

RECOGNITION WITHOUT INFLUENCE? TRIADIC POWER NEGOTIATION BETWEEN CUSTOMARY INSTITUTIONS AND THE STATE IN THE LOCAL POLITICAL GOVERNANCE OF SOUTH PAPUA

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INFORMASI ARTIKEL

Article History:

Dikirim:

06-07-2026

Diterbitkan Online:

30-09-2026

Kata Kunci:

Lembaga Adat, Negosiasi Kekuasaan, Politik Pengakuan, Otonomi Khusus, Provinsi Baru, Papua Selatan

Keywords:

Customary Institutions, Power Negotiation, Politics of Recognition, Special Autonomy, New Province, South Papua

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ABSTRAK

Kajian relasi adat dan negara di Indonesia telah mendokumentasikan kebangkitan politik adat pascadesentralisasi, sedangkan kajian tentang Papua lebih banyak berfokus pada Otonomi Khusus di tingkat provinsi induk. Belum banyak perhatian diberikan pada bagaimana kekuasaan antara lembaga adat dan negara dinegosiasikan di provinsi baru, ketika aturan interaksi masih sedang dibentuk. Artikel ini mengkaji negosiasi kekuasaan antara lembaga adat dan negara di Papua Selatan, faktor yang membentuk posisi tawar masyarakat adat, dan kerangka tata kelola yang diperlukan bagi pengaruh substantif. Dengan desain kualitatif berbasis analisis dokumen dan sintesis teori, penelitian ini menelaah peraturan perundang-undangan, penelitian terdahulu, publikasi pemerintah, dan pemberitaan hingga Oktober 2026 pada tiga arena, yaitu representasi, pengakuan masyarakat adat, dan pembangunan berbasis lahan. Hasil analisis menunjukkan kesenjangan yang konsisten antara pengakuan formal dan pengaruh substantif. Majelis Rakyat Papua Selatan telah terbentuk, tetapi perannya terutama konsultatif. Pengakuan masyarakat adat di tingkat kabupaten berjalan lambat. Keputusan proyek strategis nasional berskala besar diambil di tingkat pusat dengan keterlibatan terbatas pemerintah daerah maupun lembaga adat. Artikel ini memberikan tiga kontribusi: mengonseptualisasikan negosiasi kekuasaan di Papua Selatan sebagai relasi triadik, bukan diadik; menambahkan tipe relasi “terlewat” (*bypassed*) pada tipe komplementer, kompetitif, dan simbolik; serta mengoperasionalkan kerangka Pengakuan, Partisipasi, Kewenangan, dan Akuntabilitas (RPAA) beserta indikator untuk pengujian empiris.

ABSTRACT

Studies of adat-state relations in Indonesia have documented the revival of customary politics after decentralisation, while studies of Papua have focused largely on Special Autonomy at the level of the former single province. Little attention has been paid to how power between customary institutions and the state is negotiated in a newly established province, where the rules of interaction are still being written. This article examines power negotiation between customary institutions and the state in South Papua, the factors shaping the bargaining position of Indigenous communities, and the governance framework needed for substantive influence. Using a qualitative design based on document analysis and theory synthesis, the study analyses legislation, previous research, government publications, and media reports available up to October 2026 across three arenas: representation, recognition of customary communities, and land-based development. The analysis shows a consistent gap between formal recognition and substantive influence. The South Papua People's Assembly exists but plays a mainly consultative role; legal recognition of customary communities proceeds slowly at the regency level; and decisions on large-scale national strategic projects are taken at the central level with limited involvement of either regional government or customary institutions. The article makes three contributions: it reconceptualises power negotiation in South Papua as triadic rather than dyadic; it adds a “bypassed” relation to the complementary, competitive, and symbolic types of adat-state relations; and it operationalises a

DOI:

<https://doi.org/10.24036/publicness.v5i3.457>

INTRODUCTION

Local political governance does not operate exclusively through formal institutions such as regional governments, legislatures, and bureaucracies. Where customary social systems remain influential, power is also shaped by customary norms, traditional authority, and community legitimacy. Comparative research on informal institutions shows that such institutions can complement, accommodate, compete with, or substitute for formal rules, and that the outcome depends on how the two sets of rules interact (Helmke & Levitsky, 2004). Studies of traditional authority in Africa likewise demonstrate that customary leaders can strengthen democratic responsiveness when they are able to act as development brokers between communities and the state (Baldwin, 2016). In short, understanding local politics requires looking beyond the formal authority of the state to the sources of legitimacy embedded in society (Migdal, 2001).

