

## **Legal Review of The Authority of The Intelligence Police in Handling Criminal Acts of Inter-Tribal Conflict (Research Study in Merauke District, South Papua Province)**

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**Abstract.** *This research is motivated by the high frequency of inter-ethnic conflicts in Merauke Regency, South Papua Province, which poses a serious threat to public security, social order, and human rights. These conflicts-such as the one between the Asmat and Mappi tribes-have resulted in fatalities, material losses, and widespread social damage. In the context of a state governed by law, the Indonesian National Police (Polri) holds a strategic responsibility to prevent and address potential social conflicts, one of which is carried out through the role of the Intelligence and Security Division (Intelkam) in conducting early detection and engagement to maintain national stability. This study aims to analyze the implementation of Polri's intelligence authority in handling criminal acts related to inter-tribal conflicts in Merauke Regency, as well as to identify the challenges encountered and propose alternative solutions. The research uses a socio-juridical approach with a descriptive-analytical specification. The data collected includes primary and secondary legal materials, as well as empirical data obtained through observation, interviews, and documentation. Qualitative analysis is applied to examine statutory provisions, institutional roles, and the social dynamics of indigenous communities in South Papua. The findings indicate that the exercise of Intelkam Polri's authority has been conducted in accordance with the applicable legal framework. However, it still faces several obstacles such as limited resources, cultural resistance, and weak inter-agency coordination. An optimal conflict resolution requires integration between formal legal approaches and cultural methods grounded in local wisdom. There is a pressing need to strengthen the capacity of Intelkam and to improve synergy among the government, traditional leaders, and local communities to achieve sustainable peace.*

**Keywords:** *Inter-ethnic Conflict; Police Intelligence; South Papua.*

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## 1. Introduction

The Republic of Indonesia adheres to the principle of a "dynamic legal state" or Welfare State as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states "The Republic of Indonesia is a Legal State". The legal state is the basis of a state in carrying out actions that place the principle of legality as the basis for a state's actions.<sup>1</sup>

Indonesian society and nation consist of various social diversities, ethnic groups, cultures, religions, political aspirations and others, so that this nation can be simply called a multicultural society. Multiculturalism as a form of cultural pluralism that is different and each has its own integrity and challenges.

The Indonesian nation recognizes law as an instrument in resolving issues that occur in the life of the nation and state. All issues or problems can be resolved as long as they adhere to the law. This problem will always exist as long as we still recognize the existence of a state of law and still believe in law as one of the means to regulate and resolve problems in people's lives.<sup>2</sup>

The main duties of the Indonesian National Police (Polri) are regulated in Article 13 of Law Number 2 of 2002, which emphasizes the obligation of the Polri to protect citizens and provide a sense of security. This is the main responsibility of the Polri in protecting the state and the people within the territory of the Unitary State of the Republic of Indonesia (NKRI).

The Indonesian National Police (Polri) is a state institution and apparatus that has an important role in maintaining national stability and order. As stated in Article 5 paragraph (1) of Law Number 2 of 2002, the Polri is tasked with protecting, serving, and providing a sense of security to all Indonesian citizens. The main duties of the Polri are regulated in more detail in Article 13 of the same law, namely covering three main things: maintaining public security and order, enforcing the law, and providing protection, care, and services to the community. With this strategic function, the Polri is at the forefront in creating a safe, orderly, and just environment for all levels of society.<sup>3</sup>

In addition to carrying out the main tasks as stated in Article 13, the Republic of Indonesia National Police (Polri) also has a number of general authorities as regulated in Article 14 paragraph (1) of Law Number 2 of 2002. These authorities cover various important aspects in supporting the creation of national order and security. The Polri has the authority to carry out regulation, guarding, escorting, and patrolling of community activities and government; organizing activities to ensure traffic safety and smoothness; and fostering the community in increasing legal awareness and compliance with regulations. In addition, the National Police also participates in fostering national law, maintaining public order, coordinating and fostering special police and self-defense, and conducting investigation and inquiry activities into criminal acts. Other authorities include identification, forensic, and police psychology

<sup>1</sup> A. MukthieFadjar, Types of Legal States, Malang: Bayumedia Publishing, 2005, p.59.

<sup>2</sup> Awaloedin Djamin, Police Administration System of the Republic of Indonesia National Police, YPKIK, Jakarta, 2011, p. 31

<sup>3</sup> See Article 13 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police

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services, protection of public safety from disturbances and disasters, and temporary or ongoing public services. All of these authorities are implemented by upholding the principles of human rights and within the legal framework applicable in Indonesia.

Based on these provisions, one of the steps that needs to be taken is to form a Security Intelligence Unit (Intelkam). Intelkam is part of the police that has the task and authority to carry out intelligence activities in the field of security to protect the public from threats from other parties, both from abroad and from within the country. In addition, Intelkam is also responsible for carrying out early detection of criminal threats.

As the essence of state intelligence is the first line in national security system.<sup>4</sup> State intelligence is a vital part of the national security system which functions as the first line in detecting, analyzing, and responding to various potential threats to sovereignty, safety, and stability of the country. This role is rooted in the principle that national security begins with prevention, which can only be achieved through accurate and rapid information gathering and analysis.

Social and legal developments that occur in society, of course, give birth to various kinds of human behavior and mindsets that change, both in acting and communicating. Changes in behavior can give rise to various complex activities.<sup>5</sup> The emergence of criminal behavior in various regions in various forms such as mugging, robbery, theft, rape, to murder. So it is necessary for the police to play a significant role in preventing, handling, and resolving.

On January 3, 2018 reminds us of the inter-tribal war in Merauke Regency. At the beginning of the trigger for the inter-tribal war in Merauke, it started from the problem of children between the two tribes, namely Asmat and Mappi, this is what caused dozens of houses to be damaged. This conflict started from Asmat children who were sucking aibon in the Mappi tribe area. It is surprising if there is a trigger for inter-tribal war so that there must be a fight between tribes and it can threaten lives and claim lives.<sup>6</sup>

Then on August 7, 2024, the persecution and destruction that occurred in Nasem Village, Merauke District, South Papua Province. It started with a commotion that resulted in a case of persecution against the victim. The identity of the victim is FS, 47 years old, Catholic, Fisherman address in Nasem Village, Merauke, with the reported person with the initials MA, Catholic, Nasem Village, Merauke.

That the chronology of the incident where the victim who was walking towards RT 04 beach area was suddenly stopped by the perpetrator and his friends, numbering approximately 7 (seven) people while carrying sharp tools, suddenly the victim was stopped and abused, allegedly using a machete that hit his left cheek and left hand. With this incident, the perpetrator and several of his friends fled.

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<sup>4</sup> See Article 3 of the Republic of Indonesia Law Number 17 of 2011 concerning State Intelligence.

