

Integrating Customary Law into Environmental Governance for Indigenous Rights and Social Protection in Papua

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Received; February 27, 2026; Revised; June 13, 2026; Accepted; June 31, 2026; Published;
October 4, 2026

ABSTRACT

Environmental governance in Papua is still influenced by differing perceptions among state law, customary law, and the lived realities of indigenous communities whose livelihoods depend on forests, rivers, coastal areas, and customary land. This article focuses on the integration of customary law into environmental governance as a legal mechanism for protecting indigenous peoples' rights and social protection. In this study, social protection is understood as legal and institutional guarantees aimed at protecting customary territories, livelihoods, cultural sustainability, environmental security, participation rights, and access to remedies for indigenous communities affected by environmental development carried out by the government or private sector. Using a qualitative socio-legal approach that combines normative juridical analysis and field interviews, this study examines constitutional provisions, environmental law, forestry law, agrarian law, Papua's special autonomy law, human rights law, and international standards, particularly free, prior, and informed consent (FPIC). The empirical component is derived from interviews with key informants representing indigenous communities, local government, and law enforcement or environmental governance actors in Papua, which were analyzed with the assistance of NVivo 12 software. The findings show that the main problem does not lie in the absence of normative recognition, but rather in the weak operational integration of customary law into environmental planning, licensing, monitoring, law enforcement, and dispute resolution in Papua. This study offers an integrative legal governance model that positions customary law within five stages of governance, namely the recognition of customary territories, FPIC-based licensing, the involvement of customary institutions, joint monitoring and enforcement, and hybrid dispute resolution. Such rights-based integration can strengthen legal certainty, environmental sustainability, social protection, and public trust in Papua, Indonesia.

Keywords: customary law, social protection, environmental governance, legal pluralism, indigenous rights.

INTRODUCTION

Papua, Indonesia, located in the easternmost part of the country, continues to present concrete environmental and indigenous rights issues that cannot be adequately understood through general constitutional principles alone. Customary territories in Papua are not merely economic assets; they constitute the social, cultural, ecological, and spiritual foundation of indigenous communities. Therefore, environmental licensing, forestry concessions, plantation expansion, mining activities, and conservation policies may affect not only land tenure but also livelihoods, food security, cultural continuity, community welfare, access to justice, and social resilience. Beyond their territorial and legal

significance, customary territories also embody indigenous knowledge and spiritual values that shape relationships with nature and contribute to environmentally sustainable practices (Yulisinta et al., 2024).

Several Papua-related examples illustrate the urgency of this issue. The food estate program in Merauke, South Papua Province, which is strategic for public interests, as well as earlier debates concerning the Merauke Integrated Food and Energy Estate (MIFEE), continue to raise community concerns regarding the conversion of customary land, deforestation, and the limited implementation of free, prior, and informed consent (FPIC) for indigenous peoples. Disputes over oil palm plantation and forestry permits involving Papuan indigenous groups, including public advocacy by the Awyu and Moi communities, show that administrative licensing can generate legal and social contestation when customary tenure and indigenous consent are not substantively recognized. Mining-related disputes in Mimika involving the Amungme and Kamoro communities also demonstrate that environmental degradation, compensation, and customary land claims are closely intertwined. These examples indicate that environmental governance in Papua requires more than sectoral permits; it requires a legal governance design that recognizes and accommodates customary law as an operational source for participation, protection, monitoring, and dispute resolution (Runtuboi et al., 2021; Maria et al., 2025).

The constitutional basis for the recognition of indigenous peoples is established in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which recognizes and respects customary law communities and their traditional rights, provided that they remain in existence and are consistent with societal development and the principles of the Unitary State of the Republic of Indonesia. Article 28H paragraph (1) further guarantees the right to a good and healthy environment, while Article 33 paragraphs (3) and (4) establish principles for the management of natural resources that promote public welfare, sustainability, and justice. From a socio-legal perspective, however, constitutional recognition alone is insufficient; customary norms must also be accommodated within formal legal structures, particularly in contexts where multiple normative orders coexist (Yusuf et al., 2026). Accordingly, the protection of indigenous peoples' customary rights requires effective legal mechanisms capable of translating constitutional recognition into meaningful protection of communal land and resource rights (Moonti et al., 2025; Setya et al., 2023). Similar tensions can arise when locally embedded normative or belief systems encounter formal state frameworks, particularly where recognition at the policy level does not automatically translate into substantive institutional accommodation (Septiadi & Ramdani, 2024). Taken together, these constitutional provisions provide a normative foundation for environmental governance that should protect indigenous communities from marginalization, particularly where their territories, livelihoods, and cultural practices are closely dependent on ecological integrity (Runtuboi et al., 2021).

At the statutory level, the recognition of indigenous communities is reflected in several Indonesian legal instruments, including Law No. 32 of 2009 on Environmental Protection and Management, Law No. 41 of 1999 on Forestry, Law No. 5 of 1960 on Basic Agrarian Principles, Law No. 21 of 2001 as amended by Law No. 2 of 2021 on Papua Special Autonomy, and Law No. 39 of 1999 on Human Rights. However, the existence of recognition clauses has not automatically resulted in effective protection. A recurring problem is that customary law is normatively recognized but has not been operationally integrated into planning, licensing, law enforcement, monitoring, and remedy mechanisms (Yuwono, 2024).

Previous studies have shown that customary law plays an important role in environmental protection and social regulation in Papua, including through ulayat rights, customary deliberation, local conservation prohibitions, and customary sanctions. Other studies have also discussed the vulnerability of indigenous rights in the context of development, extractive investment, and conservation policies. Nevertheless, much of the existing literature remains fragmented: some studies focus on customary law, others on environmental regulation, and others on indigenous rights or development-related conflicts. The specific operational gap, namely how customary law can be embedded into environmental planning, licensing, law enforcement, monitoring, and dispute resolution, remains insufficiently and unsustainably developed (Fatem et al., 2023).

Therefore, the research gap addressed in this article is the absence of operational integration of customary law into environmental governance mechanisms in Papua, particularly in relation to environmental planning and governance, licensing, FPIC, monitoring, law enforcement, and dispute resolution. This article does not frame indigenous communities as a security risk. Rather, it argues that the protection of indigenous rights strengthens justice, trust, social protection, and long-term social stability. Any discussion of territorial stability is positioned as a secondary consequence of rights protection and good governance, not as a justification for securitizing indigenous claims (Kristin et al., 2025).

The novelty of this study lies in formulating an integrative legal governance model that connects customary law, environmental governance, indigenous rights, and social protection in Papua as an inseparable part of the Unitary State of the Republic of Indonesia (Fajrin, 2025). This model differs from the merely symbolic recognition of customary law because it proposes the operational placement of customary institutions and norms throughout the governance cycle, namely the recognition of customary territories, FPIC-based licensing, involvement in environmental monitoring, enforcement of both customary and state norms, and dispute resolution involving the active role of indigenous communities (Jasim et al., 2025).

METHOD

This study uses a qualitative socio-legal research design that combines normative juridical analysis and empirical inquiry (Budianto, 2020). The normative juridical component examines constitutional provisions, legislation, Constitutional Court decisions, government regulations, and international legal standards relevant to indigenous peoples, environmental governance, and social protection. The empirical component examines how legal recognition is understood and implemented by actors involved in customary land, environmental governance, and indigenous rights in Papua Fatem et al. (2023).

The study was conducted in Papua, with attention to governance experiences and legal materials concerning Jayapura, Manokwari, Merauke, and Mimika/Timika. The research period covered June to December 2025. These locations were selected because they represent important sites of environmental governance, customary land claims, forestry and plantation pressures, mining-related governance issues, and special autonomy implementation (Campbell et al., 2020).

Based on the interview excerpts contained in the original manuscript, the empirical data in this revised draft are organized as four key informants: I1, an indigenous representative; I2, a customary leader or indigenous community representative; I3, a law enforcement or environmental governance actor; and I4, a local government actor. The authors should adjust this number and classification if the actual interview dataset contains more participants. Informants were selected purposively because of their knowledge of customary law, customary land, environmental licensing, dispute resolution, or indigenous rights protection in Papua (Allsop et al., 2022; Ruslin et al., 2022).

Data collection was separated into two techniques. First, desk-based legal research was conducted by reviewing statutes, Constitutional Court decisions, official reports, academic literature, and policy documents. Second, semi-structured interviews were conducted to obtain empirical views on the implementation gap between legal recognition and practice. Interview questions focused on the recognition of customary law, the role of customary institutions in environmental decision-making, community participation, FPIC, environmental licensing, and dispute resolution. Interviews were anonymized using informant codes to protect confidentiality (Sinha et al., 2024).