South Papua provides a particularly revealing case. The province was established by Law No. 14 of 2022, comprising Merauke, Boven Digoel, Mappi, and Asmat regencies, and is granted Special Autonomy within the Unitary State of the Republic of Indonesia. The creation of a new province is not merely an administrative event. In the language of historical institutionalism, it is a critical juncture: a relatively short period in which the choices of actors have a disproportionate influence on institutional arrangements that later become difficult to change (Capoccia & Kelemen, 2007). In South Papua, the rules governing how customary institutions relate to the new provincial bureaucracy, the South Papua People's Assembly (*Majelis Rakyat Papua Selatan*, MRPS), and the central government are being formed now. At the same time, the region has become the site of large-scale national strategic projects (*Proyek Strategis Nasional*, PSN) for food and energy that overlap with customary territories (Batbual & Satri, 2024; Mangkau, 2026).

This article builds on three bodies of literature. The first concerns power and its negotiation. Lukes (2005) reminds us that

power operates not only through observable decisions but also through control over agendas and over what is considered a legitimate claim. Lund (2016) and Sikor and Lund (2009) show that political authority is produced through the very processes that define rights, membership, and access to resources: to recognise a claim is also to constitute the authority that recognises it. Ribot and Peluso (2003) add that access, understood as the ability to benefit from resources, depends on a bundle of powers that extends far beyond formal rights. For this article, power negotiation is defined as the process through which actors with different sources of authority seek to influence decisions, protect interests, obtain recognition, and define the boundaries of their respective powers.

The second body of literature concerns the politics of recognition and representation. Taylor (1994) argues that recognition of collective identity is a vital human need and a matter of justice. Coulthard (2014), however, warns that state-led recognition may reproduce the very asymmetries it claims to address when the terms of recognition are set unilaterally by the state. Research on representation distinguishes descriptive representation, meaning who is present, from substantive representation, meaning whose interests are acted upon (Pitkin, 1967; Mansbridge, 1999). Williams and Schertzer (2019) further argue that Indigenous representation cannot be reduced to models of ethnic minority representation because Indigenous peoples hold distinctive collective and territorial claims. Participation scholarship complements this view. Arnstein's (1969) ladder distinguishes tokenistic consultation from genuine citizen power, and Fung (2006) shows that participatory mechanisms vary in who participates, how they communicate, and how much authority they actually exercise.

The third body of literature concerns adat and the state in Indonesia and Papua. After decentralisation, adat re-emerged as a powerful idiom of local politics, serving claims for land and resources but also elite strategies and exclusion (Davidson & Henley, 2007; Henley & Davidson, 2008; Tyson, 2010). Li (2000) shows

that Indigenous identity in Indonesia is articulated through positions made available by state and market, while Hadiz (2010) emphasises that decentralised power is often captured by local elites. Bedner and Arizona (2019) demonstrate that legal recognition of adat in land law remains layered and uncertain. For Papua, Kusumaryati (2020) shows that the institutionalisation of adat is entangled with the state and with Papuan aspirations for self-determination, and McGibbon (2004) questions whether Special Autonomy alone resolves the underlying political grievances. In Merauke specifically, studies of the earlier Merauke Integrated Food and Energy Estate (MIFEE) reveal how policy discourse made land dispossession appear acceptable (Ito et al., 2014), how resistance was organised (Ginting & Pye, 2013), and how plantation expansion transformed Marind relations with land and forest (Chao, 2022).

Closest to this article, Sutiyo et al. (2024) analysed adat–government relations in South Papua shortly after the province was formed. They found that, apart from the MRPS, regional government structures do not reflect the scope of Special Autonomy in adat affairs, and they characterised the relationship as a bureaucracy separated from adat. Their institutional analysis provides an important empirical foundation. However, it focuses on the internal structure of the provincial bureaucracy and does not examine how power is negotiated across arenas or how the central state enters the relationship.