<sup>5</sup> Hermawan Sulisty, *Thamrin Bomb*, Pencil 324, Jakarta, 2016, p. 28

<sup>6</sup> <https://papua.antaranews.com> "Asmat and Mappi tribal police in Merauke agree to make peace accessed November 11, 2024.

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Due to this incident the victim treated at the Health Center to get medical treatment, the victim suffered a laceration on the left cheek 15 cm long and about 4-5 cm deep with 13 stitches, a laceration on the left hand 8 cm long and about 3 cm deep with 8 stitches, According to medical information the victim will be referred tonight to the Merauke Regional Hospital. The impact of the incident in Nasem Village, 7 (seven) houses have been damaged by local residents.<sup>7</sup> Based on the incident, the perpetrator is suspected of violating Article 351 of the Criminal Code or Article 170 of the Criminal Code in the old Criminal Code. However, if referring to Law Number 1 of 2023, the act is regulated in Chapter XXII concerning Criminal Offenses Against the Body, specifically in Part One: Abuse, which includes Articles 466 to 471.

One of the socio-cultural phenomena in the South Papua region is tribal war. One of the customary ways to solve social problems in South Papua is through war, they always have a typical weapon used to defend themselves in the form of a dagger made of cassowary bone decorated with feathers on the hilt of the dagger. In addition, they also have bows and arrows. The sadism of inter-tribal wars that take place in South Papua often makes headlines and causes damage and loss of life.

In fact, carrying sharp weapons without a valid reason can be contrary to the Emergency Law of the Republic of Indonesia Number 12 of 1951, which regulates the ownership and use of firearms, ammunition, explosives, and sharp weapons.<sup>8</sup> People who are caught carrying sharp weapons without a clear reason or permit can be subject to severe criminal penalties, according to the provisions of this law. This law enforcement aims to maintain security and prevent the misuse of sharp weapons in criminal acts.

Inter-tribal war through instructions from leaders or tribal chiefs in war or peace is a commitment between the two war chiefs together with the two local tribal chiefs who think that if there are many victims in war, it will violate aspects of human rights, customs and government law, which is stated in Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, Chapter II Basic Principles, Article 6 paragraph (1), concerning differences and needs in customary law communities.

(2) continuing that carrying or storing sharp weapons, stabbing weapons, or thrusting weapons without valid permission from the authorities is also subject to criminal penalties. observed and protected by customary law as inter-tribal war and government legal methods.<sup>9</sup>

Although the conflict is considered to have ended with conventional peace from the community itself, it does not mean that it is the end of everything. According to Winardi, even though a conflict seems to be resolved or gives the impression of disappearing temporarily, the conflict has the potential to resurface in the future.<sup>10</sup> Thus, conflict

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<sup>7</sup> <https://tribratanews.papua.polri.go.id>. "Merauke Police handle assault case that occurred in Nasem village" accessed on December 21, 2024.

<sup>8</sup> See the Emergency Law of the Republic of Indonesia Number 12 of 1951 Article 2 paragraph

<sup>9</sup> See Law Number 39 of 1999 concerning Human Rights

<sup>10</sup> Syarifuddin Jurdi, Indonesian Sociology: Understanding Integralistic Sociology, (Jakarta: Kencana, 2013), p. 247

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resolution is needed either through a modern scientific approach or also with a local knowledge system approach. As is known, the tribes in Papua are very diverse, such as: Dani Tribe, Nduga Tribe, Damal Tribe, Amungme Tribe, Moni Tribe, Mee Tribe and Kamoro Tribe and other tribes. Based on the Mimika Police report in 2017-2018, it explains that these tribes are groups that have a very strong tradition of war, this can be seen from the conflicts that often occur even in other areas such as Merauke. The occurrence of inter-tribal war can be said to be a tribal sentiment. Tribal sentiment can be activated into a social solidarity of the citizens of the tribe concerned to be opposed to citizens and other tribes.<sup>11</sup> Every group that claims to be a tribe will try to defend and fight for the honor of the tribe.

their nation that is considered to have been damaged by the opposing party.<sup>12</sup> The unfair treatment of a tarnished community will ignite conflict. They consider that they have been treated unfairly in a dispute resolution or "rules of the game" and feel that the rules have been manipulated by the opposing tribe, so that they are not in accordance with the prevailing traditions.<sup>13</sup> Related to tribal wars, initially tribal wars were a way for Papuan people to resolve problems when a consensus could not be reached between the two parties/between tribes.<sup>14</sup> In theory, the application of the sociocultural or social cognitive approach emphasizes how law includes culture in their reasoning, social interaction, and self-understanding in solving problems. Conflict resolution through customary law in South Papua in the form of an agreement between tribes as the conflicting parties by punishing in the form of a fine payment is part of the socio-cultural South Papua which assesses something with material. The fine or material as punishment must be divided for the victim, Waimum, and the war troops. In its distribution, Waimum as the warlord gets a larger share because he prepares food and drink during the war. As long as the fine has not been paid, the conflict and war are considered to be ongoing. There are several other efforts made in resolving the conflict, including by holding meetings with relevant stakeholders such as the Police Chief and his staff, the Regional Government, Koramil and traditional figures, and inviting the courts and the prosecutor's office. The meeting aims to jointly resolve the problem of inter-tribal war to its roots. In addition, after the conflict, a non-formal approach is carried out in addition to formal law enforcement.

By holding a meeting in Honai, this Honai is also called a traditional house. Therefore, all parties must play a role so that the meeting in Honai finally produces positive results. Based on the above, that formal law enforcement and customary law approaches through the Community Pattern approach can resolve the conflicts that occur.

This is in accordance with what Soerjono Soekanto said. That law enforcement does not merely mean the implementation of legislation or law enforcement and not just implementing judges' decisions. Theoretically harmonizing the relationship of values

<sup>11</sup> A Armawi, Nationalism in the dynamics of national resilience. Yogyakarta, 2020, UGM PRESS, p. 95

<sup>12</sup> W. Kurniawati, & W. Tamba, Evaluation of Moral Education Implementation Strategy at Msi Al Amin Mataram. Journal of Educational Technology: Journal of Learning Research and Development, 2, 2019, pp.32–40

<sup>13</sup> Jaladriyanta, S. Polri Towards Smart Police. Journal of Police Science, 14(2), 2020, p.

<sup>14</sup> Aituru, YP Inter-tribal Conflict Resolution and Its Implications for Resilience Territory (Analysis of Human Security Theory According to Dan Henk). Legal Pluralism: Journal of Law Science, 9(2), 2019, pp. 106–127



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outlined in solid rules and manifesting in attitudes as a series of final stage value descriptions, to create, maintain and defend peaceful social interactions.<sup>15</sup>

This legal research discusses the authority of the National Police intelligence in handling inter-tribal conflicts in Merauke, South Papua Province and what obstacles the National Police intelligence faces in preventing escalation of criminal conflicts based on inter-tribal wars in Merauke, South Papua Province.

but also on the empirical level in the field related to the application of applicable laws and regulations in handling the conflict.