Data analysis followed qualitative thematic analysis. Normative legal analysis was used to interpret the legal meaning and implementation consequences of relevant provisions. NVivo 12 was used as a supporting tool, not as the sole basis for legal conclusions. The data imported into NVivo consisted of interview transcripts or interview notes, selected legal provisions, official reports, and relevant document excerpts (Dalkin et al., 2020). Coding was conducted in two stages. Deductive codes were developed from the research questions, including customary law, social protection, FPIC, environmental licensing, legal certainty, customary territories, enforcement, monitoring, and dispute resolution. Inductive

codes were then generated from recurring patterns in the data, such as administrative participation, weak operational mechanisms, and the marginalization of customary institutions (Dhakal, 2022).

Ethical considerations were addressed through voluntary participation, prior explanation of the study objectives, confidentiality protection, and anonymization of informant identities. The research did not collect sensitive personal data beyond informants' general institutional or community background (Allsop et al., 2022).

Table 1. Informant coding and general background

Code	General background	Relevance to study	Use in analysis
I1	Indigenous representative	Experience with customary territory, livelihood, and environmental decision-making	Illustrates community perception of legal recognition and participation
I2	Customary leader / indigenous community representative	Knowledge of ulayat rights, customary deliberation, local conservation norms, and customary sanctions	Explains customary practices as social and environmental protection mechanisms
I3	Law enforcement or environmental governance actor	Experience with positive law, enforcement procedures, and environmental governance practice	Explains limits of operational guidelines for customary law integration
I4	Local government actor	Experience with regional policy, licensing administration, and coordination with customary institutions	Explains administrative and institutional constraints

Table 1 presents the coding system for the informants involved in this study. The use of codes I1 to I4 ensures the confidentiality of participants' identities while providing information about their respective roles, relevance, and contributions to the research analysis. Informant I1 represents the perspective of indigenous communities who directly experience issues related to customary territories, livelihoods, and involvement in environmental decision-making, making this informant important for understanding how legal recognition is perceived at the community level. Informant I2 explains customary law practices, such as ulayat rights, customary deliberation, local conservation norms, and customary sanctions, showing that customary law is not merely a cultural tradition but also functions as a mechanism for social and environmental protection. Informant I3 provides the perspective of law enforcement or environmental governance actors regarding the limitations of positive law, enforcement procedures, and the absence of clear operational guidelines for integrating customary law. Meanwhile, Informant I4 strengthens the analysis from the perspective of local government, particularly in relation to policy constraints, licensing administration, and coordination with customary institutions. With this composition, the interview data become more balanced because they cover the perspectives of indigenous communities, customary authorities, law enforcement or environmental governance actors, and local government. This supports data triangulation and strengthens the argument that the main problem does not lie in the absence of normative recognition, but rather in the weak operational integration of customary law into environmental governance in Papua (Hamzani et al., 2023).

RESULTS AND DISCUSSION

Primary Data Sources Interview Excerpts

The interview findings consistently reveal a gap between the formal recognition of customary law and its implementation in environmental governance. One informant noted:

“The state has formally recognized indigenous peoples and customary law, but there are still no clear legal mechanisms to translate that recognition into practice, particularly in environmental governance.”

A similar concern was expressed by another informant, who emphasized that customary rules are rarely considered when environmental disputes or conflicts over customary land arise:

“We know that customary law is recognized by the state, but in practice our customary rules are rarely applied. When environmental disputes or conflicts over customary land occur, state law is usually used as the main reference.”

Another informant highlighted the institutional dimension of the problem:

“Although the Constitution recognizes customary law, there are still no clear guidelines for integrating it into environmental law enforcement. This makes it difficult for customary law to have an equal position alongside positive state law.”

These accounts point to a common pattern: the recognition of customary law remains largely normative, while its incorporation into environmental decision-making and law enforcement is still institutionally and procedurally limited. Thus, the main challenge is not the absence of formal recognition, but the lack of clear mechanisms through which such recognition can be operationalized in environmental governance. This finding is consistent with Cetera and Utama (2022).

Customary practices remain an important component of social and environmental governance in several indigenous communities in Papua. The findings indicate that customary institutions regulate access to land and natural resources through communal ownership arrangements, including *hak ulayat*, which may cover agricultural land, forests, rivers, and coastal or marine areas. The use of these resources is generally subject to the approval of customary authorities, particularly clan or tribal leaders, and violations may result in customary sanctions. These arrangements demonstrate that environmental governance is not solely based on formal state regulations but is also shaped by locally established norms and institutions.

Customary deliberation also plays an important role in collective decision-making. Decisions concerning land clearing, territorial boundaries, resource use, and disputes between clans or communities are commonly addressed through consultation involving customary leaders and other members of the community. The emphasis on consensus and reconciliation reflects an approach to conflict management that seeks to restore social relations rather than merely impose punitive measures.

Communal traditions further contribute to social cohesion. One example is *bakar batu*, a communal food-preparation tradition that is practiced during important social occasions, including celebrations, reconciliation, and other community gatherings. Beyond its cultural significance, the practice provides a social space for strengthening relationships, facilitating interaction, and reinforcing collective solidarity. In some indigenous communities, customary restrictions on resource use are also applied through locally recognized practices such as *sasi*, which may temporarily prohibit fishing, hunting, or harvesting in particular areas to allow resources and ecosystems to recover. Violations of these restrictions may be addressed through customary sanctions.

Customary practices are also evident in land management and dispute resolution. Before agricultural land is cleared, some communities conduct customary rituals that symbolically seek permission and affirm the community's relationship with the land and its surrounding environment. Such practices can also reinforce recognition of territorial boundaries and reduce the potential for disputes between clans. When conflicts do occur, customary dispute-resolution mechanisms may involve customary hearings facilitated by traditional leaders. Depending on the nature of the violation, sanctions may include compensation in the form of money, livestock, or other valuables, followed by reconciliation processes intended to restore social relations and maintain community harmony.

Taken together, these practices demonstrate that customary governance in Papua

encompasses not only cultural traditions but also mechanisms for regulating natural resource use, managing communal territories, resolving disputes, and maintaining social cohesion. However, the extent and form of these practices vary across indigenous communities. Therefore, customary governance should be understood as a locally embedded institutional arrangement rather than as a uniform system applied throughout Papua (Fatem et al. 2023).



Figure 1. Customary Law in Papua and Conflict Resolution

Data Source: Source: Greenpeace Indonesia, Awyu and Moi Indigenous Communities' Action in Jakarta, 27 May 2024.

Findings from Secondary Data Sources

An examination of national legislation, Papua's special autonomy regulations, and relevant international legal instruments indicates that Indonesia's legal framework provides normative recognition of indigenous peoples, environmental protection, and national defense interests. This recognition is reflected in several provisions of the 1945 Constitution, particularly Article 18B(2), which recognizes indigenous communities and their traditional rights; Article 28H(1), which establishes the right to a good and healthy environment; Article 33(3) and (4), which regulate state control over natural resources and sustainable economic development; and Article 30, which establishes the constitutional framework for national defense and security.

However, the analysis also reveals regulatory fragmentation and limited synchronization among sectoral laws and implementing policies. This condition is particularly significant in environmental governance, where the integration of customary law, local knowledge, regulatory frameworks, and community participation remains essential for sustainable environmental management (Weningtyas & Widuri, 2022). Regulations concerning environmental protection, forestry, agrarian affairs, spatial planning, and Papua's special autonomy address the role and rights of indigenous peoples to varying degrees, but these provisions have not been fully integrated into a coherent governance framework. As a result, although the recognition of customary law is relatively well established at the normative level, its implementation in environmental governance remains less clearly defined. In particular, the existing regulatory framework provides limited operational guidance on how customary legal norms should be incorporated into environmental decision-making, natural resource management, and the protection of

strategically important territories (Abdullah et al., 2024).

The analysis of government regulations and presidential regulations indicates that the implementation of environmental protection and national development policies remains predominantly administrative and sectoral. Although these regulations provide important institutional frameworks for environmental governance, the dimensions of customary law and national defense have not yet been incorporated in an explicit and systematic manner into environmental planning and policy implementation. This limitation is also evident in the formulation of national development priorities, including the National Medium-Term Development Plan (RPJMN), where the relationship between customary governance, environmental protection, and strategic territorial interests remains insufficiently integrated.

At the international level, instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007), the Convention on Biological Diversity (CBD) (1992), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) provide important normative standards for the protection of indigenous peoples, environmental sustainability, cultural rights, and traditional knowledge. The CBD, for example, recognizes the relevance of indigenous and local knowledge to biodiversity conservation, while the ICESCR provides a broader framework for economic, social, and cultural rights. These instruments therefore provide an important normative reference for assessing the extent to which indigenous rights and environmental governance are reflected in national policy frameworks.

