

Effectiveness of Implementation of Police Role in Mediation of Indigenous Community Conflict (Study at Sorong City Police Department)

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Abstract. *Conflicts in indigenous communities, particularly customary land disputes, present significant challenges due to the coexistence of customary and state legal systems. In this context, the police play a crucial role as mediators to bridge these two legal frameworks and achieve fair and peaceful resolutions. This study aims to examine the effectiveness of police role implementation in mediating indigenous community conflicts at Polresta Sorong Kota. Employing a qualitative approach with data collected through interviews, observations, and document analysis, the study reveals how the police perform mediation functions and the obstacles encountered. Findings show that although the police strive to mediate through dialogue and deliberation approaches while integrating customary and formal laws, significant challenges remain regarding knowledge of customary law, cultural training, and operational guidelines. Enhancing mediation effectiveness can be achieved through officer training and active involvement of customer leaders. Effective mediation positively impacts dispute resolution without violence, maintains social harmony, and improves the sense of justice among indigenous people. The study recommends strengthening officer capacity, establishing clear guidelines, and collaboration with related institutions to support more effective and sustainable mediation of indigenous community conflicts.*

Keywords: *Conflict Mediation; Customary Law; Indigenous Communities; Police.*

1. Introduction

Indonesia is a country consisting of thousands of islands with a very rich diversity of tribes, cultures, languages, and customs. This diversity creates challenges in unifying various legal systems, where the formal legal system based on positive state law coexists with the customary legal system that lives in indigenous communities. Customary law has a very important position in the social life of indigenous communities, especially in resolving disputes that occur in society. However, the inconsistency between customary law and formal law often gives rise to conflicts that are not easy to resolve.

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In general, Indonesia has a legal system consisting of two types of law: formal law and customary law. Formal law is the law that applies nationally and is recorded in state legislation, while customary law is the legal system that lives in indigenous communities and is accepted from generation to generation. The diversity of these legal systems often causes tension, especially in communities that are thick with customary values, such as those in Papua.

West Papua, especially Sorong City, is a region with very high ethnic and cultural diversity. The indigenous Moi tribe and other large tribes in Sorong City still maintain customary values as a guideline for their lives. In this area, conflict resolution, both personal and communal, is often resolved based on customary law. However, along with the development of the times and the entry of various elements of society from outside Papua, there are often clashes between customary law and formal law. These conflicts often involve the police as the party responsible for maintaining order and enforcing the law.¹

The police, especially the Sorong City Police, play an important role in resolving customary conflicts that occur in the area. Mediation by the police is often needed to resolve customary conflicts that are not only related to violations of social norms, but also have the potential to lead to criminal acts. However, the role of the police as a mediator in these customary conflicts is often faced with major challenges, both in terms of understanding customary law that is not fully understood by the police, and in terms of integration between customary law and formal law.

For example, conflicts involving customary land disputes between indigenous peoples and outsiders (such as immigrants or companies) often end in violence or criminal acts. The resolution of such conflicts becomes very complex, because indigenous peoples prefer to resolve their problems based on custom and deliberation, while the police, as representatives of state law, have an obligation to enforce formal law.

It is important to note that although customary law is recognized in the 1945 Constitution and has an important position in dispute resolution, the role of the police in mediating customary conflicts has not been fully effective. This is due to a lack of understanding of the social structure of indigenous communities and the customary values that live among them, as well as the absence of clear guidelines or standard operating procedures regarding the role of the police in mediating customary conflicts.

Given the role of the police in indigenous communities, it is very important to determine the success of conflict resolution. Without adequate understanding of customary law and without the right mediation strategy, the role of the police can actually worsen the situation, especially if the police are considered to ignore local norms. In many cases, police officers who do not understand local customs can be considered to have “stepped over” the authority of customary leaders, which actually increases tensions.

