



Customary Law of the Dani Tribe in Regulating Social Life in Papua

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This study examines the role of customary law of the Dani Tribe in regulating social life within indigenous communities in Papua. As one of the major indigenous groups in the Baliem Valley, the Dani Tribe maintains a strong customary legal system that functions as a living law governing social behavior, dispute resolution, kinship relations, and communal order. The research aims to analyze how Dani customary law operates in practice and how it contributes to social cohesion amid the coexistence of state law and indigenous legal systems. This research employs a qualitative socio-legal approach, utilizing primary data collected through in-depth interviews and participant observation, as well as secondary data obtained from academic literature, legal documents, and previous studies. Data were analyzed using descriptive qualitative and thematic analysis to identify patterns in the implementation and function of customary law within the Dani community. The findings reveal that Dani customary law is an unwritten, flexible, and community-based legal system enforced through social consensus and the authority of customary leaders. It plays a central role in resolving disputes through restorative justice mechanisms that emphasize reconciliation, compensation, and the restoration of social harmony. Additionally, customary law regulates kinship and marriage practices, reinforcing collective responsibility and inter-clan solidarity. Despite constitutional recognition of customary law in Indonesia, challenges remain in its integration with formal legal institutions, particularly in relation to land rights and development policies.

INTRODUCTION

Papua, as the easternmost province of Indonesia, is internationally recognized for its extraordinary cultural diversity and complex social structures formed over centuries. Among the many indigenous groups in Papua, the Dani Tribe—primarily residing in the Baliem Valley of the Jayawijaya Highlands—stands out for the richness of its cultural traditions, especially in the context of customary law and social norms. Customary law (commonly referred to as *hukum adat* in Indonesian) among the Dani is not merely a set of customary rituals or cultural artifacts; rather, it functions as a living legal system that plays a pivotal role in regulating social life, maintaining community cohesion, and preserving traditional values despite external pressures from modernization and national legal systems.

Customary law in Indonesia, historically rooted in local habits, norms, and unwritten regulations passed down through generations, serves as an indigenous legal order that coexists alongside the formal state legal system. Unlike codified law, customary law is dynamic and contextual—emerging organically within communities to address social order, dispute resolution, marriage customs, spiritual norms, land tenure, and resource management (Merina & Muhaimin, 2023). Among the Dani, customary law



articulates not only abstract legal principles but also daily practices guiding interpersonal relationships and collective responsibilities.

Anthropological and socio-legal studies increasingly recognize the critical role of indigenous legal frameworks in shaping communal life, particularly in regions where state presence has historically been limited or mediated through local power structures (Merina & Muhaimin, 2023). The Dani legal-cultural system is interwoven with local wisdom (kearifan lokal), which encapsulates the tribe's philosophy of life, spiritual beliefs, kinship relations, and mechanisms for conflict and cooperation. In the Dani community, customary law is not merely punitive; it is embedded in rituals, social norms, family governance, and the symbolic architecture of social relations that emphasize harmony, reciprocity, and collective identity.

A critical aspect of Dani customary law is its connection to tribal identity and social stability. For example, traditions such as the Iki Paleg ritual, which appears in cultural practice and ceremonial custom, are deeply embedded with normative expectations about behavior, responsibility, and spiritual obligation within the tribe (Merina & Muhaimin, 2023). These practices illustrate how indigenous laws act as moral and social directives that maintain balance both within individuals and across generations of community members.

In the context of societal regulation, customary law functions as “living law”—a term popularized in legal anthropology to describe legal norms that are continually shaped and reshaped by social practices within a community rather than static statutes. These legal norms are recognized by the community as binding and legitimate, influencing decisions related to family disputes, marriage, inheritance, resource access, and community obligations. While modern legal systems often undergo formal adjudication and written codification, Dani legal norms are perpetuated through communal memory, oral tradition, and ritual enactments.

