

## Duties And Responsibilities Of Customary Functionaries In The Implementation Of The Indigenous Government System In Nafri Village

Sara Ida Magdalena Awi<sup>1\*</sup>, I Wayan Windia<sup>2</sup>, A. A Istri Ari Atu Dewi<sup>3</sup>,  
A. A Gede Oka Parwata<sup>4</sup>, Edy Nurcahyo<sup>5</sup>

<sup>1</sup>Faculty of Law, Cenderawasih University, Indonesia

<sup>2,3,4</sup>Faculty of Law, Udayana University, Indonesia

<sup>5</sup>Faculty of Law, Universitas Muhammadiyah Buton, Indonesia

\*Corresponding Author:

Email : [saraveral86@gmail.com](mailto:saraveral86@gmail.com)

---

### **Abstract.**

*The purpose of writing this article is to find out the role of customary functionaries in running the customary government system and the cooperative relations between these traditional partners in carrying out the customary government system for the indigenous people in Nafri Village. Both traditional partners from Nafri Village and also traditional partners from outside Nafri Village. This research can be categorized in the type of research with empirical aspects, because here we see the role of customary functionaries in the implementation of customary government law in the Nafri customary law community who sees the role of customary functionaries being carried out in reality. From the results of the study, it was revealed that customary functionaries have a very important role in carrying out the customary government system in the indigenous people of Nafri Village, both on ontopro and whase ontopro. And also these traditional functionaries have a cooperative relationship with traditional partners, both those from within the Nafri village itself and also traditional partners with villages from outside the Nafri village.*

**Keywords:** Customary Government, Customary Functionaries, Nafri.

---

### **I. INTRODUCTION**

We can understand the plurality of legal systems that apply in Indonesia, both in terms of time and type. Three legal systems in Indonesia: First, from the point of view of the plurality of its population, Indonesia has a legal system that has been in effect since primitive times, from customs or customs to provisions that are mutually believed to be obeyed. These habits or customs are called "customary law". In a dynamic sense, this law is more accurately referred to as customary law or living law. Second, in terms of religion, it is certain that there are religious values that have been believed together, made into a system of life and regulate relations between people, which are then considered as law. Third, as a country that has been colonized for three and a half centuries, it is clear that the colonial countries brought and implemented their laws in Indonesia, which we can then call the Dutch legal system or Western law. From the information above, it can be said that in Indonesia there are three legal systems. Namely customary law, Islamic law, and western law, with all the tools and requirements of anyone, and in any aspect who must comply with the laws of the three systems. Anyone who wants to know about various legal institutions that exist in a society, such as legal institutions regarding customary government, legal institutions regarding marriage, legal institutions regarding inheritance, legal institutions regarding the sale and purchase of goods, legal institutions regarding customary justice, and others, must first know the structure of the community in question. The structure of the community determines the legal system (structure) that applies in the community, Soepomo wrote: "The investigation into customary law, which has been going on for about 50 years until now, really confirms van Vollenhoven's statement in his speech on October 2, 1901; that in order to know the law, it is necessary to investigate at any time and in any area, the nature and composition of the legal alliance bodies, where the people who are controlled by the law live their daily lives" (Soepomo, 1977:41) [1].

The term indigenous peoples is a translation of the English language Indigenous people, namely indigenous people or indigenous people. This term is most appropriate to describe the existence of indigenous peoples in all areas of their lives, whether in the fields of religion, education, social, culture, politics, law, economy and defense and security. Indigenous peoples are groups of people who have ancestral

origins (from generation to generation) in certain geographic areas, and have their own value systems, ideology, economy, politics, culture, social and territory (Soepomo, 1977:41) [2] Furthermore, Hazairin stated that customary law communities have independent and independent instruments which constitute a legal entity, a unitary authority and an environmental unit based on shared rights, both rights to land and rights to water and air. Where all members of the indigenous peoples have the same rights and obligations and their livelihoods are characterized by communal which prioritizes mutual cooperation, mutual assistance, feeling, sharing the responsibility and having the right role (Soerjono Soekanto, 2012: 93-94) [3]. Based on the understanding of customary law communities above, it clearly provides an indication that people who highlight the characteristics of customary law are called customary law alliances (*adatrechtsgemeenschap*). Thus it is very clear that the structure of the Nafri customary law community still exists and continues to exist because it contains the following elements having clear territory and land boundaries, having a customary leader (Ontofro) along with his customary instruments in the village that runs the government. customary law, and owns both movable and immovable assets. The Nafri indigenous people recognize the dualism of the government system, namely formal government and non-formal government.

