

## Spatial Planning for Indigenous Law Communities to Solve Social Conflict Resolution in West Papua Indonesia

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### Abstract

The purpose of this research is to investigate the spatial planning based on wisdom in the context of resolving social conflicts as a form of learning about the recognition and protection of indigenous peoples in law. The main data sources are obtained from primary legal materials in the form of laws and regulations, regional regulations, and literature studies that focus on spatial planning, local wisdom, and social conflict resolution. The research methodology uses a juridical-normative approach. Content analysis was conducted in order to obtain relevant research results. The findings reveal that local government regulations on spatial planning of the West Papua Customary Law Community are in synergy with central government regulations as regulated in Law No. 27 of 2007 on Spatial Planning. The two laws contribute to the resolution of social conflicts because of the recognition and protection of the sustainability of natural resources which are the living space (*lebensraum*) of the indigenous peoples of West Papua. An important lesson that can be learned is that spatial planning based on local wisdom is centered on harmony, balance, and sustainability in order to overcome social conflicts between the spatial planning of customary law communities and the spatial planning stipulated by national law, namely by preparing and determining spatial planning through the top down of the central government, then The village, district, district governments are bottom up, and meet in the discussion, preparation and determination of spatial planning in the Province. The expected implication is that the central government and local governments pay special attention to policy practices in spatial planning that are more socially just and in accordance with the needs of indigenous and tribal peoples. The aim is to create harmonization between customary law and national law so that they do not overlap each other, which in turn can lead to greater social conflicts in the future.

**Keywords:** *Learning spatial planning, law communities, local wisdom, social conflict*

### Introduction

The implementation of spatial planning has a central role in the community's economy. The realization of a spatial arrangement that is in accordance with the function of space can create harmony, improve public health and welfare and prevent negative impacts on the environment due

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to space utilization (Solly, 2021). The failure to organize spatial planning has led to various conflicts in various countries in the world. During the 1980s, Greece became one of the countries with a record of serious land-use conflicts that damaged natural ecosystems and social cohesion as a result of ineffective spatial planning systems on a national and regional scale (Kourliouros et al., 2015). The country of Poland has a controversial history because of the failure of marine spatial planning that has triggered negative perceptions and tensions in the country (Tafon, 2019). In the early 2000s, South Africa experienced chaos because of spatial planning policies that were considered problematic (Horn, 2020). This is why previous studies explain why the success of spatial planning relies heavily on the effective participation of the community, supporting guidelines, a set of tools and data for land-use decisions, and the extent to which spatial planning can resolve conflicts that occur (Gómez-Ballesteros et al., 2021; Rega, 2020).

Generally, densely populated areas in developing countries experience irregularity in spatial planning, limited natural resources, and government regulations which are the main factors in spatial planning problems. As a result, the condition of the region and local communities is getting worse day by day. The increasing number of people has an impact on the narrower space for economic movement (Liu & Zhou, 2021). Indonesia has several times experienced tensions in agrarian conflicts between local governments and indigenous peoples. The literature states that the trigger is the failure of defense policies, both in terms of land administration and land use spatial planning (Nulhaqim et al., 2020). Long before there was a national law on spatial planning, indigenous peoples already had the principles of traditional spatial planning or can be understood as customary law based on local wisdom which contains practical knowledge about regulation, environmental management, and how to regulate the pattern of life in a society that has survived to this day (Gunawan, 2021). Empirical studies show that the harmonization of the application of positive law, customary law, and local wisdom is able to overcome various forms of inequality in the administration of local government (Suryawati & Syaputri, 2021).

Local wisdom has proven its existence in natural resource ecosystems. This is why Indonesia is a developing country that is democratic and upholds local cultural wisdom by acknowledging the existence of customary law as long as it does not conflict with national law and this has been guaranteed in the explanation of the Basic Agrarian Law (UUPA) Number 5 of 1960 which states

that customary law was the basis for the formation of agrarian law and this has persisted for nearly six decades.