However, the analysis indicates that these international normative principles have not been fully translated into coherent and operational mechanisms within Indonesia's environmental governance framework, particularly in Papua. The gap is evident not necessarily from the absence of formal recognition, but from the limited institutional mechanisms for translating such recognition into policy implementation, environmental decision-making, and legal enforcement. Consequently, the protection of indigenous rights and the incorporation of customary law into environmental governance remain fragmented across national and regional regulatory frameworks (Kristin et al., 2025).

Several concrete examples illustrate the limited internalization of international normative principles within Indonesia's environmental governance framework. Although the principle of free, prior and informed consent (FPIC) is reflected in UNDRIP, its implementation has not been consistently institutionalized as a clear and comprehensive procedural requirement across environmental decision-making processes, leaving indigenous participation largely dependent on sectoral regulations and administrative procedures. Similarly, while the Convention on Biological Diversity (CBD) recognizes the importance of indigenous and local knowledge, its systematic integration into conservation and forestry governance in Papua remains limited, with environmental management continuing to rely substantially on formal regulatory and technical approaches. Likewise, the economic, social, and cultural rights recognized under the ICESCR have not been systematically connected to the protection of customary territories and environmental governance. These conditions indicate that the principal challenge lies not simply in the absence of normative recognition, but in translating international principles into coherent, coordinated, and enforceable domestic mechanisms, resulting in the fragmented protection of indigenous rights and customary law in environmental governance (Ahmad et al., 2024).

Data were analyzed using the qualitative data analysis framework proposed by Creswell (2014), with NVivo 12 employed to facilitate the coding process, identify emerging themes, and generate analytical charts.

Chart 1 show the NVivo coding results show relatively high coverage for national defense interests and weak legal integration, each accounting for approximately 50% of the coded material. These results indicate that both themes were frequently represented in the analyzed data. This indicates a strong interconnection between legal governance, environmental management, and the stability of Papua as a strategically significant region. The theme of environmental protection shows a relatively high level of coverage (approximately 48%), reflecting that environmental issues constitute a primary arena of conflict and tension between customary law and state law. Meanwhile, indigenous peoples'

rights appear at a moderate level of coverage (approximately 45%), suggesting that although these rights are normatively recognized, indigenous communities have not yet become central actors in policy formulation and decision making processes. The theme with the lowest level of coverage is fragmented legal governance (approximately 40%), which nonetheless points to the fundamental structural problem underlying the overall findings namely, the absence of an integrated legal framework (Husain et al., 2024).

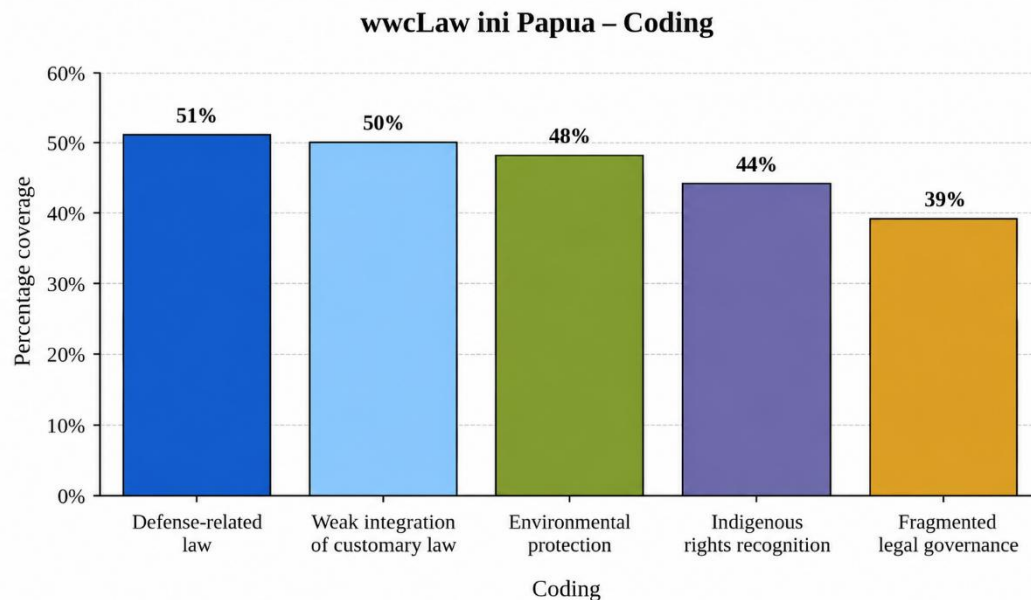


Chart 1. Chart Analysis and NVivo 12 Coding Process

The failure of the state to substantively integrate customary law into environmental governance produces multidimensional and strategic consequences. Weak integration results in local norms historically functioning to maintain ecological balance and regulate natural resource use not being operationally recognized within environmental planning, licensing, and enforcement processes, thereby weakening the effectiveness of environmental protection and marginalizing indigenous peoples' rights over their territories. This condition generates legal uncertainty due to overlaps and conflicts among legal regimes, which ultimately erodes public trust in the state. In the context of Papua as a strategically significant region, legal uncertainty and environmentally driven conflicts over customary land have the potential to trigger social tensions and regional instability, directly affecting national defense interests. Accordingly, the integration of customary law should not be viewed merely as a normative or cultural issue, but as a juridical and strategic prerequisite for ensuring legal certainty, environmental sustainability, and long-term national security in Papua (Demchuk, 2020).

Figure 2 (NVivo 12 Word Cloud Analysis) visualizes the most dominant themes identified in the qualitative analysis of this study. The prominent appearance of the terms "customary law," "indigenous," and "environmental" indicates that the primary focus of the research lies in examining the relationship between customary law, indigenous peoples, and environmental protection in Papua. The frequent occurrence of words such as "recognition," "national," and "legal" underscores the strong normative and constitutional dimensions of the discussion, particularly with regard to the formal recognition of customary law within the national legal system. Meanwhile, the presence of terms including "governance," "policies," and "integration" reflects governance-related challenges and the weak integration between different legal regimes, which constitute the core problem addressed in this study. The emergence of words such as "international," "UNDRIP," and "convention" further indicates the relevance of international legal instruments as normative standards that influence, yet have not been fully internalized into, national legal practice (Rahmatyiar & Sakti, 2025).



Figure 2. NVivo 12 Word Cloud Analysis

From a legal perspective, the *word cloud* findings indicate that the core issue of this research goes beyond the mere normative recognition of customary law and instead lies in the limited integration and operationalization of customary law within environmental governance frameworks within environmental governance frameworks. From a broader sustainability perspective, this finding also reflects the importance of integrating environmental and social dimensions within governance frameworks. Sudana et al. (2025) demonstrate that sustainability-oriented approaches in the Islamic economic context require attention not only to economic outcomes but also to social welfare and environmental responsibility. The prominence of recognition-related terms, without a corresponding emphasis on implementation mechanisms, reveals a structural gap between legal norms and governance practices. In the context of constitutional law and legal pluralism, this gap results in customary law lacking binding force in environmental planning, licensing, and enforcement processes, thereby generating legal uncertainty due to overlapping authorities and conflicts among legal regimes. Moreover, given Papua's status as a strategically significant region, the failure to operationalize customary law exacerbates the risk of social tensions and natural resource disputes, which may contribute to social tensions and challenges to territorial stability and the strategic interests of the state. Accordingly, the *word cloud* underscores that the integration of customary law is not merely symbolic or declaratory, but constitutes an essential juridical prerequisite for ensuring legal certainty, effective environmental governance, and the protection of national strategic interests in Papua (Wisnaeni & Herawati, 2022). This understanding can also be complemented by an Islamic legal perspective, in which environmental protection is framed as part of the broader objectives of *maqāṣid al-sharī'ah* through the emerging concept of *ḥifẓ al-bī'ah*. Such an approach connects environmental governance with principles of social welfare, justice, and ecological responsibility (Andriansyah et al., 2026).

Figure 3 shows the NVivo 12 Text Search Query Results visualization, which illustrates that the term “environmental” functions as a central node linking various key issues in legal governance in Papua, particularly its connections with customary law, governance, protection, and national defense. This mapping demonstrates that although there is comprehensive normative recognition of indigenous peoples and customary law, the integration of customary law into national regulations and environmental management practices remains partial and unsystematic. The branches linking environmental issues with

governance and licensing processes highlight the dominance of administrative approaches in environmental permitting and law enforcement, while principles derived from international instruments such as the Convention on Biological Diversity (CBD) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have not been fully operationalized. Moreover, the direct linkage between environmental protection and national defense interests indicates that the failure to integrate customary law into environmental policy affects not only environmental protection and indigenous rights, but also the management of strategic territories and national defense interests (Demchuk, 2020).