Legal problems that occur in society can be resolved by using good legal instruments through credible law enforcement. In general, law enforcement in Indonesia has several institutions, one of which is the Indonesian National Police. The National Police has a fairly important role in creating security and order. The National Police is a forum that has a structured organization and good management.<sup>16</sup>

The police are a state apparatus that has the main task as stated in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) which states that "The Republic of Indonesia National Police as a state apparatus that maintains public security and order is tasked with protecting, serving, and enforcing the law." Which is then further explained in Article 2 of Law Number 2 of 2002 concerning the Police states that "The function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, protection, and service to the community". In carrying out these main tasks, the police institution requires police functions that have their respective work areas that are interrelated and integrated. One of these police functions is security intelligence or what is commonly called intelligence.

Intelkam is an integral part of the organic function of the police which organizes intelligence activities and operations in the form of investigations, security and mobilization in the field of security for the interests of implementing operational tasks and police management in order to realize domestic security.<sup>17</sup> The function of Intelkam is a function that serves as the Eyes and Ears of the police which is obliged to carry out early detection (early warning system) and provide warnings of problems and developments in problems and changes in social life in society, and is also tasked with identifying threats, disturbances to public security and order (Kamtibmas).<sup>18</sup>

The occurrence of conflict in society can cause losses to one or all parties involved in the conflict, where this can be in the form of material and moral damage. For example, the victims in this conflict are either injured or even fatal. When this happens, of course there are also criminal acts that occur as regulated in the Criminal Code (KUHP) Chapter V, namely

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<sup>15</sup> Soejono Soekanto, *Sociology: An Introduction*, Rajawali Press, Jakarta, 2020, p. 17.

<sup>16</sup> Parsudi Suparlan, *Police Science*, YPKIK, Jakarta, 2008, p. 77

<sup>17</sup> Warsito Hadi Utomo, *Police Law in Indonesia*. Prestasi Pustaka Publisher. Jakarta, 2005. p. 34

<sup>18</sup> Tabah Anton, *Building a Strong Police Force*, Mitra Hardhasana, Jakarta, 2013. Page 41

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Regarding crimes against public order and Chapter VII Regarding crimes that endanger public security for people or goods.

In this research, the author focuses on the intelligence methods carried out by the Indonesian National Police when a conflict occurs or not, with the aim of preventing the conflict from exploding at any time, and suppressing inter-tribal war conflicts so that they do not escalate. widespread and protracted. So that peace is maintained and no one suffers losses. conflict resolution at the root of a conflict is needed so that long-term peace occurs.

## **2. Research Methods**

Seeing the problems above, the specifications used in this study are analytical descriptive. What is meant by analytical descriptive is that the results of this study will try to provide a comprehensive, systematic and in-depth description of a condition or symptom being studied.<sup>19</sup>

Based on the applicable laws and regulations, along with data on police regulations related to intelligence and supporting data, researchers will describe and provide a comprehensive, systematic and in-depth description of the provisions that apply in the laws and regulations and their application in resolving inter-tribal conflicts.

## **3. Results and Discussion**

### **3.1. The Authority of Police Intelligence in Handling Criminal Acts of Inter-Ethnic Conflict in Merauke Regency, South Papua Province.**

The main objective of state intelligence in the context of the Unitary State of the Republic of Indonesia is to actualize and concretely translate the ideals of the founding of the state as stated in the 1945 Constitution of the Republic of Indonesia (Fourth Amendment), especially in the field of national security. The 1945 Constitution emphasizes that state administrators have an obligation to protect all Indonesian people and all areas of the country, advance public welfare, educate the nation's life, and play an active role in realizing world order.

Law Number 17 of 2011 concerning State Intelligence states that intelligence plays a role in early detection and warning in order to prevent, deter, and overcome various threats to national interests and security. This role is very important in providing accurate and fast information to support security and law enforcement in a democratic state of law. Therefore, intelligence activities must be subject to the law, uphold justice, and respect the principles of democracy and Human Rights. As the vanguard of the national security system, intelligence is also required to adapt to post-Cold War global developments, including in terms of methods, work culture, and functional specialization.<sup>20</sup>

In an effort to understand various forms of disturbances to public security and order (kamtibmas), there are three main categories, namely Potential Disturbance (PG), Threshold

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<sup>19</sup> Soerjono Soekanto, Introduction to Legal Research, Jakarta: UI Press, 2006, p.10.

<sup>20</sup> Arthur S. Hulnick, Journal Intelligence and CounterIntelligence, Vol: 18 No: 4, Routledge: Taylor&Francis Group, 2007, p. 60

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of Disturbance (AG), and Real Disturbance (GN). Potential Disturbance refers to a condition that reflects a psychological or social situation that contains early indications of a threat. Although it has not caused a direct impact, this situation requires an analysis process to identify the possibility of escalation. Potential Disturbance is the initial phase that can develop into a Threshold of Disturbance or Real Disturbance, because the three are interrelated as part of a series of causes.

Based on the Standard Procedure of the Chief of the Republic of Indonesia National Police Number 1 of 2010, the Disturbance Threshold (AG) is defined as a situation of public order disturbance which, if not immediately handled by the police, has the potential to escalate into a more serious disturbance. Meanwhile, Real Disturbance (GN) is a form of security disturbance that has actually occurred, such as a crime or violation of the law, which causes losses to the community, both physically, psychologically, and to property.<sup>21</sup>

The existence of police intelligence has a crucial role in carrying out early detection, early warning and early prevention efforts against various threats that disrupt public security and order. In general, the implementation of state intelligence functions is carried out by various government institutions, including non-ministerial institutions, in accordance with their respective main duties and responsibilities. However, not all state intelligence institutions automatically carry out intelligence functions as stipulated in Law Number 17 of 2011 concerning State Intelligence. The implementation of this function depends on the authority given and the scope of duties of each institution.

