

Mediation of Boundary Conflict between the Dani Tribe and the Mee Tribe in Nabire Regency

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Abstract

This study discusses the implementation of mediation in handling territorial boundary conflicts between the Mee and Danoi tribes in Nabire Regency. Territorial boundary conflicts in Nabire have become a serious concern, leading to horizontal and social conflicts. Mediation is one of the best alternatives for conflict resolution. Therefore, this study aims to analyze the dynamics of the conflict and the mediation efforts carried out by the government and other stakeholders. The research method used is descriptive qualitative, with data collection from literature, the internet, and applicable legislation. The findings of this study indicate that this conflict is a social conflict affecting regional stability. However, the role of the government as a mediator is crucial in resolving land disputes. The mediator functions as a neutral party with experience, capability, and integrity in problem-solving. It is recommended that territorial boundaries be recognized as triggers for horizontal conflicts between communities. Therefore, it is suggested that local and regional governments coordinate to form a working team to issue a Regent or Regional Regulation on Village Boundary Determination in cooperation with local village and traditional authorities.

Keywords: Mediation, Conflict, Territorial Boundaries

INTRODUCTION

According to Muluk in Suhartono (2016:15), "the most fundamental issue related to autonomous regions is the determination of boundaries and the size of the autonomous region." This statement emphasizes the certainty of territorial boundaries in the administration of government, especially in the current era of regional autonomy. The term boundaries are closely related to the authority of a region. Regional boundaries are important for determining the rights and obligations of a region and its residents, as well as determining government authority and the rules that apply in that region. Regional boundaries are also often a source of conflict between different regions. Therefore, regional boundary determination must be based on the principles of justice and mutual agreement between the parties involved. This lack of clarity in boundary status is one of the things that can trigger boundary conflicts (Badan Informasi Geospasial, 2024). In Indonesia itself, there are still several conflicts related to territorial boundaries. Some of them occur at the inter-governmental level and some of them occur at the community level, one of which is indigenous communities.

The area of Papua is 317,062 Km². When compared with the territory of the Republic of Indonesia, the area of Papua is 19.33 percent of the area of the Republic of Indonesia which reaches 1,890,754 Km². This is the largest island in Indonesia (Biro Pemerintahan Kampung Sekretariat Daerah Provinsi Papua). The indigenous tribal groups in Papua consist of 255 tribes, each with a different language. These tribes include: Ansus, Amungme, Asmat, Ayamaru, Bauzi, Biak, Dani, Empur, Hatam, Iha, Komoro, Mee, Meyakh, Moskona, Nafri, Sentani, Souk, Waropen, Wamesa, Wondawa, Muyu, Tobati, Enggros, Korowai, Fuyu (Pemerintah Provinsi Papua). Central Papua is a province in eastern Indonesia which was expanded from the province

of Papua in 2022. The capital of this province is in Nabire Regency. By mid-2023, the population of Central Papua will be 1,351,659 people. Central Papua was split from Papua Province along with two other provinces, namely Mountain Papua and South Papua on June 30 2022 based on Undang-Undang Nomor 15 Tahun 2022. Central Papua Province consists of Nabire Regency, Dogiyai Regency, Deiyai Regency, Paniai Regency, Intan Jaya Regency, Puncak Regency, Puncak Jaya Regency, and Mimika Regency. (Pemerintah Provinsi Papua Tengah).

The author conducted research in Nabire Regency, which is one of the regencies and also the capital of Central Papua Province, Indonesia. Nabire borders West Papua Province to the west. The capital of this regency is Nabire. Nabire Regency is the parent of all regencies in Central Papua except for Mimika (which is a division of Fakfak). Initially, Nabire Regency was named Paniai Regency with the capital at Enarotali. In 1966, the capital of Paniai was moved to Nabire because it was more strategically located on the coast compared to Enarotali, which is in the interior. Administratively, in 2012 the area of Nabire Regency was 12,075.00 Km² and the length of the coastline was 473 Km² and the sea area was 914,056.96 Ha. The area of the Regency is divided into 15 districts, 72 villages and 9 sub-districts (Pemerintah Kabupaten Nabire).

