

CONSOLIDATING AND STRENGTHENING THE CAPACITY OF INDIGENOUS PEOPLE LEADERS IN MAINTAINING CUSTOMARY LAW

Roberth Kurniawan Ruslak Hammar, Bintuni School of Law

ABSTRACT

This paper describes a series of experiments to answer the question related to leadership model in a customary community in Papua. This paper tries to provide a new perspective on the relationship between traditional leadership and customary law in traditional Arfak communities in Papua. This study was conducted with ethnographic methods with an emphasis on indigenous retention, leadership models and customary law, by taking the object of study on the Arfak tribe in Papua, Indonesia. The results of the study show that traditional leadership can function effectively to maintain a legal system that applies to traditional societies. In this context, Arfak Customary Community is a territorial genealogical community bound for heredity, and the result of marriage, in which the community leader is based on hereditary origin systems, and collaborative male leadership collaborates in a mixed leadership form.

Keywords: Leadership Model, Legal Consequence, Customary Law.

INTRODUCTION

Leadership is needed in each community whether it is small scale from family, to tribal groups, and countries. The development of the country with its various types and leadership styles stems from the need for non-formal, traditional and simple leadership. The various theories of nation and state formation originate from the needs of the members of the community to maintain the continuity and existence of their lives by entering into an agreement to surrender some of their leadership authority to a person to become a leader with the belief that the leader has the capacity, competence, authority, superiority and skills. The leaders are deemed capable of handling various issues the inward good community to improve welfare and the outside duty of providing protection to all members of the community with all the consequences. The condition evolved from the traditional to modern leadership today (Bank & Southall, 1996; Weeks, 2011). Some studies have been highlighted the importance effect of leadership existence and the strengthening its role in adapting its institutions to the nation-state legal system (Miller, 1968; Hinz, 2008).

Likewise, leadership in customary law community is needed to be able to anticipate, facilitate and resolve the various conflicts that arise between peoples, between communities and government, and conflicts between communities and outsiders (Bennett, 1981). These conflicts include land conflicts, agrarian conflicts, customary and horizontal conflicts, and issues related to social conflict caused by indigenous forest utilization (Peters, 2013; Bose, 2013). Moreover, the conflict can be caused by the role of traditional institutions in the prevention/cessation of conflict that is previously emerged. In Papua, the conflicts are, for example, the conflict of customary land (ulayat) of Sumuri tribe with Genting oil company. Moreover, the ulayat conflict between the government and the customary law community is occurred in Manokwari, West

Papua (Hammar, 2017). Leadership in indigenous people is an integral part of the existence of the customary law community itself. Indigenous communities without customary leadership are not indigenous communities, since the existence of the customary law community is determined by three cumulative requirements that are the realm of territory, wealth, and government that are actualized to adat leadership. The role and function of leadership in indigenous people varies according to the type and characteristics of leadership adopted. The community's leadership includes customary governance, taking care of communal property, managing social life, to spatial arrangements and utilizing natural resources (McWilliam, 2008; Steenbergen, 2016).

The leaders of indigenous people are influential in anticipating and directing the behavior and status of the system applicable in the face of external effects. The role of adat leaders in the Arfak tribe is called Mananir, in order to strengthen the life of community based on customs and customary law, as well as able to interact in the era of globalization without losing the cultural identity, customs and morality of the Arfak tribe inhabiting the Manokwari area of West Papua. They are expected to always embrace a mixed-conscious leadership, between the *Pria Berwibawa* (big man) system determined by the achievement and wealth possessed and the ability to speak, negotiate. Thus, the leadership model is not permanent, as it depends on that power affecting the sustainability of the leader's power, and the inheritance system (Hammar, 2018). In order to actualize traditional leadership in social reality of contemporary life, this research formulates the problem as how far the role of adat leadership in Arfak tribe in Manokwari West Papua in seeking leaders, maintaining customary social models in maintaining traditional values and cultures.