A review of these literatures reveals three gaps. First, a contextual gap. Research on adat–state relations in Papua has focused largely on the former single province of Papua, and the new provinces created in 2022 remain little studied, even though they constitute critical junctures in which the rules of interaction are still being set. Second, a theoretical gap. Adat–state relations are usually analysed dyadically, as a relationship between customary institutions and “the state”. This framing obscures the fact that the regional state and the central state may hold different interests and powers, especially where national strategic projects are concerned. Third, an analytical gap. Existing studies distinguish formal recognition from substantive influence conceptually, but rarely offer operational indicators that would allow the gap between them to be assessed across arenas. Table 1 summarises the position of the literature and the gaps addressed by this article.

Table 1. Position of the Literature and Gaps Addressed

Perspective	Main contribution	Limitation for the South Papua case
Power and access (Lukes, 2005; Lund, 2016; Sikor & Lund, 2009; Ribot & Peluso, 2003)	Authority is produced through decisions over rights and access	Rarely applied to a new province as a site of institutional formation
Recognition and representation (Taylor, 1994; Coulthard, 2014; Pitkin, 1967; Mansbridge, 1999; Williams & Schertzer, 2019)	Recognition as justice; risks of state-led recognition; descriptive versus substantive representation	Normative; few operational indicators
Participation (Arnstein, 1969; Fung, 2006)	Participation as a continuum of influence	Not adapted to customary institutions and multi-level decisions
Informal institutions and traditional authority (Helmke & Levitsky, 2004; Baldwin, 2016; Migdal, 2001)	Typologies of formal–informal interaction	Assume formal actors are present in the arena
Adat politics in Indonesia (Davidson & Henley, 2007; Li, 2000; Tyson, 2010; Hadiz, 2010; Bedner & Arizona, 2019)	Adat revival, elite capture, and layered recognition	Papua’s new provinces not covered
Papua and Merauke (Kusumaryati, 2020; McGibbon, 2004; Ito et al., 2014; Ginting & Pye, 2013; Chao, 2022; Sutiyo et al., 2024)	Adat and self-determination; MIFEE; institutional analysis of South Papua	Dyadic framing; central-state role not theorised

Source: Compiled by the authors (2026)

Based on these gaps, this article addresses three research questions. First, how is power negotiated between customary institutions and the state in the local political governance of South Papua? Second, what institutional and political factors shape the bargaining position of Indigenous communities? Third, what

governance framework could convert formal recognition into substantive influence? The article contributes in three ways. It reconceptualises power negotiation in South Papua as triadic, involving customary institutions, the regional state, and the central state. It adds a bypassed relation to the complementary, competitive, and symbolic types of adat-state relations. And it operationalises the Recognition, Participation, Authority, and Accountability (RPAA) framework with indicators that can guide empirical research.

RESEARCH METHODS

This study employs a qualitative design combining document analysis and theory synthesis. Document analysis is a systematic procedure for reviewing and evaluating printed and electronic material in order to elicit meaning and develop empirical knowledge (Bowen, 2009). Theory synthesis is a conceptual approach that integrates several theoretical perspectives to explain a phenomenon not adequately explained by any one of them (Jaakkola, 2020). The unit of analysis is the relationship between customary institutions and the state in South Papua, examined across three arenas: (1) representation, (2) the legal recognition of customary communities, and (3) land-based development.

The data consist of four groups of documents: (a) legislation, including Law No. 21 of 2001 as last amended by Law No. 2 of 2021 on Special Autonomy for Papua and Law No. 14 of 2022 on the Establishment of South Papua Province; (b) previous research on adat, the state, and Papua; (c) official publications of the South Papua provincial government; and (d) media reports documenting recognition processes and responses to national strategic projects, published up to October 2026. Media reports and civil society sources are used only to establish the occurrence and timing of verifiable events, such as the enactment of regulations, inaugurations, and filed objections. Evaluative claims from these sources are treated as positions of particular actors rather than as established facts.

The analysis proceeded in three stages. First, documents were coded deductively according to the RPAA dimensions (recognition, participation, authority, and accountability) and inductively for the actors involved in each

arena. Second, the evidence for each arena was mapped against three levels of the relationship, namely formal recognition, procedural participation, and substantive influence, to identify the dominant relation type. Third, the findings were synthesised into propositions and operational indicators. To strengthen credibility, each finding was checked against at least two independent sources where possible. Because the study relies on written sources rather than newly collected field data, it cannot establish informal negotiations or the experiences of individual actors. Its conclusions are therefore analytical and are offered for empirical testing.

