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GOVERNMENT LAND PROTECTION IN THE CONTEXT OF LEGAL PLURALISM: EVIDENCE FROM INDONESIA'S INDIGENOUS AND PERIPHERAL REGIONS

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Abstract

Government land is a strategic public asset whose safeguarding is particularly complex in regions with strong customary land tenure systems. In Eastern Indonesia, especially Papua, land is embedded not only in administrative and legal frameworks but also in indigenous social and cultural structures. This study examines the safeguarding of government land in Jayapura City using a qualitative legal-empirical approach grounded in a post-positivist paradigm. Data were collected through in-depth interviews with local government officials, customary leaders, academics, and land authorities, complemented by document analysis and field observations. The findings show that legal insecurity constitutes the most fundamental and systemic challenge. The absence or contestation of customary land release documents undermines formal land certification, weakens administrative registration, and exposes government land to recurring disputes and encroachment. These conditions reflect persistent tensions between formal state law and customary land governance rather than isolated administrative failures. This study argues that safeguarding government land in Papua requires a hybrid land governance framework that recognizes legal pluralism as an operational reality, supported by the institutional integration of customary mechanisms, participatory mapping, and strengthened inter-agency coordination. This study contributes to land governance literature by positioning legal pluralism not as a constraint but as an operational governance variable.

Keywords: government land, legal pluralism, land governance, indigenous land rights, Papua

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INTRODUCTION

The safeguarding of Local Government Assets (*Barang Milik Daerah/BMD*) in Indonesia is formally governed through comprehensive control mechanisms encompassing physical, administrative, and legal dimensions. Physical safeguarding generally includes protective measures such as fencing and boundary demarcation, administrative safeguarding focuses on systematic documentation covering ownership certificates, acquisition records, proof of payment, and survey reports while legal safeguarding aims to ensure protection through dispute resolution and litigation processes to prevent encroachment, seizure, or third-party claims. These mechanisms are designed to provide legal certainty and support effective public asset governance.

Nevertheless, empirical evidence indicates that the existence of formal regulatory frameworks does not necessarily translate into effective land asset security. Following administrative territorial expansion, local governments frequently encounter intensified challenges in securing land assets, particularly in newly formed urban areas. In Jayapura City, Papua Province established through the administrative expansion of Jayapura Regency government owned land has become a persistent source of dispute involving indigenous communities and private claimants. These disputes reveal a structural gap between normative legal arrangements and their practical implementation, suggesting that asset insecurity cannot be explained solely as an administrative deficiency.

In the Papuan context, land occupies a distinctive socio-legal position that extends beyond its function as an economic or administrative asset. Indigenous communities in Jayapura continue to recognize customary land rights (*hak ulayat*) as socially authoritative, shaping land governance practices at the local level. *Hak ulayat* is understood as a collective and hereditary right embedded in kinship structures and territorial boundaries governed by customary leaders (*ondoafi*), rather than as an individual proprietary entitlement. This understanding is consistent with Constitutional Court Decision No. 35/PUU-X/2012, which affirms the recognition of indigenous peoples' customary rights as constitutionally protected and distinct from state-controlled land. Consequently, land transactions or transfers that bypass customary deliberation and approval are often perceived as illegitimate, even when supported by formal legal instruments issued by the state. As noted by Simarmata (2019) and Boelaars (1986), in Papuan societies land functions as a socio-cultural foundation tied to identity, history, and collective survival, placing government land governance within a plural legal order that requires mediation between state law and customary authority to achieve legitimacy and effectiveness.

Within this plural legal setting, formal land certification and administrative registration by the government often lack social legitimacy in the absence of customary land release documents endorsed by traditional authorities.

This condition reflects the coexistence of formal state law and customary law as parallel normative systems, transforming land asset disputes into broader governance challenges rather than isolated legal conflicts. Rather than indicating mere administrative deficiencies, these disputes reveal structural tensions within plural legal orders that require negotiated and context-sensitive governance solutions.