Referring to the spatial issue of various conflicts, especially agrarian conflicts in the implementation of spatial planning, the regional government of West Papua Province is one of the regions of Indonesia where indigenous people are vulnerable to social conflict issues and legal pluralism due to spatial planning policies in managing natural resources (Jackson, 2021). According to Korbéogo (2021), legal pluralism can exacerbate land use competition. The literature mentions that the Papuan local government regulations regarding the distribution of ulayat rights for the prevention of social conflicts with indigenous peoples have in fact not shown their contribution to agrarian conflicts between indigenous peoples and migrants (Reumi & Katjong, 2021). In the case of the Papuan customary law community, the existence of the company has triggered prolonged social conflict and hampered development (Sagrim et al., 2020).

Previous research mostly conducted empirical studies of spatial planning and local wisdom, but it is rare to find legal studies related to spatial planning based on local wisdom in the context of preventing social conflicts in indigenous peoples. Almeida et al. (2017) conducted an analysis of the sources of conflict and land use policies in developing appropriate strategies for the management of natural values. The findings reveal that conflicts are categorized in the form of institutional organization, policies and laws, power and other structural constraints related to time and resources, information and conflicts of interest as well as stakeholder relations. Research by Högström (2021) explain that in order to create conditions for effective interaction in spatial planning, it can be done by synergizing the temporal, location, and procedural dimensions of knowledge. This study examines more deeply the problem of integrated, adaptive, and participatory spatial planning through normative legal studies. While previous research conducted by Nadin (2021) has conducted the same study in Europe. Trkulja & Dabović (2021) identified regional development problems by creating a supranational framework for better spatial planning. These two studies examine spatial planning but not within the scope of local wisdom. Conflicts that often occur in the implementation of spatial planning are also caused by a lack of information or incorrect information received by indigenous peoples regarding government policies on areas and natural resources (Nuhidayah et al., 2020). This study aims to show the importance of learning about positive law in order to support local wisdom for dealing with social

conflicts that occur in Indonesia, especially the eastern part of Indonesia as the first region prone to social conflict.

### **Research Questions**

Drawing the theme of learning about the role of positive law-based, local wisdom, and social conflict, the the following research questions are sought to answer:

1. What kinds of Spatial Planning Customary Law Community are used for Social Conflict Resolution in the Province of West Papua?
2. How is Spatial Planning Customary Law Community implemented to solve social conflict resolution in the Province of West Papua?

### **Literature Review**

#### **Spatial Planning**

The definition of spatial planning is defined as a form of the structure of space and the pattern of space. Meanwhile, space can include ground space, ocean space, and air space as a unitary area where living things live in order to maintain their survival. Spatial planning is understood as a system of a process of spatial planning, space utilization, and space utilization control (Tewdwr-Jones, 2012). Spatial planning orientation aims to create a safe, comfortable, productive, and sustainable regional space for the community (Kunzmann, 2004). Spatial planning is a key tool in developing a strong environmental management strategy. In this case, the development of the spatial plan into action in the field requires an appropriate spatial planning process at various scales. One of them is by carrying out institutional adaptations and spatial planning reforms for different socio-economic and environmental goals (Adams et al., 2017). Studies reveal that spatial planning must 'handed over, this means that the results of planned actions must be appropriate in order to be more effective. The government agency responsible for making spatial planning must be able to control and exercise good control over the 'other actors' referring to the regional government or other similar institutions or called horizontal and vertical coordination. It is very important to place spatial planning at a strategic and even level, especially for the government. This is because spatial planning within the scope of government is to facilitate learning (Faludi, 2000). Spatial planning also requires innovation as a social process and conflict resolution. The phase carried out is the phase of incubating environmental development, producing, formatting or regenerating, stabilizing, and adjusting spatial planning (Christmann et al., 2020). Understanding spatial diversity in social use and conflict in spatial planning

is a way to support social resilience. Studying social dynamics and conflicts in certain areas can form patterns of utilization of spatial planning that are beneficial for protecting biological ecosystems (Noble et al., 2019).