RESULT AND DISCUSSION

From Dyadic to Triadic Power Negotiation

The documents reviewed indicate that power negotiation in South Papua involves three, not two, sets of actors (Figure 1). Customary institutions, including clans (*marga*), customary councils, and customary leaders, hold social legitimacy, local knowledge, and claims to territory. The regional state, comprising the provincial and regency governments, the regional legislatures, and the MRPS as a body of cultural representation, holds formal authority over regional administration and the legal recognition of customary communities. The central state holds authority over national strategic projects, forest-area designation, and land concessions.

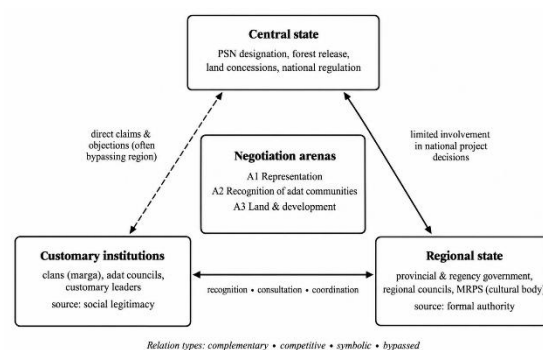


Figure 1. Triadic power negotiation between customary institutions, the regional state, and the central state in South Papua
Source: Developed by the authors (2026)

The triadic configuration matters because the interests and powers of the regional and central state do not always coincide. Civil society actors in Merauke have argued that the implementation of PSN reflects the dominance

of the central government and that regional governments were not adequately involved in key national decisions (Nugroho, 2025). Whether or not this assessment is fully accurate, it points to a structural feature that dyadic analyses miss: the arena in which the most consequential decisions about customary land are made may lie outside the reach of both customary institutions and the regional government. In such cases, customary institutions often direct their claims and objections straight to central authorities. One example is the administrative objection filed in February 2026 by twelve community representatives from Boven Digoel and Merauke against central decisions on forest-area release and land concessions (Mangkau, 2026). In effect, the regional state is bypassed.

Arena 1 Representation: The MRPS between Presence and Influence

Within the Special Autonomy framework, the MRPS is the principal institutional channel for the cultural representation of Indigenous Papuans. Law No. 14 of 2022 required its first formation to be regulated by a governor regulation. According to Sutiyo et al. (2024), its 33 members were inaugurated by the Minister of Home Affairs in November 2023, after a selection process that was contested, including through a lawsuit against the provincial government. Its role, in their assessment, is mainly consultative and centres on approving strategic policies.

These findings illustrate the distinction between descriptive and substantive representation (Pitkin, 1967; Mansbridge, 1999). The presence of the MRPS secures descriptive representation. Whether it delivers substantive influence depends on whether its considerations shape agendas and final decisions, and whether communities can trace how their claims were processed. The contested selection also shows that representation is itself an object of negotiation: the question of *who* may speak for adat is as political as the question of *what* adat may decide (Kusumaryati, 2020). Because the MRPS has existed for less than three years, the documents do not allow a definitive assessment of its influence. They do, however, indicate that representation in South Papua currently sits between the symbolic and complementary types.

Arena 2 Recognition: Slow Translation of Legal Status

Recognition of customary communities as legal subjects is the precondition for many other rights, including rights over customary forests and land. In this arena, the documents show uneven and slow progress. Boven Digoel Regency has adopted Regional Regulation No. 2 of 2023 on the recognition and protection of customary communities and Regent Regulation No. 14 of 2024 on recognition guidelines, and has established a customary community committee chaired by the regional secretary. Yet the recognition requests of thirteen Wambon clans, submitted in February 2022, had only reached field verification by July 2026, with the regent's decree still pending (Brabar, 2026; Mangkau, 2026). In Merauke, the provincial capital and the main PSN location, a regional regulation on customary communities was still targeted for 2027 (Radio Republik Indonesia, n.d.).