Previous studies on local government asset safeguarding in Indonesia have predominantly emphasized administrative compliance and legal formalism. Research conducted in Surabaya, for instance, shows that asset safeguarding mechanisms were implemented administratively, physically, and legally, yet remained ineffective due to inaccurate asset inventories and weak accountability (Shabrina, 2014; Ratnasari, 2015). While these studies provide important insights, they largely assume the primacy of formal legal instruments. Such assumptions are insufficient to explain land asset insecurity in regions like Papua, where customary land tenure continues to exercise strong normative authority over land ownership and use.

Empirical conditions in Jayapura City further illustrate the limitations of relying solely on formal legal mechanisms. Disputes over government land frequently escalate into judicial proceedings handled by the Jayapura District Court and the Jayapura High Court. Notable cases involving the Jayapura City Government and indigenous claimants, such as disputes with Mrs. Tropina Mebri Depondiye and Sapria Apnita, demonstrate that formal land certification does not necessarily prevent contestation when customary claims remain unresolved. These recurring disputes underscore the persistent tension between formal land administration systems and indigenous land governance in Papua. These cases are detailed in Table 1:

Table 1

The parties	Number Decision Jayapura District Court	Number Decision Jayapura High Court
Mrs Tropina Mebri Depondiye with Jayapura City Government	Decision Jayapura District Court No. 47/ Pdt.G /2012/PN. JPR. May 1, 2013	Decision Jayapura High Court No. 62/ Pdt /2013/PT.JPR. November 19 , 2013
	Decision Jayapura Class IA District Court Number : 293/ Pdt.G /2014/ PN.Jap, dated 24 June 2015	Decision Jayapura High Court No. 84/ Pdt /2015/PT.JPR. January 21 , 2016
Sapria Apnita with Jayapura City Government	Decision Jayapura District Court Number 142/ Pdt.G /2017/PN Jap dated 30 April 2018	Decision Jayapura High Court No. 63/ Pdt /2018/PT JAP October 2, 2018

This study examines the safeguarding of local government land assets (Barang Milik Daerah/BMD) in Jayapura City by exploring the challenges of

asset inventory, legal recognition, and dispute resolution within a context of legal pluralism. Rather than positioning Jayapura as a prescriptive model, the research provides empirically grounded insights into how legal, administrative, and physical safeguarding mechanisms operate in practice in a post-expansion urban setting. The findings are intended to inform broader discussions on government land governance in regions experiencing administrative expansion, particularly those characterized by strong customary land tenure systems.

LITERATURE REVIEW

Legal Pluralism and Government Land Governance

Legal pluralism provides an analytical framework for understanding the coexistence of multiple normative systems governing land within a single social field. Griffiths (1986) distinguishes between state-centric legal systems and non-state normative orders that operate beyond formal legislation, emphasizing that law in practice often consists of overlapping and competing legal regimes. From this perspective, government land governance cannot be understood solely through statutory regulations, as customary norms and local practices continue to shape land ownership, use, and legitimacy.

In post-colonial societies, the authority of state law is frequently contested by indigenous legal systems that retain strong social legitimacy despite limited formal recognition. This condition is particularly evident in Papua, where customary land rights (*hak ulayat*) remain a foundational element of social organization. Consequently, disputes over government land are not merely administrative or legal conflicts, but manifestations of competing normative authorities operating simultaneously within the same territorial space.

Land Governance in Indigenous Contexts: A Socio-Legal Perspective

Building on legal pluralism, Merry (1988) conceptualizes law not only as a system of formal rules but also as a social and cultural process shaped by local meanings, power relations, and historical experience. In indigenous contexts, land governance is deeply embedded in cultural identity, collective memory, and customary authority, which often diverge from state-defined notions of ownership and control. As a result, formal land certification and administrative registration may fail to achieve legitimacy when they do not engage with customary norms and indigenous governance structures.

In Papua, customary land tenure (*hak ulayat*) continues to function as a socially authoritative normative order, even where formal recognition remains incomplete. From a socio-legal perspective, such contestation does not indicate legal disorder but reflects the coexistence of multiple legal rationalities within the same governance space. Adopting this framework allows the analysis of government land safeguarding in Jayapura City to move beyond legal formalism

and to examine how state institutions interact with indigenous land governance in everyday administrative and judicial practices.