Furthermore, it is important to note that indigenous conflicts that cannot be resolved properly have the potential to cause various negative impacts. One of the biggest impacts is the decline in public trust in law enforcement institutions. If indigenous people feel that the resolution carried out by the police is not in accordance with their values, they may be re-

¹Central Statistics Agency of West Papua Province, West Papua Province in Figures, BPS West Papua Province, Manokwari, 2023, p. 87

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luctant to report their problems to the police and prefer to resolve the problems independently, which can lead to violence.

In addition, these conflicts can develop into larger social conflicts. For example, a customary land dispute that is not resolved properly can cause prolonged tension between clans, and can even affect social stability in the area. In this case, the role of the police as a competent mediator who understands both legal systems, both customary law and formal law, is very important to create a just, peaceful, and sustainable solution.

If this problem is not immediately addressed, the potential for increased crime and conflict between indigenous communities will increase. Ineffective handling can also lead to social injustice, where indigenous communities feel that their rights are ignored or violated by state law, while at the same time there is no solution from the customary settlement they adhere to. Therefore, this research is very important to be carried out, to provide solutions to existing inequalities and provide policy recommendations that can increase the effectiveness of the role of the police in mediating customary conflicts.

Although there have been a number of studies discussing the relationship between customary law and formal law, as well as the role of the police in handling social conflicts in Indonesia, especially in Papua, there are still few studies that specifically examine the effectiveness of the police's role in mediating customary community conflicts in large cities such as Sorong City. Existing studies focus more on the role of formal law in resolving conflicts, without delving deeper into how the police function as mediators between two different legal systems.

Most previous studies have shown that one of the main problems in police mediation of customary conflicts is the lack of understanding of local customs by police officers and the inaccuracy in integrating customary law with state law. For example, police officers who are not familiar with customary norms and values often face difficulties when involved in customary conflict mediation. They may go too far in the context of formal law without understanding that indigenous communities prefer resolution through deliberation or customary rituals.

Meanwhile, in some cases, although the police are involved in mediation, there are no clear guidelines regarding the extent of their role in resolving customary conflicts. Therefore, in this study, there is a lack of understanding regarding the best ways that can be applied by the police in mediating customary conflicts that accommodate customary law, without damaging the social structure and norms that exist in customary communities.

Based on data obtained from the Sorong City Police, it was noted that the crime rate in Sorong has increased in recent years, with 1,082 criminal cases in 2022, including violent crimes, theft, and assault. In 2023, 1,083 criminal cases were recorded, with disputes rooted in customary land disputes and other social issues. From these data, it can be seen that conflicts involving indigenous peoples often involve violations of the law that require resolution through a mediation process.²

One of the main sources of conflict in Sorong City is customary land disputes, which often involve indigenous communities. The resolution of these land disputes is often done

²Internal data from Sorong City Police, annual report 2022–2023.

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through customary approaches, but sometimes involves the police as mediators if there are parties who are dissatisfied with customary decisions or if the conflict can develop into criminal acts.

Based on the annual report of the Sorong City Police, many disputes were successfully resolved through mediation involving the police, although there were often challenges in understanding the customary values that apply in the community.

This research is very relevant to the field of law, especially in the study of customary law, police law, and mediation. This research contributes to the development of mediation theory in the context of customary and formal law. In practice, this research can provide useful policy recommendations to improve the police mediation system in customary conflicts, as well as provide a better understanding of the integration of customary law with state law.

Based on the description above, the author is interested in conducting a study which is presented in the form of a thesis entitled "EFFECTIVENESS OF IMPLEMENTATION OF THE ROLE OF THE POLICE IN MEDIATION OF INDIGENOUS COMMUNITY CONFLICT (Study at the Sorong City Police Department)".