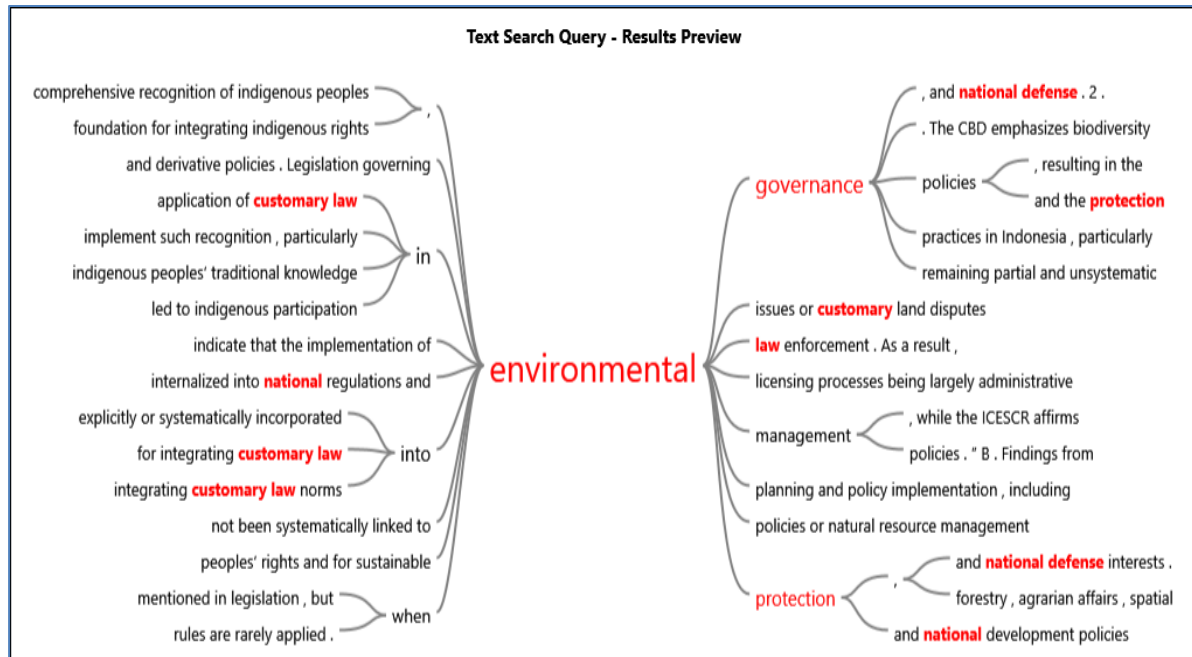


Figure 3. NVivo 12 Text Search Query Results

From a legal perspective, this visualization demonstrates that the principal problem in environmental governance in Papua does not stem from the absence of normative recognition of customary law, but rather from weak governance structures and the lack of binding integrative mechanisms to translate such recognition into effective practice. Although constitutional provisions and statutory regulations formally acknowledge indigenous peoples and their customary rights, the absence of clear procedural standards, institutional coordination, and enforcement mechanisms prevents customary law from functioning as an operational source of law in environmental planning, licensing, and enforcement. This condition generates legal uncertainty due to overlapping authorities and discretionary administrative practices that marginalize customary norms. Within a plural legal system, such structural weaknesses undermine the coherence and effectiveness of the legal order, and in the context of Papua as a strategically sensitive region, they heighten the risk of environmental conflict and social instability (Harefa, Purwanto, et al., 2025).

Accordingly, the visualization underscores that strengthening governance structures and developing integrative legal mechanisms are juridical imperatives for ensuring legal certainty, effective environmental protection, and territorial stability in Papua.

Figure 4 shows a hierarchical tree map visualization of the structural configuration of the research findings, demonstrating that fragmented legal governance constitutes the most dominant issue in environmental legal governance in Papua and functions as the root cause of multiple derivative problems. This condition is followed by the weak integration of customary law, indicating that normative recognition of indigenous law has not been effectively connected to the positive legal system or to environmental governance policies. The subsequent impact is reflected in territorial instability linked to national defense interests, signifying that legal and environmental governance failures have direct implications for the stability of strategically important regions. Meanwhile, environmental

protection deficits and the marginalization of indigenous rights emerge as consequences of an unintegrated legal governance framework, in which environmental policies remain predominantly sectoral and administrative in nature and insufficiently incorporate substantive participation of indigenous communities (Ginting et al., 2024).

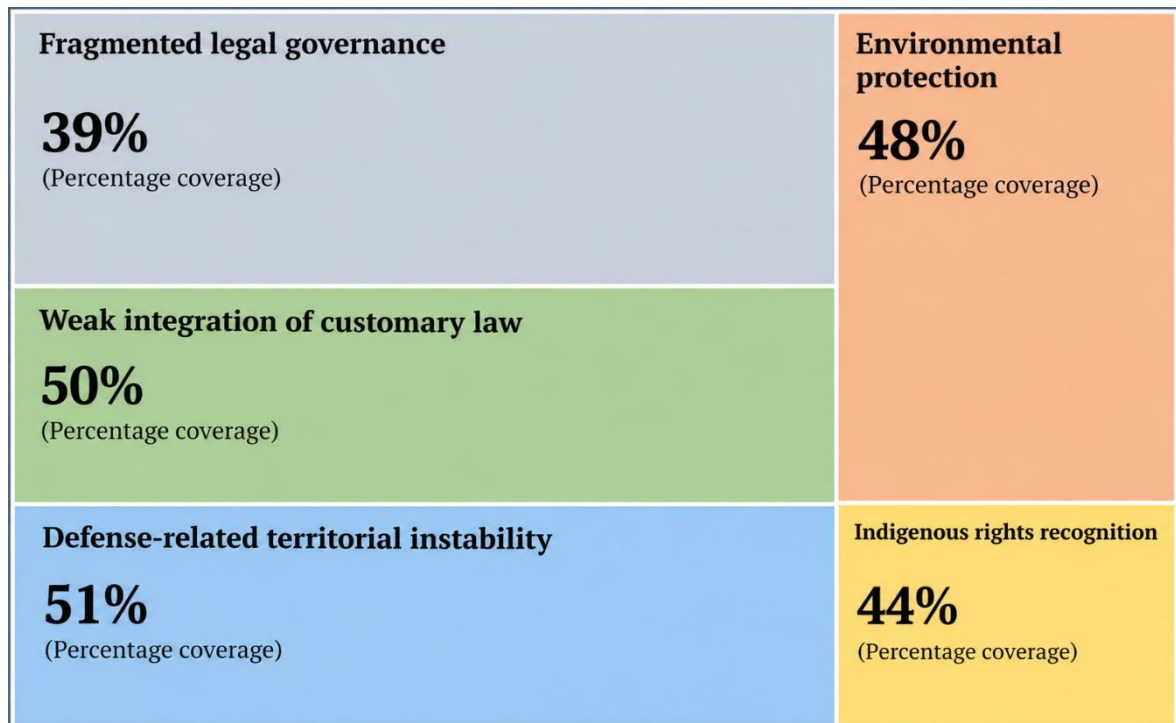


Figure 4. NVivo 12 Hierarchical Tree Map

From a legal perspective, this hierarchical mapping illustrates that the failure to integrate customary law into environmental governance produces cascading legal and strategic consequences that extend beyond environmental degradation and the erosion of indigenous peoples' rights. The marginalization of customary law in environmental planning, licensing, and enforcement creates legal uncertainty through overlapping regulatory regimes and weak normative coherence, thereby undermining the rule of law in a plural legal system. Such uncertainty facilitates recurring land and resource conflicts involving indigenous territories, which in turn exacerbate social tensions and weaken state legitimacy at the local level. In Papua's strategic context, where territorial stability is closely linked to national defense interests, persistent legal and environmental conflicts constitute a structural vulnerability that may be exploited to destabilize governance and security. Accordingly, the hierarchical mapping signifies that integrating customary law into environmental governance is not merely a normative obligation or a matter of rights recognition, but a juridical and strategic necessity for safeguarding environmental protection, ensuring legal certainty, and maintaining regional stability in support of national defense interests in Papua (Kanwel et al., 2024).