Safeguarding Local Government Assets as an Institutional Governance Practice

Safeguarding local government assets should be understood as an institutional governance practice rather than a purely technical or legal exercise. In practice, asset protection involves the interaction of administrative routines, organizational capacity, legal instruments, and local socio-political contexts. From this perspective, safeguarding government land reflects how public institutions translate formal regulations into operational practices under conditions of uncertainty and competing normative claims.

This institutional governance approach aligns with a post-positivist understanding of public administration, which recognizes that legal and administrative outcomes are contingent, context-dependent, and subject to revision. Rather than assuming the uniform effectiveness of asset safeguarding mechanisms, this perspective emphasizes empirical inquiry into how institutions respond to contestation, negotiate legitimacy, and manage disputes within plural legal environments.

Administrative Territorial Expansion and Asset Vulnerability

Administrative territorial expansion constitutes a significant institutional transition that reshapes governance structures, authority distribution, and administrative capacity at the local level. Rather than producing uniform outcomes, such expansion often generates periods of uncertainty in which asset inventories, legal documentation, and institutional responsibilities are redefined. From a post-positivist perspective, territorial expansion does not mechanically produce asset insecurity but creates structural conditions that may increase the vulnerability of government land assets.

In newly established administrative units, asset vulnerability frequently arises from fragmented records, overlapping authority between predecessor and successor governments, and limited institutional capacity to reconcile historical land data. These challenges are further intensified in regions characterized by legal pluralism, where customary land tenure systems continue to operate alongside formal administrative frameworks. Understanding asset vulnerability in post-expansion contexts therefore requires an empirical examination of how institutional transitions interact with existing normative orders, consistent with post-positivist assumptions that governance outcomes are contingent and socially constructed.

Building on these insights, this study departs from purely normative or administrative analyses by empirically examining how legal pluralism operates

within local land governance institutions. By focusing on the safeguarding of government land assets in Jayapura City, the research captures the everyday interaction between formal administrative systems, planning institutions, and socially authoritative customary norms in a post-expansion context.

RESEARCH METHODOLOGY

This study employs qualitative research with a juridical-empirical approach. The research is grounded in the post-positivist paradigm as articulated by Guba and Lincoln (Guba & Lincoln, 1994; Indarti, 2010), which views legal reality as complex, context-dependent, and only imperfectly apprehensible. Rather than assuming the full effectiveness of formal legal norms, this paradigm emphasizes empirical inquiry into how law operates in practice and acknowledges the fallibility of legal and institutional arrangements.

The juridical-empirical approach is applied by examining the interaction between normative legal frameworks (*das sollen*) and empirical conditions (*das sein*) in the field. This approach does not aim to falsify legal norms in a strict positivist sense, but to explore the extent to which legal provisions are mediated, adapted, or contested within specific social and institutional contexts. Law is therefore understood as an institutionalized form of social behavior that functions as an empirical variable within society, rather than as an autonomous and self-executing system.

The research focuses on Jayapura City, Papua Province, which emerged from the administrative expansion of Jayapura Regency. This setting provides a critical case for examining asset vulnerability in post-expansion governance contexts characterized by legal pluralism and strong customary land tenure systems. Data collection was conducted through document analysis and in-depth interviews to capture both formal legal arrangements and lived governance practices.

Table 2

Name (initials)	Agency	Position
NH	BPKAD Jayapura City	Head of Regional Assets Division
WEL	BPKAD Jayapura City	Head of Maintenance and Removal Subbid
KF	BPN Jayapura City	Head of Jayapura City Office
GA	Ondoafi	Ondoafi
LDB	Indonesian Christian Church	Pastor
AW	Cenderawasih University	Academic/ Anthropologist
AL	Cenderawasih University	Academic/ Sociologist

Primary data were obtained through semi-structured interviews with key informants selected based on their institutional roles, cultural authority, and expertise in land governance. These informants include officials from the Regional Asset Management Agency (BPKAD), the National Land Agency (BPN), indigenous customary leaders (*ondoafi*), religious leaders, and academics

specializing in anthropology and sociology. The diversity of informants enables triangulation of perspectives and enhances the credibility of the findings. Field observations were conducted to obtain an empirical understanding of:

1. The physical and administrative status of government land, including ownership conditions, usage patterns, and potential disputes.
2. Bureaucratic practices related to asset inventory, maintenance, and transfer following administrative expansion.
3. Interactions between local government institutions, indigenous communities, and other local actors in the process of safeguarding government land.
4. Socio-cultural dynamics influencing community perceptions of government and customary land ownership.