Leaders and Leadership

Leaders and leadership come from the word lead, but its use is in different contexts. A leader is a person whose skills and competence are capable of influencing others to perform an activity (Sabaeni & Sumantri, 2014). Krech (1962) argues that the leader is a member of a group or organization who plays the determination of ideology of the group. Mantondang (2008) suggests that the leader is someone who can influence others to do or not to do something desired. Saebani & Sumantri (2014) state that an effective Leader is a responsive means always responsive to every problem needs, hopes and dreams of those he leads. In addition, the leader is always active and proactive in finding solutions to any problems or challenges encountered, and he or she acts as a coach or companion for the people she/he leads, meaning that leaders have the ability to inspire and encourage their subordinates in planning, doing daily activities such as monitoring and controlling, and evaluating the performance of subordinates. The real leader is the ideal leader capable of performing its functions and roles, regulating and controlling the course of the organization. Leaders also take responsibility for the journey of society toward a better future from all sides of life. Hence, leaders are meaningful with organizing, directing, leading, and showing or influencing others. The leader has a physical and spiritual responsibility for the success of the work activities of the led.

On other hand, it is leadership as a room for leaders to show his or her capabilities. According to Asmara (2017), leadership is the leader's actions in achieving goals. Leadership is the ability of a person to influence others to work together in accordance with the plan for the achievement of a predetermined goal. Thus, leadership plays an important role in management, even leadership is the core of management. Leadership is an entity that directs the work of members of the organization to achieve organizational goals. Good leadership is able to bind, harmonize, and encourage the potential of organizational resources to compete healthily.

Ivancevic et al. (2008) state that leadership is the process of influencing others to facilitate the achievement of the organization's relevant goals. The same thing was told by Pierce and Newstrom (2011) that leadership is a process of influencing and supporting others to work enthusiastically to achieve goals. Arifin (2012) suggests that leadership is a process of briefing and influencing activities related to the tasks of group members. These definitions have implications, such as leadership involves another person, who is a subordinate or a follower, and there will be differences in power distribution such as legality power for formal leaders or coercive powers for managers, and the like. Moreover, there will be an ability needed to use different forms of power to influence subordinate behavior. Saebani & Sumantri (2014) argue that leadership must have integrity, compassion, cognizance, courage to act in accordance with the commitment of belief to oneself (confidence) and others and the ability to convince others (communication) in building the organization.

Traditional Leadership

There are three types of leadership authority in society, according to Williams & Weber (2003), there are legal-rational authority, traditional authority; and charismatic authority. The first mentioned is an authority derived from legality or a certain rule. The second refers to the authority whose legitimacy rests on customs, while the last is an authority whose validity comes from the charisma or special qualities possessed by a leader. The traditional type of leadership that originates in custom is in the Papuan tribe consisting of four political leadership systems namely the Pria Berwibawa (Big Man) system or the authoritative man, the Ondoafi system, the kingdom system, and the mixed system. Johszua Robert Mansoben (1995) highlights the Sahlins (1958) analysis of Melanesian leadership model. The model uses continuous lines ie one end of the continuum line pole is characterized by ascription, or inheritance, and at the other end, there is a political system characterized by achievement. At the pole end of the continuum line characterized by the inheritance is a leadership system called chief, while the other end of the continuum line characterized by that achievement is a leadership system called the big man. The leadership system characterized by the inheritance and what Sahlins (1958) called the chief can be divided into two types, the royal system and the ondoafi system. The main difference between the two lies in the broad element of power and political orientation.

The first system of political leadership called Big Man has certain characteristics. First, the power is gained through the achievement of individual capabilities such as possessing material wealth including the success of allocating and distributing wealth, intelligence diplomacy and speech, leads the war, has a generous nature, a large physical body and well-built. Second, there will be only the person who occupies and becomes the leader itself exercises power. This means that leadership in all areas is held and carried out by one person alone ie the leader himself who exercises power. Tribes that implement this system include the tribes of Meybrat, Asmat, Dani, Muyu and Me (Mansoben, 1995).

