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# Cultural-Based Dispute Resolution in the Kankain Karkara Mananwir System of the Byak Community in Papua

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## Abstract

**This study aims** to examine the culturally based dispute resolution system known as Kankain Karkara, administered by the Mananwir customary institution within the Byak community in Biak, Papua, and to analyze its role in restoring social harmony amid the coexistence of formal and customary legal systems, including in disputes involving migrants.

**This study uses** a legal anthropology approach through participant observation and in-depth interviews with customary authorities and community members, both indigenous residents and migrants. The analysis is grounded in the framework of legal pluralism and the concept of semi-autonomous social fields to examine the relationship between state law and customary law in dispute resolution practices.

**The novelty** of this research lies in the finding that the Kankain Karkara system is not confined to homogeneous customary communities but operates as an inclusive and restorative mechanism capable of integrating migrants as subjects of dispute resolution through reconciliation processes based on local values. In addition, this study identifies the phenomenon of post-adjudication, in which disputes that have been formally decided by state courts continue to be processed through customary forums to achieve social certainty and the restoration of inter-family relations.

**Findings** show that the Kankain Karkara system operates through a tiered and restorative mechanism involving two levels of customary authority: Mananwir Keret, which addresses intra-clan disputes based on reputational–ethical authority, and Mananwir MNU, which functions as a mediator for inter-community and cross-identity disputes through structural–genealogical authority.

**This study concludes** that the coexistence of formal and customary justice systems Biak does not represent a jurisdictional conflict but rather a form of complementary functional differentiation, in which state courts provide procedural certainty, while Kankain Karkara delivers substantive justice through reconciliation and the restoration of social order.

**Keywords:** Kankain Karkara; Mananwir; Customary Dispute Resolution; Legal Pluralism; Byak Community

## Abstrak

**Penelitian ini bertujuan** untuk menganalisis sistem penyelesaian sengketa berbasis budaya Kankain Karkara yang dijalankan oleh lembaga adat Mananwir dalam masyarakat Suku Byak di Biak, Papua, serta mengkaji perannya dalam memulihkan harmoni sosial di tengah koeksistensi antara sistem hukum formal dan hukum adat, termasuk dalam penyelesaian sengketa yang melibatkan pendatang.

**Penelitian ini menggunakan** pendekatan antropologi hukum dengan metode observasi

*partisipatif dan wawancara mendalam terhadap aktor adat dan masyarakat, baik warga adat maupun pendatang. Analisis dilakukan dengan menggunakan kerangka pluralisme hukum dan konsep semi-autonomous social fields untuk menelaah relasi antara sistem hukum negara dan mekanisme hukum adat dalam praktik penyelesaian sengketa.*

**Kebaruan** penelitian ini terletak pada temuan bahwa sistem Kankain Karkara tidak hanya berfungsi dalam komunitas adat yang homogen, tetapi juga bersifat inklusif dengan mengintegrasikan pendatang sebagai subjek penyelesaian sengketa melalui mekanisme rekonsiliasi berbasis nilai-nilai lokal. Selain itu, penelitian ini mengungkap fenomena *post-adjudication*, yaitu praktik penyelesaian sengketa adat yang tetap dilakukan meskipun perkara telah diputus melalui peradilan formal guna mencapai kepastian sosial dan pemulihan relasi antarkeluarga.

**Hasil penelitian** menunjukkan bahwa sistem Kankain Karkara beroperasi melalui mekanisme berjenjang yang bersifat restoratif, dengan dua tingkat otoritas adat, yaitu *Mananwir Keret* yang menangani sengketa intra-marga berdasarkan otoritas reputasional-etik, serta *Mananwir MNU* yang berperan sebagai penengah sengketa lintas komunitas dan lintas identitas sosial dengan otoritas struktural-genealogis.

**Penelitian ini** menyimpulkan bahwa koeksistensi antara sistem peradilan formal dan mekanisme adat Kankain Karkara tidak merepresentasikan konflik yurisdiksi, melainkan diferensiasi fungsional yang bersifat komplementer, di mana peradilan negara menyediakan kepastian prosedural, sementara Kankain Karkara menghadirkan keadilan substantif melalui rekonsiliasi dan pemulihan tatanan sosial.