### **Local Wisdom**

Local wisdom means a harmonious relationship between humans, nature, and the built environment in an area that is formed in an integrated system as a manifestation of traditional or cultural knowledge that is understood by certain communities in order to manage natural resources (Dahliani, 2015; Fernández et al., 2019). Local wisdom is referred to as the treasure of the community because it is able to represent wealth and has a positive value to the social environment. In addition, by studying the problems in it can find solutions and become strong again (Mungmachon, 2012). Local wisdom is divided into two parts, namely social wisdom, and ecological wisdom. Social wisdom emphasizes the process of forming social beings to become wiser and wiser. Therefore, the role of local wisdom is often a tool for resolving various conflicts in the community (Eko & Putranto, 2021). Meanwhile, ecological wisdom is a guide for humans to be wise in interacting in managing the surrounding natural environment, both biophysical and supernatural. Ecological-based local wisdom has a close relationship with indigenous peoples' territory or land management policies where they are seen as part of nature (Nugroho, 2021).

## **Method**

### **Research Design**

This study uses a normative juridical approach. Normative juridical research basically investigates legal principles to answer certain legal issues (LLewellyn, 1940). This research is guided by secondary data which is carried out by reviewing literature studies on legal and non-legal materials related to the research objectives. The purpose of the study was to investigate the positive legal principles of Spatial Planning based on local wisdom in the context of Social Conflict Resolution as a form of learning about the recognition and protection of indigenous peoples in law. The research is focused in the context of central government regulations on spatial planning based on local wisdom and local government spatial planning regulations related to preventing social conflicts with the indigenous peoples of West Papua in Papua Province.

## Data and Sources Data

This study uses secondary data as the main data source. Secondary data sources come from primary legal materials, namely the applicable laws and regulations related to the principles of spatial planning and community participation, “namely: (1) Law Number 26 of 2007 concerning Spatial Planning; (2) the 1945 Constitution Article 18 B paragraph (2) concerning customary law communities; (3) Law Number 23 of 2014 concerning Regional Governments; (4) Law Number 68 of 2010 concerning Forms and Procedures for Community Roles in Spatial Planning; (5) Papua Province Regional Regulation Number 23 of 2013 concerning Spatial Planning of the Papua Province of 2013-2023; (6) Special Regional Government Regulation of Papua Province Number 23 of 2008 concerning Individual Rights of Indigenous Peoples to Land.

**Table 1**

*Document Type*

Theme	The secondary data	Destination
Spatial Planning Regulation	<ol style="list-style-type: none"> <li>1. Law Number 26 of 2007 concerning Spatial Planning</li> <li>2. Law Number 23 of 2014 concerning Regional Government</li> <li>3. Papua Province Regional Regulation Number 23 of 2013 concerning Spatial Planning of the Papua Province of 2013-2023</li> <li>4. Special Regional Government Regulation of Papua Province Number 23 of 2008 concerning Individual Rights of Indigenous Peoples to Land</li> </ol>	The data evaluation aims to find out positive laws regarding spatial planning that contribute to resolving social conflicts between indigenous and tribal peoples
Local Wisdom	<ol style="list-style-type: none"> <li>1. The 1945 Constitution Article 18 B paragraph (2) concerning customary law communities</li> <li>2. Law Number 68 Year 2010 concerning Forms and Procedures for Community Roles in Spatial Planning</li> </ol>	The data evaluation aims to find out positive laws that contain the values of local wisdom of indigenous and tribal peoples that contribute to resolving social conflicts

## Data Collection Tools

This research uses the documentation method with primary legal data guidelines that have been prepared, then deepened. Researchers collect data by reviewing the rules of positive law by referring to the research theme. In conducting data collection to answer the RQ, identification is done by selecting the articles contained in the primary legal data and ensuring that the data can describe clearly and accurately the problem of spatial planning based on local wisdom and the resolution of social conflicts, especially the prevention of agrarian conflicts in Papuan customary law communities. (See table 2)