The second system of political leadership is Ondoafi. The main features of the ondoafi political system are the inheritance of the traditional position and bureaucracy. The territorial power of ondoafi includes one village and one ethnic group. The center of orientation of ondoafi power is religion. The ondoafi political system is in the northeastern part of Papua, with supportive communities of each Sentani, Genyem (Nimboran), Humboldt Bay residents (Yos Sudarso), Tabla, Yaona, Yakari-Skou and Arso-Waris (Mansoben, 1995). The third system of political leadership is the Kingdom. The hallmark of this system is the inheritance of the leadership. Normally, the position is inherited to the eldest child. In this system, it is also known

division of functions in exercising power. Adherents of this system include Fakfak area, Kaimana, Raja Ampat Islands (Mansoben, 1995).

The fourth system of political leadership according to Mansoben (1995) is the leadership system of mixing. The characteristics of the mixing system are the position of the leader obtained through inheritance and/or achievement. In other words, within this system one can become a community leader based on his individual abilities including based on achievements in certain conditions and/or on the basis of offspring. Leaders based on achievement usually appear at certain moments, for example in times of war, disaster or in the event of cultural decadence. Leaders of this group are also called situational leaders. On other hand, leaders based on inheritance contained in the mixing system usually occurs in normal conditions that does not occur war, natural disasters and so forth. The adherents of this mixing leadership system are Biak, Wandamen, Waropen, Yawa and Maya. The mixed leadership system generally in Papua can be divided according to two forms. The first form is leadership based on wealth property. An Big Man can accumulate certain resources and manipulate people to achieve his goal of wealth, position and prestige. The second form is leadership based on the courage of leading the war with its leader called the leader of war.

The nature of courage in the mixing system contains two elements, is the aggressive element and the orator element. Aggressive elements manifest in the form of ever killing people. On the other hand, a leader must have competence in the various things needed by the community and must be communicated to the community through speeches in various occasions. For example, at a pig party ceremony or at the time of fighting in the battlefield. In addition, the ability to argue is one of the important requirements demanded of a leader. Pouver (1966) states that someone who can become a political leader in the Meybrat is a man who is good at trading. The usual profit-making attitude of an entrepreneur in general is also known to the Meybrat (Hammar, 2017). Another important form of livelihood in the life of the Meybrat is the exchange system. The object that plays an important role in the exchange system is the kain timur, a kind of tie cloth coming from the islands of Nusa Tenggara and the Maluku Islands. Those who live from the exchange system are the people who are called bobot, or what Elmsberg (1966) and Pouver (1966) call the bankers and their subordinates. The role of bobot in the people of Meybrat is as a banker or entrepreneur and leader.

Leadership and its Function in Indigenous and Tribal People of Arfak

The leadership and formation of a village by Arfak community typically comes from one or more ridges. Each one is headed by a leader called Menir Keret. In the traditional leadership system of Menir, Mananir included in the system as well as the theory of Big Man. The Big Man theory developed in the days of ancient Greece and Rome that there was a belief that the leader was born, regardless of whether he had the character or lacked the character of the leader (Thoha, 2015). The main task of a traditional leader (Menir, Mananir) is to head and judge handling various matters concerning the interests of his or her own citizens, for example as head to regulate the permit of land use rights of the ranch among the members of the rail and as a judge to resolve various disputes arise between the citizens of their own keret. The second role of a Menir is as a representative of his own group to deal with issues that concern the interests of his group with other groups in the village and together with Menir from other keret keep and watch the interests of his villagers against the outsiders.

The position of the Menir of head of the *keret* is not based on age, but is determined by the ability to fight for the interests of the group, the willingness to sacrifice themselves for the

benefit of members of the citizens of the *keret*, has extensive knowledge of the rules applicable in the *keret*, has more experience than other members from his *keret* as often belligerent and articulate in public. This can be compared with Tana Samawa's leadership in Sumbawa that requires 16 criteria that must be met by his *adat* leader (Zulkarnaen, 2011). Hammar (2017) suggests that above the head of the *keret*, in each *minu* or *kampung* (village), there is a head called *Menir Minu*. This *Menir* is not chosen, but is appointed by the villagers of one of the *Menir keret* based on two basic criteria. The first is based on the history of its origin that must come from the group of the founder of the village and second is based on the ability of one of *Menir* that exceeds the ability shown by other *Menir* in his neighborhood. This last criterion is more important than the first, because a *Menir* who comes from the cluster of founders of the village if they do not meet the second criteria, he cannot be appointed as *Menir Minu*. Nevertheless, a head from the village co-founder *keret* has the authority to regulate matters relating to land use and the utilization of forest products within the territory of his village.