Police intelligence authority, including the type of attribution authority, namely authority that is directly granted by law. Intelligence activities carried out based on this authority include investigation, security, and mobilization. Etymologically, the term "intelligence" comes from the word "inteligensia" which means intelligence. This implies that intelligence tasks require high intelligence in their implementation. However, there are also other views that interpret "intelligence" as a form of information or data that has strategic value.<sup>22</sup>

The classic functions of intelligence generally include primary activities such as information gathering, data analysis, counter-intelligence, and operations.

closed or special operations. In the context of Indonesian law, Law Number 17 of 2011 concerning State Intelligence formulates intelligence functions into three main categories, namely investigation, security, and mobilization, which are generally known as "lidpangal".<sup>23</sup>

Furthermore, intelligence functions related to the implementation of operational activities can be classified into two forms, namely positive intelligence activities, which are defensive

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<sup>21</sup> Mohamad Ridwan, *Optimizing the Role of Police Intelligence in Overcoming Security and Public Order Disturbances to Support the Realization of the Development of the National Capital*, Jakarta: National Resilience Institute of the Republic of Indonesia, 2023, p. 2

<sup>22</sup> Y. Wahyu Saronto, et al., *Intelligence*, Seventh Edition, PT. Cahaya Berlian Lestari Offset, Bandung, 2012, p. 7.

<sup>23</sup> Article 5 paragraph (1), Draft Law on State Intelligence (Indonesian Working Group for State Intelligence Reform: Aleksius Jemadu, Andi Widjajanto, Cornelis Lay, Edy Prasetyono, Fajrul Falakh, Hariyadi Wirawan, Ikrar Nusa Bhakti, Kusnanto Anggoro, Makmur Keliat, and Rudy Satrio Mukantardjo), (Jakarta: Pacivis-Department of International Relations, Faculty of Social and Political Sciences, 2005).



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in nature and aim to protect state interests, and aggressive intelligence activities, which are more offensive and can include infiltration or special operations to achieve certain strategic objectives.<sup>24</sup> Related to the scope of intelligence work, intelligence functions also

described into various operational levels or levels. This approach aims to form an organizational structure that specifically handles information gathering activities. The information will later function as an important basis for consideration for decision makers, especially in formulating political policies.<sup>25</sup> So it is divided into three levels of intelligence scope, namely; at the strategic, operational and tactical levels.<sup>26</sup>

In its implementation, all state intelligence functions must be carried out in accordance with applicable legal provisions, and must be in line with the basic principles of a democratic state. In addition, the implementation of these functions must also pay attention to and respect human rights instruments, especially in terms of maintaining and not ignoring the basic rights and civil liberties of every citizen.<sup>27</sup>

The function of state intelligence is closely related to its operational scope, as regulated in Article 7 of Law Number 17 of 2011 concerning State Intelligence. This law explains that intelligence activities cover six main areas that support each other in maintaining national security and interests.<sup>28</sup> First, domestic intelligence plays a role in detecting and analyzing potential threats within the territory of Indonesia, such as terrorism, radicalism, and social conflict. Second, foreign intelligence is tasked with collecting information from abroad related to national strategic interests, including global political and security dynamics. Third, defense or military intelligence is carried out by institutions such as the TNI to deal with potential military threats and maintain state sovereignty. Fourth, police intelligence focuses on enforcing law and public order through monitoring and analyzing acts crime. Fifth, law enforcement intelligence or justice supports the legal process and eradication of criminal acts, including corruption. Finally, intelligence in ministries and non-ministerial institutions aims to provide strategic information to support the policies and work programs of each agency. Thus, the function of state intelligence covers various important sectors that synergize in maintaining national stability.

The National Police Intelligence Unit plays a role in providing early detection of any unrest that may occur in society that can disrupt the security and public order situation, where the disruption of security and public order can affect national development. The early detection process of the Merauke Police Intelligence Unit is carried out not only with existing

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<sup>24</sup> Ibid.

<sup>25</sup> Academic Paper on Draft State Intelligence Law-Indonesian Working Group for State Intelligence Reform; Andi Widjajanto, Cornelis Lay, & Makmur Keliat, *Intelligence: Velox et Exactus*, Pacivis UI & Partnership, Jakarta, 2006, Appendix I.

<sup>26</sup> Ibid

<sup>27</sup> Basic rights are rights that cannot be reduced under any circumstances which include the following: (i) the right to life, (ii) the right to be free from torture, (iii) the right to be free from inhumane treatment or punishment, (iv) the right to be free from slavery, (v) the right to obtain equal standing before the law, and (vi) the right to have freedom of thought, conscience and religion. While civil liberties are the rights of citizens related to individual freedom as stated in the International Convention on Civil and Political Rights.

<sup>28</sup> See Article 7 of Law Number 17 of 2011 concerning State Intelligence

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information products but through various stages of data processing and also using in-depth analysis to produce accurate information.

The information available is made in the form of intelligence products presented to the leadership to provide input to the leadership to help determine the policies to be taken to anticipate public order disturbances. The leadership policy related to anticipating public order disturbances is very useful for creating a conducive public order, with early detection the leadership can determine the right policy steps, with the accuracy of the policy so that the public order environment can be maintained in accordance with the main tasks of the Police.

Intelligence has an important role in dealing with the conflict in Papua, by detecting, analyzing and providing accurate information related to it. existing threats. Given the complexity and sensitivity of this issue, intelligence is key to understanding the movements of conflict groups and supporting strategic and appropriate decision-making to maintain stability in the region.<sup>29</sup> The concept of intelligence, which includes investigation, security, and information gathering, plays an important role in helping the government understand the insurgency situation in Papua. Accurate and up-to-date information allows the government to take more effective preventive and handling steps, and to formulate proactive and preventive national security policies.<sup>30</sup>

In this case, Sherman Kent's intelligence theory is very relevant to understanding the role of intelligence in dealing with the threat of inter-tribal conflict in Papua. Kent stated that intelligence includes knowledge, the organization that produces the knowledge, and the activities carried out by the organization. Intelligence information about tribal groups and the involvement of foreign parties in the movement can be an important basis for formulating a more appropriate and effective security strategy.<sup>31</sup>

The early detection system that runs at the regional level will produce intelligence information through the processing of the information obtained. Information is raw material that must meet the requirements before being used as intelligence, namely related to the problem.

security, trusted source, and relevant to the problem being sought. The processed intelligence is then delivered to the user to be used in the preparation of plans and decisions. Intelligence is needed in planning, policy, and action.

Predictive intelligence is an important part of future intelligence development because it provides a speculative picture of potential developments in the situation. This training aims to shape the mindset, work culture, and behavior of officers to be more focused on the role of intelligence in preventive law enforcement. This role is realized through searching, processing, and presenting information quickly and accurately to support strategic decision

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<sup>29</sup> Nur Afiad Syamiajaya, et al. The Role of Intelligence and Counterinsurgency Models in Facing Insurgency Threats in Papua Through Mystic Diamond, Jurnal Kewarganegaraan Vol. 8 No. 1 June 2024, p. 232.

<sup>30</sup> Y. Wahyu Saronto et al. Intelligence: Theory, Application, and Modernization, Jakarta: Ekalaya Saputra, 2004, p. 35

<sup>31</sup> Nur Afiad Syamiajaya, p. 232

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making. The speed and accuracy of information are very important in supporting the concept of early detection, warning, and prevention. Therefore, intelligence personnel function as the eyes and ears of the state.

