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## **Local Wisdom at Systems of Ownership, Utilization, Conflict Resolution Customary Land in Papua, Indonesia**

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### **Abstract**

The article about local wisdom in ownership, use and conflict resolution of Papuan customary land was taken from ethnographic research conducted by the author in Papua. In Papuan culture which consist of 254 tribes, local wisdom (norm, rules and custom) are very strong in regulating human relationship with The Creator, human relations with human being and human relations with the natural environment including managing human relationship with the land, especially value land, ownership and utilization for surviving. Ownership of Papuan customary land was communal tribal, communal clan and family ownership/core or individual. The findings of the author, there are 8 basic customary land ownership in Papua culture recognized by every tribes in Papua. The local wisdom (norm and custom rules) is against to foreign culture, but currently it's still valid as local communities final power for organizing ownership, utilization customary land, conflict resolution and protecting customary land from those who need of land (public or private) for development and business in Papua, Indonesia.

**Keywords:** Local wisdom; ownership; utilization and customary land conflict.

### **1. Introduction**

Humans as social beings always live in groups and surviving, they are always moving (nomadic) and looking for a safe natural environment.

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Safe place is the place where the available land is fertile land for farming, and forests for hunting animal and protected from natural disasters. The pattern of life cause in all the lands that have ever worked become jointly owned (communal) and in their work on knowing the limits ownership of individuals in the group as well as the boundaries of belonging to a group with other groups. Then after this human group settle in one place, then the problem of soil that had ever been cultivated together into communal property. Communal land ownership was still the custom rules used in conducting activities like farming on land that is now known as communal land.

The description above give us the understanding that the land would not be separated in human life, because the land is a place for people to live and continue their lives. Land as a place where they dwell, the land that feeds them, the land where they are buried and become a fine residence and soul of ancestral beings who protect them. The customary land is belongs to indigenous communities who have been mastered long ago. Land is needed by every member of society so often the dispute comes among themselves, especially on the issues of land rights. Because of the reason, humans require local knowledge in the form of customary norms and rules to regulate the relationship between human beings, man and nature around (land, forest and marine), man with his creator. Customary norms, customary rules or customs in the science of law were always described as an unwritten customary law but followed by a group of people who have the tradition.

Before the enactment of Law No. 5 of 1960 on the Basic Regulation of Agrarian or often called the Basic Agrarian Law (BAL) in Indonesia, customary land issues are known by the term Land Rights, are the right to land is on hold by all customary law community members together (communal). Customary rights of indigenous people belonging to the concerned overall control of the land. But in the conception of communal land, there are rights for certain people for owned some of object of land rights [1].

For local communities in Papua, as traditionally a land have very important meaning in their lives. Land as a place to live and where they move to sustain life. The land becomes inheritance from ancestors to their descendants as well as a determinant of social status in their indigenous communities. Therefore, the land was very important and always needed by every citizen of the local community to surviving and for their social interests.

In connection with what the above statement, for the Papuan, land has its own meaning broadly for every ethnic group based on their culture. Papuans view the land as their mother who birth, feed, nurture, educate and raise them. According to them, land is actually the fruit of the uterus and bladder are formed and created man. Like statement of Tom Beanal (Amungmen) that the Amungmen have never felt themselves apart from the natural surroundings. They are part of this nature, therefore if humans destroy nature he destroys itself. In the language Amungkal called "*Te Aro Neweak Lako*" which means "nature is me". Similarly Kamoro tribes describes how human relationships with the land. . Kamoro people called the "land" as a source of human birth "out" which means born from the spring called "Bunyomane." This means that each ethnic group has the views and perceptions of the land in accordance with their respective cultures, as experienced by people Papua with its diversity.