Formal government is a government system that is structured in the constitutional system of the Unitary State of the Republic of Indonesia headed by a village head and his apparatus (H. Nurcholis, 2005:138) [4]. While non-formal government is a system of original government or customary government. In the customary government system, the Nafri customary law community is led by an Ontofro, where the appointment process is based on hereditary inheritance from the eldest or eldest son. The existence and power of an Ontofro in the traditional political system occupies the position as the highest customary leader in the extended family, but also in their respective clans at the confederation level as the highest political unit. With this ability or position, Ontofro can act as Customary Law Executor in dealing with various disputes that occur between marriages, payment of dowry and even handling customary customary land disputes between the Nafri customary law community and even with other tribes. Internally Ontofro has the authority to settle customary law disputes that occur both among clan members and with other kinship tribes who interact with the Nafri customary law community or who inhabit the customary territory of the Port Numbay customary law community. The Nafri customary law community in its traditional political system is known as the Keondoafian/Ondoafi System or the Clan Head system. Mansoben said that one form of leadership system in which the position of the leader is obtained through the principle of inheritance is the ondoafi leadership system. This system is found in the Irian (Papua) tribes who live in the northeastern area of Irian Jaya (Papua) which is located west of the border line that separates the Province of Irian Jaya (Papua), Indonesia, and the state of Papua New Guinea. (Johszua Robert Mansoben, 1995: 179) [5].

In the customary law community, Nafri consists of two (2) keondoafian. And the condolences are in charge of ten (10) tribal heads/households. The Nafri customary law community, especially the customary law community living in the eastern part of Nafri or often called Sembekra Yeuw, has six (6) tribal heads/households, namely: 1). Awi, 2). Taniauw, 3). Finkreuw; 4). Merahabia, Mra-Mra and Kaay, 5). Hanuebi and Sibri, and 6). Wow. Meanwhile, the West Nafri indigenous people or often called Warke Yeuw have four (4) tribal heads/households, namely: 1). Finkreuw, 2). Awinero, 3). Tjo-e, and 4). Uyo. The two condolences are legal alliances that are economically and politically fully sovereign and do not have hierarchical ties with other villages/donadoafians. According to Mansoben, the Nafri community is divided into communities called yo or kampung. Each yo has a territory or territory, consisting of land and waters with clear boundaries, has a history of the origin of the population and its establishment and has a leader and people. (Johszua Robert Mansoben, 1995:179) [6] From the side of adjacent territorial units, the customary law communities residing in the Nafri area, which consists of 10 (ten) tribal heads/households as mentioned above, have traditionally formed a legal alliance that is territorial in nature, under the name of the Yo Nafri Legal Fellowship. This Legal Fellowship was born on the basis of regional togetherness, and a sense of solidarity to help each other (materials, money, and energy) and build. The purpose of this legal alliance is to protect, maintain customary values and ensure the welfare of indigenous peoples in the Nafri area.

By understanding the description as above, it can be emphasized that the union system of religious law is genealogical or based on blood relations. In such a system, those who are entitled to become leaders

are those who are direct descendants of Ondoafi, so there is a system of inheritance of power in relationships that is limited to men only. In addition to the genealogical legal alliance system, there is also a territorial customary law alliance system or legal alliance unit formed on the basis of similarity or regional proximity, such as the Port Numbay Legal Fellowship in the customary law community in Jayapura City. These two systems of legal alliances under customary law have a strong theoretical basis, as stated by Soepomo that customary law communities in Indonesia can be divided into two groups according to the basis of their composition, namely those based on ties of descent (genealogical) and those based on the regional environment (territorial). ); then it was added with an arrangement based on the two bases mentioned above. (Soerjono Soekanto & Soleman B Taneko, 1990:110) [7]. Thus, the Port Numbay legal alliance is a territorial legal alliance, which has its own community, government system, a number of customary functionaries/legal officers, and wealth both material and immaterial. In carrying out the functions and roles of legal alliances in utilizing material natural wealth or natural resources, of course there are mechanisms that are built regularly and are only known by the customary functionaries themselves. Based on the explanation above, it tries to compile a short paper with the title: Duties and Responsibilities of Customary Functionaries in the Implementation of Customary Governance in Nafri Village.

