. If so, the position of the territorial boundary actually becomes an important key holder that needs to be made in special regulations for resolving boundary conflicts. This can be seen in previous research at the LPPM of Cenderawasih University which focused on customary land boundary conflicts, the impact of land management policies (such as Industrial Plantation Forests and oil palm plantations), and the role of customary law in resolving land conflicts (LPPM of Cenderawasih University, 2017, p. 34) Forestry Research and Development Center in collaboration with the Regional Government and the Pusaka Foundation; This study highlights the conflict between indigenous communities and companies related to territorial boundaries that often overlap with the company's concession areas ((Forestry Research and Development Center, 2018, p. 47). The research subjects included indigenous communities, local officials, and company representatives and by the Ministry of ATR/BPN; This study focuses on efforts to determine legal land rights according to state law, as well as how customary land rights are integrated into the national legal system. This study also discusses the issue of boundaries between customary areas and state administration (Ministry of ATR/BPN, 2019, p. 52). By Friedrichh-Ebert-Stiftung together with its representatives who have been affiliated in Indonesia since 1968, and in 1998 (Friedrich Ebert Stiftung (FES), 2008) carried out support activities that accommodate the democratization process and socio-economic development especially in relation to conflict prevention and resolution, which in this activity has involved a number of experts from Germany and supported Indonesia in international dialogue, one of which is by carrying out conflict analysis and policy recommendations regarding Papua explained in his paper Martin Luther King Jr, that the role of each actor of social change in Papua including grassroots communities (local communities in Papua) civil society organizations, local government, women, military and central government, there is an urgent need to form an integrated crisis management strategy as a regulation in Papua, although so much research even involving international organizations is useful but the most fundamental and very important is where the local community comes from can be used as a source of conflict resolution with the existence of the influence of the position of customary boundaries to resolve border conflicts, and this can generally be applied throughout Indonesia as a Plural State in the implementation legal system and social life (Rafiqah Hayati, et al., 2023).

### 3. Materials and methods

This research can be broadly grouped into the realm of socio-legal research, namely the type of social research on law (Satjipto Rahardjo, 2009). The approach used in this study is the non-dochtrinal approach method (Soetandyo Wignjosoebroto, 2009), especially the micro approach as a meaningful reality developed by interactionists (Soetandyo Wignjosoebroto, 2009; Parsudi Suparlan, 2009). For this reason, the influence of the position of customary boundaries in resolving boundary conflicts will be studied with the study area studied within the territory of Indonesia, namely in Papua Province, especially in Merauke Regency, the studies of which include: 1). Formulating the position of customary boundaries and their influence and 2). Integrating customary boundaries in resolving boundary conflicts.

### 4. Results

#### Position of Customary Territory Boundaries and Their Influence

Indonesia is an independent and sovereign country, has 3 (three) legal systems in addition to positive law, also framed in it customary law (*adat recht*), this is a hope that in the development of the State in the future, Customary law as the original law that originates from the Local Community and its continuity is maintained which is recognized and guaranteed by a number of its regulations in the Unitary State of the Republic of Indonesia abbreviated as NKRI. Local communities generally live, reside and inhabit areas that implement autonomy at the lowest level of government, so that the influence of Autonomy in autonomous regions also influences the unity of customary law communities that have territorial boundaries that are authorized to regulate and manage government affairs and the interests of their local communities according to their own initiative based on the aspirations of the community in the NKRI system. Due to the pure will of the Implementation of Development in various Regions in Indonesia including in Papua, there is a division of administrative government areas within the customary area in this case the original land owners are still in the hands of the local community, therefore due to the demands of the formation of an autonomous government, it is necessary to allocate areas administratively which are the customary areas of the local community. The division of areas in Indonesia administratively is divided into 4 Levels which are emphasized in Article 18 Paragraph (5) of the 1945 Constitution of the Republic of Indonesia which has the rights and characteristics of regional autonomy and the contents in Article 18B Paragraph (1) which identifies special administrative areas, namely the recognition and respect of the State for regional government units that are special or special in nature which are regulated by Law. According to researchers, an in-depth study of the intent of respecting and recognizing regional government units that are special or exceptional leads to the basic concept of the national life management system and the position of the Constitution as a written basic law and as a source of constitutional law so that in its position the customary territorial boundaries which are part of national life that are special and exceptional can be used as an important part in determining the source of constitutional law in relation to the administrative position of the region both at the provincial, district/city and traditional village/village levels. Therefore, customary territorial boundaries are one of the elements in the national life management system. The Republic of Indonesia consists of land,