Operational Integration of Customary Law in Papua's Environmental Governance: NVivo-Assisted Thematic Findings, Legal Instrument Analysis, and Empirical Illustrations

The findings are organized into four interrelated themes: (1) normative recognition without operational integration, (2) environmental licensing and the weak application of FPIC, (3) customary practices as environmental and social protection mechanisms, and (4) the need for an integrative governance model.

First, the study confirms that the central problem is not the absence of legal recognition, but the lack of operational integration. One informant emphasized that the state

recognizes indigenous peoples in formal legal terms but does not provide clear mechanisms for translating this recognition into environmental policies and permitting processes (I3). An indigenous representative similarly explained that customary rules are often acknowledged rhetorically, yet disputes over customary land and environmental damage are commonly addressed through state law rather than through customary mechanisms that communities have practiced for generations (I1). A local government actor further noted that recognition provisions are difficult to implement because clear technical guidelines for integrating customary norms into environmental governance remain lacking (I4). This implementation gap reflects a broader challenge of legal pluralism in Indonesia, where customary legal mechanisms may coexist with formal state institutions but can encounter overlapping jurisdictions and institutional boundaries (Susanto et al., 2025).

Second, the findings indicate that participation in environmental licensing often remains administrative rather than substantive. Although public consultations may take place, indigenous consent is not always treated as a binding requirement. This distinction between formal participation and substantive involvement is consistent with evidence from collective decision-making processes in Indonesia, where formally established participatory arrangements may still be affected by unequal representation, access to information, and government dominance (Susanti et al., 2019). In this context, free, prior and informed consent (FPIC) becomes an important mechanism for translating formal recognition into meaningful participation. FPIC requires indigenous communities to be consulted before decisions are made, without coercion, on the basis of adequate information, and through procedures that respect their representative institutions. Without meaningful FPIC, environmental licensing may satisfy formal procedural requirements while failing to ensure substantive participation and social legitimacy.

Third, customary practices in Papua have direct relevance to both environmental protection and social protection. Ulayat rights regulate collective relationships between clans or tribes and their land, forests, rivers, and coastal areas. This collective relationship also reflects the broader normative function of customary law in protecting the rights and obligations of indigenous communities. Tijow et al. (2024) demonstrate that the principle of equilibrium in customary law provides a basis for balancing communal rights and obligations while safeguarding the cosmological and fundamental rights of indigenous peoples. This relationship between environmental protection and social welfare is also consistent with the *maqāṣid al-sharī'ah* perspective, which emphasizes the importance of balancing human well-being with environmental preservation and the prevention of harm (Widodo et al., 2025). Similarly, Karimullah (2024) emphasizes that environmental protection should balance human needs with ecological preservation by integrating spiritual, social, and ecological values. Within this context, customary deliberation provides a mechanism for collective decision-making and conflict prevention, while local *sasi* practices or temporary prohibitions can restrict hunting, fishing, logging, or the use of particular areas to allow ecological recovery. Customary sanctions and reconciliation rituals may also function as restorative mechanisms that help prevent escalation and maintain social harmony. Collectively, these practices contribute to the protection of livelihoods, food sources, ecological balance, cultural identity, and community welfare. They therefore demonstrate that customary law can function as a practical resource for social and environmental protection rather than merely as a cultural symbol (Dmytriieva, 2021).

Fourth, NVivo-assisted coding supported the identification of recurring themes such as recognition, implementation gap, licensing, FPIC, customary territory, participation, environmental protection, and dispute resolution. However, word cloud and visualization outputs are treated only as supporting tools for organizing qualitative data. The legal conclusions of this article are derived primarily from normative legal analysis, interview interpretation, and triangulation with official reports and legal sources.

Table 2. Legal instrument analysis: recognition of customary law and implementation gaps

Legal instrument	Recognition / relevant provision	Implementation gap in Papua	Operational implication for the model
1945 Constitution	Article 18B(2) recognizes customary law communities; Article 28H(1) protects the right to a healthy environment; Article 33(3)-(4) governs natural resources for public welfare and sustainability.	Recognition remains general and requires statutory and administrative mechanisms to be effective.	Customary law must be positioned as part of constitutional environmental governance, not merely as cultural recognition.
Law No. 5 of 1960 on Basic Agrarian Principles	Recognizes hak ulayat and places agrarian law on the basis of customary law insofar as it is consistent with national interests and laws.	Hak ulayat is often difficult to operationalize within land administration and investment licensing.	Customary territory mapping and recognition should precede land-based environmental permits.
Law No. 32 of 2009 on Environmental Protection and Management	Recognizes local wisdom, community participation, and environmental rights.	Community participation is frequently administrative and not integrated with customary institutions or FPIC.	AMDAL, environmental approval, and monitoring should include customary institutions and FPIC procedures.
Law No. 41 of 1999 on Forestry and Constitutional Court Decision No. 35/PUU-X/2012	Customary forests are constitutionally separated from state forests after MK 35/2012; Article 67 recognizes customary law communities.	Formal recognition of customary forests still depends on administrative recognition and mapping processes.	Forestry decisions should require verified customary tenure and customary institution involvement.
Law No. 21 of 2001 as amended by Law No. 2 of 2021 on Papua Special Autonomy	Recognizes the importance of indigenous Papuans, customary communities, and hak ulayat within special autonomy governance.	Special autonomy recognition has not consistently produced operational safeguards in environmental licensing and development policy.	Provincial and district regulations should create binding procedures for customary consultation, consent, and remedies.
Law No. 39 of 1999 on Human Rights	Protects cultural identity, property, welfare, and human dignity, including special attention to vulnerable groups.	Environmental disputes are not always framed as violations of economic, social, cultural, and environmental rights.	Environmental governance should include access to remedy, rehabilitation, and rights-based grievance mechanisms.
UNDRIP and	Requires good-faith	FPIC has not been	FPIC should become

Legal instrument	Recognition / relevant provision	Implementation gap in Papua	Operational implication for the model
FPIC standards	consultation and consent for projects affecting indigenous lands, territories, and resources.	systematically integrated as a binding element of national and regional licensing procedures.	a procedural prerequisite for permits affecting customary territories.
Convention on Biological Diversity	Recognizes the relevance of traditional knowledge, innovations, and practices of indigenous and local communities.	Traditional ecological knowledge is rarely formalized in conservation, forestry, and monitoring systems.	Customary ecological knowledge should inform zoning, monitoring, and restoration.

Table 2 shows that the recognition of customary law and indigenous peoples' rights already has a strong legal foundation in the Constitution, national legislation, and international legal instruments. Article 18B paragraph (2), Article 28H paragraph (1), and Article 33 paragraphs (3) and (4) of the 1945 Constitution affirm that the recognition of customary law communities, the right to a good and healthy environment, and the governance of natural resources for the greatest prosperity of the people constitute part of the state's constitutional obligations. This recognition is further strengthened by the Basic Agrarian Law of 1960, which recognizes ulayat rights; the Environmental Protection and Management Law of 2009, which emphasizes local wisdom and community participation; the Forestry Law and Constitutional Court Decision No. 35/PUU-X/2012, which separates customary forests from state forests; the Papua Special Autonomy Law, which recognizes the rights of indigenous Papuans; and the Human Rights Law, which protects cultural identity, welfare, and human dignity. However, this normative recognition has not been fully operationalized in Papua due to persistent gaps in customary territory mapping, land administration, investment licensing, environmental impact assessment, environmental approval, monitoring, law enforcement, and remedy mechanisms (Jasim et al., 2025).

Therefore, the main problem does not lie in the absence of a legal basis, but rather in the weak translation of legal norms into binding and implementable governance procedures. Accordingly, customary law should be positioned as part of constitutional environmental governance, not merely as a form of cultural recognition. The operational implications are that the mapping and recognition of customary territories should precede the issuance of land-based permits, FPIC should become a procedural requirement in licensing processes affecting customary territories, customary institutions should be involved in environmental impact assessment, monitoring, law enforcement, and environmental restoration, and customary ecological knowledge should be integrated into zoning, conservation, and environmental restoration policies (Aznannya, 2024).

Table 3. Empirical examples from Papua and their relevance to social protection

Empirical example from Papua	Governance issue	Social protection issue	Relevance to customary law integration
Merauke food estate / MIFEE-related land conversion debates	Large-scale land-based development and environmental licensing	Potential impacts on customary land, food sources, livelihoods, and cultural continuity	FPIC and customary territory mapping should precede land conversion decisions.
Oil palm and forestry permit disputes involving Papuan indigenous	Permit issuance and administrative litigation over land and forest areas	Risk of livelihood loss, forest degradation, and weakened access to	Customary institutions should be involved in licensing,

Empirical example from Papua	Governance issue	Social protection issue	Relevance to customary law integration
communities, including Awyu and Moi advocacy		remedies	monitoring, and grievance mechanisms.
Mining-related disputes in Mimika involving Amungme and Kamoro communities	Long-term mining governance, compensation, environmental impact, and customary land claims	Impacts on livelihoods, sacred landscapes, water, and environmental health	Hybrid dispute resolution and rights-based remedies are needed to connect state law and customary law.
Customary forest recognition and IUPHHK-MHA implementation in Papua	Partial recognition of customary forests and community forestry mechanisms	Protection remains limited when recognition is slow or administratively complex	Recognition of customary territories must be linked to environmental governance, not treated as a separate administrative process.