One significant challenge in analyzing Dani customary law is understanding its relationship with formal legal systems under the Indonesian state. Indonesia's legal pluralism recognizes customary law communities under national legislation; however, the integration of customary law with the formal legal framework remains fraught with tension due to differing legal epistemologies and power relations between indigenous groups and state institutions. Despite constitutional recognition and certain statutory safeguards, customary law frameworks like those of the Dani often operate at the margins of state legal processes, leading to gaps in legal protection and potential marginalization of indigenous legal principles.

In Papua, this tension is further complicated by socio-political dynamics, including development pressures, resource extraction, and external governance systems that may not fully align with indigenous norms. Although current research on Dani customary law is relatively limited, existing studies highlight the importance of viewing customary law not only as cultural heritage but as a functional legal order that regulates social life effectively



in many contexts where formal legal institutions have minimal presence (Merina & Muhaimin, 2023).

Moreover, customary law operates through traditional leaders and communal councils who interpret and apply norms based on collective consensus and social memory (Santika, 2023). These roles are essential in mediating conflicts, negotiating social responsibilities, and ensuring compliance through social accountability rather than formal sanctions. Customary adjudication is thus a deeply social process involving elders, clan leaders, and ritual specialists whose authority is rooted in cultural legitimacy rather than state endorsement.

Studies in related local contexts in Papua also emphasize how customary law plays a role in maintaining social order beyond the Dani community. For instance, research on legal anthropology in customary leadership structures across indigenous territories in Papua highlights the diversity of communal governance models that sustain social cohesion through legal and ritual order (Reumi, 2019).

These models reveal that customary law in Papua is not monolithic but rather diversified according to local cosmologies, social hierarchies, and historical experiences of each tribe—including mechanisms for land management, resource control, spiritual practices, and community solidarity.

The role of customary law in social regulation extends to specific practices such as marriage, economic cooperation, and conflict resolution (Santika, 2020). For example, unique practices like *nage apik*—a form of communal household arrangement among Dani Muslims—reflect how customary legal frameworks adapt to incorporate elements of religious law while maintaining continuity with indigenous norms (Yamin et al., 2023).

Such hybrid legal practices demonstrate how customary law is not static; rather, it evolves through intercultural encounters and social negotiation.

Customary law also intersects with gender roles and family structures, wherein norms related to kinship, inheritance, and marital obligations influence social organization. While some practices may raise contemporary ethical questions, especially regarding gender dynamics and human rights perspectives, they must be understood within their specific cultural and historical context. Contemporary legal anthropology and socio-legal scholarship call for nuanced analysis that appreciates indigenous legal logic while also exploring challenges and transformations in the face of external influences and globalization.

In conclusion, the customary law of the Dani Tribe in Papua represents a complex legal-cultural system that intrinsically shapes the tribe's social life. It regulates behavior, mediates disputes, consolidates communal values, and integrates spiritual and social norms into a cohesive governing framework. Research indicates that understanding Dani customary law requires not only legal analysis but also anthropological insights into local wisdom, ritual practices, and socio-historical development (Merina & Muhaimin, 2023).



This article seeks to explore this unique legal order through a socio-legal lens—examining how customary law of the Dani Tribe operates as a living law that sustains social cohesion and community governance in one of the world’s most culturally distinctive regions.

METHOD

1. Type and Approach of the Research

This study employs a qualitative research design with a socio-legal approach. The socio-legal approach is chosen because the research does not merely analyze legal norms in a doctrinal or normative sense, but also examines how customary law operates in social reality within the Dani indigenous community. Customary law among the Dani Tribe functions as a *living law*, meaning that its authority and effectiveness depend largely on social acceptance, cultural legitimacy, and communal practices rather than written codification.

The socio-legal approach allows the researcher to explore the interaction between law and society by analyzing how customary norms regulate behavior, resolve conflicts, and maintain social order in everyday life. This approach is particularly relevant in indigenous contexts such as Papua, where legal pluralism exists and customary law coexists with state law.

2. Research Location

The research was conducted in Dani indigenous communities located in the Baliem Valley, Jayawijaya Regency, Papua Highlands Province. This area was selected purposively because it represents the cultural and social center of the Dani Tribe, where customary law is still actively practiced and respected.