At the provincial level, the government was drafting, in April 2026, a governor regulation on procedures for free, prior and informed consent (*Padiatapa*) for customary communities, in meetings that involved an international conservation organisation and private companies (South Papua Provincial Government, 2026). Including FPIC procedures is a positive step. From a power-negotiation perspective, however, two observations stand out. First, the terms of consent are being negotiated at a table where corporate actors are present. Second, consent procedures are being regulated before the subjects entitled to give consent have been formally recognised across most of the province. This sequencing illustrates Coulthard's (2014) concern that recognition on terms set by the state may channel customary claims into procedures that leave the underlying distribution of power intact. In the RPAA terms, the recognition arena currently displays formal commitment with limited procedural completion, which corresponds largely to the symbolic type.

Arena 3 Land and Development: Where Negotiation Is Bypassed

The land-and-development arena reveals the sharpest asymmetry. The Merauke food and energy estate was added to the list of national strategic projects through Coordinating Minister for Economic Affairs Regulation No. 8 of 2023, and a task force for sugar and

bioethanol self-sufficiency in Merauke was established by Presidential Decree No. 15 of 2024. Civil society monitoring recorded permits and recommendations for nine companies covering about 469,000 hectares in Merauke (Batbual & Satri, 2024). Media reports in 2026 documented a central decision releasing approximately 486,939 hectares of forest area in South Papua for food, energy, and water projects (Mangkau, 2026). Meanwhile, as Arena 2 shows, legal recognition of the customary communities whose territories overlap with these projects remains incomplete.

This pattern resonates with earlier research on MIFEE, which showed how development discourse can render dispossession acceptable (Ito et al., 2014) and how customary claims are articulated through resistance when institutional channels are closed (Ginting & Pye, 2013). It also confirms Lund's (2016) insight that decisions about property and access constitute political authority itself: when the central state decides land use before customary communities are recognised, it effectively defines whose authority counts. Neither the complementary nor the competitive type adequately describes this situation. Customary institutions do not lose a negotiation with the regional state; rather, the arena in which negotiation could occur is bypassed. We therefore propose a fourth relation type, the bypassed relation, in which consequential decisions are taken at a level where neither customary institutions nor the regional government hold effective voice.

Table 2 summarises the evidence across the three arenas and the relation type that dominates each.

Table 2. Evidence across arenas of power negotiation in South Papua (as of October 2026)

Arena	Formal recognition	Procedural participation and influence (documented)	Dominant relation type
A1 Representation	Special Autonomy; MRPS formed under Law 14/2022; 33 members inaugurated November 2023	Mainly consultative role; contested selection process (Sutiyo et al., 2024)	Between symbolic and complementary
A2 Recognition	Boven Digoel Regional Regulation 2/2023 and Regent Regulation 14/2024; provincial FPIC regulation in drafting	Thirteen clan requests pending since 2022; Merauke regulation targeted for 2027; consent rules drafted ahead of recognition	Predominantly symbolic
A3 Land and development	Special Autonomy Article 43 on customary land rights	PSN and forest-area release decided at central level; objections filed directly with central authorities (Mangkau, 2026)	Bypassed

Source: compiled by the authors from Batbual and Satri (2024), Brabar (2026), Mangkau (2026), Nugroho (2025), South Papua Provincial Government (2026), and Sutiyo et al. (2024).

Factors Shaping Indigenous Communities' Bargaining Position

Synthesising the three arenas, five factors appear to shape the bargaining position of Indigenous communities. Each is formulated as a proposition for empirical testing.

- Proposition 1* (clarity of authority). The less clearly the boundaries of authority among customary institutions, the regional state, and the central state are defined, the more likely it is that participation remains symbolic. The finding that the provincial bureaucracy is separated from adat (Sutiyo et al., 2024) suggests that no regional unit currently holds a clear mandate to channel customary claims.
- Proposition 2* (sequencing). Where formal recognition of customary communities lags behind decisions on land and permits, customary bargaining power declines regardless of the quality of later consultation. The arenas of recognition and land show precisely this mismatch in tempo.
- Proposition 3* (scale of decision-making). The higher the level at which a decision is taken, the more likely the relation is to be bypassed, and the more likely customary institutions are to shift from institutional negotiation to direct claims, objections, and alliances with civil society (Ginting & Pye, 2013; Mangkau, 2026).
- Proposition 4* (institutional capacity). The capacity of customary institutions to document territories, compile evidence, and navigate procedures affects their influence. The role of civil society organisations in supporting mapping and verification in Boven Digoel (Brabar, 2026) suggests that capacity is often borrowed rather than owned, which raises questions about sustainability and autonomy.
- Proposition 5* (contested representation). Disputes over who may represent adat, visible in the contested MRPS selection, can weaken the collective bargaining position of Indigenous communities by allowing state actors to choose among competing interlocutors (Henley & Davidson, 2008; Hadiz, 2010).