The nature of the plurality of Papuans can be seen also on the principle of land rights, which among Papuans are

every ethnic governing land rights system through clan and extended family, so they use the communal ownership systems. This is evident in some Papuan tribes like Lani tribe, Biak, Awyu, Yawa, Waropen and several other Papuan tribes. In addition, there are collective governing customary land rights through the nuclear family or individual rights as contained in the Mee tribe, Muyu and Mandobo [2]. Talking about customary land, it cannot be separated from a group of indigenous people, who are local community groups that have historically been settled in a certain geographical area, because: (a) the existence of ancestral ties to the origin, (b) the existence of a strong relationship with the environment, and (c) the value system that determines economic institutions, the political, social and cultural. In connection with that, the regulation of property rights since the first members of the local community appreciative of norms and customary rules that govern it, so it was rare we found the dispute of indigenous land because they are mutually recognize the right of ownership. While now, especially urban and suburban frequent there are land disputes among others, especially those dealing with indigenous land, because land values are considered sacred shifted value into economic value. For that the local community have new cultural value (the value of land is money) that influence the system of customary land ownership and utilization. Each group of people or tribes have customary rules or norms that regulate customary land has. The detailed studied found the difference between one ethnic group by other ethnic groups. Papuans consists of 254 ethnic groups experience the same thing that among every ethnic group has the customary land tenure system that differ from one tribe with another tribes.

Starting from what has been described above, this article wants to discuss how the workings of cultural values (norms, rules, customs law, customs) which is often called the local wisdom possessed by indigenous communities in regulating system of ownership, utilization and solution for customary land conflicts. To understand "local wisdom in the system of ownership, utilization and Completion customary land conflict in Papua-Indonesia", then before entering the subsequent discussion author defines the concept of customary land, local wisdom, conflicts and then give an explanation of the system or pattern of ownership, utilization as well as solution for customary land conflicts broadly in Papua.

## **2. Customary land, local wisdom and conflict solution**

### **2.1 Customary Land**

There is the use of terms that might make us a little confused about the land, which is customary land, customary rights and customary law. The use of customary lands often heard on the Papuan local community, while the customary rights are often heard on the outside Papua communities about the ownership of the land belonging to the local communities. According to the Papuans, customary land is land owned by tribal or clan which is a legacy of the ancestors or ancestral ownership based on mythology, history of cultivation and regulated by local values so as not to carelessly used for things that are beyond their life or contradictory with the customary, because it deals with matters of life and death of them. While the "communal land" is a ground plane on which there is a communal right of a particular customary law communities. Communal land are the authority, which, according to customary law, are owned by indigenous people on a certain territory which is the environment of its citizens, which allow the public authorities to take advantage of natural resources, including land, in the region for its survival. Communities and the resource has a relationship outwardly and

inwardly hereditary and uninterrupted between customary law communities with the area concerned

If we follow definition of community with about customary land and what is stated above concerning the definition communal land (*ulayat land*), it can be argued that this is one term. So customary land governed by customary law is not written and said as local wisdom which were the norm, rules, customs that can be used to regulate customary land.

## **2.2 Local Wisdom**

Local wisdom (local wisdom) consisted of two words: wisdom and local. In general, local wisdom can be understood as the ideas of local that are wise, full of wisdom, good value, which is embedded and followed by members of the community.

In the discipline of anthropology known term local genius. The anthropologist discusses at length the notion of local genius (see Ayatrohaedi, 1986). They are Haryati Soebadio who say that the local genius is also cultural identity, cultural identity or personality of a nation that causes the nation is able to absorb and process the appropriate foreign cultures and the ability of his own character [3]. Local wisdom is a product of past cultures that should continuously hold onto life. Although local but worth the value contained in it is considered very universal and has the power to regulate the life of a community.

*According to Prof. Nyoman Sirtha in "Digging Local wisdom for Ajeg Bali " in <http://www.balipos.co.id>, forms of local wisdom in the community can be: values, norms, ethics, beliefs, customs, customary law, and specific rules. Therefore shape assortment and lives in the multicultural society into various functions, are*

- (a) *for the conservation and preservation of natural resources;*
- (b) *for human resource development*
- (c) *for development of culture and science*
- (d) *for advice, trust, literature and abstinence*
- (e) *Contain ethics and moral, which manifested in the purification ceremony of ancestral spirit.*
- (f) *And another functions*

From the description of these functions , there are wider fiend of local wisdom, ranging from very theological to very pragmatic and technical. By and large, local wisdom functions are all values, norms, ethics, beliefs, customs, customary law, and specific rules that regulating about: (1) human relations with The creator, (2) the human relationship with with other, and (3) human relationship with the natural environment.