The Baliem Valley is widely recognized as a stronghold of Dani traditions, including customary governance structures, dispute resolution mechanisms, kinship systems, and ritual practices. Conducting research in this location enables an in-depth understanding of how customary law functions in regulating social life at the community level.

3. Sources of Data

This study utilizes primary and secondary data sources to ensure analytical depth and methodological rigor.

a. Primary Data

Primary data were obtained directly from the field through qualitative methods, including:

1) In-depth interviews

Semi-structured interviews were conducted with key informants who possess extensive knowledge and authority regarding Dani customary law. These informants include:

- a) Traditional leaders (*ondoafi* or tribal elders),
- b) Customary law functionaries,
- c) Community leaders,



- d) Elders recognized for their role in customary dispute resolution,
- e) Members of the Dani community who have experienced or participated in customary legal processes.

The interviews focused on understanding customary norms, enforcement mechanisms, dispute resolution procedures, and the role of customary law in regulating social relations such as marriage, land use, and communal obligations.

2) Participant observation

The researcher conducted direct observations of social interactions, customary meetings, and dispute resolution processes where possible. Observation was used to capture non-verbal practices, symbolic rituals, and social dynamics that cannot be fully understood through interviews alone.

b. Secondary Data

Secondary data were collected through a comprehensive literature review, including:

- 1) Academic journal articles on customary law, legal pluralism, and Papuan indigenous communities,
- 2) Books and monographs related to legal anthropology and Indonesian customary law,
- 3) Government regulations and legal documents concerning indigenous peoples and customary law recognition,
- 4) Previous research findings relevant to the Dani Tribe and Papua.

Secondary data serve to contextualize the empirical findings and provide theoretical and comparative perspectives.

4. Data Collection Techniques

Data collection in this research was conducted using the following techniques:

a. Interview Technique

Interviews were conducted using open-ended questions to allow informants to freely express their perspectives and experiences. This technique ensures flexibility while maintaining focus on the research objectives.

b. Observation Technique

Observation was carried out systematically to understand how customary law is practiced in real social settings. Field notes were taken to document social interactions, decision-making processes, and customary sanctions.

c. Document Study

Relevant documents such as customary agreements, local regulations, community records, and academic publications were analyzed to support and validate field data (Santika et al, 2019).

5. Data Analysis Method

The data analysis process follows qualitative descriptive analysis combined with thematic analysis, conducted through the following stages:

a. Data reduction

Raw data from interviews, observations, and documents were selected and categorized based on relevance to the research questions.

b. Data classification

Data were organized into thematic categories such as:

- 1) Structure of Dani customary law,
- 2) Role of customary leaders,
- 3) Social norms and sanctions,
- 4) Dispute resolution mechanisms,
- 5) Relationship between customary law and social cohesion.

c. Interpretation and analysis

The categorized data were interpreted using socio-legal and legal anthropology theories to explain how customary law regulates social life and maintains order within the Dani community.

d. **Conclusion drawing**

Conclusions were drawn by synthesizing empirical findings with theoretical frameworks, ensuring logical coherence and analytical depth.

6. Validity and Reliability of Data

To ensure the validity and reliability of the research findings, several strategies were applied:

- a. Data triangulation, by comparing information obtained from different informants and data sources;
- b. Method triangulation, by combining interviews, observations, and document analysis;
- c. Source triangulation, by involving various community members with different roles and perspectives.

These techniques enhance the credibility and trustworthiness of the research results.

7. Ethical Considerations

Ethical considerations are a crucial aspect of this research, particularly given the indigenous context. The following principles were strictly observed:

- a. Informed consent was obtained from all research participants;
- b. Cultural sensitivity and respect for local customs were prioritized throughout the research process;
- c. Confidentiality of informants was maintained by anonymizing personal identities;
- d. The research avoided misrepresentation or exploitation of indigenous knowledge.



8. Research Limitations

This study acknowledges certain limitations, including limited access to some customary processes due to cultural restrictions and the potential influence of external social changes on customary practices. However, these limitations do not diminish the overall contribution of the research, as the study focuses on understanding customary law as it currently functions within the Dani community.