## II. METHODS

The research method used is empirical legal research. This research can be categorized as a type of research with an empirical aspect because the duties and responsibilities of traditional functionaries which are the main concern in the study are examined from an empirical perspective, namely seeing whether the traditional functionaries carry out their duties and responsibilities in accordance with the applicable rules or not in reality. As a study of legal science, of course this research does not forget the normative aspects of the function of legal alliances, namely those related to the legal norms that govern them. A normative study will be carried out before a study on the implementation of the function of the legal alliance to see the legality of this institution. This research is descriptive analytical which aims to describe in detail and critically examine the concept of customary functionaries in the customary government system in Nafri village. In reviewing these duties and responsibilities, the focus will be on the territorial aspects, scope of authority, elements and duties and responsibilities of the territorial legal alliance. And also the relationship between formal government and informal government. In empirical legal research, the data used include primary data and secondary data. Primary data obtained through the results of field research (field research), namely data obtained directly from an event in society.

While secondary data is data obtained through the results of library research (library research). Secondary data is obtained from legal materials and non-legal materials. Relevant legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials. (Soerjono Soekanto and Sri Mamudji, 1986:14-15) [8]. Primary legal materials are regulations that have binding legal force, both national law and customary law related to the issues to be studied, namely Law No. 21 of 2001 concerning Special Autonomy for the Papua Province, Law No. 6 of 2001. 2014 About Village. Secondary legal materials are legal materials that provide explanations of primary legal materials, such as research results, works from legal circles and legal literature, especially customary law literature related to this research. While tertiary legal materials or secondary legal materials, such as Law Dictionary and Encyclopedia. Data processing and analysis was carried out qualitatively. At the processing stage, first the collected data is identified, then categorized and qualified based on the research problem and then arranged systematically based on the previously prepared framework. Furthermore, the analysis is carried out by associating one data with other data, namely by comparing, matching, or contrasting. In the final stage, an interpretation is held to understand the meaning of the data in the existing social situation, then evaluated from the researcher's perspective accompanied by arguments to be able to produce a complete and thorough study.

### III. RESULT AND DISCUSSION

#### A. Duties and Responsibilities of Customary Functionaries in the Implementation of the Traditional Governance System in Nafri Village

In the local context in Papua in general and Jayapura City, in particular the Nafri village, there are various social stratifications. In Mansoben's Dissertation (1994) research on "Traditional Political Systems in Irian Jaya", he divided four types of leadership systems, namely; (1) authoritative male leadership system (big man), (2) Ondoafi leadership system, (3) royal system, and (4) mixed leadership system. In it there are community leaders (figures) who have a great influence and have an important role in all aspects of people's lives. They are called Ondoafi. Ondoafi is in a high stratification/social class because he is a traditional leader. This status is obtained by inheritance, which is interpreted by indigenous peoples as a form of respect, implementation of the rules and efforts to distance all prohibitions [9]. This system is an inheritance of traditional positions and bureaucracy. The territory or territorial power of a leader is only limited to one village and the social unit consists of ethnic groups or sub-groups and the center of orientation is religion. This system is found in the eastern part of Papua, especially Tabi land, including in the village of Nafri.

##### a) Ontofro (Ondoafi)

The position of an ontofro, according to customary provisions, is validated by a lineage drawn through a straight line with the founder of the village and is the eldest son of the previous ontofro. So the position is based on the principle of patrilineal primogeniture. The implication is that the ontofro position is ascribed status. (Elieser Merahabia, et al, 2011:5-6) Every eldest son of ontofro has the right to take over the position or position if the holder is unable to carry out his duties anymore due to illness, old age, or has died. A person who is an ontofro has a very broad authority because it covers all aspects of life in his village including the fields of religion, hunting, economy, social welfare, security and justice.