The RPAA Framework: Operational Indicators

Building on these propositions, the RPAA framework is refined into four dimensions with

observable indicators (Table 3). The framework is designed to assess whether adat–state relations have moved beyond formal recognition toward substantive influence. Following Arnstein (1969) and Fung (2006), it treats participation as a continuum of influence rather than a binary of presence and absence. Following the triadic perspective, it also asks at which level of government each decision is made.

Table 3. The RPAA framework: guiding questions and operational indicators

Dimension	Guiding question	Observable indicators	Possible data sources
Recognition	Are customary communities and institutions formally recognised as rights holders?	Regulations and decrees issued; number of communities recognised; time from request to decision	Legal documents; registers; committee reports
Participation	Do customary interests enter agendas and shape decisions?	Stage of involvement (agenda setting, deliberation, implementation, evaluation); proposals adopted or rejected with reasons	Meeting minutes; MRPS considerations; interviews
Authority	Who decides, at which level, and with what mandate?	Level of decision (central, provincial, regency); existence of an adat-affairs mandate; coordination mechanisms	Organisational regulations; project documents
Accountability	Can communities trace and contest decisions?	Published follow-up; complaint and objection channels; responses to objections	Public records; objection files; media

Source: developed by the authors (2026)

Applied to South Papua, the framework points to four policy directions. First, recognition should precede or at least accompany decisions on land and permits, so that consent procedures have clearly identified rights holders. Second, consultation processes, including those of the MRPS, should be documented and their follow-up published, so that communities can trace how their claims were handled. Third, the provincial government should designate a clear organisational mandate for adat affairs that links customary institutions, the MRPS, and regency governments. Fourth, the regional government should act as an intermediary that brings customary claims into national decision-making on strategic projects, rather than as a bystander. These recommendations do not imply transferring governmental authority to customary actors. Their aim is to establish clear boundaries of authority, accountable coordination, and meaningful opportunities for influence.

Theoretical Implications

The article extends the literature in three ways. First, it shows that in multi-level settings with powerful central projects, adat–state relations must be analysed triadically.

Typologies of formal–informal institutional interaction (Helmke & Levitsky, 2004) implicitly assume that the relevant formal institutions are present in the arena of negotiation. The bypassed relation captures situations in which they are not. Second, it treats the creation of a new province as a critical juncture (Capoccia & Kelemen, 2007) for adat–state relations, which suggests that arrangements made now regarding recognition, representation, and sequencing are likely to have long-lasting effects. Third, by operationalising the gap between recognition and influence, the article provides a bridge between normative debates on the politics of recognition (Taylor, 1994; Coulthard, 2014) and empirical research on participatory governance (Fung, 2006).

CONCLUSION

Power negotiation between customary institutions and the state is a central dimension of local political governance in South Papua. The establishment of the new province and the Special Autonomy framework provide formal recognition, but the documents analysed show a consistent gap between recognition and substantive influence across three arenas. In representation, the MRPS secures presence but plays a mainly consultative role. In recognition, legal status for customary communities is being translated slowly and unevenly, while consent procedures are being regulated ahead of recognition. In land and development, consequential decisions are taken at the central level, bypassing both customary institutions and the regional government.

The article reconceptualises adat–state relations in South Papua as triadic and adds the bypassed relation to the complementary, competitive, and symbolic types. It also refines the RPAA framework into operational indicators. The policy implications are to sequence recognition before or alongside land decisions, to make consultation traceable, to establish a clear organisational mandate for adat affairs, and to position the regional government as an intermediary in national decision-making.

Because the study relies on documents available up to October 2026, its conclusions are analytical rather than definitive. Further research should test the five propositions through interviews with regional officials, MRPS members, customary leaders, and affected communities, and through comparison

with the other new provinces created in Papua in 2022.

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