RESULT AND DISCUSSION

1. The Structure and Characteristics of Dani Customary Law

The findings of this study reveal that the customary law of the Dani Tribe is structured as an integrated normative system that governs almost all aspects of social life. Unlike codified legal systems, Dani customary law is unwritten, orally transmitted, and deeply embedded in cultural practices, kinship relations, and spiritual beliefs. Its legitimacy derives from collective acceptance and the authority of customary leaders rather than from formal state recognition.

Dani customary law regulates social behavior through shared norms that emphasize communal harmony, reciprocity, and collective responsibility. These norms function as binding rules that guide individual conduct within the community, including obligations related to family relations, marriage, land use, conflict resolution, and ritual participation. This confirms the concept of customary law as a living law, as described in socio-legal and legal anthropological literature, where law exists and operates through daily social interactions (Merry, 1988; Merina & Muhaimin, 2023).

Field data indicate that customary norms are not static but adaptive. While the core values of solidarity and balance remain intact, specific rules and sanctions may change depending on social context, severity of violations, and communal consensus. This adaptive character strengthens the resilience of Dani customary law in responding to social change without losing its normative authority.

2. The Role of Customary Leaders in Social Regulation

A central finding of this research is the strategic role of customary leaders—including tribal elders and clan heads—in interpreting, enforcing, and legitimizing customary law. These leaders act as mediators, judges, and moral authorities within the community. Their power is not coercive but relational, grounded in respect, experience, and cultural knowledge.

Customary leaders play a crucial role in maintaining social order by facilitating deliberative processes (*musyawarah adat*) when disputes arise. Decisions are reached collectively, prioritizing consensus over punishment (Sujana et al, 2025). Sanctions imposed under Dani customary law aim primarily at restoring social harmony rather than retribution. This restorative orientation aligns with indigenous justice models found in other Papuan communities (Reumi, 2019).

The findings support socio-legal arguments that indigenous governance systems rely heavily on culturally embedded leadership rather than formal institutional



hierarchies. This leadership model enables effective social control while preserving community autonomy and cultural identity (Siregar & Sulastrri, 2021).

3. Customary Law as a Mechanism for Dispute Resolution

One of the most significant functions of Dani customary law identified in this study is its role in dispute resolution. Conflicts related to land boundaries, marriage obligations, compensation, and interpersonal violence are predominantly resolved through customary mechanisms rather than through state courts.

The research findings show that customary dispute resolution follows a structured yet flexible process. It typically involves:

- a. Identification of the dispute,
- b. Deliberation led by customary leaders,
- c. Testimonies from involved parties and witnesses,
- d. Determination of responsibility,
- e. Imposition of customary sanctions, often in the form of compensation (*denda adat*).

These sanctions are symbolic and material, such as the transfer of pigs or other valuables, which serve both as accountability measures and reconciliation tools. This process reflects a restorative justice approach that prioritizes repairing social relationships and preventing future conflicts (Yamin et al., 2023).

The effectiveness of this system lies in its social enforcement mechanisms. Compliance is ensured not through physical coercion but through social pressure, moral obligation, and fear of social exclusion. This finding reinforces the argument that customary law remains highly effective in communities where social cohesion is strong (Merina & Muhaimin, 2023).

4. Regulation of Social Life through Kinship and Marriage Norms

The study also finds that Dani customary law plays a fundamental role in regulating kinship relations and marriage practices, which are central to social organization. Marriage is not merely a personal contract but a communal institution that establishes alliances between families and clans.

Customary norms regulate bridewealth, marital responsibilities, and conflict resolution within households. Violations of marital obligations are addressed through customary forums, emphasizing mediation and compensation rather than individual punishment. These norms reinforce collective responsibility and strengthen inter-family relations.

From a socio-legal perspective, such regulation demonstrates how law operates as a social institution rather than a purely legal construct (Putra, 2023). The findings align with studies highlighting the inseparability of law, culture, and social structure in indigenous societies (Sulastrri et al., 2022).



5. Customary Law and Social Cohesion

Another critical finding is the role of Dani customary law in maintaining social cohesion. Customary law functions as a moral framework that shapes collective identity and shared values. Rituals, customary sanctions, and communal gatherings reinforce adherence to norms and strengthen social bonds.