Ontofro's very broad authority as described in the above descriptions is summed up in a phrase that reads: "**ONTOFRO NTE WRENGHO NO, YO ME BOMWARE, YO AGHA WREKE WENA ONOMI EINE, YO HAJA SBERE**" which means Ontofro is a banyan tree that protects the community, and all prosperity, order and security are in the frame of responsibility. While the meaning contained in the above expression, namely ontofro is a source of prosperity, welfare and order and security of the village, where the life and death of the citizens are the responsibility.

The implication is that the position of the leader or head above is inherited, ascribed status. He is legitimate to rule because the old beliefs that exist and are still valid in the community concerned require that. Other members of society who are governed accept this situation as a natural and morally justified one. Ondoafi can also be referred to as the cultural elite. He controls the resources and valuable assets in society that become a binding tool as well as a means of legitimizing power. Ondoafi's position lies in the social space defined by a number of accountable capital. Capital plays an important role, because it is capital that allows Ondoafi to survive in it. The capital in question is material that shows the mastery of resources, social capital in the form of trust/social relations, and symbolic capital in the form of honor, position and prestige. In the original community structure, Ondoafi is in a relatively small/relatively closed community system with a system of hunting, gathering and possibly farming materials but not intensive. Such a structure will allow Ondoafi to continue to maintain his political strategy by adding descendants, expanding his territory to new places and forming new leadership.

##### b) Whase Ontofro (Chief)

The position of a tribal chief (whase ontofro) according to customary provisions is the same as the position of an ontofro, only the scope is small, namely specifically for regulating certain clans or clans or tribes, however, an ontofro has responsibility for one village in accordance with territorial boundaries. or the customary territory of the village.

##### c) Maung (Main Advisor and Spokesperson)

An ontofro or tribal chief (whase ontofro) has a special auxiliary device called "maung". The role of the maung is as the main advisor for ontofro and tribal chiefs (whase ontofro) in terms of giving advice and considerations before making important decisions. Besides that, Maung also acts as a spokesperson for

ontofro and tribal chiefs (whase ontofro). These roles cause maung to always accompany the ontofro or whase ontofro in every official customary meeting.

d) Wamre (messenger)

Wamre is a special auxiliary device in the ontofro system or tribal chief who functions as an errand boy to serve ontofro or tribal chiefs both in matters concerning the public interest to those concerning the special interests of the ontofro. A wamre must be loyal and know to keep secrets in carrying out his duties and responsibilities.

1. Systems and Teachings in Traditional Houses (Jeuw)

a) Coaching System

In general, in the customary rules there are principles of guidance given to each generation group, especially youth who have reached puberty or puberty. There are two systems of coaching for young people that are carried out, namely:

1. Especially for boys, they are fostered in a traditional house (jeuw) for approximately three months. The training system for boys is called Bhobu. Boys are put in a traditional house (juew) and then given some kind of coaching and training to be used in the future after leaving the training in the jeww. The coaching system carried out in jeww is the development of manners, character (as spiritual guidance) and physical training to foster mental and physical endurance with a semi-military training system in which there are ways to use war tools, attack and defense strategies, and others, and learn to use the occult sciences (hobats). Everything in this training can be put into practice. For this reason, they inadvertently planned to attack a village or group of people to prove or see the results of development in the jeww so far. After seeing the results and admitting it was only then that this generation was declared capable of defending the country and defending it from outside attacks. In addition, they are taught to keep and maintain the secrecy of adat where the generation is educated to keep the secret of jeww. Coaching for youth, especially boys, can be done regularly based on age groups or one generation to the next.
2. Especially for girls, they are fostered for approximately one month or three to four weeks in the ontofro house or tribal chiefs in tribes that have been determined according to custom to carry out youth development activities, especially girls aged 12 – 30 years , while there is no age limit in special traditional ceremonies at the time of the death of the ontofro or tribal chief. It is only in the context of this kind of event that this coaching event can be carried out. What is fostered in this coaching are manners, life in the household, educating and caring for children and helping husbands in household matters, association in kinship life in large tribal families and villages. Coaching can end according to a specified schedule, namely at the same time as the holding of a traditional party related to the death of the ontofro or tribal chief.

b) Teachings (Indigenous Learning)

The sources of traditional teachings used in traditional learning do not focus on real learning tools and media as used in general in formal education, but what they use are in the form of samples and concrete examples of real media that are around them, of course something that contribute or have a positive impact on the generation or young people who have been trained there, both mentally, spiritually and physically. Everything that is obtained there has a positive added value for each individual, because after they come out there is a change in themselves.