**Kata kunci:** *Kankain Karkara; Mananwir; Penyelesaian Sengketa Adat; Pluralisme Hukum; Suku Byak*

## 1. INTRODUCTION

As a diverse archipelagic state, Indonesia possesses a rich variety of customary legal systems that existed long before the introduction of formal state law.<sup>1</sup> Empirical evidence dating back to the Dutch colonial period demonstrates the coexistence of royal law, religious law, and customary law, thereby affirming customary law as a living law that preceded the unification and codification of state law.<sup>2</sup> The coexistence of formal and customary legal systems is commonly understood as legal pluralism, a concept whose intellectual development began with the study of indigenous legal orders and later expanded to the analysis of modern industrial societies. Recent scholarship continues to confirm the relevance of legal pluralism in explaining the interaction between state law and non-state normative orders in contemporary contexts.<sup>3</sup> In Papua, particularly in the Biak region, there exists a customary dispute resolution

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<sup>1</sup> Irianto Sulistyowati, "Pluralisme Hukum Sebagai Suatu Konsep Dan Pendekatan Teoretis Dalam Prespektif Global" (Indonesia: Asslesi, 2022), <https://asslesi.id/artikel/pluralisme-hukum-sebagai-suatu-konsep-dan-pendekatan-teoretis-dalam-perspektif-global/#>.

<sup>2</sup> Sartika Intaning Pradhani, "Pendekatan Pluralisme Hukum Dalam Studi Hukum Adat: Interaksi Hukum Adat Dengan Hukum Nasional Dan Internasional," *Jurnal Hukum* 4, no. 1 (2021): 81–124, <https://ujh.unja.ac.id/index.php/home/article/view/224>.

<sup>3</sup> B. Z; Tamanaha, *Understanding Legal Pluralism: Past to Present, Local to Global* (Cambridge: Cambridge University Press, 2017).; Harir Achmad and Basuki Babussalam, "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia," *Walisongo Law Review* 6, no. 02 (2024), <https://journal.walisongo.ac.id/index.php/walrev/article/view/25566>.

system known as Kankain Karkara. This system involves a customary institution called Mananwir and has been transmitted across generations as an integral part of the local socio-legal order.<sup>4</sup> The coexistence of formal and customary legal systems is often understood as a form of legal pluralism.<sup>5</sup>

Although the formal judicial system has been comprehensively implemented throughout the territory of the Republic of Indonesia, empirical studies indicate that its application continues to face challenges, as customary justice mechanisms are often perceived by local communities as more capable of delivering justice than formal courts. This perception is largely attributed to the simplicity of customary procedures and their alignment with the cultural values upheld by the communities in which they operate.<sup>6</sup>

On the other hand, the Kankain Karkara system administered by the Mananwir in Biak has proven to be a more effective and socially accepted alternative for dispute resolution within the local community. Empirical realities indicate that when disputes particularly serious criminal cases such as homicide are resolved solely through the formal judicial system, they often give rise to prolonged hostility and social resentment. Although perpetrators may receive criminal punishment, the absence of reconciliation mechanisms involving both parties and the wider community allows conflicts to persist and potentially escalate. In contrast, dispute resolution through the Mananwir system adopts a restorative approach that not only addresses wrongdoing but also restores social relationships and prevents the continuation of conflict. The effectiveness of Mananwir MNU in resolving disputes involving different social and cultural groups may be analytically understood through the role of non-state justice institutions as intermediaries between community norms and formal legal orders.<sup>7</sup> The relevance of this system has become increasingly evident within the context of national legal policy, as reflected in Law Number 3 of 2024 on Villages, which recognizes customary-based authority,<sup>8</sup> as well as Constitutional Court Decision Number 35/PUU-X/2012, which strengthens the recognition of indigenous peoples and their legal rights.<sup>9</sup>

In Papua, numerous studies have examined the role of customary law in conflict resolution across various communities, including the Byak people in Biak. However, most existing research remains descriptive normative in character and focuses primarily on institutional authority structures, without adequately examining procedural dynamics and inter-actor relations within customary mechanisms. In the Biak context, the study conducted

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<sup>4</sup> Deki Demianus Korwa, "Wewenang Kankain Karkara Byak Dalam Menyelesaikan Delik Adat," *Jurnal Lmu Hukum Kyadiren* 04 (2022): 1–10, <https://doi.org/10.46924/jihk.v4i1.162>.