Table 3 shows that environmental governance issues in Papua are directly linked to the social protection of indigenous communities, as every land-based policy may affect customary territories, food sources, livelihoods, cultural identity, environmental health, and access to remedies. The example of the Merauke food estate and MIFEE-related debates demonstrates that large-scale development that is not preceded by customary territory mapping and indigenous consent through FPIC may lead to customary land conversion, deforestation, and disruption of community livelihoods. Disputes over oil palm plantation and forestry permits involving the Awyu and Moi communities also indicate that administrative licensing may become a source of conflict when ulayat rights are not recognized and customary institutions are not involved in licensing, monitoring, and grievance mechanisms. Similarly, mining-related disputes in Mimika involving the Amungme and Kamoro communities confirm that environmental degradation, customary land claims, compensation, and rights restoration cannot be addressed solely through state law approaches, but require hybrid dispute resolution mechanisms that connect customary law and state law. Meanwhile, customary forest recognition and the implementation of IUPHHK-MHA in Papua show that the protection of indigenous communities remains limited when legal recognition is slow and overly administrative. Therefore, this table strengthens the argument that the integration of customary law into environmental governance should not be treated as a separate administrative process, but must become an essential part of rights-based planning, licensing, monitoring, law enforcement, and restoration for indigenous communities (Dirwan et al., 2023).

DISCUSSION

The findings indicate that social protection in Papua should be understood through a rights-based environmental governance perspective. Social protection is not limited to welfare assistance or post-conflict compensation. In the context of indigenous communities, it includes the protection of customary territories, ecological livelihoods, food and water sources, cultural identity, meaningful participation, legal certainty, and access to remedies. Customary law contributes to these dimensions because it regulates how communities use land, protect forests and waters, settle disputes, and maintain social cohesion (Mulyadi et al., 2025).

The normative legal analysis demonstrates that Indonesia already has a strong constitutional and statutory basis for recognizing customary law and indigenous peoples'

rights. However, this recognition remains dispersed across different legal regimes, including constitutional law, agrarian law, forestry law, environmental law, human rights law, and Papua's special autonomy framework. Each legal instrument provides partial recognition, but none fully establishes an integrated operational mechanism. This fragmentation explains why indigenous communities may be formally acknowledged in legal texts but practically marginalized in environmental planning, licensing, monitoring, and enforcement. Therefore, the core problem is not legal absence, but weak institutional translation (Pavlova, 2020).

FPIC functions as a crucial bridge between normative recognition and practical environmental governance. It ensures that indigenous participation is not reduced to a formal administrative consultation, but becomes a rights-based decision-making process. FPIC requires that consent be given freely, before decisions are made, based on adequate information, and through legitimate indigenous representative institutions. In Papua, FPIC should not be implemented merely after project design or licensing decisions have progressed. Instead, it must begin at the earliest planning stage and continue throughout licensing, implementation, monitoring, and remedy mechanisms to ensure legal legitimacy and social acceptance (Harefa, Aritonang, et al., 2025).

Customary practices in Papua demonstrate that indigenous communities possess their own legal and institutional mechanisms for environmental protection and social regulation. Ulayat rights define collective authority over land, forests, rivers, and coastal areas, while local sasi or temporary prohibitions support ecological recovery by restricting resource use. Customary deliberation enables communities to assess risks, benefits, and impacts collectively before decisions are made. Customary sanctions and reconciliation mechanisms also provide restorative responses to violations. Integrating these practices does not replace state law, but strengthens it through local legitimacy, ecological knowledge, participatory governance, and culturally accepted dispute resolution (Manolescu, 2025).

This article therefore avoids framing indigenous communities as sources of instability or security threats. Such a framing would risk over-securitizing indigenous rights and weakening the justice-based orientation of environmental governance. Instability is more likely to emerge when customary territories are treated as empty land, when environmental decisions ignore local consent, or when indigenous rights are excluded from development processes. Conversely, rights protection, FPIC, recognition of customary territories, and meaningful participation can strengthen trust between communities and the state. In this sense, social justice and legal recognition become important foundations for peaceful, inclusive, and sustainable environmental governance in Papua. Compared with previous studies, this article contributes by moving beyond general recognition of customary law toward an operational governance model for Papua. Existing scholarship has shown that customary law supports ecological balance, regulates access to land and natural resources, and protects indigenous social order. Other studies have highlighted the vulnerability of indigenous rights under development policies, extractive investment, conservation programs, and fragmented legal pluralism. However, much of this literature remains normative or descriptive because it explains the importance of customary law without specifying how it should be incorporated into environmental governance procedures. This study extends the discussion by identifying concrete governance points where customary law must be embedded, namely environmental planning, licensing, FPIC-based participation, monitoring, enforcement, and dispute resolution. By doing so, the article shifts the analytical focus from symbolic recognition to institutional implementation (Shaelou & Razmetaeva, 2023).

It argues that customary law should not be treated merely as cultural heritage or a supplementary norm, but as a substantive legal resource for protecting customary territories, livelihoods, ecological security, cultural identity, and access to remedies. Therefore, the proposed model strengthens legal certainty, social protection, and environmental sustainability while offering a rights-based framework for integrating state law and customary law in Papua more effectively and sustainably (Negara, 2023).

Table 4. Proposed Integrative Legal Governance Model for Customary Law-Based Environmental Governance in Papua

Governance stage	Customary law integration	Social protection function	Expected legal outcome
1. Planning	Map and formally recognize customary territories; involve customary councils before spatial planning decisions.	Protect land-based livelihoods, sacred sites, and cultural continuity.	Early prevention of overlapping claims and legal uncertainty.
2. Licensing/ FPIC	Require FPIC through legitimate customary institutions before permits affecting customary territories are issued.	Ensure free participation, informed choice, and protection from coercive development decisions.	Licensing becomes procedurally valid and socially legitimate.
3. Implementation and monitoring	Create joint monitoring teams involving government, customary institutions, and affected communities.	Protect water, forest, food sources, health, and local ecological knowledge.	Improved compliance and community trust.
4. Enforcement	Recognize complementary roles of state sanctions and customary sanctions where consistent with human rights.	Provide accessible remedies and prevent repeated violations.	More responsive and locally legitimate enforcement.
5. Dispute resolution	Use hybrid mechanisms combining customary deliberation, mediation, administrative review, and judicial remedies.	Restore relationships, compensate losses, and prevent escalation.	Legal certainty, social harmony, and environmental recovery.

Table 4 explains that the integration of customary law into environmental governance in Papua should be operationally embedded throughout the entire governance cycle, rather than being limited to normative recognition in legislation. At the planning stage, the mapping and formal recognition of customary territories serve as an essential foundation for preventing overlapping land claims, conflicts over spatial use, and legal uncertainty in land-based development. The involvement of customary councils or customary institutions before spatial planning decisions are made is also important because indigenous communities possess social, ecological, and historical knowledge regarding territorial boundaries, sacred sites, livelihood sources, and areas that need protection. At the licensing stage, the implementation of FPIC through legitimate customary institutions becomes a crucial instrument to ensure that indigenous consent is given freely, based on adequate prior information, and without coercion. In this way, environmental permits are not only administratively valid but also socially legitimate because they involve the communities directly affected by the proposed activities (Modise, 2024).

This model also emphasizes that the integration of customary law must continue through the stages of implementation, monitoring, law enforcement, and dispute resolution. The establishment of joint monitoring teams involving the government, customary institutions, and affected communities can strengthen oversight of forests, water resources, food sources, environmental health, and the sustainability of local ecological knowledge. In law enforcement, state sanctions and customary sanctions can play complementary roles as

long as they remain consistent with human rights principles, making remedies more accessible and helping to prevent repeated violations. Meanwhile, hybrid dispute resolution through customary deliberation, mediation, administrative remedies, and judicial mechanisms enables dispute settlement that is oriented not only toward legal certainty but also toward restoring social relations, compensating losses, and rehabilitating the environment. Therefore, this integrative legal governance model strengthens the argument that customary law is an operational legal resource capable of supporting social protection, environmental sustainability, public trust, and justice for indigenous communities in Papua (Dwivedi & Bhaskar, 2025).