This study confirms that customary law serves as a unifying force, especially in contexts where state legal institutions have limited reach or legitimacy. By providing culturally relevant mechanisms for governance and conflict resolution, Dani customary law sustains order and stability at the community level.

These findings resonate with broader legal pluralism theories, which argue that multiple legal systems can coexist and complement each other within a single social space (Griffiths, 1986; Bedner & Van Huis, 2020).

6. Interaction between Customary Law and State Law

The research reveals a complex interaction between Dani customary law and Indonesia's formal legal system. While customary law is constitutionally recognized, its practical implementation often operates independently of state institutions. Community members generally prefer customary mechanisms due to their accessibility, cultural relevance, and perceived fairness.

However, tensions arise when state development policies, land administration systems, or external legal interventions conflict with customary norms. The findings suggest that inadequate recognition of customary law in formal governance can lead to legal uncertainty and social marginalization of indigenous communities.

This supports contemporary scholarship advocating for stronger integration of customary law within national legal frameworks to ensure legal pluralism that respects indigenous rights (Butt & Lindsey, 2018; Arizona & Cahyadi, 2020).

7. Discussion: Customary Law as Living Law in Papua

The results of this study confirm that Dani customary law operates as a living law that effectively regulates social life through culturally embedded norms and practices. Its legitimacy stems from communal acceptance, moral authority, and its ability to adapt to changing social conditions.

From a theoretical perspective, this study strengthens socio-legal arguments that law cannot be understood solely as formal rules but must be analyzed within its social context. Dani customary law exemplifies how indigenous legal systems function as autonomous regulatory frameworks that sustain social order, justice, and identity.

Moreover, the findings highlight the importance of recognizing customary law not merely as cultural heritage but as a functional legal system with normative force. Failure to acknowledge this reality risks undermining indigenous governance structures and social stability in Papua.



CONCLUSION

This study concludes that the customary law of the Dani Tribe functions as a living and effective legal system in regulating social life within indigenous communities in Papua. Far from being merely a cultural tradition, Dani customary law constitutes a normative framework that governs social behavior, maintains order, resolves disputes, and reinforces collective identity through culturally embedded mechanisms.

The findings demonstrate that Dani customary law is characterized by its unwritten, flexible, and communal nature, where legal norms are transmitted orally and enforced through social consensus rather than formal coercion. Its legitimacy is derived from collective acceptance and the moral authority of customary leaders, who play a central role in interpreting norms, mediating conflicts, and ensuring compliance. This leadership-based governance model enables customary law to function effectively in maintaining social harmony and preventing prolonged conflict.

Furthermore, customary law serves as a primary mechanism for dispute resolution, emphasizing restorative justice principles such as reconciliation, compensation, and the restoration of social relationships. This approach contrasts with formal state legal processes that tend to be adversarial and punitive, highlighting the contextual effectiveness of indigenous justice systems in communities with strong social cohesion.

The study also reveals that Dani customary law significantly regulates kinship relations, marriage practices, and communal obligations, thereby structuring social organization and reinforcing inter-clan solidarity. Through rituals, sanctions, and communal deliberation, customary law contributes to social cohesion and continuity across generations.

In the context of legal pluralism, the interaction between Dani customary law and Indonesia's formal legal system remains complex. While customary law is constitutionally recognized, its practical integration into state governance is limited. This gap creates legal uncertainty, particularly in matters related to land rights and development policies. Therefore, stronger recognition and accommodation of customary law within national legal frameworks are essential to protect indigenous rights and sustain social stability in Papua.

In conclusion, this research affirms that Dani customary law is not only relevant but indispensable in regulating social life in indigenous Papuan communities. Recognizing and strengthening customary legal systems is crucial for promoting culturally grounded justice, social harmony, and sustainable governance. Future research is recommended to explore comparative studies among different Papuan tribes and to examine policy models that effectively integrate customary law into formal legal systems without undermining indigenous autonomy.

Conflict of Interest

The author(s) declare(s) that there is no conflict of interest concerning the publication of this article.



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