<sup>5</sup> Sulistyowati Irianto, "Globalisasi Hukum Dalam Pluralisme Hukum Modern THE INDONESIAN JOURNAL OF SOCIO-LEGAL STUDIES ( IJLS ) Globalisasi Hukum Dalam Pluralisme Hukum Modern" 4, no. 1 (2025), <https://doi.org/10.54828/ijls.2024v4n1.5>.

<sup>6</sup> Harianto, "Nilai Keadilan Dalam Putusan Peradilan Adat Dan Peradilan Umum Di Papua" (Universitas Islam Negeri Alauddin Makassar, 2022), [https://repositori.uin-alauddin.ac.id/25323/1/HARIANTO\\_80100218010.pdf](https://repositori.uin-alauddin.ac.id/25323/1/HARIANTO_80100218010.pdf).

<sup>7</sup> Adriaan Bedner and Yance Arizona, "Adat in Indonesian Land Law: A Promise for the Future or a Dead End?," *Asia Pacific Journal of Anthropology* 20, no. 5 (2019): 416–34, <https://doi.org/10.1080/14442213.2019.1670246>.

<sup>8</sup> "Undang Undang Republik Indonesia Nomor 3 Tahun 2024 Tentang Perubahan Kedua Atas Undang Undang Nomor 6 Tahun 2014 Tentang Desa," Pub. L. No. 3 (2024).

<sup>9</sup> Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012 (2013).

by Demianus D. Korwa explains that Kankain Karkara is led by the Mananwir and functions as a non-litigation forum for resolving customary disputes. Nevertheless, this study does not comprehensively reconstruct the procedural flow of Kankain Karkara as an integrated conflict resolution model, particularly with regard to the division of roles between Mananwir Keret and Mananwir MNU.<sup>10</sup> Meanwhile, research conducted by E. N. Purnama, Kismartini, and R. S. Astuti on customary institutions within the Marind community in Merauke underscores the significant role of customary authorities in resolving land disputes.<sup>11</sup> However, the study does not comprehensively map the effectiveness, procedural stages, or outcomes of the cases handled through these customary mechanisms.

Beyond the Papua context, A. Dwiatmoko and S. Sorik examine the regulation of human rights and the legal protection of indigenous peoples in the mining sector, emphasizing that customary institutions possess strong potential as instruments of socially just dispute resolution. Nevertheless, their implementation remains constrained by the dominance of positive law.<sup>12</sup> Meanwhile, the study by Sulastriyono and Sartika Intaning Pradhani on Djojodigono's conception of customary law and its contemporary relevance demonstrates that the revitalization of customary legal values must be integrated with modern legal systems without losing their local character.<sup>13</sup>

The lack of analytical attention to the internal mechanisms of customary institutions and the boundaries of jurisdiction among customary authorities becomes increasingly evident when examining the dual roles of Mananwir Keret, which handles intra-clan (keret) disputes, and Mananwir MNU, which has authority over inter-community disputes, including those involving migrants, as well as their symbolic authority and their connections to state judicial institutions. This gap highlights the need to examine the procedural operation of the Kankain Karkara system and the roles of Mananwir Keret and Mananwir MNU in culturally based dispute resolution. The Kankain Karkara mechanism not only mediates intra-clan conflicts but also bridges inter-community disputes, including those involving migrants, and restores social harmony even in cases that have passed through formal judicial processes yet continue to generate social tension within the community.

Accordingly, this study addresses the following research questions: (1) How does the Kankain Karkara system operate procedurally in resolving disputes; (2) What roles do Mananwir Keret and Mananwir MNU play in the dispute resolution process?

## **2. METHOD**

This study employs a legal anthropology approach with a qualitative research design to

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<sup>10</sup> Deki Demianus Korwa, "Wewenang Kankain Karkara Byak Dalam Menyelesaikan Delik Adat."

<sup>11</sup> Erwin Purnama Nugraha, Kismartini, and Retno Astuti Suno, "Peran Lembaga Masyarakat Adat (LMA) Suku Marind Dalam Penyelesaian Sengketa Tanah Ulayat Di Kota Merauke," *Jurnal Ilmiah Indonesia* 06, no. 6 (2021), <https://jurnal.syntaxliterate.co.id/index.php/syntax-literate/article/view/2916/2183>.