sea, waters, seabed and land beneath it and the airspace above it including the sources of wealth contained therein, customary territorial boundaries have a very broad influence and exceed all territorial descriptions in the territory of the Republic of Indonesia, this is stated as such due to the authority of customary institutions in Papua which in their position also control all the areas in question which are customary territories. In addition, the boundaries of customary areas according to the system approach in the management of the national system in the analysis of the conceptualization of the socio-cultural life subsystem are related to culture and the position of territorial boundaries in culture is one of the important supporters in the context of the formation of government, because if without a territory whose boundary position is clear, then administratively or governmentally there is no institutional building. In accordance with the opinion of the Lemhannas formulation team related to the socio-cultural life subsystem approach, it is important that political life in the suprastructure, highlights government institutions such as the MPR, DPR, DPRD, President and other institutions. In the classification of other institutions from the cultural field, especially in local communities, there are also local community institutions, and the position of customary territorial boundaries is the position of land which is also viewed from the existence of its institutions.

In Papua, there are institutions that have the function and position to manage land issues that relate to customary boundaries. Customary claims are claims for territorial positions that also include the administrative space of regional government, including the division of large and small areas that border each other and have special characteristics in customary processes, especially in defending land rights. The customary institutions in question are the Papua Customary Council (DAP) and the Papua Customary Community Institution (LMA), two institutions that have a primary focus on protecting and fighting for the rights of indigenous peoples in Papua, especially regarding customary land, culture, and the identity of the local community (Rumkorem, 2016, p. 102). Both have important roles in the political, social, and cultural contexts in Papua, but there are some fundamental differences in structure, function, and approach (Tebai, 2021, p. 85), although both institutions have a major role in fighting for the rights of indigenous peoples in Papua, there are some strategic differences in how they approach issues related to customary land and development (Wanggai, 2019, p. 33). However, both are also closely related because of their common goal, which is to fight for the interests of indigenous peoples in Papua. In the context of Land Conflict Resolution, both institutions have a role in mediating land conflicts, although DAP tends to focus more on resolving using customary mechanisms, while LMA often tries to resolve land conflicts by involving the government and a more formal legal approach (Sirait, 2018, p. 47). In certain situations, both DAP and LMA can be part of the conflict solution by bringing together indigenous peoples, the government, and other stakeholders (Sumule, 2017, p. 67). There have been a number of regulations related to the division of government administration, including in accordance with the provisions of Law No. 23 of 2014 concerning regional government with the following composition: 1). Province, 2). Regency and City, 3). District (or other name), and 4). Village and sub-district (or other name). With the number of divisions within the region, both large and small, as follows (can be seen in Table I. Number of administrative regions in Indonesia (Administrative divisions of Indonesia - Indonesian Wikipedia, free encyclopedia).

Tabel 1. Number of administrative regions in Indonesia

Level	Type	Head of Government	Legislative Body	Quantity
I	Province	Governor	Provincial People's Representative Council	38
	Regency	Regent	Regency People's Representative Council	416
II	City	Mayor	City People's Representative Council	98
	District	District Head (Camat)	—	7,277
IV	Urban Village	Urban Village Head	—	8,498
	Village	Village Head	Village Consultative Body	75,265

From this table, the Type and Number sections are very closely related, where there are 4 levels of territory according to the type of government, where there are a total of 38 provinces in Indonesia and at the village level as the fourth level is the Village area as 75,265 areas, the size and smallness of the area are within the customary area. So it can be ascertained that if the number of village units in a simultaneous or joint state submits either individuals or legal entities, then of course there will be many conflicts within the territory of a government regarding the unclear administrative area which also burdens state finances, this is stated as such because the origin of the formation and division of administrative areas for example at the village level has entered the customary area or the local community area, and often, the acceleration of the formation of the government accelerates the process of forming the area from the administrative side with steps that may suspend the initial position of the local community on the grounds of public interest, where after the process of establishing the government then the community sues to question and sometimes takes action to seal the process of implementing government activities in the region which also hinders the wheels of regional activities and public services, so that from the beginning it should be important to establish customary boundaries by obtaining approval or fulfilling and opening up communication space with the local community in the form of openness of the feasibility budget in the compensation area, on the other hand, customary boundaries are boundaries with natural landscapes and objects or a special place that has sacred value so that in the care and maintenance it is not and is difficult to become extinct because it can be used as a solution when there is a boundary conflict where the presence of customary institutions plays an important role in placing the interests of the local community. But it is also an important note that those who own land on the boundary of the region understand their position and influence because land is considered their soul and life comes from. In the implementation of both the Regional Government Law and the Village Government Law (Law No. 6 of 2014 concerning Villages also provides support for the implementation guarantee that against the influence of customary areas with the existence of customary boundaries and conflict issues that occur due to boundaries in parts of the region with their governments, regional regulations can be formed to support sustainable development targets.