2. Research Methods

The approach method used in this research is a normative and empirical (sociological) approach. According to Soerjono Soekanto in his book "Legal Research Methodology", there are two main approaches in legal research, namely the normative and empirical (sociological) approaches. The Normative Approach is an approach that focuses on the study of existing legal norms, both written and unwritten. This approach places more emphasis on the analysis of laws and legal practices that apply formally.³

3. Results and Discussion

3.1. General Description of Sorong City Police

Polresta Sorong City is a police unit that oversees the administrative area of Sorong City with an area of approximately 78.04 km². The working area of Polresta Sorong City has the following administrative boundaries

The organizational structure of the Sorong City Police includes several main work units, namely:

1. Binmas Unit (Community Development)
2. Criminal Investigation Unit (Criminal Investigation)
3. Traffic Unit
4. Intelkam (Intelligence and Security) Unit
5. Sabhara Unit (Bhayangkara Samapta Unit)
6. Other Functional Units that support police duties

Under the coordination of the Sorong City Police, there are several Polsek that serve in sub-districts and urban villages, serving the community in terms of security and order.

³Soerjono Soekanto, Legal Research Methodology. Rajawali Press, Jakarta, 1986, p. 125

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Polresta Sorong City plays an important role in maintaining public order, especially in dealing with the social dynamics of indigenous people who are part of the community in the area. Through a community policing approach, Polresta Sorong City actively mediates conflicts by involving traditional leaders and community institutions as strategic partners.

Research result

1. Implementation of the Role of the Police in Mediating Indigenous Community Conflicts at the Sorong City Police Headquarters

Based on the results of interviews with a number of members of the Sorong City Police who were directly involved in mediating indigenous people's conflicts, it was found that the police carried out a mediation role with a dialogue and deliberation approach that attempted to accommodate customary values and formal legal norms. One member of the Bhabinkamtibmas stated: "We try to prioritize deliberation and listen to all parties, especially customary leaders, so that the solutions found can be accepted together without having to immediately enforce formal law."

Observations of the mediation process in customary land dispute cases in Sorong show that mediation is carried out in stages. Initially, the police made an initial approach to traditional leaders and the disputing parties to gather information and build trust. Then a deliberation meeting was held facilitated by the police with the aim of reaching a mutual agreement. In several cases observed, mediation succeeded in resolving the conflict by dividing the land according to the local wisdom of the indigenous community, while avoiding an escalation of violence.

Field findings show that the mediation process carried out by the police tends to be participatory and focuses on restoring social relations. This is in accordance with the restorative justice approach proposed by Zehr, namely a conflict resolution approach that prioritizes the restoration of relations and substantive justice rather than merely legal sanctions.⁴

In practice, Bhabinkamtibmas as the spearhead of community policing actively visits the homes of traditional leaders and initiates dialogue. This action is in accordance with the opinion of Susanti (2021) who emphasized that effective mediation begins with an informal approach based on social relations. Mediation steps usually begin with identifying the parties involved in the conflict, mapping the root of the problem, and determining common ground by considering local wisdom.⁵

In addition, the concept of mediation carried out in Sorong City can be categorized as hybrid mediation, namely combining customary and formal law. This form of compromise is a form of adaptation to the plural legal system as suggested in the theory of legal systems by Friedman. In this system, the apparatus acts as a liaison between the formal structure and the legal culture of the local community.⁶

3.2. Obstacles Faced by the Police in Mediating Customary Conflicts

⁴Ibid, p. 11

⁵Susanti, Emilia. Criminal Mediation as an Alternative to Settling Criminal Cases Based on Local Wisdom, Ali Imron Library, South Lampung, 2021, p. 73

⁶Lawrence M Friedman, Legal System: Social Science Perspective, Nusamedia, Bandung, 2019 p. 161

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Despite various mediation efforts, several significant obstacles were found. From interviews with Binmas and Reskrim officers, the lack of specific training on customary law was a major obstacle. One officer said: "We often feel that we do not understand the unwritten customary rules, so in mediation it is sometimes difficult to adjust steps to community expectations."