<sup>12</sup> Anang Dwiatmoko and Sutan Sorik, "PENGATURAN HAK ASASI MANUSIA DAN PELINDUNGAN HUKUM MASYARAKAT ADAT DI SEKTOR USAHA PERTAMBANGAN," 2017, <https://doi.org/https://doi.org/10.22146/mh.v35i1.6461>.

<sup>13</sup> Pradhani, "Pendekatan Pluralisme Hukum Dalam Studi Hukum Adat: Interaksi Hukum Adat Dengan Hukum Nasional Dan Internasional." *Jurnal Hukum*, 04 No 6 (2021), <https://doi.org/10.22437/ujh.4.1.81-124>.

examine the practice of culturally based dispute resolution within the Kankain Karkara system administered by the Mananwir customary institution among the Biak community in Biak, Papua. A legal anthropological approach is employed to capture the internal logic of local wisdom through observation, in-depth interviews, and the interpretation of symbols and rituals.<sup>14</sup> This approach is adopted to understand customary law as a living law that operates within everyday social relations and interacts dynamically with the state legal system.

The research was conducted in the customary territory of Biak and involved key customary authorities, namely Mananwir Keret and Mananwir MNU, as well as individuals who had participated directly in customary dispute resolution processes. Informants included indigenous community members, migrants residing in Biak, and local community leaders who possessed contextual knowledge of customary practices and social relations. This selection of informants enabled the study to capture diverse perspectives on the operation of Kankain Karkara within a plural social setting.

Data were collected through participant observation, in-depth interviews, and document analysis. Participant observation was conducted during customary meetings and dispute resolution processes to understand procedural dynamics and symbolic practices. In-depth interviews were carried out to explore actors' perceptions, experiences, and interpretations of customary justice. Document analysis included the examination of customary decisions, settlement agreements, letters of release, and relevant formal legal documents to trace the interaction between customary and state legal mechanisms.

Data analysis was conducted using a qualitative interpretative method grounded in the framework of legal pluralism and the concept of semi-autonomous social fields. This analytical approach was used to identify the tiered mechanisms of dispute resolution, sources of customary authority, and the functional relationship between customary law and state law. Particular attention was given to the phenomenon of post-adjudication, in which disputes previously adjudicated by formal courts are subsequently resolved through customary forums. Data validity was ensured through source triangulation and method triangulation to enhance the credibility and reliability of the findings.

### **3. DISCUSSION**

#### **3.1. Analytical Framework: Legal Pluralism and Legal Anthropology**

This study employs an analytical framework that integrates legal pluralism and legal anthropology to examine the coexistence and interaction between state judicial institutions and the Kankain Karkara system in Biak. Drawing on John Griffiths' concept of legal pluralism, the analysis recognizes that within a single social arena multiple normative orders may operate simultaneously.<sup>15</sup> The working hypothesis of this study is that these normative orders tend to form a complementary division of functions: the state legal system emphasizes retributive and procedural dimensions of justice, while customary mechanisms are oriented toward restorative

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<sup>14</sup> kadir Ktjong, Revie Katjong, and Rizky Katjong, *Beberapa Aspek Dalam Antropologi Hukum* (Inara Publisher, 2023).

<sup>15</sup> J Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 24, no. 18 (1986), <https://doi.org/https://doi.org/10.1080/07329113.1986.10756387>.

processes aimed at repairing social relations and restoring moral spiritual balance. The phenomenon of post-adjudication in which disputes continue to be processed through customary forums after formal judicial decisions serves as an initial indicator of this complementarity.<sup>16</sup>

To explain the sources of authority and mechanisms of compliance in customary practice, this analytical framework is further connected to the concept of semi-autonomous social fields developed by Sally Falk Moore, a key concept within legal anthropology.<sup>17</sup> Semi-autonomous social fields are social arenas capable of producing their own norms and inducing or enforcing compliance, while remaining embedded within broader normative orders such as the state, the market, and religious institutions.<sup>18</sup> Within this framework, Mananwir Keret is understood as exercising reputational ethical authority at the clan level, functioning as the first gate for mediation and adjudication of intra-clan disputes. In contrast, Mananwir MNU represents structural genealogical authority with a mandate that extends across clans and communities, acting as an inter-clan mediator when disputes reach an impasse or involve multiple clans.