**Table 2**  
*The data collection process*

Topic	Primary legal data sources	Code data RQ
Spatial Planning	1. Law Number 26 of 2007 concerning Spatial Planning	2
	2. Law Number 23 of 2014 concerning Regional Government	
	3. Papua Province Regional Regulation Number 23 of 2013 concerning Spatial Planning of the Papua Province of 2013-2023	4
	4. Special Regional Government Regulation of Papua Province Number 23 of 2008 concerning Individual Rights of Indigenous Peoples to Land	4
		7
Local Wisdom	1. The 1945 Constitution Article 18 B paragraph (2) concerning customary law communities	1
	2. Law Number 68 Year 2010 concerning Forms and Procedures for Community Roles in Spatial Planning Article 9 paragraph (3) and paragraph (4)	3,5,6

### Data collection techniques

Primary legal material data collection aims to ensure that the data collected by researchers accurately includes research data on laws and regulations relating to legal principles related to research objectives on the topic of Spatial Planning and Local Wisdom, especially Papuan local government regulations. Research data collection is carried out by examining the rules of positive law and regulations relating to the principles of spatial planning. Positive law consists of, “(a) Law Number 26 of 2007 concerning Spatial Planning; (b) Law Number 23 of 2014 concerning Regional Government; (c) The 1945 Constitution Article 18 B paragraph (2) concerning customary law communities; (4) Law Number 68 Year 2010 concerning Forms and Procedures for Community Roles in Spatial Planning Article 9 paragraph (3) and paragraph (4).” And local government regulations relating to the principles of spatial planning are, “Papua Province Regional Regulation Number 23 of 2013 concerning Spatial Planning of the Papua Province of 2013-2023 and Special Regional Government Regulation of Papua Province Number 23 of 2008 concerning Individual Rights of Indigenous People to Land.” RQ1 is a positive legal study of customary law communities in spatial planning used for conflict resolution in West Papua Province. While RQ 2 is about the implementation of government regulations on indigenous peoples, including the principles of customary law. The coding system is carried out by considering the number 1 for the data code {1}, and so on, where RQ1 consists of data codes {1, 2, 3, 4, 5, and 6} while R2 consists of data codes {7

and 8}. The data that has been coded is then sorted in the analysis to find out what kind of spatial planning and implementation can be used to resolve social conflicts between indigenous peoples in West Papua.

### **Data Analysis**

This study uses the content analysis processing technique proposed by Krippendorff (2018). The researcher uses content analysis because this research technique is able to make valid inferences and describe the characteristics of the message specifically according to the research objectives by taking into account the context contained in the primary legal data.

The eight stages carried out began with the first stage, namely formulating the purpose of the analysis in revealing positive legal studies based on local wisdom related to resolving social conflicts of indigenous peoples. The second stage is to formulate the concept of conceptualization and operationalization of the data. The third stage is to reduce the operationalization to data that has been coded sheet based on the research topic, namely spatial planning and local wisdom. The fourth stage is testing the data instrument. The data collection instrument in the form of documents that the researcher uses is the primary legal material for spatial planning and Papua regional government regulations relating to the principles of customary law regarding land tenure. The fifth stage is the coding process. The coding system considers the R1 data code for primary legal data 1, considers R2 data code for primary legal data 2, and so on. RQ presents both themes in one analysis unit consisting of 8 data codes, namely R1, R2, R3, R4, R5, R6, & R7. The sixth stage refers to an objective and systematic study. The seventh stage is to search for data by interpreting the meaning of the data that has been processed. Finally, the researcher grouped and analyzed the data that met the originality requirements through data mapping and supported by previous research and then arranged systematically to answer the two research problem formulations. The last stage draws conclusions about the causes of research problems related to social conflict and suggestions addressed to the central government, local governments, and further research.

## **Result and Discussion**

### **RQ 1: Kinds of Spatial Planning Customary Law Community**

The research has examined spatial planning based on local wisdom that contributes to the resolution of social conflicts as a form of learning about legal recognition and protection of indigenous peoples.