Secondary data consist of primary legal materials, including the amended 1945 Constitution of the Republic of Indonesia, laws on state finance and treasury, government regulations on state and regional asset management, and relevant ministerial regulations. Additional secondary sources were obtained from academic books, journal articles, and policy documents. Data analysis was conducted through interpretive analysis, comparing normative legal expectations with empirical findings to identify patterns of convergence, tension, and adaptation within the governance of local government land assets.

ANALYSIS AND DISCUSSION

Asset Safeguarding in Practice: Normative Frameworks and Empirical Gaps in Local Government Land Management

Normatively, the safeguarding of local government land assets (Barang Milik Daerah/BMD) in Indonesia is governed by a comprehensive regulatory framework that emphasizes administrative registration, legal certification, and physical protection. Land certificates function as the primary legal instrument for ownership recognition, while asset inventories and physical markers are intended to ensure administrative control and prevent encroachment. However, empirical findings from Jayapura City reveal a substantial gap between these normative expectations and the realities of asset safeguarding in practice.

Interview data indicate that land assets in Jayapura exist in heterogeneous administrative conditions. As articulated by WAL, government land assets may be fully documented with both land certificates and customary release letters, partially documented with only one form of recognition, or entirely undocumented. This variation reflects an institutional awareness that formal legal compliance alone is insufficient to secure land assets in a socio-legal environment characterized by strong customary authority.

These interview findings are corroborated by field observations conducted at several government-owned land sites. Observations reveal that physical safeguarding measures, such as fencing and asset signage, are unevenly implemented. In multiple locations, fences were damaged or absent, and no official markers clearly indicated government ownership. In some cases, government land was physically occupied or informally used by local communities, despite being recorded as public assets in administrative documents. These conditions illustrate that administrative recognition does not necessarily translate into effective physical control on the ground.

The use of the SIMDA application further illustrates the normative–empirical gap. Assets lacking complete formal certification and customary release documents are deliberately excluded from the system to avoid potential future disputes. As noted by NH, “In terms of regulations, it is complete, but if the indigenous community does not feel that they have been released, it is still considered problematic.” This practice demonstrates an implicit institutional acknowledgment of the limits of legal formalism in plural legal settings.

From a legal pluralism perspective, these findings support Griffiths’ (1986) argument that multiple normative orders operate simultaneously, constraining the capacity of state law to function as a singular governance instrument. Similarly, Merry’s (1988) socio-legal analysis underscores that legal effectiveness is contingent upon social legitimacy. In Jayapura City, the safeguarding of government land thus emerges not as a purely technical or administrative task, but as a negotiated governance process shaped by the interaction between formal legal norms, customary authority, and everyday institutional practices.

Overall, this sub-section demonstrates that the safeguarding of local government land assets in Jayapura City is characterized by a persistent gap between normative regulatory frameworks and empirical governance practices. While formal legal instruments and administrative systems provide a structured basis for asset control, their effectiveness is contingent upon social legitimacy shaped by customary authority. Institutional practices such as selective registration in SIMDA and uneven physical safeguarding reflect an implicit recognition that legal formalism alone is insufficient in a legally plural context. Consequently, government land safeguarding operates as a negotiated process in which administrative compliance, customary recognition, and practical enforcement are continuously reconciled. This finding confirms that in settings characterized by strong customary land tenure, the effectiveness of asset safeguarding depends not on the completeness of formal documentation alone, but on the alignment between normative legal frameworks and locally embedded sources of legitimacy.

Institutional Constraints in Post-Expansion Asset Governance: Administrative Fragmentation and Capacity Limits

Administrative territorial expansion constitutes a critical institutional transition that reshapes authority, responsibility, and administrative capacity in local government asset governance. In Jayapura City, the expansion from Jayapura Regency generated structural discontinuities in asset management, particularly concerning land assets whose legal and administrative status had not been fully consolidated prior to the division of authority. Rather than producing immediate administrative clarity, expansion created fragmented governance arrangements that continue to affect the safeguarding of government land.