In the period from 2018 to 2024, the Asmat and Mappi tribes often experienced conflict, teenage fights became the trigger for inter-tribal conflict. The peace agreement to end the fights began with meetings at the Merauke Police Headquarters. The meeting was attended by two groups from the Asmat tribe Dominggus Dumu, Anselmus Setmot, Marthen L Desnam. While representatives from the Mappi tribe Eligius Kaimu, Antoneta Kabinemu, Siprianus Bapanimu.<sup>32</sup>

On Saturday, January 1, 2022, there was a social conflict between the Mappi Tribe and the Asmat Tribe in the Jalan Pemuda area, Pasar Baru, Merauke. This incident began with a destructive act carried out by an individual from the local community who was suspected of being under the influence of alcohol, who then damaged one of the two-wheeled motor vehicles. The incident triggered an escalation of the conflict in the form of mutual attacks between the two ethnic groups which spread to public spaces, causing panic among road users. However, the situation was successfully controlled and resolved through mediation efforts carried out by the Merauke Resort Police (Polres).<sup>33</sup>

The conflict re-emerged in 2024, the Merauke Police Chief and the Merauke Deputy Police Chief quickly responded to the conflict between the Asmat and Mappi tribes which took place on Jalan Gudang Arang Transito in Merauke Regency, South Papua, so that it did not spread. This conflict ended after mediation efforts were carried out directly at the scene of the incident on Jalan Gudang Arang Transito, on Thursday, December 5, 2024. The Police Chief appealed to the public not to easily believe the circulation of hoax news.<sup>34</sup> Seeing the social facts in the Merauke area, between the Asmat and Mappi tribes

Mappi often has social conflicts between tribes, reflecting the complex social dynamics in the southern Papua region. These conflicts often times triggered by factors such as misunderstandings, the influence of alcohol, and weak customary-based conflict resolution mechanisms. In some cases, conflicts can develop into forms of collective violence that disrupt social stability and public security. Tribal wars not only result in material losses and loss of life, but also deepen social segregation and weaken cohesion between local communities. Therefore, a conflict resolution approach involving security forces, customary leaders, and social institutions is crucial to encourage reconciliation and build harmony between ethnic groups in Merauke.

When viewed from the social changes of the Asmat and Mappi tribes, in general social change is marked by shifts in values, attitudes, and behavioral patterns in society that have

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<sup>32</sup> "Police, Asmat and Mappi Tribes in Merauke Agree to Make Peace" January 3, 2018 in <https://papua.antaranews.com>. Accessed May 29, 2025 at 16:52 WIT

<sup>33</sup> "After Attacking Each Other, Finally the Mappi and Asmat Tribes Make Peace." in <https://suara.merauke.go.id/post/2963/html>, accessed on May 30, 2025 at 12.00 WIT

<sup>34</sup> "The Merauke Police Chief and the Merauke Deputy Police Chief handle the conflict between the Asmat and Mappi tribes which took place on Jalan Gudang Arang Transito in Merauke Regency" in <https://www.instagram.com/p/DDOTVrLzUgV/humasPapuaPolice>, accessed May 29, 2025 at 17.00 WIT

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an impact on the formation of new social dynamics. This impact is reflected in changes in patterns, sequences, and forms of social interaction that are different from previous conditions. The main subjects in this change process can be individuals, communities, or social institutions involved in the social system. Changes in the social system have the potential to cause various social problems, especially when the social interactions that occur are not in line with the expectations or social norms that apply in society.<sup>35</sup>

Social change in regional communities is closely related to the national development process, as is common in many developing countries, including Indonesia. Effectively designed and implemented national development can encourage the strengthening of a dynamic, participatory, and sustainable social system. Conversely, the dynamics of changes in the structure and social values of society also affect the smoothness and success of national development. The relationship between social change and development can be understood as a form of functional interrelationship rooted in the vision and ideals of the state to direct society towards the desired conditions. In this context, the legal system has a very strategic role in ensuring the sustainability of national development. Suboptimal legal performance can hinder efforts to improve the quality of people's lives and the effectiveness of the state administration system. In particular, the function of law in providing legal certainty is a crucial element in supporting the stability and success of the development process.<sup>36</sup>

In developing countries, the legal system plays a significant role in accommodating social changes in society and creating conditions conducive to achieving national development goals. This role is in line with Lawrence M. Friedman's view that law is a critical phenomenon in human civilization that is capable of fundamentally changing the social order, especially in terms of policy, philosophy, and political theory. Theoretical studies on the legal system law as developed by legal scholars shows that the function of law is not only normative, but also has a transformative capacity that can influence social structures and the direction of community development. Thus, the legal system is not only a regulatory instrument, but also a strategic agent of social change within the framework of national development.

Understanding how law works is related to Thomas Hobbes' concept of Leviathan, which emphasizes that social order is not created naturally, but through legitimate authority. In this context, culture does not directly produce obedience to the law, but functions as a stimulant that shapes the normative attitudes of society. Legal compliance arises from the interaction between cultural values, legal legitimacy, and state authority. Therefore, law not only acts as a tool of social control, but also as an instrument of social change that depends on the extent to which legal norms are internalized and recognized by society.<sup>37</sup>

In understanding the relationship between legal and social aspects, it is important to examine how both influence each other in the working of a legal system. The values, ideas,

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<sup>35</sup> Fatimah Halim, "Law and Social Change," *Al-Daulah: Journal of Islamic Law and Legislation* 4, No. 1 (2015): 107–15

<sup>36</sup> Syahrul Mubarak Subeitan, Wira Purwadi, And Muhammad Sauki Alhabsyi, "Human Authority in the Formation of Law as Legal Change," *Pleno Jure* 11, No. 1 (2022): pp. 30–48

<sup>37</sup> Lawrence M. Friedman, "Is There A Modern Legal Culture?," *Ratio Juris* 7, no. 2 (1994): 117-1 31.

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and customs of society act as normative foundations that support the implementation of law, while at the same time, law also shapes the direction of social change in society. For bridging this reciprocal relationship, the concept of legal culture becomes very important. Legal culture includes ideas, values, behaviors, and perceptions of society towards law in a particular social order. In this context, legal norms are not entirely artificial, but are born and developed from social practices that have taken root in the daily lives of society.