The first finding shows that positive law and the principles of customary law of indigenous Papuans can be used to resolve social conflicts. The law referred to in the study consists of eight sources of law, namely, “(a) Law Number 26 of 2007 concerning Spatial Planning; (b) Law Number 23 of 2014 concerning Regional Government, (c) Papua Province Regional Regulation Number 23 of 2013 concerning Spatial Planning of the Papua Province of 2013-2023; (d) Special Regional Government Regulation of Papua Province Number 23 of 2008 concerning Individual Rights of Indigenous Peoples to Land; (e) The 1945 Constitution Article 18 B paragraph (2) concerning customary law communities; (f) Law Number 68 Year 2010 concerning Forms and Procedures for Community Roles in Spatial Planning Article 9 paragraph (3) and paragraph (4).” The first finding also explains that in-laws' local wisdom and regulations related to spatial planning include legal knowledge and sustainable natural resource management models, including how to maintain a relationship with nature through wise and responsible use of spatial planning.

The literature explains that local wisdom is a system that integrates knowledge, culture, and institutions as well as the practice of managing natural resources (Nugroho, 2021; Dahliani, 2015; Mungmachon, 2012). So it is not wrong if local wisdom itself is referred to as the 'treasure of indigenous peoples' because it is able to represent the wealth of noble, wise, and wise values in the area of land management. In other words, spatial planning based on local wisdom in Indonesia is essentially a manifestation of the implementation of articulation and embodiment as well as knowledge of national law and customary law that is understood by humans or communities interacting with their natural surroundings. Spatial planning based on local wisdom is closely related to the enforcement of human rights for indigenous peoples as mandated in the 1945 Constitution Article 18 B paragraph (2). Corresponding data 1.

- (1) “The state recognizes and respects units, customary law communities, and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law.”

Based on the law, spatial planning is the implementation of the state's right to control which is regulated in Article 33 paragraph (3) of the 1945 Constitution which states, "Earth, water and natural resources contained therein are controlled by the state and used as much as possible for prosperity. people." The follow-up to this constitutional provision is contained in Article 2 paragraph (2) of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which is abbreviated as

UUPA, which states that "with the right to control the state as regulated in Article 33 paragraph (3) of the 1945 Constitution, then the UUPA regulates the right of the state to determine and regulate the allocation of earth, water, and space, determine and regulate the legal relationship between people and the earth, water, and space, determine and regulate legal actions between people and the earth, water, and space. " Thus, it is clear that the process of establishing spatial planning law cannot be separated from the 'legal way' and the role of community participation. The study explains that the government has the responsibility to make effective regional spatial planning by controlling, controlling, and coordinating well with stakeholders (Faludi, 2000). For example, by carrying out institutional adaptations and spatial planning reforms for different socio-economic and environmental goals (Adams et al., 2017). In this context, it is contained in Law No. 26 of 2007 CHAPTER VII concerning Rights, Obligations, and Roles of the Community. Corresponding data 2.

- (2) "In spatial planning, everyone has the right to; 1) know the spatial plan; 2) enjoy the added value of space as a result of spatial planning; 3) obtain appropriate compensation; 4) submit an objection to the competent authority against development that is not in accordance with the spatial plan in its territory; 5) file a request for cancellation of permits and termination of development that is not in accordance with the spatial plan to the authorized official; and 6) file a claim for compensation to the government and/or permit holder if development activities that are not in accordance with the spatial plan cause losses. Then in the implementation of spatial planning, community participation is needed through; 1) participation in the preparation of spatial plans; 2) participation in space utilization; and 3) participation in spatial control in order to realize spatial order."

Based on the laws and regulations as explained in Chapter VII regarding the rights, obligations, and roles of the community, it is very clear that there is legal recognition and protection of indigenous peoples in terms of spatial planning. Even indigenous peoples have the right to file a claim for compensation to the government if the spatial planning policies carried out cause harm to indigenous peoples. Indigenous peoples have the right to implement customary law as long as it does not conflict with positive law. In addition, indigenous peoples also have an obligation to participate in the wise use of space which can be realized through local wisdom. In more detail, the participation of indigenous peoples can be seen in the regulation of Law Number 68 of 2010 concerning Forms and Procedures for Community Roles in Spatial Planning. Corresponding data 3.