CONCLUSION

This study concludes that the main challenge in Papua does not lie in the absence of formal recognition of indigenous peoples, but rather in the weak implementation and operational integration of customary law into environmental governance. The recognition of customary law in the Constitution, environmental law, forestry law, agrarian law, Papua's special autonomy law, and human rights law remains fragmented when it is not translated into planning, licensing, monitoring, law enforcement, and dispute resolution mechanisms. As a result, environmental governance may become merely procedural and administrative, while failing to provide substantive social protection for indigenous peoples as citizens of Indonesia.

This study also concludes that social protection in indigenous environmental governance must include the protection of customary territories, livelihoods, cultural identity, ecological security, meaningful participation, and access to remedies. Customary practices such as ulayat rights, customary deliberation, and customary sanctions are directly relevant to environmental protection because they regulate resource use, prevent ecological degradation, and maintain social cohesion. Therefore, these practices need to be integrated into state environmental governance as part of a rights- First, the central and regional governments should accelerate the formal recognition and mapping of customary territories and customary forests as prerequisites for environmental and land-based development decisions. Second, FPIC should be explicitly integrated into environmental planning, AMDAL processes, environmental approval, and natural resource licensing, particularly for projects affecting customary territories. Third, customary institutions should be formally involved in environmental monitoring, law enforcement, and restoration together with state institutions. Fourth, dispute resolution mechanisms involving indigenous communities should be developed by combining the outcomes of customary deliberation, mediation, administrative remedies, and judicial remedies, while ensuring consistency with human rights standards.

Future research is encouraged to test the proposed model across various indigenous communities in Papua and compare it with other regions facing similar legal pluralism challenges. Quantitative or mixed-methods studies may also be used to measure the relationship between customary law integration, conflict prevention, environmental compliance, and community welfare outcomes.

ACKNOWLEDGMENT

The author expresses sincere gratitude to all parties who provided support and contributions to the completion of this research. Special appreciation is extended to academic colleagues and supervisors for their valuable insights, critical feedback, and scholarly guidance throughout the research process. The author also gratefully acknowledges the relevant institutions for facilitating access to legal documents, policy materials, and academic sources essential to this study.

AUTHOR CONTRIBUTIONS

Author 1: Conceptualization, Methodology, Formal Analysis, Writing - Original Draft.

Author 2: Data Collection, Writing - Review and Editing.

Author 3: Supervision, Investigation, Formal Analysis

Author 4: Supervision, Formal Analysis – Review and Editing.

Author 5: Supervision, Validation, Writing – Review and Editing.

FUNDING

This research received no specific grant from any funding agency in the public, commercial, or non-profit sectors. Any errors or inaccuracies in the analysis and interpretation remain the sole responsibility of the author.

CONFLICTS OF INTEREST

The authors declare that they have no financial or non-financial conflicts of interest that could have influenced the research, analysis, or publication of this article.

DATA AVAILABILITY

The data supporting the findings of this study are available from the corresponding author upon reasonable request.

AI USE DECLARATION

The authors declare that no generative artificial intelligence (AI) tools were used in the preparation, analysis, or writing of this manuscript.

ETHICAL CLEARANCE

Ethical clearance was not required according to the applicable institutional research ethics procedures. The participants were informed about the purpose of the study and their participation was voluntary.

REFERENCES

- Abdullah, A., Fisher, M. R., & Sahide, M. A. K. (2024). Environmental Governance Challenges of Indigenous Forest Recognition: Climate Solution Ideal and Its Uneven Outcomes in Indonesia. *Forest and Society*, 8(2), 402–421. <https://doi.org/10.24259/fs.v8i2.34423>
- Ahmad, N., Rahim, F., & Ariffin, D. I. (2024). Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law. *Manchester Journal of Transnational Islamic Law & Practice*, 20(3).
- Allsop, D. B., Chelladurai, J. M., Kimball, E. R., Marks, L. D., & Hendricks, J. J. (2022). Qualitative methods with Nvivo software: A practical guide for analyzing qualitative data. *Psych*, 4(2), 142–159.
- Andriansyah, A., Sunaryo, & Garadian, E. A. (2026). Institutionalising Ḥifẓ al-Bī'ah as Maqāṣid al-Sharī'ah in Environmental Governance. *Asy-Syari'ah*, 28(1), 75–100. <https://doi.org/10.15575/as.v28i1.54800>
- Aznannya, S. H. (2024). Beyond Formality: Transforming FPIC into a Tool for Indigenous Empowerment. *Sinergi International Journal of Law*, 2(4), 325–337. <https://doi.org/10.61194/law.v2i4.724>
- Budianto, A. (2020). Legal research methodology reposition in research on social science. *International Journal of Criminology and Sociology*, 9(1), 1339–1346.
- Campbell, S., Greenwood, M., Prior, S., Shearer, T., Walkem, K., Young, S., Bywaters, D., & Walker, K. (2020). Purposive sampling: complex or simple? Research case examples. *Journal of Research in Nursing*, 25(8), 652–661. <https://doi.org/10.1177/1744987120927206>
- Cetera, K., & Utama, G. S. (2022). Doctrinal Review on The Legality of Ulayat Rights Release Agreements in Papua Province. *BHUMI: Jurnal Agraria Dan Pertanahan*, 8(1), 53–67. <https://doi.org/10.31292/bhumi.v8i1.527>
- Creswell, J. W. (2014). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th ed.). SAGE Publications.
- Dalkin, S., Forster, N., Hodgson, P., Lhussier, M., & Carr, S. M. (2020). Using computer assisted qualitative data analysis software (CAQDAS; NVivo) to assist in the complex process of

- realist theory generation, refinement and testing. *International Journal of Social Research Methodology*. <https://doi.org/10.1080/13645579.2020.1803528>
- Demchuk, P. (2020). Legality and legal certainty in criminal law: the issues of differentiation. *Вісник Львівського Університету. Серія Юридична.-Львів: Львів. Нац. Ун-т Ім. Івана Франка*, 89–99.
- Dhakar, K. (2022). NVivo. *Journal of the Medical Library Association: JMLA*, 110(2), 270.
- Dirwan, A., Jamin, M., & Husodo, J. A. (2023). Indigenous Community Perspectives on Forest Area Protection Governance Policy. *Journal of Sustainable Development and Regulatory Issues*, 1(2), 122–132. <https://doi.org/10.53955/jsderi.v1i2.12>
- Dmytriieva, M. (2021). The Peculiarities of Legal Certainty in Criminal Proceedings: Theoretical and Legal Aspects. *Baltic Journal of Legal and Social Sciences*, 3, 59–67.
- Dwivedi, R., & Bhaskar, P. (2025). From Conflict to Coexistence: Bridging National Security and Human Rights. *It Is an Unpublished Work*.
- Fajrin, U. R. (2025). Kedudukan Surat Hak Milik Yang Berasal Dari Tanah Ulayat Masyarakat Hukum Adat Papua (Studi Kasus Putusan Mahkamah Agung Nomor 4241 K/Pdt/2022). *Indonesian Notary*, 7(2). <https://doi.org/10.21143/notary.vol7.no2.180>
- Fatem, S. M., Runtuboi, Y. Y., Fisher, M. R., Sufi, Y., Maryudi, A., & Sirimorok, N. (2023). Conservation Policy, Indigeneity, and Changing Traditional Hunting Practices in West Papua. *Forest and Society*, 7(2), 359–379. <https://doi.org/10.24259/fs.v7i2.27420>
- Ginting, B. P., Suganda, A., & Suasungnarn, S. (2024). The Concept Of The Rule Of Law In The Indonesian Constitution. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 3(12), 1291–1300.
- Hamzani, A. I., Widyastuti, T. V., Khasanah, N., & Rusli, M. H. M. (2023). Legal research method: Theoretical and implementative review. *International Journal of Membrane Science and Technology*, 10(2), 3610–3619.
- Harefa, F., Aritonang, S., Supriyadi, A. A., & Harsono, C. F. (2025). An Politicization of the Indonesian Armed Forces (TNI) Regarding ABRI's Dual Function and Civilian Supremacy: Civilian Supremacy. *Khazanah Sosial*, 7(1), 67–85.
- Harefa, F., Purwanto, I. E. D., Irwanto, B., Supriyadi, A. A., & Saputro, G. E. (2025). The Urgency of Indonesia's National Security Act: Addressing Fragmentation in Security Sector Regulation. *Journal of Social Work and Science Education*, 6(1), 148–163. <https://doi.org/10.52690/jswse.v6i1.1060>
- Husain, S., Ayoub, N. P., & Hassmann, M. (2024). Legal pluralism in contemporary societies: Dynamics of interaction between islamic law and secular civil law. *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah*, 1(1), 1–17.
- Jasim, R., Isra, S., Warman, K., & Andora, H. (2025). Challenges in the Implementation of Free Prior and Informed Consent for Indigenous Peoples in Indonesia's National Legal Regulation. *Eduvest - Journal of Universal Studies*, 5(7), 8855–8869. <https://doi.org/10.59188/eduvest.v5i7.50779>
- Kanwel, S., Khushik, J. H., & Jahangir, A. (2024). The Right to Security: Addressing Crime in the Framework of Human Rights. *Pakistan JL Analysis & Wisdom*, 3, 200.
- Karimullah, S. S. (2024). Humanitarian ecology in Islamic law: Balancing human needs and environmental preservation in Islamic law. *Asy-Syari'ah*, 26(2), 113–136. <https://doi.org/10.15575/as.v26i2.38177>
- Kristin, N. K. G., Dwi Pratiwi Markus, & Hadi Tuasikal. (2025). Legal Protection of Customary Forests of the Awyu Tribe in South Papua From a National and International Law Perspective. *Jurnal Ius Constituendum*, 10(2), 296–315. <https://doi.org/10.26623/jic.v10i2.12042>
- Manolescu, A. A. (2025). Legal Governance: A Strategic Management Tool for Organisational Sustainability. *AGORA Int'l J. Jurid. Sci.*, 19, 388.
- Maria, A., Intyaswati, D., & Sadjijo, P. (2025). Green Journalism Facing Climate Change in Sustainable Development: The Role of the Alliance of Independent Journalists of Indonesia (AJII). *Journal of Current Social and Political Issues*, 3(1), 33–44. <https://doi.org/10.15575/jcspi.v3i1.1321>
- Modise, J. M. (2024). The Governance of Law Enforcement and Police Operations is Strengthened by Officers' Moral Principles, Corporate Governance, Policy Strategy and