Example: Before being trained, he always does things that are not good, but he is fostered and trained there his behavior changes, listens, does not commit violence, likes to help others, and so on. However, there is also a negative impact, namely that after they have finished the training, their mentality has been sharpened to maintain their customary territorial integrity, namely the motto "One For All and All For One". So something that concerns the interests of many people or villages they still carry out whether the impact is profitable or not. For example, killing people, attacking a person or group, and so on.

c) The Influence of the Guidance System and Indigenous Teachings

The system of coaching and traditional teachings that are carried out both in jeww and at the ontofro or tribal chief's house is in accordance with customary manners, but in it there are advantages and disadvantages of the education system and the teachings themselves.

## 2. The goodness of the system and traditional teachings

- 1) There is a change for the younger generation in their personal lives, namely respecting their parents, others, not doing evil things, always helping others who need it, and other positive aspects.
- 2) The existence of manners in their interactions with each other and with the opposite sex.

## 3. The Bad System and Traditional Teachings

- 1) Always defend the interests of the tribe or village even though in reality they are in a position that is not right or wrong.
- 2) Helping people to commit crimes even though they know it was a mistake.
- 3) Killing, beating, looting and so on for the sake of jeuw.

The advantages and disadvantages of this customary system and teachings described above relate to the guidance of young men who are nurtured and trained in traditional houses (jeuw). For girls there are no bad things, for girls only guided to do good things for their future lives. Along with the times, the system of coaching and traditional teachings carried out in traditional houses (jeuw), ontofro houses and tribal chiefs is no longer carried out. However, the coaching system and traditional teachings are still carried out individually in family life.

### **B. Working Relationships Among Traditional Functionaries in Nafri Village**

#### 1. Inner Relationship with Indigenous Partners (Internal Culture)

All clans or tribes that are in the keondoafian system of the Nafri village each have a traditional partner. In this working relationship, matters relating to the interests of the ondoafi or tribal chiefs can be done by the customary partners, namely in accordance with the main tasks and functions of each of the traditional partners. In the Nafri customary order, there are two kinds of customary partners, namely:

- a) Wambre (messenger) has the duty to convey sad news from Ondoafi or tribal chiefs on the death of members of their tribal family, to family members, friends, relatives or other families who have family relations with the tribe. In addition, as a liaison to convey news or invitations to customs with other parties.
- b) Tohabia (Assistance), carrying out tasks or work submitted by ondoafi or tribal chiefs related to welfare programs and family economic empowerment of the tribe. This work or task is an obligation and responsibility that must be carried out without taking into account the impacts that will occur. All tasks and work carried out by each traditional partner in the internal culture by ontofro or tribal chiefs from the extended family provide a counter-achievement (reward for services) for all tasks and work that have been done. The contra-achievement in question is in the form of cooked food, raw food, garden products along with one or more pigs which are given in accordance with prevailing customary values and norms. Examples of tasks or jobs that are carried out are making gardens, building boats, and building houses. In addition, they are invited to attend traditional parties by bringing traditional dances, and so on.

#### 2. Outgoing Relationship with Indigenous Partners (External Culture)

In this section it can be explained that what is meant by external relations with traditional partners in external culture is the working relationship between ondoafi or tribal chiefs in other villages.

In a working relationship with Ondoafi or tribal chiefs from other villages, namely the relationship of assistance to carry out the work needed by the ondoafi or tribal chiefs, namely establishing traditional paras (obe), establishing traditional houses or ondoafi houses, and being invited to traditional parties by bringing dances when ondoafi or tribal chiefs die and other important activities.