- (3) "The role of the community in spatial planning is carried out in three stages, namely spatial planning, space utilization, and controlling space utilization. The forms of the role of indigenous peoples in spatial planning can be in the form of; 1) provide input regarding the preparation of spatial planning plans, identification of regional or regional development potentials and problems, formulation of spatial planning conceptions and/or determination of

spatial plans; 2) through cooperation with the government, regional government, and/or fellow elements of society in spatial planning.”

In this regulation, both the central and regional governments for spatial planning are required to involve indigenous peoples. The reason is because customary law communities are directly affected by spatial planning practices carried out by the government and this is the right for customary law communities as Indonesian citizens to obtain customary rights. Corresponding data 4.

- (4) “Law Number 23 of 2014 concerning Regional Government explains that government affairs must be carried out by all regions, namely to protect, serve, empower, and improve the welfare of their people. In the Papua Province Regional Regulation Number 23 of 2013 concerning Spatial Planning of the Papua Province of 2013-2023 CHAPTER I General Provisions Article 1 explains that indigenous peoples are indigenous Papuan people who come from certain clans and regions and are bound and subject to customary law. with a high sense of solidarity among its members. In the spatial planning of the Papua region, there are customary rights including the right to use land, forest, and water and their contents in certain areas which are the living environment for customary law communities.”

Based on these government regulations, it is clear that local governments have set regulations related to customary rights not to improve the economy but also to provide legal protection and avoid social conflicts related to spatial planning of natural resource areas between local governments, the private sector, and customary law communities. Regulation of Law Number 23 of 2014 concerning Regional Government and Regional Regulation of Papua Province Number 23 of 2013 concerning Spatial Planning of the Province of Papua in 2013-2023 is a manifestation of the government in carrying out the responsibility to carry out government related to the economy and social life public. Unfortunately, the literature finds that the existing regulations are not in accordance with the practice in the field (Jackson, 2021). Even the implementation of spatial planning triggers prolonged social conflicts and hinders development (Sagrim et al., 2020). Compensation is often unfair for the use of *ulayat* land. The assessment of compensation for *ulayat* land should not be equated with non-*ulayat* land because the perspective of the adat law community towards their *ulayat* land is different from the perspective of the community in general towards the land. They highly uphold customary law whose purpose is to maintain the balance of nature (Hammar, 2018). Meanwhile, regarding spatial planning based on local wisdom, it is explicitly contained in Law Number 68 of 2010 concerning Forms and Procedures for Community Roles in Spatial Planning Article 9 paragraph (3) and paragraph (4) as many as 6 criteria. Corresponding data 5.

- (5) “In the use of spatial planning, the role of the community is in the form of; 1) input on space utilization policies; 2) cooperation with the government, regional government, and/or fellow

elements of society in the use of space; 3) activities to utilize space in accordance with local wisdom and a predetermined spatial plan; 4) increasing efficiency, effectiveness, and stability in the utilization of land space, sea space, air space, and space within the earth by taking into account local wisdom and in accordance with the provisions of laws and regulations; 5) activities to protect the interests of defense and security as well as to maintain and improve the preservation of the function of the environment and natural resources; and 6) investment activities in utilization.”

The core underlying customary rights are the benefits of natural resources for the public interest; because it involves the interests of all parties and the contribution of the results of the exploitation of natural resources is obtained/enjoyed by all members of the customary law community fairly. Based on paragraph (3) which states "in accordance with local wisdom and spatial planning", explains that the existence of local wisdom is an important part of spatial planning in national law which aims to provide a sense of social justice for all Indonesian people. Corresponding data 6.

- (6) “The spatial arrangement of the territory of the Unitary State of the Republic of Indonesia, which is an archipelagic country with the characteristics of an archipelago, both as a unitary container that includes land space, sea space, and air money, including space within the earth, as well as as a resource, needs to be managed wisely. efficient, effective by referring to the rules of spatial planning so that the quality of the national territory space can be maintained for the sake of realizing welfare and social justice in accordance with the constitutional basis of the 1945 Constitution of the Republic of Indonesia. The implementation of spatial planning aims to create a safe national territory space , comfortable, productive, and sustainable based on the Archipelago Insight and National Resilience by, “1) The realization of harmony between the natural environment and the artificial environment; 2) The realization of integration in the use of natural resources and artificial resources by taking into account human resources; and 3) The realization of the protection of the function of space and the prevention of negative impacts on the environment due to the use of space.”