## **2.3. Solution for customary land conflict**

Before entering the conflict solution we need to understand the meaning of conflict. [4] said that (a) Conflict is a natural form produced by individuals or groups, because those involved have different attitudes, beliefs, values or different purposes; (B) Conflict is a form of resistance that involves two parties antagonist, and (c) The conflict is threatening disorders and destructive societal vulnerability due to the behavior of a particular human

group against other groups, giving rise to violence and damage to the wider community [4]. In addition, Robert Lawang argued that the conflict is disagreement occurs between two people or groups in order to master objects are considered the two sides have very high value [5].

The relation with the above definition of conflict, it is meant by "customary land conflict" is traditionally violations in the use or utilization of traditional land out of customary rules or norms applicable between the owners with tenants or user groups. And the settlement of the conflict, meaning the effort a person or group in reconciling the two parties involved in the conflict. The solution is always in accordance with the rules applicable customs in certain ethnic groups. Reference [6] said alternative settlement consists of negotiation, mediation, and arbitration. An alternative solution is always used in accordance with the form of conflict that they face, especially those who looking for solution of land conflict outside the court [7]. Alternatives like this one are always arranged with local wisdom (norms, rules, customs) belong to each tribe involved in the conflict of customary land. In connection with that, then the settlement of land conflicts in Papua, local wisdom is very powerful, because sanctions for those who violate their culture still exists in the conflict. For example, objects or tools used in the compensation is still valued and recognized by the ethnic groups involved in the conflict.

### **3. System of ownership and utilization of customary land.**

Talking about the system of ownership and utilization of customary lands, we understand the need inheritance system from side of anthropological which managed in the social structure embraced by the local community studies. The social structure is very important because it is closely linked to the system of customary land ownership and utilization. If the social structure is disrupted inevitable social conflicts between groups who obey the structure of the group that came out of the social structured followed. Papuans which comprises 254 ethnic groups have a system of ownership and utilization of land which constituted with its social structure, because in it there are norms and rules that govern social relations exist in their social structure.

#### **3.1 Social structure**

Discussing the social structure meant to discuss the forms of social relationships that exist in the social life of a community group. Social relations are always rooted in kinship systems espoused and embodied in terms of kinship and inheritance systems offspring. Understanding of kinship terms is important because it requires that the rights and obligations that must be played in the unity of social life. Based on the study of anthropology, [8], shows that the grouping of Papuans at least can be divided into four groups based on kinship systems:

- (1) The kinship groups according to the type of Iroquois. This system classifies member relative parallel cousins with the same terms with a sibling. Also to refer to the same term for the father and fellow brothers mother's father and brother. The Papuan ethnic groups belonging to this type are: the Biak, Iha, Waropen, Senggi, Marind-anim, Gulf Humbolt, and the Mee.
- (2) The kinship groups according to the type of Hawaiian. Grouping system which uses the same term to refer to siblings and cousins all cross and parallel. As for the ethnic groups belonging to this type are: the Hatam-Manikion, Mairsai, Mimika, Asmat, and the East Coast Sarmi.

- (3) The kinship groups according to the type of Omaha. This system classifies cousins cross matrilineal and patrilineal with different terms and for cross-cousins affected by the level of generation and are not symmetrical. Designation for the boy's mother's brother (MBS) is the same as the mother's brother (MB). The term for the boy's father's sister (FZS) is the same for the boy's sister (ZS). The ethnic belonging in this group are people Awyu, Lani, Meybrat, Mek at Bintang hill, and Muyu.
- (4) The kinship groups according to the type Iroquois-Hawaian. This type is the type of mix. Belonging to the group of this type is the Bintuni, Tor, and the tribes on the West Coast Sarmi.