## 2) Customary Territory Boundaries in Resolving Boundary Conflicts

### a. Definition of Customary Territory Boundaries

Customary territory boundaries are areas that are hereditarily owned and managed by indigenous peoples based on traditions and norms passed down from generation to generation (Haryanto, 2019, p. 46). This area is not only seen as an economic resource, but also has spiritual value and cultural identity for indigenous peoples (Suwandi, 2020, p. 33). The boundaries of customary areas are usually determined by natural elements such as rivers, mountains, large trees, or sacred sites (Dewi, 2021, p. 78). Indigenous peoples manage the land with customary rules that are

respected by local communities, but these boundaries are often not formally recognized by the government (Haryanto, 2019, p. 47). According to Article 1 Paragraph 4 of Law No. 43 of 2008 concerning State Territory, it states that the boundaries of a state are "Boundary lines which are orders of a country's sovereignty based on international law". If we look closely at this regulation, there is a narrative of the boundary line that returns to the factual location and jurisdiction of the position of a region, and the customary boundary is within the meaning of the boundary line in question where the customary boundary is nature and its expanse so that, if legally there are regulations regarding boundaries and normativeization, the factual boundaries that refer to the legal system unit in Indonesia with the character of customary law should also be considered, which places customary boundaries as part of the boundary line.

In Papua, boundary conflicts often occur when customary land boundaries do not match official government maps (Suwandi, 2020, p. 35). External parties, such as private companies or the government, often make decisions regarding land use without consulting indigenous communities (Papuan NGOs, 2022, p. 24). This creates tension because customary land is considered a heritage that is not only valuable materially but also spiritually (Haryanto, 2019, p. 48). This is where boundary conflicts arise, due to differences between the formal maps used by the government and the local understanding of indigenous communities about their territorial boundaries (Dewi, 2021, p. 80).

One example of customary land boundaries used in resolving boundary conflicts in Papua, including in Merauke, is through the mechanism of affirming customary land boundaries (customary land) by involving customary deliberations and the application of local customary law. The mechanism for resolving boundary conflicts in Papua and Merauke often involves indigenous communities, because they have a land management system based on ancestral heritage that is highly respected, especially regarding customary land rights owned by various tribes or clans (Suroso, 2017, p. 48). One example of a boundary that is often of concern is the border area between districts or villages inhabited by indigenous tribes (Santoso, 2018, p. 63).

Specific examples of boundary conflicts in Merauke:

#### 1. The boundary between Kimaam District and Okaba District

This area often experiences disputes related to traditional boundaries between the tribes inhabiting the two districts. The Marind tribe in Kimaam and Okaba have different customary claims regarding hunting areas, sago plantation land, and waters that are often the source of disputes (Rumkorem, 2016, p. 104).

#### 2. Boundary of Onggaya Village and Kondo Village

Onggaya Village and Kondo Village in Merauke have also been involved in a boundary dispute. The two villages have different claims regarding customary boundaries, which affect their access to natural resources such as forests and sago lands (Wanggai, 2019, p. 36).

#### 3. Boundary in the Indonesia-Papua New Guinea border area

On the border between Merauke Regency and Papua New Guinea, there are several areas where the boundaries are a sensitive issue. Several indigenous peoples living in the border area have



cross-border kinship, so that state boundaries often overlap with customary boundaries (Sirait, 2018, p. 50).

#### 4. Marind Tribal Boundary Conflict

The Marind tribe, which is one of the largest tribes in Merauke, often experiences customary land boundary conflicts with neighboring tribes. These boundaries usually involve customary land (communal land owned by a clan or tribe) which has an important meaning in their social and economic lives. (Sumule, 2017, p. 67).

#### 5. Asmat Tribe's Customary Land Boundaries

Conflicts over customary land boundaries also occur among the Asmat tribe in southern Papua, where customary areas often overlap with concessions from logging and plantation companies. Areas that are considered part of customary land by the Asmat people are not always legally recognized by the government or companies, leading to conflicts in land use (Wanggai, John N. Advocacy for Land and Rights of Papuan Indigenous Peoples. Jayapura: Papua Jaya Publisher, 2019, pp. 33-36.)