From a legal anthropological perspective, this study seeks to capture the internal logic of local wisdom through empirical observation, in-depth interviews, and the interpretation of customary symbols and rituals.<sup>19</sup> Operationally, this research defines: (i) Kankain Karkara as a deliberative forum and a set of normative–ritual practices aimed at restoring social harmony; (ii) Mananwir as a customary authority operating at two levels—Keret (reputational–ethical) and MNU (structural–genealogical) within a tiered process from Keret to MNU; and (iii) culturally based conflict resolution as a deliberative process emphasizing reconciliation, collective responsibility, and proportionality of sanctions, such that decisions do not merely “resolve cases” but also sustain the social order. Within this understanding, Kankain Karkara is conceptualized as a collective deliberative forum in which Mananwir and disputing parties engage in balanced hearings, assess testimonies, formulate proportionate customary obligations, and reach decisions that are acceptable to all parties. The objective is not punishment alone, but the restoration of relational equilibrium and the calming of communal tensions, in accordance with local values of harmony, kinship, solidarity, and collective responsibility. This conceptualization provides the analytical entry point for examining how Kankain Karkara operates in everyday practice.

Operationally, these principles are realized through a tiered hierarchical structure. Mananwir Keret functions as the initial forum for intra-clan disputes, where deliberation involves hearing both parties, evaluating evidence, and formulating customary obligations that preserve dignity and restore kinship relations. When deliberation reaches a deadlock or

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<sup>16</sup> K von Benda-Beckmann, “Forum Shopping and Shopping Forums,” *The Journal of Legal Pluralism and Unofficial Law*, 1981, <https://doi.org/https://doi.org/10.1080/07329113.2021.1996075>.

<sup>17</sup> John Griffiths, “What Is Legal Pluralism?,” *Journal of Legal Pluralism and Unofficial Law* 18 (1986).

<sup>18</sup> Achmad Hariri and Basuki Babussalam, “LEGAL PLURALISM: CONCEPT, THEORETICAL DIALECTICS, AND ITS EXISTENCE IN INDONESIA,” *Walisongo Law Review* 6, no. 2 (2024): 146–70, <https://doi.org/10.21580/walrev.2024.6.2.25566>.

<sup>19</sup> von Benda-Beckmann, “Forum Shopping and Shopping Forums.”

disputes involve two or more clans or communities, cases are escalated to Mananwir MNU, which acts as an inter-clan mediator. At this level, the forum is expanded, social tensions are stabilized, and decisions acquire final authority based on a cross-clan and cross-community mandate that is collectively recognized. This differentiation of authority corresponds to distinct sources of legitimacy: Mananwir Keret exercises reputational–ethical authority grounded in personal integrity, wisdom, and moral standing, while Mananwir MNU embodies structural–genealogical authority that consolidates broader social acceptance when disputes transcend clan boundaries or require a more encompassing normative framework.

Ultimately, the social legitimacy of Kankain Karkara derives from the alignment between values, processes, and outcomes perceived as just. Its procedures are inclusive and subject to communal scrutiny through open deliberation and multi-party verification, including witness testimony; its decisions are collegial and experienced as collectively owned; and its customary obligations are contextual and restorative, enabling genuine compliance without residual resentment. In this way, Kankain Karkara as a forum of restorative deliberation is concretely realized through the tiered Keret–MNU structure, which not only resolves disputes but also sustains social order and ensures the continuity of peaceful communal life.

### **3.2. Mananwir MNU A Cross-Cultural Bridge**

Mananwir MNU functions as an inter-community mediator when disputes involve migrants and indigenous residents. In the Nus Rumayara case, the customary forum brought together both parties and resulted in an agreement formalized through a letter of release jointly signed under the authority of the Mananwir. The outcome was accepted by all parties, and no subsequent objections were raised. In this case, the choice to pursue the customary pathway under the facilitation of MNU was not a secondary option after attempting other mechanisms, but rather the initial course of action. The consideration was clear: formal legal proceedings were perceived as likely to exacerbate tensions and prolong conflict, whereas the MNU forum provided a deliberative space accepted by both parties and produced an agreement that could be implemented immediately. From the perspective of authority, MNU informants emphasized that anyone residing within the customary territory of Biak—including migrants is subject to local customary norms. On this basis, MNU is considered to have the authority to handle inter-community disputes and to ensure that their outcomes are collectively recognized.