Menir Minu position is as the leader of the other leaders of the village. The task is to coordinate the leader of the *keret* along with other community figures in making certain decisions that concern the interests of the villagers, and directly lead the implementation of the decision. Each village in Manokwari is the smallest legal community, having its own power, territory, and wealth. Villages that do not have the characteristics of the above legal features is not a village. The highest authority in the village lay in the hands of the chief because he had the authority to rule and declare war.

Every village in the Arfak tribe is the smallest legal unity. The traditional leaders consist of *Menir* or tribal chief, *Moskur* (deputy chief), *Runa ensis* (head of war), and *Dwebabah* (head of hunter). *Menir* is the person who heads his tribe in the village for generations, and as a traditional leader. The chieftain's job is to solve problems related to social life such as marriage, adultery, conflicts between citizens as well as problems in the utilization of natural resources such as hunting permits, harvesting of forest products, clearing forests, and gardening. In addition it served as *Otko Roffuroka* (commanding duties) and the task of *Syaukona Onetep* that is as war leader. The tasks are done for the benefit of the villagers of one *kampung* and other *kampung* if there is a customary dispute between one villager with another. Hence, the *Mananir* will contact the dispute party and resolve the matter. The requirements to be a formal or informal *Mananir* are as follows:

1. The candidate is the founder of the village.
2. Capable of leading equitably.
3. Capable of maintain the customary law integrity.
4. Capable of maintaining security, and the safety of his tribe from threats and attacks from other tribes.
5. Honest.
6. Not wasteful.
7. Authoritative.

Usually *Menir* is a rich man. This can be measured by the number of pigs owned, and his wife being more than one. The person who has more than one wife is considered wealthy, because to get the wife he must pay an expensive dowry. However, the purpose of polygamy is primarily to wage labor, especially for raising pigs, and gardening. *Menir* right is *otko roffuroka* (ruling) covering all fields of community life, such as land tenure, collecting the proceeds, establishing the conditions for obtaining land, determining fines in domestic disputes, resolving adultery problem and fleeing the wives of others, driving mutual cooperation, leading custom ceremonies and meetings, tackling disasters, maintaining security, and determining the opening

of new fields. In his duty as syaukona oneteb, Menir had to compensate for the deaths of the families who died as a result of the war.

Prior to Dutch colonial rule, the appointment was not officially signed. Citizens argue that the founders of the first village automatically became leaders. After the Dutch government, appointments were made by the government with the consent of the people. After being appointed by the government, the chosen one holds a traditional ceremony called Monyenar, meaning a coronation ceremony. Prior to the ceremony the prospective Menir must declare his advance appointment spoken in Arfak, especially Meyach: "*Mosona oh didif direk manannur*" meaning the government has raised me as a Menir. After hearing these words, the people answered "*in somahk*" meaning agree. If it has been approved by the villagers, then there will be begun the meal ceremonies interspersed with dancing (Hammar, 2017).

Moskur or deputy head of the tribe has the task of representing Menir, if the Menir is absent. However, Moskur does not have its own attributes. Only custom clothing consisting of wire, red cloth or Timor cloth or Toba cloth he has. To distinguish between Moskur and citizens, it is rather difficult, because of the absence of special traits. The appointment of Moskur is similar to the appointment of Menir and the ceremony is held together after the Moskur is appointed by the government then the Menir announces to all the citizens who read: *Masona oh offu teineref moskur*, meaning the government has appointed him as Moskur while Menir appointed Moskur. After that the people answered simultaneously "*in somahk*" meaning agree.