Most boundary conflicts in Merauke are related to differences in perception regarding traditional (customary) boundaries and administrative boundaries set by the government. Recognition of customary land and the process of determining boundaries involving the government and indigenous peoples are often the solutions taken, but this process also takes a long time because it must consider long-standing customary rights.

#### b. Resolving Boundary Conflicts Through Recognition of Customary Boundaries

One approach that can be used to resolve boundary conflicts is recognition of customary boundaries (Suwandi, 2020, p. 37). This requires the active involvement of indigenous communities in the decision-making process (Dewi, 2021, p. 82). This recognition is important to avoid misunderstandings and prolonged conflict (Haryanto, 2019, p. 49). Some concrete steps that can be taken in resolving boundary conflicts involving customary boundaries include:

1. Legal Recognition: The government needs to provide formal legal recognition of customary boundaries (Suwandi, 2020, p. 41). This process can be carried out through dialogue and collaboration between the government and indigenous communities (Haryanto, 2019, p. 50). With legal recognition, customary boundaries recognized by indigenous communities can be integrated into official government maps, thereby preventing future conflicts (Dewi, 2021, p. 83).

2. Participatory Mapping: Participatory mapping is an important step in ensuring that recognized customary boundaries are in accordance with local understanding (Papua NGO, 2022, p. 25). In this process, indigenous communities are actively involved in creating maps of their territories (Haryanto, 2019, p. 51). The results of this mapping can be used by the government and the private sector as a reference in managing land and avoiding disputes (Dewi, 2021, p. 84).
3. Mediation and Customary Deliberation: In indigenous communities in Papua, customary deliberation is a traditional mechanism for resolving disputes (Suwandi, 2020, p. 42). This mediation process involves customary leaders who act as mediators in boundary conflicts (Papua

NGO, 2022, p. 26). Customary deliberation is considered more effective in resolving disputes because it is more acceptable to the community and respects local values (Haryanto, 2019, p. 52).

4. Compensation and Rehabilitation: When customary boundaries are violated by external parties, negotiations regarding compensation are often part of conflict resolution (Dewi, 2021, p. 85). This compensation can be in the form of financial payments, infrastructure development, or social services that benefit indigenous communities (Suwandi, 2020, p. 43). Rehabilitation of damaged land and environment is also an important part of this process (Haryanto, 2019, p. 53).

Customary boundaries play an important role in resolving boundary conflicts in Papua, especially in Merauke (Suwandi, 2020, p. 46). Recognition of customary rights of indigenous peoples, participatory mapping, and mediation through customary deliberations are important mechanisms that need to be implemented (Haryanto, 2019, p. 57). The case example in Merauke shows that by involving indigenous peoples in the decision-making process, conflict resolution can be carried out in a more peaceful and just manner (Papuan NGO, 2022, p. 30). Recognition of customary territorial boundaries is not only important to avoid future conflicts, but also to maintain the sustainability of the culture and identity of the Papuan indigenous people (Dewi, 2021, p. 88).

### 3) Dynamics of boundary conflicts and their influence on group identity

This study is very important and shows that boundary conflicts have a significant impact on the identity of the groups involved. In in-depth interviews, informants from indigenous communities revealed that customary boundaries not only have economic value, but also symbolically as markers of their cultural and historical identity. Prolonged conflict can strengthen internal group solidarity, but also trigger tensions with other groups. This shows that boundary conflicts play an important role in strengthening the boundaries of group identity. In addition, participant observation revealed that boundary conflicts often show power dynamics between disputing groups. Indigenous communities feel that their boundaries are threatened by intervention from outside parties, such as the government or companies. This dissatisfaction strengthens group identity as a form of resistance to external threats. However, this dynamic can also hinder conflict resolution efforts, because each group tends to defend their position strongly. In the analysis of intergroup communication, it was found that perceptions of group identity affect the way the disputing parties communicate and interact. Groups that feel their identity is threatened tend to use defensive and confrontational rhetoric in their communications. This can exacerbate conflict and hinder constructive dialogue. Therefore, it is important to understand how group identity influences conflict dynamics and to find ways to facilitate more effective communication in boundary conflict resolution efforts.