## **RQ 2: Spatial Planning Customary Law Community implemented to solve social conflict resolution**

The second finding reveals that in essence, positive law aims to create a safe, comfortable, productive, and sustainable regional space as described in Law no. 26 of 2007 concerning the Arrangement of Raung, while the principles of customary law of the indigenous peoples of Papua are to provide guidelines for the community in behaving and acting in society and the natural environment. Positive law also explains other goals, namely avoiding over-criminalizing, social conflicts, and providing legal certainty over the existing spatial planning. In spatial planning law, there are administrative sanctions, civil sanctions, and criminal sanctions in case of spatial planning violations. Customary law communities recognize spatial planning in customary law principles regarding land tenure (*hak*

*petuanan*) and natural resource management (*sasi*). A previous study conducted by Suhartini & Jones (2019) explained that the principles of customary law on *petuanan* rights contained customary offense sanctions from the customary institution of *Kainkain Karkara Mnu* or other terms *Para-Para Adat* carried out by three furnaces (three pillars) involving Adat (traditional leaders or elders), local government (to the village/Lurah/District), and respected figures (religious figures). The customary law of one of the customary law communities of Papua also recognizes a territorial principle called the Enggros Tobati customary law, namely, “providing severe punishments for perpetrators of crimes or violators of territorial principles. *Dader* (perpetrator), *doenpleger* (coordinator), participating *medader/medepleger* (performing), *uitlokke* (coaxer/instigator), and *medeplichtige* (helper) receive the punishment issued by the tribal chief (*Charsori*).”

Based on Law No. 26 of 2007 article 2 states that “within the framework of the Unitary State of the Republic of Indonesia, spatial planning is carried out based on the principles of integration, harmony, harmony and balance; sustainability, usability and usability; openness; togetherness and partnership; protection of the public interest, legal certainty and justice.” The use of space that is not based on the principles of spatial planning can lead to various conflicts of interest. Corresponding data 7.

- (7) “In order to avoid conflicts of interest, the Special Regional Government Regulation of Papua Province Number 23 of 2008 concerning Individual Rights of Indigenous Peoples to Land explains that the management of ulayat rights may not conflict with the provisions of laws and regulations. If a dispute occurs, the settlement can be carried out through customary law or through a court or outside the court based on the voluntary choice of the disputing parties.”

In realizing the principle of spatial planning, stakeholders consisting of the government, local governments, and the community need to work together in the preparation of indicators of harmony both in terms of spatial patterns, urban planning, and building plans as contained in the Regional Spatial Plan (RTRW) which is used as a reference for the region. In realizing good spatial planning goals in accordance with the mandate of the 1945 Constitution in order to achieve harmony and balance in society and the state. Good integration between indigenous peoples and local governments who are jointly responsible for their respective roles can be the best practice of implementing existing regulations (Malik, 2018).

In the customary law community of West Papua, which has ethnic diversity in various regions, there are six principles related to the principle of spatial planning based on local wisdom or in the terms of

the Sentani indigenous people, Papua is called *Puyakhabhu* (wise management of natural resources). "First, the principle of forest, land, and water as 'mama' means that natural resources must be protected because they provide milk, food (life) to their children (humans) (Hijjang et al., 2018). Second, the principle of maintaining territorial boundaries as a form of warning to members of the alliance to maintain boundaries with other parties when carrying out hunting, gardening, and harvesting forest products activities. In customary law communities, it is known as *Bolaang Mongondow* which means forbidden land for other people who do not have rights (Hammar, 2018). Third, the principle of land being worked out well is for people to use the land (space) wisely. Fourth, the principle of gardening/farming does not damage, meaning that the land is allowed to be used for gardening/farming but these activities must not cause damage to the soil." The fifth principle is the principle of compensation for natural resources which is based on the aspect of Strength that applies to the outside and to the customary rights. The sixth principle is the principle of accessibility to natural resources (Reumi & Katjong, 2021).