Nabire Regency is one of the regencies where border conflicts often occur. One such conflict is the tribal war over land boundary issues in Urumusu Village. According to Inews (2023), there were two land releases in the same area, which triggered the conflict. The boundary markers, which were supposed to indicate the territorial limits, were removed and handed over to the Wate Tribal Chief Alex Raiki. Members of both tribes also demanded the cancellation of the dual land release documents. The boundary markers, which were supposed to indicate the territorial limits, were removed and handed over to the Wate Tribal Chief Alex Raiki. Members of both tribes also demanded the cancellation of the dual land release documents (Suswinarko, 2023).

There are several methods for resolving a conflict, such as negotiation, mediation, conciliation, arbitration, and adjudication. Each has its own advantages and disadvantages. One method that is often taken is through mediation. Nader and Todd (in Widjaja, 2002) argue that mediation involves a third party who helps the disputing parties reach an agreement. This third party can be chosen by the disputing parties or appointed by an authority. Whether the mediator is chosen by the disputing parties or appointed by an authority, both parties must agree to use the mediator's services in seeking a resolution. In small communities, mediators can also serve as arbitrators and judges. Mediation is the act of bridging two disputing parties to reach an agreement (Amriani, 2011). Peraturan Mahkamah Agung Nomor 1 Tahun 2016 has promoted mediation as an ideal conflict resolution method. There are several reasons why mediation is considered an ideal alternative for dispute resolution:

1. Lower costs and shorter timeframes.
2. A more persuasive approach, especially if supported by respected figures from both conflicting parties.
3. A broader, more comprehensive, and flexible discussion of issues.
4. The maintenance of good relations between the conflicting parties.

Mediation is considered more effective for resolving disputes/conflicts, particularly in Indonesia. Based on the phenomenon, the author is motivated to analyze the occurring phenomena and the implementation of mediation in resolving territorial boundary conflicts between the Dani and Mee Tribes.

In research conducted by Lesang and Qodir (2014) regarding the Morotai Regency Conflict, the role of local government as a mediator is important. Mediation has the characteristics of negotiation, namely the involvement of a neutral third party. The third party does not have the power to decide on the agreement, but functions as a facilitator and problem solver, with the aim of helping the third party to agree. Regional Government itself in a conflict has three roles that

can be taken, including conciliation, mediation, and arbitration. The Morotai Island Regency Government offers a way to resolve land conflicts between the TNI-AU and the communities of five villages through mediation with a mediator as facilitator. Furthermore, the role of the Regional Government in conflict resolution shows that from the beginning of the meeting to the end, the Morotai Island District Government has positioned itself in a mediation role. As a mediator, the Government wants to help the parties resolve their problems. The government is also trying to provide alternatives and find solutions to resolve the conflict. The mediation method used by local governments has the potential to be successful and is accepted and recognized by interested parties as neutral parties. However, the government's weakness that hinders the success of mediation is the government's lack of intensity in conducting mediation. The mediation process also involves limited parties and has not shown a willingness to cooperate between the parties involved. In this paper, the lessons learned in the results are stated, namely that the government has the potential to be a successful mediator if it can demonstrate good faith and impartiality, but it must also be followed by high intensity from the government in trying to resolve the conflict.

RESEARCH METHODS

This research employs a qualitative research method with a Descriptive-Analysis model. The qualitative method is a research method that describes and explains a phenomenon by collecting data where the researcher serves as the key instrument (Sugiyono, 2013). Data collection in qualitative research includes observation, visual analysis, and literature study. Through descriptive research, the researcher aims to describe and analyze events and occurrences that are the focus of attention without giving special treatment to those events.