Example :

- a) Ontofro Nafri Warke has customary partners with Ondoafi, Kampung Heram Asey Sentani Timur, Kampung Kayu Batu, Kampung Tobati (Ireeuw) and Kampung Skouw Mabo.
- b) Ontofro Nafri Sembekra has customary partners with Ondoafi Kampung Ayapo Sentani Timur, Kampung Yahim or Yobe Sentani Tengah, Kanpung Skouw Yambe and Kampung Kayu Pulo.

Other things that are no less important are working relationships or partners with the government and the church. Where, this relationship or work partner is the indigenous people of Port Numbay in general and Nafri Village in particular, which we often know as the Three Furnaces of Balance.

In this connection, of course, it is very important and what is discussed here are matters relating to social, religious, cultural and political issues. It all boils down to prosperity, security and peace.

#### IV. CONCLUSION

Moving on from the explanations in the previous chapters from the introduction to the results of the research and discussion that can be stated above, the things that can be concluded are as follows:

1. The Nafri customary law community in Port Numbay Jayapura City adheres to the dualism of the government system, namely the village government system (formal) headed by a village head within the framework of the Unitary State of the Republic of Indonesia, and the customary (non-formal) government system on the other hand headed by an Ontofro along with the apparatus.
2. Where the Indigenous Peoples of Kampung Nafri have two condolences, namely Keondoafian Awi Warke and Keondoafian Awi Sembekra, along with maung ontofro, wambre and whase-whase ontofro where both of them run the customary government system side by side with the village government system. So that the Nafri Customary Law Society recognizes the existence of a Balance Furnace System, namely Custom, Government and Religion, which is often known as the Three Furnace System.

Indigenous Government System in the Nafri indigenous people, in carrying out their duties and functions, they have a system of traditional teachings and guidance until now, but the system is only carried out within their respective families, no longer in the jeuw or ontofro houses as in the past.

In addition, traditional functionaries in carrying out their duties and responsibilities always adhere to the customary rules that apply to date, besides that they also have cooperative relationships with traditional partners. The cooperative relationships that exist are from traditional partners within the Nafri village such as Wambre and Tohabia, while the customary partners from outside the Nafri village such as Ontofro Awi Warke have customary partners with Skouw Mabo Village, and other villages outside the Nafri village. And Ontofro Awi Sembekra has customary partners with Skouw Yambe Village, and other villages outside Nafri Village.

#### V. ACKNOWLEDGMENTS

The author would like to thank the Chancellor of the Cenderawasih University and the Dean of the Faculty of Law of the Cenderawasih University who have supported the research and writing of this article.

#### REFERENCES

- [1] Soepomo, 1977, *Chapters on Customary Law*, PT. Pradnya Paramitha, Jakarta. p. 41
- [2] Soepomo, 1977, *Chapters on Customary Law*, PT. Pradnya Paramitha, Jakarta. p. 41
- [3] Soerjono Soekanto, 2012, *Indonesian Customary Law*, Rajawali Pers, Jakarta. p. 93-94
- [4] H. Nurcholis, 2005:138 H. Nurcholis, 2005, *Theory and Practice of Regional Autonomy*, Grasindo, Jakarta. p. 138
- [5] Johszua Robert Mansoben, 1995, *Traditional Political System in Irian Jaya (Papua)*, LIPI – RUL Series, Jakarta. p. 179
- [6] Johszua Robert Mansoben, 1995, *Traditional Political System in Irian Jaya (Papua)*, LIPI – RUL Series, Jakarta. p. 179
- [7] Soerjono Soekanto dan Soleman B Taneko, 1990, *Hukum Adat Indonesia*, Penerbit Rajawali Jakarta. p. 110
- [8] Soerjono Soekanto dan Sri Mamudji, 1986, *Pene Normative Legal Research A Brief Overview litian Hukum Normatif Suatu Tinjauan Singkat*, CV. Rajawali, Jakarta. p. 14-15
- [9] J.R. Mansoben, 1994, *Traditional Political Systems in Irian Jaya, Indonesia; Development Studies*, Disertasi Unversitas Leiden.