According to Lawrence M, Friedman put forward four functions of the legal system: First, as part of the social control system, which regulates human behavior. Second, as a means to resolve disputes (dispute settlement). Third, the legal system has a function as a social engineering function. Fourth, law as social maintenance, namely a function that emphasizes the role of law in maintaining the "status quo" which does not want change.<sup>38</sup> Furthermore, according to Friedman there are three elements of the legal system, namely legal structure, legal substance, and legal culture.<sup>39</sup>

The legal structure, especially the National Police Intelligence Agency by carrying out operational functions such as investigation, security, and mobilization (lidpangal) reflects the intelligence work structure. Law No. 17 of 2011 concerning State Intelligence, as well as the role of the Merauke Police in responding to the Asmat and Mappi tribal conflicts, shows how the legal structure works in preventing public order disturbances and maintaining stability. The legal structure through the police intelligence agency functions to detect, analyze, and respond to security threats and social conflicts. With a response that quickly when the conflict arose and mediated so that the conflict between the Asmat and Mappi tribes did not spread, showing anticipatory steps to prevent wider conflict.

Legal substance includes norms, rules, and legal principles that apply in a society. The legal rules studied include the 1945 Constitution (Amendment IV) and Law No. 17 of 2011, which provide a legal basis for Police intelligence activities. The principles of democratic law and respect for human rights are mentioned as normative limitations in the implementation of intelligence functions.

The security threat categories are Potential Disturbance (PG), Disturbance Threshold (AG), and Real Disturbance (GN) which are used in the legal system as guidelines for responding to potential inter-tribal conflicts in Merauke. The role of intelligence is within the framework of legitimate legal rules and principles, while also being part of the legal system that protects national interests while upholding the values of democracy and human rights.

Legal culture encompasses the attitudes, values, and perceptions of society towards law and its legal system. The inter-tribal conflict (Asmat vs Mappi) shows the existence of a culture of conflict and the weakness of customary-based resolution mechanisms, which have implications for the effectiveness of formal law. The emphasis on the importance of conflict resolution involving customary leaders and social institutions indicates that local legal culture must be taken into account in legal policy.

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<sup>38</sup> Teguh Prasyo, *Philosophy, Theory, and Legal Science*, PT. RajaGrafindo Persada, Jakarta: Depok, 2013, p.312.

<sup>39</sup> Ibid.



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Social changes that occur in Merauke, South Papua, such as shifting values, the influence of alcohol, and low internalization of legal norms indicate the challenges of legal culture in local society. The legal culture of intelligence personnel is also formed through training and transformation of mindsets towards more predictive, preventive, and strategic. Legal culture is a determining factor in the success of the legal system in society. Like inter-tribal conflicts in Merauke require a contextual legal approach that is sensitive to local values.

In the analysis of Islamic law, First, knowing the concept of Tabayun (clarification) as a legal substance, making decisions must be based on clear and valid information. Tabayyun is a form of caution (tatsabbut) which is a valid requirement in decision making, both in criminal law (jinayah), muamalah, and socio-political (siyasah syar'iyah). This avoids slander and injustice. As the Qur'an O you who believe, if a wicked person comes to you with news, then examine it carefully.<sup>40</sup>

Second, as a legal culture using the Tahkim (mediation) method or peaceful legal mechanism, tahkim (arbitration) is recognized as a dispute resolution mechanism. This is a form of maslahah murrasa (public benefit) which does not conflict with the text. Mediation or tahkim is often used in inter-tribal conflict disputes between tribes, during carried out fairly and does not conflict with the Sharia or state law then send a hakim from the male side and a hakim from the female side..."

Third, in terms of legal substance, the Islah method in maqashid asy-syariah (the main objective of sharia), namely maintaining peace and avoiding damage (dar'ul mafasid). In fiqh siyasah, peace is prioritized over repressive actions, except in cases of serious violations of the law that threaten life or public security. "Believers are brothers, so make peace between your two brothers..."<sup>41</sup>

Fourth, as a legal structure, the National Police Intelligence as the government holds the concept of Ihsan in the context of law is an ethic (akhlak) that refines the application of law. In practice, a judge or leader is advised to apply ihsan in making decisions, especially in situations that contain moral dilemmas. Ihsan is also an ethic of preaching and relations between humans. National Police Intelligence is able to prioritize justice in resolving conflicts "Indeed, Allah commands to act justly and do good deeds..."<sup>42</sup>

Fifth, as part of the substance of law, namely Justice is the highest principle in Islamic law. In law, 'adl is a requirement for the validity of a judge's decision (qadhi), a mandate in leadership, and the basis for the distribution of rights and obligations. Justice applies universally, even to enemies. Enforcing justice in conflict prevents injustice and maintains social stability.

Indeed, Allah commands you to convey the trust to its owner. When you establish laws between people, you must establish them fairly. Indeed, Allah gives you the best teaching. Indeed, Allah is All-Hearing, All-Seeing.

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<sup>40</sup> Al-Hujurat (49): 6

<sup>41</sup> Al-Hujurat (49): 10

<sup>42</sup> An-Nahl (16): 90

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Basing these matters in the perspective of Islamic law, intelligence authority must be carried out based on the principles of *maslahah* (public interest) and *tabayyun* (clarification), by maintaining justice and peace, upholding ethics (*ihsan*), and not violating individual rights, as taught in the Qur'an and *sunnah*. Intelligence in Islam is justified as long as it does not violate the values of justice, does not cause slander, and aims to maintain the welfare of the people and public order.<sup>43</sup>

### **3.2. Intelligence Obstacles in Handling Criminal Acts of Inter-Ethnic Conflict in Merauke Regency, South Papua Province and Their Solutions**

The conflict that occurred in the South Papua region is still a problem main issue that has not found an optimal solution. This situation is thought to be caused by the complexity of the underlying problems. Various empirical studies conducted by academics, government agencies, and independent institutions from within and outside the country show that the conflict in Papua Province has a multidimensional character. In other words, the conflict originates from various sectors of community life, including economic, social, cultural, political, and security aspects.

There are at least four main roots that are the causes of the conflict in Papua. First, the indigenous Papuan people have experienced a process of marginalization triggered by political dynamics, economic development inequality, and the massive influx of people from outside Papua since the 1970s. Second, the government has not shown significant success in developing the social sector, especially in terms of education, health, and economic empowerment, both for the indigenous people and the Papua region in general. Third, there are differences in understanding between the Papuan people and the central government regarding the history and political identity of the region. Fourth, there is still collective trauma due to past violence that occurred in the context of security handling by state officials. In addition, various other studies also emphasize that the conflict in Papua is very complex and covers many dimensions of life.<sup>44</sup>

Geographically, the Mappi community/Mappi tribe originates from the administrative area of Mappi Regency, Papua Province. However, social reality shows that the Mappi community can also be found in various areas in Merauke Regency. One of the most prominent locations is the Pintu Air Complex in Merauke Regency, which is where the community lives. This complex is widely known among the people of Merauke, but is often associated negatively due to the behavior of some Mappi youth who often consume alcoholic beverages, thus causing concern for the surrounding community.