In addition to the classification based on kinship terms, the Papuans are also distinguished by the principle of inheritance. There are two principles of heredity inheritance, are : (a) through patrilineal or matrilineal, and contained in the Meybrat, Mee, Lani, Biak, Waropen, Wandamen, Sentani, Marind-anim and Nimboran. (B) through bilateral principles, are through the lineage of his father and mother, found in the hinterland Sarmi. (C) community based structures ambilateral or ambilineal, which is sometimes governed by lineage maternal or paternal. Contained in the Yagai, Manikion, Mimika [9, 10].

### ***3.2 Local wisdom in customary land ownership***

Papuans which consists of 254 tribes have cultural values that are called local wisdom that for generations has always regulate customary land ownership in Papua. In the culture of the Papuans are kolektifa-kolektifa ethnic governing customary land rights system based on tribal, clan and family so it was communal nature. This is evident in some ethnic groups such as tribes Dani Papua, Biak, Awyu, Waropen and several other Papuan tribes. In addition, there are also kolektifa-kolektifa governing customary land rights through the nuclear family or individual rights as contained in the Mee [11, 12]. While individual indigenous land ownership can be found in parts Mandobo / Wambon and Muyu (The results of the field study, 2014).

From several field studies which conducted team of Society Studies Center Culture of Papua Cendrawasih University discovered some basic principles of customary land rights, among others:

- a. **Ownership customary land based on mythology**; Papuans recognize land ownership, the hamlet of sago and timber based on folklore (myth), are: a sacred story that tells of a religious figure that determines the ownership of customary land for the tribe, clan and certain families. Traditionally this principle generally recognized by the owner culture which recognizes the mythological story.
- b. **Ownership customary land based on the clan who first opened the village or forest**. Ownership is based on the history of the village or plantation land clearing by a particular clan groups in the region. Klen owner of the village, hamlet sago, forest landowners and timber gardens are always considered as traditional leaders or elders in making decisions about the use and utilization of indigenous lands.
- c. **Ownership customary land based on the area for looking food (hunting, take red fruit), looking for wood and traditional medicine leaf**. Ownership is based on the above mentioned areas traditionally recognized collective ownership by groups of tribes, clans and families who embrace the same culture in the region.
- d. **Ownership customary land based on granting parents or ancestors**; Ownership is usually the case for

girls. In patrilineal descent principle of inheritance rights usually falls to the boys, however, are usually girls who loved the person can be part of customary land of the father even if only to open the garden and house building.

- e. **Ownership customary land based on giving dowry** .Customary land ownership as a result of candidate of husband's parents can not afford the dowry. Such cases are usually discussed by the parents of the husband to the wife of prospective parents, and approval of land could be used to pay off the burden of dowry given to them (relatives of the prospective husband).
- f. **Ownership customary land based on the ground as a matter of payments to the victims of Murder; Customary** land ownership based on land used for the payment of the homicides, the clan / clan who committed the murder to pay the core family or clan who become victims by using indigenous lands.
- g. **Ownership customary land based on the spoils of tribe war;** Customary land tenure system based on the seizure of tribal warfare, although this has not happened again, but the recognition of customary land ownership is still recognized customary until now .
- h. **Ownership customary land based on exchange.** This ownership by the two parties agree to exchange for reasons the villange is too far away so it`s difficult for cultivation. In the system of ownership of the Nafri have called Beibei-kra (ground exchange).

Local wisdom (norms and rules) that govern the ownership of customary land traditionally recognized any particular ethnic cultures owner in Papua. Recognition by using local wisdom (norms and rules) have the power to regulate the ownership and utilization of customary until the problems of customary land rarely found in social life and their culture, when compared with current conditions.