In the dispute concerned, the migrant party had purchased the land many years earlier and possessed formal legal documents, yet subsequent claims emerged from indigenous residents driven by cross-clan kinship ties. Attempts at personal settlement proved ineffective, prompting MNU to convene a meeting that brought together the disputing parties and relevant witnesses. MNU structured the dialogue to ensure that testimonies were heard in a balanced manner and then guided the forum toward a realistic settlement: affirmation of ownership status accompanied by a letter of release from the claimant, validated through Mananwir endorsement. Following the decision, social conditions gradually stabilized and relationships within the local environment were restored. In the context of inter-community

dispute resolution, the role of Mananwir MNU can be understood as a process of norm translation, namely the reinterpretation and negotiation of legal norms so that they align with local values and practices and become acceptable to parties from different cultural backgrounds. Through this process, formal legal norms such as legal certainty in land ownership are not applied mechanically, but are deliberated within customary forums in order to gain social legitimacy. This approach is consistent with Sally Engle Merry's argument that the effectiveness of legal norms across cultural contexts depends on their translation into local frameworks of meaning without losing their normative substance.<sup>20</sup>

The effectiveness of MNU as a cross-cultural bridge can be explained through the concept of boundary-spanning authority in theories of multicultural conflict resolution.<sup>21</sup> MNU does not merely mediate disputes but actively constructs a third space in which customary norms and migrants' expectations are negotiated. The Nus Rumayara case demonstrates that MNU's legitimacy derives from dual recognition: structural recognition through its cross-clan genealogical mandate, and functional recognition through its capacity to generate solutions accepted by all parties. Within the framework of semi-autonomous social fields, MNU operates in the interaction zone between the customary normative order and the formal-economic legal order (such as certified land ownership), producing hybrid outcomes that combine formal legality (the letter of release) with social legitimacy (customary endorsement by Mananwir).

Interviews with MNU highlight two principal challenges in cross-cultural disputes: mutual prejudice that easily escalates when conflicts involve issues of dignity or economic interests, and differing expectations regarding what constitutes a "complete" resolution between formal procedures and communal notions of peace. The mediation strategies employed include maintaining neutrality positioning MNU as a symbolic "parent" to both parties expanding the forum in a measured manner to ensure credibility while retaining control, and formulating obligations that are proportional and practically enforceable. In cases deemed particularly serious, MNU opens channels of coordination with formal institutions to provide procedural certainty, while ensuring that social reconciliation remains the primary objective.

When compared to the role of Mananwir Keret, the distinction lies in scale and mandate. Mananwir Keret operates within the intra-clan sphere on the basis of reputational ethical authority, effectively calming emotions within kinship circles and tailoring obligations to familial contexts. Mananwir MNU, by contrast, operates at the inter-clan and inter-community level, consolidating broader social acceptance, safeguarding procedural neutrality, and when necessary bridging customary forums with formal legal mechanisms. This tiered arrangement enables decisions to be perceived as fair and collectively owned: Keret repairs intimate relations at the upstream level, while MNU ensures wide social acceptance downstream, particularly when disputing parties originate from different cultural backgrounds. In sum, MNU

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<sup>20</sup> Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006).

<sup>21</sup> et al Hatch, Megan B., "Boundary Spanners: A Critical Role for Enduring Collaborations between Indigenous Communities and Mainstream Scientists," *Cology and Society* 28, no. 1 (2023), <https://doi.org/https://doi.org/10.5751/ES-13887-280141>.

functions effectively as a cross-cultural bridge by combining authority recognized across communities, procedures that are transparent and reviewable, and a restorative orientation aligned with local conceptions of justice. In migrant–indigenous disputes such as the case discussed above, the initial choice of the customary pathway reflects trust in MNU’s capacity to de-escalate tensions, generate enforceable agreements, and sustain long-term social peace.

### **3.3. Philosophical Values and Local Wisdom**

Within the value horizon of the Biak community, justice is understood primarily as the restoration of harmony marked by the reestablishment of calm inter-family relations and the stability of communal life rather than merely the punishment of offenders. This reconciliatory orientation places deliberation (*musyawarah*) at the core of the process: disputing parties are heard in a balanced manner, each party’s dignity is respected, and decisions are formulated to soothe collective sentiments while preventing the continuation of resentment. A frequently cited local philosophy, “*Mggo kain kame, mggo swaryaye mggo, mggo wefnder awer, mggo mamark mggo,*” encapsulates an ethos of compassion, togetherness, and collective responsibility as the benchmark of a “complete” resolution in dispute settlement.