RESULT AND DISCUSSION

Conflict Dynamics

Conflict in the context of Nabire Regency often occurs in various districts. Such is the case between the Dani and Mee tribes. Here is a timeline of the conflict dynamics between the Dani and Mee tribes based on various sources:

1. June 5, 2023:

A tribal war broke out in Uwapa District, Nabire Regency, Central Papua Province, triggered by a border dispute, resulting in three fatalities. The tribal war involved the removal of boundary markers at a land location in Urumusu Village, Uwapa District, Nabire. Clashes between the Dani and Mee tribes occurred over the disputed land. The residents armed themselves with traditional weapons such as bows and long machetes. Uwapa Police officers responded to the conflict site but were unable to quell the violence due to the large number of people involved. In this tribal war, three people were killed: two from the Mee tribe and one from the Dani tribe, namely Topo Village Head Abner Wabes. The victims died from injuries caused by arrows and sharp objects (Inews.com, June 6, 2023). In handling this incident, Nabire Police deployed personnel to maintain security and order in the area. So far, there has been no official statement from the local police. The incident is still under investigation to uncover the chronology and factors that triggered the conflict between the Dani and Mee tribes in Uwapa District, Nabire (Inews.com, June 6, 2023).

2. June 7, 2023:

The land conflict between the Mee and Dani tribes that resulted in three deaths in Nabire, Central Papua, prompted mass mobilization from three other regencies in the province: Paniai, Deiyai, and Dogiyai. The masses arrived in Nabire in dozens of vehicles. The Mee tribe from these three Central Papua regencies demanded that the Dani tribe immediately vacate the land, which is ancestral land of the Mee tribe that has been occupied for generations. They also demanded the establishment of clear customary boundary markers to prevent future conflicts. Additionally, they called for the immediate arrest and prosecution of the main perpetrators responsible for the land dispute to deescalate the ongoing conflict. Otopianus Tebay, a member of the Regional Representative Council (DPD) and the head of the Central Papua Perindo Party, urged the Acting Governor of Central Papua, the Nabire Regent, the Police Chief, and the Nabire Military District Commander to find solutions and mediate this issue (Sindonews.com, June 8, 2023).

3. June 9, 2023:

Tensions between the Dani and Mee tribes flared up again in Nabire, Central Papua. Six houses belonging to the Dani tribe were set on fire. The Papua Police's Head of Public Relations, Kombes Ignatius Benny Adi Prabowo, reported that houses were burned, and initial data from personnel on the ground indicated that six houses were burned at Km 80 and one house at Km 64 as part of the aftermath of the initial conflict that resulted in two deaths on June 5, 2023. Despite invitations from the police and relevant parties for the two warring groups to meet after the initial clash, tensions remained high due to emotions running high among the Mee tribe members from outside Nabire (Detik.com, June 10, 2023).

Implementation of Mediation

Mediation in land conflicts cannot be separated from social relationships related to social control over natural resource use. Community resistance to perceived injustices is a collective action against oppression by those in power. Maladi (2012) suggests that frequent customary law conflicts indicate the government's inability to provide maximum legal protection to its citizens. Many conflicts stem from the dominance of customary law issues. The government should enforce law as facilitation of human interaction to meet the people's needs (K. Kurniati et al., 2021). According to Mudjiono, factors causing land disputes include incomplete land regulations, inconsistent regulations, unresponsive land officials, inaccurate and incomplete data, erroneous land data, insufficient human resources for dispute resolution, incorrect land transactions, and overlapping authorities from other agencies (K. Kurniati et al., 2021). Resolving land disputes through mediation requires the involvement of various stakeholders. The steps are as follows:

1. June 13, 2023:

A mediation session was held at the Wicaksana Laghawa Hall of Nabire Police, involving representatives from the Dani, Mee, and Wate tribes, the traditional council, the Nabire Regent, the Military District Commander, the Police Chief, and representatives from the Central Papua Provincial Government. Nabire Police Chief AKBP I Ketut Suarnaya stated that they are still investigating the murders that occurred in Topo due to the boundary conflict. The Police Chief explained that the bodies of the Dani tribe members who are still missing would be searched for, and the perpetrators of the murders are under investigation by the Criminal Investigation Unit. The mediation aimed to calm the situation through discussions to keep it conducive and find alternative solutions, such as the revocation of customary rights and plans for boundary determination (Papua.wahananews.com, June 14, 2023).