Here's a third case of customary land rights (communal and nuclear family / individual) in Papua:

- 1) The case of customary land ownership Amungme people in the village Tsinga, Mimika, Papua; Customary land ownership is communal, that ownership is shared by groups of kinship (clan). Ownership of customary land system is very strong because it has traditionally recognized that local wisdom govern together was recognized bythe ethnic groups. The case of customary land ownership that serve as the construction of an airfield in the village Tsinga, Mimika regency, Papua. At first there were three locations selected as an area for the opening of the airfield, are: (a) the location Narikinoga, belonging to the clan Beanal; (B) the location Ulibogaki, belonging to the clan Beanal and Magal, and (c) Location Mulo, belonging to the clan Beanal and Jawame. And upon certain considerations Mulo location chosen as the target location airfield construction activities. On the basis of deliberation and consensus native of Valley Tsinga (Amungme people) and the location of the church handed over to the company to carry out development activities airfield. On a joint decision by the customary landowners clans (Beanal and Jawame) no payment of any compensation because the project was carried out at the request of the Amungme community in the village Tsinga. Previous land use is a land of forests where hunting rats and possum trees and timber for construction of houses (Source: field research of author, 2011).

- 2) Case of customary Land Nafri tribe in the village Nafri, City Jayapura-Papua. The tribe of ownership is Communal, but it's too tight as stipulated in their kinship structure. Their leadership structure is *Ondoafi* system (traditional leader in the village), the customary land system is set in its structure. Rights and obligations are automatically run in accordance with the social structure is followed. Communally, which ownership is shared by groups of kinship, especially ownership of the customary lands. Especially for people Nafri customary land ownership is strictly regulated and based on the historical background of the origin of the Nafri so its recognized religious and customary. Based on the customary laws of indigenous people in the neighborhood Nafri, control, ownership and use is regulated by *Ondowafi*, but utilization is given to the head of each clan. Form of ownership of their traditional lands, are:
  - a) *Yo-kra* ; In the language Nafri, Yo means: village, while Kra means "land". So Yo-kra means land village. Traditionally, *Yo-kra* is the possession of the Nafri so it does not belong to the individual. *Yo-kra* governed entirely by *Ondoafi* and supervision assisted by their respective heads of clans. So ownership is based on the combined clans that "Yo-kra" can be called the possession of the Nafri. *Yo-kra* is still a forest land and is generally used for gardening, hunting, tapping sago and others.
  - b) *Mre-kra*;. In Nafri language, "Mre" means "hiba", while "kra" means "land". So *Mre-kra* means "giving land ". According to custom Nafri, *mre-kra* is customary land given as a gift from parents to girls who are already married by reason of his many meritorious assist parents in any cultural activities in the family of his father or his father's clan in general.
  - c) *Sri-kra*; Sri means spoils, while the meaning kra ground. So Sri-kra means spoil land. Sri-kra is customary land owned by a clan based on the spoils of war. So usually the land rights of indigenous and all that grows on it after the end of a war. The old owner is not entitled anymore because the ownership has been transferred to the winner clan war. Thus until now customary land ownership in the culture of the Nafri still recognize the history of their ancestors because it regards as customary decision had high sacred values.
  - d) *Otofembe-kra*; In Nafri language, Otofembe-kra means a dirt. According to the results of an interview with Mr. Merahabia that customary land is owned Ondoafi (traditional leaders). Thus, there are two otofembe-kra owned by both existing Ondoafi, are: (1) otofembe-kra belong Enos Awi (Ondoafi Warke) and otofembe-kra Sony Awi (Ondoafi Sembekra). This type of customary land can not be sold to anyone except used except as a place that the rest place of Ondoafi. Inheritance of land is only done to the family Ondoafi especially who later served as Ondoafi (traditional leaders).
  - e) *Beibe-Kra* is exchange land. The exchange land was conducted after two parties agreed. Generally, the reason was used for it because the distance of land is far away from their home [13, 14].
- 3) The case of customary land ownership and Mandobo Muyu people in the village Ninati (Muyu) and Ginggimop (Mandobo tribe) in the district Digoel; Ownership of customary land-based nuclear family or individual, ie ownership by family / core and individuals. So ownership clan does not exist because of naming and family are always based on the location name ownership. So the clan ownership is hard to come by, so to discuss about customary land ownership, the researchers go to the field (to the village). Case in point, look at the following two villages in table 1.