These values are materialized through rituals and symbols that bind the social fabric, such as collective gatherings in spaces recognized by the community, public customary apologies, and the symbolic exchange of objects (for example, plates, betel nut, or betel leaf) that signify acceptance and the formal closure of a dispute. Symbolic acts such as communal meals following an agreement serve a dual function: affirming commitments to peace and restoring networks of trust. Customary obligations are formulated proportionally by considering the severity of the violation and the capacities of the parties involved, ensuring that decisions are perceived as fair and practically enforceable. In this way, sanctions function not merely as punishment but as instruments for relational repair and the preservation of dignity for all parties. When compared to modern conceptions of justice that tend to emphasize procedural retribution focused on fault, formal proof, and sentencing *Kankain Karkara* stands out as a form of restorative justice oriented toward social impact, the recovery of victim–offender–community relations, and the sustainability of peace. The distinction between retributive justice and restorative justice, however, is not dichotomous. Daly explains that restorative justice practices often combine elements of censure toward wrongdoing with efforts to repair social relationships, allowing both approaches to operate in a complementary manner within a single dispute resolution process.<sup>22</sup>

While the formal legal system offers procedural certainty and the coercive authority of the state, customary mechanisms provide social certainty, namely the communal acceptance of decisions as a prerequisite for lasting peace. This does not imply mutual exclusion between the two systems. In Biak practice, complementarity frequently occurs: formal procedures may provide a necessary legal framework when required, while customary forums ensure

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<sup>22</sup> Daly Kathleen, *Revisiting the Relationship between Retributive and Restorative Justice, in Restorative Justice: Philosophy to Practice*, Ed. Heather Strang and John Braithwaite (Aldershot: Dartmouth, 2000), <https://research-repository.griffith.edu.au/server/api/core/bitstreams/556a0124-a508-5758-8a58-e2c49b54b411/content>.

reconciliation and meaningful compliance at the community level. In this sense, local philosophical values not only explain why customary decisions are obeyed, but also demonstrate how they complement modern justice systems to ensure that disputes are resolved both legally and socially.

### **3.4. The Post Adjudication Phenomenon, From the Courtroom to Mananwir**

In Biak, the standard of being “resolved” does not end with a court verdict. What people seek is the restoration of relations between families and the stabilization of communal life. For that reason, in certain cases, especially those with major social impact, the formal process is often followed, and sometimes even preceded, by an adat meeting through Kankain Karkara. As one informant summarized: “Resolved is not only about paperwork, it is about the hearts of two families becoming peaceful again and the relationship being restored. Even when a case is still moving through the police, adat leaders often ask that the case be returned to the adat forum first, so that tensions do not spread and there is space for deliberation that both sides accept.

#### **3.4.1. Case vignette, Interview with a person convicted of homicide.**

After completing his sentence, PK-01 returned to the village and found that the social atmosphere had not yet recovered. Communication remained strained, everyday interactions were awkward, and the victim’s family continued to keep their distance. He then requested an adat meeting. In the Kankain Karkara forum, which brought together members of the MNU, relatives from both sides, and witnesses, the process unfolded in an open manner. Testimonies were heard in a balanced way, an apology was formally expressed, adat obligations were formulated proportionally, and the process concluded with a symbolic act of reconciliation. Albert summarized his experience succinctly: “After being released, I felt that the matter was not yet finished. We still had to sit together in an adat forum. After that, things became calmer, and relationships that had previously been strained could be restored.” (Interview, PK-01/AK-01, [date]).

This statement indicates that, for the Biak community, the resolution of a case through the state court is not regarded as the final settlement of the conflict. The formal legal decision is fulfilled as a juridical requirement, but it does not automatically restore the social relationships that were damaged by the incident. The state criminal justice system primarily understands crime as a violation of law and the state, and therefore focuses on the determination of guilt and the imposition of punishment. By contrast, restorative justice understands crime as a rupture of social relationships that generates needs and obligations for victims, offenders, and the affected community.<sup>23</sup>

In this context, Kankain Karkara functions as an adat-based mechanism through which social relationships are restored following conflict, as observed in everyday practice. This practice takes place within a legally pluralistic setting in which customary law operates alongside and interacts with state law in regulating social life.<sup>24</sup> The fact that court decisions

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<sup>23</sup> Zehr Howard, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).