Communication plays a critical role in facilitating boundary conflict resolution. In-depth interviews revealed that effective communication between parties involved can reduce tensions and pave the way for constructive dialogue. Informants from indigenous communities and government emphasized the importance of listening to each other and understanding each other's perspectives in order to reach an agreement. Thus, open and honest communication is key to resolving differences and building trust between groups. In addition, analysis of inter-group

communication showed that communication barriers often arise from differences in perception and language used. Disputing groups tend to use different terms and rhetoric, which can lead to misunderstandings and exacerbate conflict. Participatory observation noted that formal and informal meetings facilitated by a third party, such as a mediator or facilitator, can help bridge these differences. With a neutral party, communication can be focused on finding a common solution. Furthermore, this study found that communication that focuses on shared interests can accelerate the conflict resolution process. In some cases, the groups involved were able to find common ground by highlighting common goals and values, such as environmental conservation and community well-being. Focus group discussions showed that when communication focused on collective interests, disputants were more likely to compromise and seek mutually beneficial solutions. This underscores the importance of targeted and inclusive communication in resolving boundary conflicts. Needed Analysis of official documents and historical archives revealed that changes in customary boundaries are often influenced by government policies and court decisions. Official documents, such as government regulations and court decisions, show shifts in boundaries that are not always in line with indigenous peoples' perceptions. Historical archives, such as old maps and local historical records, provide important historical context for understanding the origins of customary boundaries and how these changes affect current social conflict dynamics. In the indigenous community case studies, it was found that effective conflict resolution strategies involved a participatory approach that promoted open dialogue between disputants. Interviews with key community leaders showed that involving all parties in the negotiation process increased their sense of ownership of the resulting solution. In addition, this approach allowed for recognition of cultural and historical values that are important to indigenous peoples, making the resulting solution more acceptable and sustainable.

## 5. Conclusions

The position of customary boundaries plays a very important role in resolving boundary conflicts in Papua, especially in Merauke. Customary boundaries that are recognized and respected by local customary communities are the main basis for maintaining peace, stability, and social order. The influence of the position of customary boundaries in Merauke can be seen from the following aspects:

### 1. Recognition of Customary Rights and Tribal Identity:

In Merauke, customary land not only functions as a source of livelihood but also as a cultural identity inherent in customary tribes, such as Marind. Recognition and respect for customary boundaries are very important in maintaining peace between clans, as well as ensuring their social and economic sustainability. Conflicts often arise when customary boundaries are violated by outsiders, such as companies that carry out large projects, such as oil palm plantations, without the consent of the customary community. Legal recognition of customary rights and customary boundaries can help prevent these conflicts.

### 2. Effectiveness of Customary Deliberation in Conflict Resolution:

Customary deliberation in Merauke plays an important role in resolving boundary conflicts.

Traditional leaders and indigenous communities often hold deliberations to reach agreements on disputed land boundaries. This approach is more acceptable to indigenous communities because it is based on cultural values and local wisdom that are respected by all parties. In Merauke, conflicts that are successfully resolved through traditional deliberations, involving the clans or tribes involved, usually result in more lasting solutions and respect for customary rights.

### 3. The Role of Traditional Natural Markers:

In Papua, especially Merauke, customary territory boundaries are often marked by natural markers recognized by indigenous communities, such as rivers, large trees, hills, or sago forests. These natural markers have important value because they reflect the long history and ties of the community to their land. The use of these traditional natural markers makes it easier to identify customary territory boundaries that are recognized by all parties, thereby reducing the potential for disputes between tribes or between indigenous communities and external parties.

### 4. Involvement of Customary Institutions:

Customary institutions such as the **Papuan Customary Council (DAP)** and the **Customary Community Institution (LMA)** play an important role in the mediation process of border conflicts in Merauke. The involvement of these institutions creates an effective communication channel between indigenous communities and the government or external parties involved in land disputes. The DAP and LMA often function as peacemakers who protect the interests of indigenous communities, ensure that customary boundaries are respected, and assist in the mediation process so that conflicts can be resolved peacefully and fairly.

### 5. Collaboration with the Local Government:

In Merauke, collaboration between indigenous communities and the local government is an important factor in resolving border conflicts. When customary boundaries are formally recognized by the government, either through the ratification of customary law or certification of customary land, this helps prevent future conflicts. The government also often works with customary institutions to facilitate dialogue between indigenous communities and companies operating in customary areas.

6. The need for the establishment of Regional Regulations on the Resolution of Border Conflicts in accordance with the mandate of the Village Law to reduce the gap in society at the lowest level so that it does not affect the integrity of the Nation and State.

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