Andijpoy are traditional elders who are tasked with giving consideration to the Menir, Moskur, Runa ensis, Dwebabah, and head of the village related to the matters of community life whether requested or not requested to customary officials. Runa ensis or war chief was in charge of leading the war, including organizing battle strategies and techniques. Besides, it regulates the procedures for the use of medicines. The terms of the rapture of Runa ensis are usually chosen from the belligerent and expert in medicine and courage. Runa ensis is lifted from the second social layer, but sometimes from the first social layer. Runa ensis leads the war after an order from Menir, because only Menir has the right of syaukona oneteb, or the right to lead the war. However, now with the influence of religious teachings and government, tribal war no longer exists. Runa ensis is now in charge of village security. Task of dwebabah is not a basic position, but just a side job only. His appointment is based on his skill in hunting, such as archery and magically capture animals. In the hunting, dwebabah acts as a leader. His job only leads incidentally, then he is an informal leader.

Consolidating and Strengthening the Capacity of Indigenous People Leader

The development of the world is now increasingly globally characterized by the interconnection between regions and countries with much easier communication and faster transportation. There is no borderless boundary that affects the dependence of the nation, in trade, tourism, inter-cooperation state, inter-institutional and even individual in many respects, including in the management of natural resources through investment. The Arfak in West Papua that inhabits areas including Manokwari District, Manokwari Selatan District, Arfak Mountains District, Tamberau Regency, Teluk Wondama Regency and Bintuni Bay Regency controls various potential and strategic natural resources such as gold, fuel oil, nickel, quartz sand, and others within their customary rights jurisdiction, potentially explored and exploited by entrepreneurs through investments both domestically and abroad.

Indonesian policy through the authority of Article 33(3) of the 1945 Constitution stating that land, water, and space and natural resources contained therein are controlled by the State and

used for the greatest prosperity of the people has always become the basis of the legitimacy of development policies that open space for investors to touch the customary territory of indigenous people. Implementation of this State policy, if not through the stages of the development process involving all components of the nation from the tribe, village, district and province, as well as through socialization and participation of the community in the process of spatial planning, results in prolonged horizontal and vertical conflicts, and brings harm to indigenous and tribal peoples, governments, and wider community.

In order to minimize the occurrence of conflicts, the leadership of indigenous people does not only play conventionally to maintain the unity of the integrity of the citizens and their wealth in the territorial territory of customs, but also has the ability, capacity, competence as leadership in such as visionary, strategic, tactical and operational leadership. It is necessary to strengthen the capacity of adat leadership, so that into the fellowship, he is able to act as a figure that unites all citizens of the fellowship. Moreover, he also has the authority to lead and preserve all material and immaterial wealth as a form of dignity and honor of the outsider communion and government on the existence of indigenous community, and also able to anticipate, together with all components of the nation, to minimize the adverse effects of globalization in education, information technology culture and so on. Therefore, customary leaders need character such as integrity, humility, loyalty, courage, justice, patience, crafts, simplicity, because the character or ethics of leader is one of the factors that determine the success or failure of the led (Wijaya et al., 2015; Covey, 1997).

CONCLUSION

Leadership of Arfak Customary Law Community is a leadership with a mixed system of hereditary system and Big Man role governing customary administration, social life until the arrangement of natural resource allocation and spatial within the scope of Indigenous People. Moreover, leadership Arfak customary law community must play a role, together with the components of the nation, for maintaining the existence of customs and culture. Moreover, consolidating and strengthening the capacity of indigenous people leaders cannot happen without government intervention to provide enlightenment with respect to its leadership function in the community, as well as the society fully aware that all forms of adat power in the customary law community must be in synergy with development policy with promoting the principle of mutual respect, mutual benefit, and prosperity of the the indigenous community in accordance with the mandate of the Constitution. Thus, the leadership of the community, although with the limitations of the traditional scope, must have a national insight that impacts globally. Therefore, the customary law community on one hand still exists with all the uniqueness, and on the other hand, is capable of harmonious relations as a form to strengthen the integration of the nation, competing globally with other nations as the actualization of the prestige, dignity and identity as the nation of Indonesia based on Pancasila and the 1945 Constitution.

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