<sup>24</sup> Tody S J Utama et al., “New Ways of Teaching Adat ( Customary ) Law at Indonesian Law Schools New Ways of

are often perceived as legally necessary yet insufficient to fully resolve social tensions illustrates a form of complementary legal pluralism, in which state law and adat law do not compete for jurisdiction but instead perform a division of labor based on the different types of justice they produce.

The Albert case demonstrates that the Biak community does not regard court decisions as final, but rather as legally necessary yet insufficient to restore the social order. This account explains why customary mechanisms are often chosen after formal judicial decisions. While state judgments provide procedural certainty, social certainty in the form of a sense of safety, acceptance, and collective relief is achieved through inclusive customary deliberation. Customary mechanisms ensure that decisions are experienced as collectively owned. The process is open to scrutiny, as both parties and witnesses are heard, decisions are reached collegially, and the symbolic closure is publicly recognized by the community. Social indicators further confirm this outcome. No subsequent incidents occurred, communication resumed, and communal activities continued without friction.

In several other cases, even while legal proceedings are still ongoing at the police level, families and customary leaders request that disputes be addressed first through customary forums in order to calm emotions and prevent escalation, while still keeping open the possibility of coordination with formal legal channels when necessary. This pattern is consistent with the local horizon of justice, in which a dispute is considered “resolved” only when reconciliation can be practically implemented, rather than merely when sanctions are imposed. Institutionally, the success of post-adjudication resolution is supported by a tiered structure. Mananwir MNU operates at the inter-community level to consolidate public acceptance and to mediate disputes involving more than one keret or external parties, while the Keret network ensures that decisions are translated into everyday practice within families and kinship groups. Social efficiency, including rapid access, low social costs, and context-sensitive sanctions, constitutes an additional reason why customary mechanisms are preferred. Accordingly, the post-adjudication phenomenon affirms complementarity within a pluralist legal framework.<sup>25</sup> Courts provide procedural certainty, whereas Kankain Karkara delivers social certainty. One closes a case on paper, while the other ensures that the dispute is genuinely resolved in the lived reality of the community.

#### **4. CONCLUSION**

This study shows that dispute resolution in Biak operates through a complementary relationship between the formal judicial system and the Kankain Karkara customary mechanism. State courts provide procedural certainty, while Kankain Karkara addresses the restoration of social relations through deliberation and reconciliation. Empirical findings

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<sup>25</sup> Jeremy Webber et al., “Sally Engle Merry, Legal Pluralism, and the Radicalization of Comparative Law,” *Canadian Journal of Law and Society* 30, no. 1 (2024): 1–24, <https://www.cambridge.org/core/journals/canadian-journal-of-law-and-society>.

indicate that the Mananwir institution functions through a tiered structure, in which Mananwir Keret handles intra-clan disputes, while Mananwir MNU addresses inter-clan and inter-community disputes, including those involving migrants. This arrangement enables disputes to be resolved at different levels according to their social scope, while maintaining collective acceptance of decisions. The findings further demonstrate that, for the community, a dispute is considered resolved only when social peace is restored. Accordingly, cases that have been, or are still being, processed through formal legal channels are often brought back to customary forums to achieve reconciliation and stabilize social relations. This practice highlights the role of Kankain Karkara in complementing formal judicial processes by ensuring that dispute resolution outcomes are socially accepted and effectively implemented within the community. This study contributes to the literature on legal pluralism by demonstrating a form of functional and post-adjudication legal pluralism, in which customary mechanisms continue to operate even after formal judicial decisions have been rendered. It further enriches the understanding of semi-autonomous social fields by illustrating how customary institutions maintain normative authority while interacting dynamically with state law. From a legal policy perspective, these findings suggest the need for greater recognition and integration of customary dispute resolution mechanisms within the national legal system. Strengthening the role of customary institutions such as Mananwir may enhance access to justice, promote restorative outcomes, and ensure that legal resolutions are socially legitimate and sustainable, particularly in plural and culturally diverse societies.

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