The names are presented in the table above is the nuclear family / core existing customary land owners in the village area. In tribal cultures Muyu and Mandobo, when asked customary land tenure systems in particular village area must be directly to the traditional leaders because they their brothers who lives there and live outside the village do not know about the ownership because the name of the owner by the name of the place.

**Table 1:** land ownership in two villages

<b>District</b>	<b>Village</b>	<b>Tribes</b>	<b>Sub Clan</b>
Ninati	Ninati	Muyu	1. Kandan 2. Kopen 3. Munokpit 4. Banbin 5. Manaa 6. Etem 7. Kimko 8. Ambotem 9. Atman 10. Kumutem 11. Wektam 12. Jembi
Arimob	Ginggimop	Mandobo	1. Oklamop 2. Malek 3. Makulop 4. Buyop 5. Kanggin 6. Otap/Alimua 7. Kekeyak 8. Ullat 9. Teolop 10. Koperon 11. Kambutingge 12. Imbana/Winon 13. Kukumalop

Source: Field research, 2014.

The third case a sample of ownership of land in Papua is very clear how local wisdom can regulate customary land ownership and function properly well and wisely so difficult to find land conflicts between them, except intervention or inclusion of government policies that do not respect the basic rights of their customary land

ownership.

### ***3.3 Local Wisdom in utilization of customary land.***

While there are tribal groups claimed ownership of customary land Papuans are individually, but in general the system of land tenure of indigenous Papuans in general is communal, communal ownership may be classified into two, are: (a) communal ownership by ethnicity, and ( b) the maintenance of communal clan / clan. In the tribal communal ownership in which there is ownership clan, and the clan of communal ownership / clan in which there are nuclear family ownership / gain. However, in utilization can be managed based on ownership clan and family nucleus (nuclear family).

In the culture of the Papuan, customary land in their utilization can naturally be regarded as the land for gardening (garden coconut, taro, petatas and gardens for other crops), timber forest as a place to pick up the wood, forest for hunting activities, forest sago, red fruit forest, and forest medicinal plants. Traditionally usually leader of tribal set up the system customary land utilization. Utilization of customary land in the form of managed as described above, but on the other hand customary land can be used as capital for each group of clan or family nucleus (nuclear family) owners can determine social status of Clan or customary land owners , Customary land use systems in Papua in the form of managed divided into two categories, are managing the customary land property rights and customary land which is not a property which is often known as the right of use.

In the utilization of customary land has been set up in local wisdom value possessed by each of tribes in Papua. In broad outline there are activities that can only be done by the owners over their ancestral lands, and unisex areas of land may be carried out activities by those who are not landowners, but they have to ask permission from the owners of customary land. Eg hunting, where there are areas that should not be conducting the hunt for those who are not customary land owners in the region. But there were also areas that others can not do the customary landowners hunting together. As for gardening (gardening tubers, plant coconuts, taro, petatas and gardens for other plant species) is usually only done by the owner of the land, but they can give permission to his immediate family to be open garden, but will have to ask for permission to the owner , Types of plants that cultivation given rules, which may be gardening but only plant certain crops such as tubers, vegetables, nuts, boncis and harvest crops quickly. While perennials, such as sago, coconut, mango, durian, jackfruit and the like are prohibited to be planted. Especially for large areas of land or forest which is usually prohibited for those who are not the owner of customary land entered for doing activities, because the region is sago forests, springs, mountain or cave is considered sacred to do with the origin of their ancestors.

### ***3.4 Local wisdom in solution of customary land conflict***

Each group of tribes in Papua have local knowledge in land conflict resolution in Papua, especially the customary lands belonging to tribal and clan / clan. Before Papuans recognize the formal law, any customary land disputes can be resolved by using local wisdom (norms, rules, ethics, beliefs, customs, customary law, and specific rules) are followed. Each land disputes have been settled in a manner that is reasonable based on local

wisdom recognized jointly by them, and usually once resolved cannot be repeated. When compared with the current condition is very complicated due to the influx of new values into local values that exist on them. Traditional institutions are now strongly influenced other values, especially the value of the land in the past that had been regarded as the mother or mama, transformed into economic value. Customary land that had no resale, can now be sold traded so that customary leaders have started to construct the new rules that they can use to overcome the problems of land, especially the problem of the price of land compensation by category class one, class two and class three.