The main obstacle in implementing customary conflict mediation is the limited understanding of the apparatus regarding the unwritten customary legal system. As stated by Bedner & Daus (2013) and Komnas HAM (2021), the apparatus often fails to internalize local norms, thus causing resistance from the customary community.^{7,8} Another influencing factor is the lack of cross-cultural training as emphasized by Bean (2010), which has an impact on the low effectiveness of communication in the mediation process.⁹

The traditional leaders interviewed expressed dissatisfaction with the police's sensitivity to customs. One traditional leader said: "Sometimes the police are too quick to prioritize state law without giving enough space for customary deliberation, so that the community feels less appreciated."

The next obstacle is the absence of official guidelines or standard SOPs that regulate the implementation of customary conflict mediation by the police. This irregularity creates variations in approaches between units or personnel, which in many cases leads to uncertainty in the results. In the context of policy implementation theory by Van Meter and Van Horn (1975), communication barriers, limited resources, and social resistance are the main factors that hinder the implementation of mediation policies consistently.¹⁰

Strategies Implemented to Increase Mediation Effectiveness

To overcome these obstacles, Polresta Sorong City began holding short training on customary law involving customary leaders as resource persons to improve the understanding of officers. In addition, customary leaders were actively involved in the mediation process as cultural mediators to build trust and ensure the mediation process was in accordance with customary values.

One member of the Criminal Investigation Unit said: "Involving traditional figures directly makes mediation more acceptable because the community feels respected and the process is transparent." This strategy not only increases the capacity of the authorities, but also increases community trust in the mediation process.¹¹ This also reflects the application of the principles of communication and negotiation in conflict as outlined by Fisher and Ury, namely

⁷A. Bedner, and S. Daus. Traditional justice in Indonesia: A survey of conflict resolution and justice mechanisms among indigenous peoples. *Asian Journal of Comparative Law*, Vol. 8, no. 2, 2013, p. 1-29.

⁸Komnas HAM. Protection of Indigenous Peoples' Rights. <https://www.komnasham.go.id> accessed on May 26, 2025

⁹Robert Bean, Cross-cultural training and workplace performance, NCVER, Adelaide, 2008, p. 22

¹⁰Van Meter, Donald S. and Carl E. Van Horn, *The Policy Implementation Process: A Conceptual Framework*, Administration & Society, Vol 6, No. 1, 1975, pp. 445-488.

¹¹Sri Lestari Rahayu, Mohammad Jamin, and Mulyanto. Customary Justice and Customary Law Communities in the Midst of Village Government Regulations, UNS Press, Surakarta, 2018, p. 99

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the importance of win-win solutions and understanding mutual interests.¹²

Another innovative step is the development of internal guidelines that combine customary values and formal law, which could be an initial model for the development of a hybrid legal framework as suggested by the progressive legal approach.¹³ These guidelines are expected to be a bridge between the two legal systems that have been running in parallel.

To ensure the sustainability of this strategy, periodic evaluation and integration with the annual work program of the Sorong City Police, including cross-sectoral collaboration such as the Social Service and local traditional institutions, are required.

3.3. Discussion

This study shows that the role of the police in mediating indigenous people's conflicts at the Sorong City Police Headquarters is a practice that seeks to integrate two legal systems: formal state law and customary law that lives in society. Empirical data analysis shows several aspects that are interrelated and can be linked to legal theories and mediation theories.

First, according to Satjipto Rahardjo's progressive legal theory, the law must be flexible and adaptive to the needs of society, siding with substantive justice, not just rigid with formal rules. In practice, the police in

Sorong tries to implement this principle by prioritizing customary deliberation and respecting the role of customary leaders in mediation. This approach avoids the application of formal law that could trigger resistance from indigenous communities and further conflict. Thus, mediation carried out by the police reflects responsive and humanist law, in accordance with the principles of progressive law.

This is in line with Satjipto Rahardjo's progressive legal theory. In this context, the Sorong City Police have attempted to realize adaptive and responsive law enforcement, by prioritizing deliberation based on customary values.¹⁴

Second, Lawrence Friedman's legal system theory explains law as a complex and dynamic social system, consisting of norms, institutions, and culture that influence each other.¹⁵ Research data shows that the police as a formal institution tries to integrate customary norms that are part of the culture of indigenous peoples into the mediation mechanism. The involvement of customary leaders in mediation becomes an important bridge between formal law and the legal culture of indigenous peoples, so that the legal system in Sorong operates holistically and effectively. This approach shows that the success of the law does not only depend on written rules, but also on cultural and social legitimacy.