The high frequency of alcohol consumption among young people in the Pintu Air Complex, Merauke Regency, has contributed to the increasing crime rate in the area. One form of action that often occurs is extortion, where a group of Mappi youth often stop road users passing through the complex to forcibly ask for money. The funds obtained from this action

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<sup>43</sup> An-Nisa(4): 58

<sup>44</sup> Widjojo, MS, Elizabeth, A., Al Rahab, A., Pamungkas, C., & Dewi, R. Papua Road Map: Negotiating the Past, Improving the Present, and Securing the Future. Yayasan Pustaka Obor Indonesia. 2010, pp. 11-15

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are generally used to buy local alcoholic drinks known by the local community as *sopi*.<sup>45</sup> In fact, they already know about the dangers or impacts that can be caused by the influence of alcoholic drinks. Even though someone already knows about the dangers that can be caused by the habit of consuming alcoholic drinks, this cannot be used as a guarantee that someone will not consume the drink.<sup>46</sup>

Alcoholic beverages (*Miras*) cause changes in the value of alcoholic beverages in society, alcoholic beverages which are considered bad by law and religion become something that is considered normal and reasonable to do. As a result of this drinking habit, impacts arise, especially negative ones in terms of health, social, and economy of the community in the area.<sup>47</sup>

There are four reasons that encourage Mappi youth to consume alcoholic beverages, namely; to seek pleasure, increase courage and eliminate shame, eliminate fatigue and because they are invited by co-workers.<sup>48</sup>

The problem of alcohol has caused problems that disrupt the conditions of order, security, crime and violence of the perpetrators. Consuming alcoholic beverages causes many changes, when drunk individuals are unable to control themselves so that they do things that are against the law, alcoholic beverages are also considered as a tool to bring out self-courage.<sup>49</sup> In addition to alcohol, there is also the problem of extortion.<sup>50</sup>

Then the following problem apart from the above is related to problems in the economic and welfare sectors experienced by Papuan society, the Joko Widodo government plans to build a food estate in Merauke.<sup>51</sup> This program is actually not something new. Previously, in the era of Susilo Bambang Yudhoyono (SBY), the government had also launched a similar program called the Merauke Integrated Food and Energy Estate (MIFEE). The food estate program in Merauke is one of the strategic programs in the SBY government in order to increase national food security which was launched in 2010.

Dialogue on the Papua conflict in particular requires four basic principles of dialogue, namely (1) equality; (2) honesty; (3) openness; and (4) sincerity.<sup>52</sup> Considering the complexity of the problem and the ineffectiveness of all strategies implemented, it is time

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<sup>45</sup> Steven R. Ahlaro, Descriptive Study of Alcoholic Beverage Consumption Habits Among Mappi Youth Community, Merauke Regency, JURNAL JUMPA Vol. VII, No. 2, October 2019, p. 37

<sup>46</sup> "Drunk is not a native Papuan culture" in <https://republika.co.id/berita/koran/kesra/16/10/11/oevfg23> accessed on May 30, 2025 at 17.44 WIT

<sup>47</sup> Mukrimin, et al., The Impact of Alcoholic Beverages among Adolescents in Langara Iwawo Village, West Wawoni District, Konawe Islands Regency, (Neo Societal Journal Vol 1 E-ISSN: 2503-359X, 2016, p. 81.

<sup>48</sup> Ibid, p. 44

<sup>49</sup> Fatma, et al., The Influence of Expectancy on Alcoholic Beverages on Alcoholic Beverage Consumption, (Journal of Clinical Psychology and Mental Health Vol 02 No 02, 2013), p. 97

<sup>50</sup> Interview with Mrs. Secilia Talaubun on May 27, 2025

<sup>51</sup> "This is Jokowi's Wish about Merauke Food Estate". Business Economy. In <https://ekonomi.bisnis.com/read/20150525/99/437034/17.49> WIT

<sup>52</sup> Untung Suropati, Comprehensive Solution Towards New Papua: Peaceful, Fair and Dignified Resolution of the Papua Conflict, Journal of Studies of the Indonesian National Resilience Institute, Edition 37, MARCH 2019, p. 86.

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for us to look for other ways so that the Papua conflict can be ended immediately. Each root of the Papua conflict that is discussed is basically very important and must be properly understood by each party, especially regarding the history and political status of Papua.

This condition especially affects young people who tend to be easily provoked due to lack of life experience. As a result, they often ignore the advice and decisions of traditional elders who have reached an agreement to end inter-tribal conflicts or acts of revenge even though sometimes only triggered by trivial problems, such as extortion and drunkenness.

drunkenness that disturbs public order. This disobedience often triggers the spread of conflict and ends with the intervention of law enforcement officers because the situation is considered to disturb the stability and order of the surrounding environment.<sup>53</sup>

The existence of indigenous legal communities (ILC) in Indonesia shows high diversity, with unique characteristics in each community. This plurality is a national asset that has significant strategic, cultural, and economic value. This wealth is reflected in various forms of cultural expression such as language, dance, and song, which reflect Indonesia's national identity. Protection of the existence of indigenous communities is not only guaranteed through basic norms and instrumental norms in the national legal system, but also demands the active presence of the state in the living space of indigenous communities.

Various conflicts that arise at the local level can generally be prevented and resolved by the indigenous people themselves through customary law mechanisms based on local wisdom. In this local wisdom system, various important elements have been integrated, including: (1) systems and procedures for preventing and resolving social conflicts, (2) implementation of the mediation process in reducing potential conflicts, (3) strategies of customary leaders in handling social conflicts, (4) customary justice systems as a means of resolving disputes, and (5) types of sanctions against perpetrators who trigger conflicts. This approach demonstrates the effectiveness of customary law in maintaining social harmony in their respective communities.<sup>54</sup>

The high level of public trust in customary values compared to positive law and the absence of a comprehensive solution are the causes of the unresolved conflict resolution in traditional communities. The temporary peace process and not currently bound by positive law, allows the conflict to occur again when the situation returns to normal.<sup>55</sup> The handling of the conflict by intelligence officers is considered less than optimal, which is reflected in the still high intensity of conflict in several areas such as Asmat and Mappi in the period 2018 to 2024.

In the context of indigenous communities such as the Asmat tribe and the Mappi tribe, social structures and customary leadership have a central role in decision-making and

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<sup>53</sup> Siti Mutia Farradillah Tukwain, Method of Inter-Tribal Conflict Resolution by Tribal Chiefs in Sorong City, West Papua Province, Semarang: UIN Walisongo, 2021, p. 51.