The principle of compensation is in synergy with the principle of togetherness as regulated in Law Number 26 of 2007. The principle of togetherness means that spatial planning is carried out by involving all stakeholders. The form of this togetherness is deliberation in planning, utilization, and supervision of spatial planning implementation, as well as providing compensation for natural resources as a form of acknowledgment of the existence and authority of indigenous peoples. The six principles of the Papuan customary law community are in synergy with the principles of Empowerment and effectiveness in Law Number 26 of 2007 which states that spatial planning is carried out by optimizing the benefits of space and the resources contained therein and ensuring the realization of quality spatial planning. A previous study conducted by Högström (2021) explained that in order to create effective interaction conditions in spatial planning, it can be done by synergizing the temporal, location, and procedural dimensions of knowledge. This is a must for the Government as the main actor to make a strategic spatial plan in order to achieve the use of space according to the purpose of its utilization. With regard to the synergy of customary law community principles with the principles of national spatial planning, Mungmachon (2012) states that the values of local wisdom embodied in the principles of spatial planning among the Indigenous Law Communities in West Papua can actually be transformed into principles. the principle of spatial planning according to positive law, either explicitly or implicitly. Everything that is "local" in many

ways can contribute to something that is "national". For example, the national agrarian legal framework, especially related to the land sector, is built on the foundation of customary law.

It can be understood that basically, the spatial planning orientation based on local wisdom aims to create a safe, comfortable, productive, and sustainable national space-based on national law and customary law communities. The law requires the protection of the function of space and the prevention of social conflict against the community due to the use of space. This study reveals a novelty regarding the importance of legal learning about spatial planning based on local wisdom in indigenous peoples in order to support the government's efforts to overcome social conflicts. Previous studies were limited to legal studies without revealing their implications for preventing social conflict (Trkulja & Dabović, 2021). Thus, this research provides new insights on the procedures for the role of indigenous peoples and spatial planning based on local wisdom to support national development.

This research has revealed the importance of studying positive law and community customary law regarding spatial planning. This research has concretely provided legal knowledge and explained the relationship between the two and the resolution of social conflicts from the point of view of local wisdom. Previous research has focused more on empirical studies on issues of social conflict and pluralism as described by Jackson (2021) and Sagrim et al., (2020) in their research. The study explains that there are still weak government regulations regarding conflicts that occur in Papua. In contrast to this research, the findings reveal that positive law and customary law have clearly and in detail regulated spatial planning and sanctions for social conflicts. Customary law has a guarantee of recognition and respect for customary law as long as the law meets realistic and idealistic requirements. However, back to the empirical study, it was found that government regulations and data laws did not work as they should. Indigenous peoples have not been legally protected against customary land ownership rights as a source of livelihood and have religious values. The government should pay more attention to and closely monitor the implementation of spatial planning regulations on social conflict issues in Papua.

### **Conclusion**

This research has provided lessons about positive law in order to support local wisdom for the resolution of social conflicts in customary law communities that occurred in eastern Indonesia, precisely in Papua Province. Based on the data that has been interpreted, it can be concluded that

spatial planning based on local wisdom of the Indigenous Law Community is able to become a living space (lebensraum) for the sustainable development of conflict-prone areas. The ideal form of avoiding conflict is the procedure for the preparation and determination of spatial planning through the top down of the central government, then the village, district, district governments on a bottom up basis, and meet in the discussion, arrangement and determination of spatial planning in the province. The expected implication is that the central government and the regional government of Papua Province should practice spatial planning policies in accordance with the mandate of the Spatial Planning Law, namely that customary law communities have the right to obtain information on spatial planning policies for their customary areas, carry out deliberation to reach consensus using a restoration justice approach, and given the opportunity and access to express thoughts, opinions and even objections for later discussion in a democratic manner. The results are for the common good. If this condition is ignored by the authorities, it can lead to conflicts between sectors and regions, environmental degradation, and suboptimal support for regional development. Researchers suggest future research by adding empirical studies to find out the impact of law on indigenous and tribal peoples and their implications in resolving social conflicts not only in Indonesia but also in conflict-prone countries.

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