Friedman's legal system theory reinforces the idea that the success of a legal system is largely determined by the fit between formal structure, legal substance, and legal culture. In this study, the mismatch between the state legal structure and local legal culture is a source of conflict, but integrative efforts made through training and collaboration show a construc-

¹²Roger Fisher, and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In*. Houghton Mifflin, Boston, 1981, p. 108 .

¹³Satjipto Rahardjo, *Progressive Law: Law that Liberates*. Kompas Book Publisher, Jakarta, 2006, p. 103

¹⁴*ibid*

¹⁵Lawrence M Friedman, *Legal System: Social Science Perspective*, Nusamedia, Bandung, 2019 p. 161

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tive direction.¹⁶

Third, from the perspective of Christopher Moore's mediation theory, the effectiveness of mediation is highly dependent on the mediator's ability to understand the social context and interests of the conflicting parties, using a participatory and voluntary approach.¹⁷ In this study, the constraints of lack of police training on customary law and minimal SOP guidelines indicate that the mediation capacity of officers still needs to be improved to be more culturally sensitive. This affects the level of mediation success and the level of public trust in the officers.

This study also shows that the involvement of traditional figures as internal mediators increases the success of mediation, while also confirming that understanding local norms is an essential competency for state officials. The principle of participatory and voluntary mediation is also in accordance with the culture of indigenous peoples who value deliberation and consensus in solving problems.

Fourth, cultural and communication barriers between the police and indigenous communities demonstrate the challenges of building trust, a crucial factor in mediation. Community distrust of officers who are considered to prioritize formal law without considering customs can trigger rejection of the mediation process. Therefore, the strategy of increasing the capacity of officers through training, as well as the involvement of indigenous leaders in mediation, is a crucial step that strengthens the principles of progressive law and a holistic legal system. This not only increases the understanding of officers, but also the legitimacy and acceptance of the community.

The findings are also in line with Coser's conflict theory which states that conflict has a productive dimension if managed properly.¹⁸ The mediation carried out by the Sorong City Police is an example of how conflict can become a starting point for social change if managed in a participatory and humane manner.

Finally, the success of local wisdom-based mediation such as at the Sorong City Police Department strengthens the principles of restorative justice which emphasize the restoration of social relations, communitarian justice, and active community participation in resolving disputes.¹⁹ This approach is critical to strengthening the legitimacy and acceptability of the mediation process in the eyes of indigenous communities who often feel marginalized by the national legal system.

Thus, the mediation practices carried out by the Sorong City police illustrate the interdisciplinary application of various legal theories and conflict resolution, and can be used as an alternative model for other areas with strong indigenous community characteristics.

Fifth, the development of internal guidelines that integrate customary principles and formal law, although not yet officially SOP, is an important effort towards standardization and consistency of the mediation process. This standardization will reduce differences in case han-

¹⁶ibid

¹⁷Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, Jossey-Bass, A Wiley Brand, 2014, p. 352

¹⁸Lewis A. Coser, *The Functions of Social Conflict*. The Free Press, Illinois, 1956, p. 82

¹⁹Howard Zehr, and Ali Gohar. *The Little Book of Restorative Justice*, Good Books, Pennsylvania, 2002, p. 37

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dling and increase accountability and effectiveness of mediation.

Overall, this study confirms that the effectiveness of the police's role in mediating indigenous conflicts is highly dependent on the balance between understanding formal law, respect for customary law, and mediation skills that are sensitive to cultural contexts. The integration of progressive legal theory, Friedman's legal system, and participatory mediation theory is the main foundation in formulating more effective and sustainable mediation policies and practices at the Sorong City Police.