For example, traditionally the conflict because foraging activity (hunting, gathering) or cutting down trees in the area of tribal or clan ownership area / specific clan, without asking permission. For the Biak usually the person doing the action of logging without permission were given the customary sanctions, which usually pay plate to the owners of customary areas then they are apologies. For the process to apologize, they usually involve traditional leaders in the Biak language which is called *Manour*. While the settlement of land conflicts in the group of tribes who adopts *Odoafi* leadership system which always handled directly Ondoafi as the Leaders of customs and traditions of and usually assisted by *Koselo-keselonya* (assistant of *Ondoafi*). In the customary land dispute resolution, the leaders have strong role in the process of completion. Papuans pick four (4) types of leadership. Mansoben (1995), states that the leadership system of the Papuans were divided into 4 (four) types, are: (1) the type of big man or male authority (the adherents tribe Dani, Asmat, Mee, Meibrat, Muyu Mandobo); (2) the Kingdom Political System: This system is based on seniority (birth), inheritance and clan. This system adheres tribes in Raja Ampat, Onin Peninsula, MacCluer bay (bay Beraur) and Kaimana; (3) Ondoafi Political System: This system is top notch and the inheritance of traditional bureaucracy. Located in the eastern part of Papua; Nimboran, Humboldt Bay, Tabla, Yaona, Skou, Arso, Waris [11], and (4) Mixed Leadership System.

According to [11], there are another system who reveal characteristic of achievement and inheritance called mixed system. The type was found in people who occupy Cenderawasih bay, Biak, Wandamen, Waropen, Yapen [11, 15-17]. The local leader basically have number of local knowledge and it's known as local wisdom. Local wisdom contain values, rules and norm which have power for regulating for customary land conflict and another conflict. Norm, rules, culture even though unwritten but it's strong for solving land conflict complete. But after the new norm (formal legal) comes, the process of customary land conflict become difficult and takes long time for solution. It due to sacred value of land changed become economically value which urge groups or people who sold their customary land without thinking the future of their customary land.

#### **4. Conclusion**

Papuans which consist of 250 tribes occupy Papua island in eastern Indonesia, the customary land ownership were communal tribes, communal clan and extended family ownership /core or individual. There are eight (8) basic customary land ownership recognized by the culture of each tribe in Papua, are: (1) ownership of customary land based on local mythology or history, (2) ownership of customary land based clan which first opened village or gardens in the region; (3) customary land ownership based on region foraging (hunting, red fruit, wood, leaf mats etc.); (4) Ownership of customary land based on gift or inheritance from parents or ancestors; (5) customary land ownership based on giving a dowry; (6) customary land ownership as the basis of

a replacement payment of murder victim; (7) customary land ownership based on deprivation as a result of tribal warfare; and (8) customary land ownership based on exchange.

While the utilization of customary land can be classified as 2 utilization patterns are (1) utilization customary land as right of ownership, (2) utilization customary land as use rights. Specifically for the land use rights, there are area or land that may be cultivated and uncultivated but for those (tribe, clan and family) who have right of ownership, the utilization is allowed but arranged based on local wisdom of utilization customary land. The areal or forest which always prohibit for cultivation or activities by another who are not owner of customary land due to the area are place of sago forest, springs, mountain or cave that considered sacred because related to relation with their ancestor.

Local wisdom (norm and custom rule) Papuan is against with foreign culture but currently, it's still valid as last power of local communities managing ownership, utilization of customary land, solution for customary land conflict and protecting customary land which belongs to local communities from those who need the land (the government or private) for development and business in Papua land, Indonesia. Local wisdom for managing and resolving customary land conflict is still strong in land conflict solution. The usage of local wisdom for customary land conflict solution is ended and it's not repeated anymore. Currently, the usage of local wisdom by traditional institutions for customary land conflict is always in deadlock situation and then changed to formal legal because local wisdom was ignored and incorporate another elements related economics and politics interest.

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