2. September 6, 2023:

The Nabire Regent held a meeting to resolve the land dispute in Topo with delegations from both sides and tribal leaders at the Wicaksana Laghawa Hall of Nabire Police. Regent

Mesak stated that the meeting aimed to find a common solution through various agreements to resolve the boundary land issue peacefully. The boundary between the Mee tribe and the Wate coastal tribe had not been decided yet, requiring a consensus involving both tribes in a forum for discussion. The meeting resulted in three agreements:

- A. The customary boundary between the Mee and Wate tribes at Bukit Rindu, adjusted to the east and west directions of Bukit Rindu.
- B. Recognition of the release of customary land measuring 1000 x 3000 meters by the chief of the Wate tribe, Didimus Warai, in 2014.
- C. The decision on whether to allow the return of the Dani tribe members to the gold panning areas (Km 64, 74, Sentriko Km 80, 86) was left to the Mee tribe (Papua.wahananews.com, September 7, 2023).

3. December 14, 2023:

The Central Papua Provincial Government mediated peace among the Mee, Dani, and Wate tribes regarding the land dispute in Topo, Uwapa District, Nabire Regency. Acting Governor of Central Papua Ribka Haluk stated that the peace agreement was a beautiful Christmas gift for the local community. She emphasized that the peace agreement served as a lesson for all Central Papua residents, with the peace agreement including five points:

- A. Agreement that the customary rights boundary between the Wate and Mee tribes is Bukit Rindu.
- B. Agreement that the release of 1,000 x 3,000 square meters of customary land in Uwapa District, Nabire Regency, belongs to Ishak Talenggen.
- C. Agreement that the gold panning areas at Km 64, Km 74, Km 80, and Km 86 are Mee tribe land, and anyone wishing to engage in activities such as logging or gold mining must obtain permission from the Mee tribe.
- D. Agreement to accept Rp2.3 billion for the peace ceremony according to local customs.
- E. Agreement that with the signing of this peace agreement, the issue between the Mee, Dani, and Wate tribes is resolved (papuabarat.antaranews.com, December 19, 2023).

Collaborative Governance in Conflict Resolution

The role of multiple stakeholders is crucial in resolving horizontal conflicts that can lead to social unrest. The handling of the village boundary conflict between the Dani and Mee tribes has been coordinated among various parties and institutions. This coordination is evident during the conflict, its escalation, and peace-building efforts. The roles of the government and community leaders, including traditional leaders, religious leaders, tribal chiefs, traditional councils, local police, Nabire Police, Nabire Military District Commander, Nabire Regent, Central Papua Governor, and Papua Provincial Police, are vital.

Specific roles of each element of local government are not explained. However, Undang-Undang No. 7 tahun 2012 organize the formation of a social conflict resolution task force which then explained the task force role in solving conflict. The social conflict resolution task force itself is described as an ad hoc institution formed to resolve conflicts outside of court through deliberation to reach consensus. The task force itself is filled with highest executive leader (regent or mayor for regency or city level and governor for province level), police, district military, and community level leaders such as religious leaders and tribal chiefs.

Undang-Undang No. 23 tahun 2014 regulates regional autonomy. Regional Autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own Government Affairs and the interests of local communities within the system of the Unitary State of the Republic of Indonesia. That with regional autonomy, regional governments have authority and responsibility regarding regional problems, one of which is conflict resolution.

The involvement of multiple stakeholders is essential for interaction and coordination through a collaborative process to address differences in views, interests, and perspectives on the issue.

This collaborative approach helps reduce or deescalate conflicts gradually and was agreed upon on December 14, 2023.

CONCLUSION

This study concludes that boundary conflicts not only have economic impacts but also lead to negative consequences such as horizontal conflicts between ethnic groups, in this case, the Dani and Mee tribes, highlighting the crucial role of local government, district, and provincial authorities. Local government officials including the Regent of Nabire, the Nabire Police, and the Nabire District Military Commander play a vital role in resolving land issues as neutral mediators with experience, capability, and integrity. The involvement of provincial government represented by the Governor of Papua and their staff is equally crucial.

The government's role as a mediator is essential in achieving resolution, as evidenced by the signing of the agreement on December 14, 2023, marking the conclusion of the boundary conflict. This conflict serves as a trigger for horizontal conflicts among communities, underscoring the recommendation for local and regional governments to coordinate and form working teams to establish Regency Regulations or Regional Regulations on Village Boundary Determination, in collaboration with local village governments and traditional authorities.

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