The results of this study are in line with the findings reported by several previous studies on the role of the police in resolving indigenous conflicts and social mediation. For example, Sari's study on police mediation in indigenous conflicts in South Kalimantan showed that the main obstacle faced was the lack of understanding of customary norms and values by officers, which resulted in low mediation effectiveness.²⁰ This is consistent with the results of research at the Sorong City Police which also found similar problems in terms of training and understanding of customary law.

In addition, Wijaya and Santoso's study suggests that the success of mediation in customary conflicts is highly dependent on the involvement of customary figures as cultural mediators.²¹ This study supports our findings showing that the active involvement of traditional leaders increases the legitimacy and community acceptance of mediation outcomes.

Research by Rahman (2019) on the integration of formal law and customary law in resolving customary disputes in South Sulawesi emphasizes the importance of a progressive legal approach that is responsive to community needs.²² These findings strengthen the results of this study which indicate that a progressive legal approach is key in aligning the role of the police with customary law in mediating customary conflicts.

However, unlike some previous studies that emphasize the dominant role of formal law, our study shows that in Polresta Sorong City there is a real effort to integrate customary values into the mediation process, although it is still in the development stage. This marks a positive development in the practice of police mediation that is more culturally sensitive and contextual.

Thus, this study not only strengthens previous findings, but also provides new contributions regarding police capacity development strategies and the preparation of mediation guidelines that integrate customary and legal laws.

4. Conclusion

Based on the results of the study on the effectiveness of the implementation of the role of the police in mediating indigenous peoples' conflicts at the Sorong City Police Department, several conclusions can be drawn as follows: 1. Implementation of Mediation by the Police: The Sorong City Police Department has carried out a mediation role in indigenous peoples'

²⁰N. Sari, The effectiveness of police mediation in resolving indigenous community conflicts in South Kalimantan, *Journal of Law and Society* Vol.16, No. 2 2020, pp. 123-139.

²¹H. Wijaya, and B. Santoso. The role of traditional leaders in mediating indigenous community conflicts: A case study in South Sulawesi. *Journal of Social and Political Sciences* Vol. 22, no. 1, 2018, pp. 77-90.

²²A. Rahman, Integration of formal law and customary law in resolving customary disputes in South Sulawesi, *Journal of Customary Law and Society*, Vol. 5, no. 1, 2019, pp. 41-58.

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conflicts with an approach that prioritizes deliberation and dialogue. This approach shows the police's efforts to accommodate customary values that are the guidelines for the community in resolving conflicts. The mediation process is carried out in stages starting with gathering information, initial dialogue with customary leaders, to joint deliberation to reach an agreement that is acceptable to all parties. 2. Integration of Formal Law and Customary Law: The mediation carried out in Sorong City shows a hybrid mediation model, namely a combination of formal law and customary law. The police act as a liaison between the state legal system and the legal culture of indigenous peoples. This strengthens the concept that resolving customary conflicts requires a flexible and sensitive approach to the local socio-cultural context, in accordance with progressive legal theory. 3. Constraints and Obstacles: Significant constraints found in the implementation of mediation are the limited knowledge of police officers about unwritten customary law, minimal cross-cultural training, and the absence of clear SOP guidelines. These factors cause non-uniformity in the implementation of mediation, potential misunderstandings, and decreased trust of indigenous communities in the police. 4. Strategy for Increasing Effectiveness: Efforts to increase the effectiveness of mediation that have been carried out include customary law training for police officers by involving customary leaders, as well as direct involvement of customary leaders in the mediation process. This strategy has been proven to increase community trust and the success of mediation. However, there is still a need to strengthen the system through the preparation of standard guidelines, periodic evaluations, and synergy with related institutions. 5. Positive Impact of Effective Mediation: Effective mediation has contributed to the resolution of disputes without escalating violence, maintaining social harmony, and increasing the sense of justice in indigenous communities. An approach that prioritizes dialogue and deliberation strengthens social ties and avoids prolonged conflict that can damage regional stability.

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