- Ethics. *International Journal of Innovative Science and Research Technology*, 9(1), 2081–2107.
- Moonti, R. M., Kadir, Y., Bunga, M., & Halfaoui, A. (2025). Living Constitution in Islamic Constitutional Law: A Comparative Study of Gorontalo Customary Constitutional Law in Majority and Minority Enclave Contexts. *Jurnal Ilmiah Al-Syir'ah*, 23(2), 339–371.
- Mulyadi, T., Yusuf, M., & Dengah, H. (2025). Eksistensi Hak Ulayat Masyarakat Adat di Kota Jayapura dalam Konteks Ancaman Penyerobotan Tanah. *Jurnal Hukum, Politik Dan Ilmu Sosial*, 4(1), 175–186. <https://ejurnal.politeknikpratama.ac.id/index.php/jhpis>
- Negara, T. A. S. (2023). Normative legal research in Indonesia: Its originis and approaches. *Audito Comparative Law Journal (ACLJ)*, 4(1), 1–9.
- Pavlova, P. (2020). Human rights-based approach to cybersecurity: addressing the security risks of targeted groups. *Peace Human Rights Governance*, 4(Peace Human Rights Governance 4/3), 391–418.
- Rahmatyar, A., & Sakti, L. (2025). Analysis of Criminal Law Reform Regarding the Principle of Material Legality in Law Number 1 of 2023 concerning the National Criminal Code. *Lex Journal: Kajian Hukum Dan Keadilan*, 9(4), 703–711.
- Runtuboi, Y. Y., Permadi, D. B., Sahide, M. A. K., & Maryudi, A. (2021). Oil palm plantations, forest conservation and indigenous peoples in west papua province: what lies ahead? *Forest and Society*, 5(1), 23–31. <https://doi.org/10.24259/fs.v5i1.11343>
- Ruslin, Mashuri, S., Raslak, M., & Alhabsyi, F. (2022). Semi-structured Interview: A Methodological Reflection on the Development of a Qualitative Research Instrument in Educational Studies. *IOSR Journal of Research & Method in Education (IOSR-JRME)*, 12(1), 22–29. <https://doi.org/10.9790/7388-1201052229>
- Setya, K. W., Nasihuddin, A. A., & Wook, I. (2023). Fulfilling Communal Rights through the Implementation of the Second Principle of Pancasila towards the Regulation on Agrarian Reform. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 6(1), 89–102. DOI: 10.24090/volksgeist.v6i1.7867.
- Shaelou, S. L., & Razmetaeva, Y. (2023). Challenges to Fundamental Human Rights in the age of Artificial Intelligence Systems: shaping the digital legal order while upholding Rule of Law principles and European values. *Era Forum*, 24(4), 567–587.
- Sinha, P., Paudel, B., Mosimann, T., Ahmed, H., Kovane, G. P., Moagi, M., & Phuti, A. (2024). Comprehensive Criteria for Reporting Qualitative Research (CCQR): Reporting Guideline for Global Health Qualitative Research Methods. *International Journal of Environmental Research and Public Health*, 21(8). <https://doi.org/10.3390/ijerph21081005>
- Sudana, S., Awaludin, L., Dermawan, M. J., Samudra, M. G., & Andika, G. P. (2025). Development of a Sustainability Model for Muslim SMEs in West Java: An Analysis of the Integration between the Triple Bottom Line and Islamic Economic Principles. *Al-Muamalat*, 12(1), 111–140. <https://doi.org/10.15575/am.v12i1.42944>
- Susanti, E., Harta, R., Diana, B. A., & Utami, S. B. (2023). A co-production model of digital village transformation in Indonesia. *Public Policy and Administration*, 22(4), 488–502. <https://doi.org/10.22146/JSP.35997>
- Susanti, E., Nurasa, H., & Widianingsih, I. (2019). Power imbalances in collective decision-making: The study of minimum wage setting cases. *Jurnal Ilmu Sosial dan Ilmu Politik*, 22(3), 201–215. <https://doi.org/10.22146/JSP.35997>
- Susanto, Y. A., Prabawani, R. D., & Aulia Najah, N. (2025). Customary Law in the New Indonesian Criminal Code: Recognition or Reduction?. *ADLIYA: Jurnal Hukum Dan Kemanusiaan*, 19(1), 77–96. <https://doi.org/10.15575/adliya.v19i1.44458>
- Tijow, L. M., Hayat, H., & Azlina, T. E. (2024). Pancasila and the Principle of Equilibrium in Customary Law: Safeguarding the Cosmological Rights of Indigenous People. *ADLIYA: Jurnal Hukum dan Kemanusiaan*, 18(1), 47–66. <https://doi.org/10.15575/adliya.v18i1.26098>
- Weningtyas, A., & Widuri, E. (2022). Pengelolaan Sumber Daya Air Berbasis Kearifan Lokal Sebagai Modal Untuk Pembangunan Berkelanjutan. *Volksgeist: Jurnal Ilmu Hukum dan*

- Konstitusi*, 5(1), 129-144.
DOI: 10.24090/volksgeist.v5i1.6074
- Widodo, P. A., Isman, I., Risdayani, R., & Budiman, M. (2025). The Effect of the Human Development Index on Environmental Performance Index Measurement: A Maqāṣid al-Shari'ah Perspective. *Al-Muamalat*, 12(1), 1-18. <https://doi.org/10.15575/am.v12i1.40838>
- Wisnaeni, F., & Herawati, R. (2022). The politics of law of pancasila-based democracy in Indonesia as the world's third largest democracy. *Academic Journal of Interdisciplinary Studies*, 9.
- Wulandari, C. (2023). Jurnal Sylva Lestari. *Jurnal Sylva Lestari*, 11(1), 79-97. <https://doi.org/10.23960/jsl.v12i2.734>
- Yulisinta, F., Murniati, J., & Eigenstetter, M. (2024). Spiritual ecology and indigenous wisdom: Cultural foundations for sustainable environmental practices in Indonesia. *Religious: Jurnal Studi Agama-Agama dan Lintas Budaya*, 8(3), 185-202. <https://doi.org/10.15575/rjsalb.v8i3.20237>
- Yusuf, M., Man, S., & Luthfi, F. (2026). Negotiated Legal Pluralism in Adat-Based Family Dispute Resolution: Islamic Law, Malay Custom, and Family Resilience in Lingga Regency. *Journal of Islamic Law*, 7(2), 275-303.
- Yuwono, F. P. (2024). Legal Implications of the Merauke Food Estate: A Critical Analysis of Customary Rights and Environmental Concerns. *Lex Publica*, 11(2), 294-316. <https://doi.org/10.58829/lp.11.2.2024.274>