<sup>54</sup> Anwar Sadat Harahap, et al., Local Wisdom in the Form of Legal Sanctions for Perpetrators in the Southern Batak Indigenous Community, (ANTHROPOS: Journal of Social Cultural Anthropology, Vol 3 No 2, 2017), p. 123

<sup>55</sup> Ida Ayu Nursanti and Jatie Kusmiati KP, "Peace or War? Factors Causing Aggressive Behavior in the War Culture of Traditional Tribes in Papua". Jurnal Diversita, 7 No 1 (2021). p. 34

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conflict resolution. Approaches from outside parties, including intelligence officers, often encounter obstacles because the community prioritizes orders and directions from the customary leader. This shows the need for an approach that respects and involves local customary structures to achieve effectiveness in conflict management.

RT and RW heads have an important role in maintaining order and resolving disputes at the community level. However, research shows that there is a lack of openness and communication from RT/RW heads.

can be an obstacle in resolving conflicts between residents. This limitation can hinder the mediation process and prolong existing conflicts.

In the context of inter-tribal or inter-community conflict, families often protect their family members, especially children, who are involved in the conflict. This protection, although intended for the good of the child, can hinder the process of mediation and fair conflict resolution. The “cocooning” strategy, which is the tendency of families to over-protect children from exposure to conflict, although psychologically beneficial, has the potential to hinder the process of objective conflict resolution.

In terms of assignments in the operational area, especially in areas of inter-tribal conflict that are prone to conflict, Intelkam has not worked optimally so that its existence to restore security is also not optimal. Handling problems in areas prone to inter-tribal conflict cannot be done by Intel alone or the Police in general, but it is necessary to involve related agencies, so that it can be done together according to the function of each agency in restoring security.

In handling conflict-prone areas between tribes in order to restore security, both vertical and horizontal conflicts, pay attention to and involve the potential of existing communities and work in an integrated manner between related functions and agencies. In empowering reliable Opsnal Intelkam units in the field in carrying out tasks, it is necessary to be equipped with additional capabilities, especially in the fields of Intelligence, politics, economic, social, cultural and security as well as knowledge of crimes that are currently developing.

In the Perspective of Human Rights Theory, one of the main obstacles in handling conflicts by intelligence is the inability to reach indigenous communities effectively due to cultural differences and the lack of a participatory approach. In fact, based on the principle of non-discrimination in Human Rights.<sup>56</sup> as stated in the state is obliged to guarantee that all citizens, including indigenous groups such as the Asmat and Mappi tribes, receive equal legal protection. When intelligence officers are unable to access information equally from all communities due to social stigma or implicit discrimination, then the state has failed to fulfill the principle of Human Rights in protecting the right to a sense of security universally.

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<sup>56</sup> Article 2 of the International Covenant on Civil and Political Rights (ICCPR) was ratified in the Republic of Indonesia Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights.



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Human Rights Theory emphasizes the importance of the right to community participation in decision-making that affects their lives.<sup>57</sup> In the context of South Papua, the top-down intelligence approach that does not involve traditional leaders as part of the conflict prevention strategy is a form of denial of this participatory right. Communication barriers between officials and traditional leaders cause the solutions taken to not be culturally rooted. Therefore, an effective solution is to encourage collaborative work with traditional leaders and community leaders to establish community-based early detection units that respect local social structures and values.

The right to feel safe and protected from violence is part of basic human rights.<sup>58</sup> In practice, tribal conflicts such as between Asmat and Mappi often develop into open violence due to the slow detection and reaction of intelligence to conflict escalation. Obstacles such as lack of resources, dependence on secondary information, and limited mobility of personnel cause this delay. The solution is to strengthen the URC (Rapid Reaction Unit) Intelligence units in conflict-prone areas with training based on humanitarian and Human Rights approaches, as well as providing cross-cultural communication skills.

In many cases of inter-tribal conflict, children and adolescents become both perpetrators and victims. Human Rights Theory, especially in the Convention on the Rights of the Child (CRC), emphasizes that children have the right to special protection from violence and exploitation, and have the right to be treated in accordance with the principles of restorative justice. Excessive protection by families (cocooning) of children involved in conflict actually prevents children from gaining legal understanding and opportunities to improve themselves. The solution is to build a child-friendly conflict resolution mechanism.

justice system) at the community level involving social intelligence and child protection agencies in every stage of conflict resolution.

The state has a positive obligation to protect, respect, and fulfill the human rights of its citizens, including in conflict management. which regulates that every state mechanism, including intelligence, carries out its functions while still respecting Human Rights. Obstacles that arise such as minimal Human Rights training for officers, as well as a repressive approach to conflict, indicate the state's weak commitment to guaranteeing these principles. The solution is to integrate Human Rights education and training comprehensively for intelligence personnel and make Human Rights indicators part of the evaluation of the success of operations in conflict areas.

Therefore, the solutions offered include the establishment of community-based early detection units, strengthening the Intelligence Rapid Reaction Unit, and integrating human rights training into all operational levels of intelligence officers to ensure protection and handling of conflicts in a fair, effective and sustainable manner.

In the concept of human rights, it is recognized and guaranteed as part of the maqashid al-yari'ah (the goals of Islamic law), namely protecting religion (din), soul (nafs), reason ('aql),

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<sup>57</sup> Article 25, Ibid.

<sup>58</sup> Article 3 of the Universal Declaration of Human Rights (Universal Declaration of Humanity Rights)

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descendants (nasl), and property (mal). In the context of conflict, Islam emphasizes that the preservation of these rights must remain maintained, even in the midst of conflict or war.<sup>59</sup>

Islamic law regulates the protection of human rights in an integral manner, both in times of peace and conflict. Any act of violence that violates basic human rights is not only considered a violation of the law, but also a violation of the principles of justice and piety commanded by Allah SWT. Islamic law from a sociological perspective plays a dual role, on the one hand, law is used as social control over changes that occur in human life, on the other hand, law can be used as a tool for social engineering.

#### 4. Conclusion

1. Intelligence authority in the perspective of Lawrence's legal system theory: M. Friedman in terms of legal structure, provides formal legality for intelligence authority as a security implementer in the Indonesian legal system. In terms of legal substance, it provides a normative framework so that intelligence authority is carried out legally, proportionally, and not arbitrarily. and legal culture, the success of intelligence authority is largely determined by the extent to which the apparatus understands and respects the values of the local community's legal culture. 2. The obstacles of the Police intelligence in handling inter-tribal conflicts in Merauke from the perspective of Human Rights Theory are the weak role of customary leadership, communication from the RT/RW heads and the perpetrator's family has a central role in decision-making and conflict resolution. The approach from intelligence officers often encounters obstacles because the community prioritizes orders and directions from the customary leader. The lack of openness and communication from the RT/RW heads and families often protects their family members, especially children, who are involved in the conflict. So that the potential for conflict will re-emerge between the Asmat and Mappi tribes.

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<sup>59</sup> Paryadi, Maqashid Syariah: Definition and Opinions of Ulama, IAI Sambas Journal, Vol. 4 No. 2 July-December 2021, Page 201- 216

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