Interview data indicate that a significant number of land assets were transferred physically but not administratively following the establishment of Jayapura City as an autonomous local government. As noted by NH, “After the division, it was unclear who was responsible for many assets. The documents were in the old district, but the physical assets were in the city.” This condition illustrates a disjunction between territorial control and administrative ownership, resulting in assets that are managed *de facto* by the city but lack complete legal and administrative documentation.

Field observations further confirm this administrative fragmentation. Observations within the local asset management office revealed incomplete asset files, outdated spatial references, and inconsistencies between physical land locations and recorded administrative data. In several cases, land parcels could not be accurately matched with supporting documents, indicating institutional vulnerability in maintaining asset continuity during and after administrative expansion.

Institutional capacity constraints exacerbate these challenges. Limited budgetary allocations for land certification, procedural complexity, and the need to navigate customary land disputes restrict the ability of local asset management agencies to act decisively. As expressed by WEL, “Once it becomes a customary conflict, it is no longer entirely within our jurisdiction.” This reflects a functional boundary within bureaucratic practice, where responsibility is deferred when asset issues intersect with customary governance structures.

The reliance on external institutions, particularly the National Land Agency (BPN) and customary authorities, further illustrates the limits of administrative autonomy in post-expansion governance. As explained by KF, certification processes are frequently delayed due to unresolved customary release issues, reinforcing administrative inertia. From a socio-legal perspective, this condition aligns with Tamanaha’s (2001) assertion that legal institutions operate within social and institutional constraints that limit the enforceability and effectiveness of formal rules.

Consistent with post-positivist assumptions, these findings suggest that asset insecurity in post-expansion contexts is not the result of administrative failure alone, but rather emerges from contingent institutional arrangements shaped by historical transitions, capacity limitations, and plural normative environments. Understanding these constraints requires empirical attention to how institutions function in practice, rather than reliance on formal regulatory designs.

This sub-section demonstrates that administrative territorial expansion in Jayapura City has generated enduring institutional constraints that undermine the safeguarding of government land assets. Rather than producing administrative clarity, the expansion created fragmented authority, incomplete asset transfers, and capacity limitations that persist over time. The disjunction between physical control and administrative documentation, compounded by reliance on external institutions and the need to navigate customary land disputes, reveals that asset insecurity emerges from contingent institutional arrangements rather than isolated bureaucratic shortcomings. From a socio-legal and post-positivist perspective, these findings underscore that post-expansion asset governance is shaped by historical transitions, organizational capacity, and plural normative environments, requiring empirical analysis of institutional practices rather than reliance on formal regulatory assumptions.

Indigenous Land Governance and the Limits of Legal Formalism in Securing Government Land

The safeguarding of government land in Jayapura City reveals the structural limits of legal formalism when applied in indigenous contexts characterized by strong customary land tenure systems. While formal state law prioritizes land certificates as definitive proof of ownership, empirical findings indicate that such legal instruments do not automatically secure social recognition or prevent disputes in Papuan society.

Interview data demonstrate that indigenous communities continue to regard customary authority as the primary source of land legitimacy. As articulated by an Ondoafi informant, "The certificate is valid according to the state, but for indigenous peoples, it is not necessarily valid if it does not go through customary release." This statement underscores the persistent normative authority of *hak ulayat*, in which land rights are collectively held, historically transmitted, and governed through customary deliberation rather than individual ownership.

Field observations further support this finding. Observations of customary governance practices indicate that land boundaries are often defined through natural markers and collective memory rather than written maps or cadastral records. In several locations, customary meeting spaces (*para-para*

adat) (Awi, 2012) function as central forums for land-related decision-making, highlighting the social processes through which land legitimacy is constructed. These practices reveal a governance logic that operates outside the formal legal system yet remains socially binding.

This condition reflects what Simarmata (2019) describes as the paradox of agrarian legalism in Indonesia, where the state's emphasis on formal legal certainty often marginalizes communal land relations and generates conflict rather than resolution. From Griffiths' (1986) perspective of strong legal pluralism, state law in Papua operates as one normative system among others, rather than as a monopolistic authority. Similarly, Merry's (1988) socio-legal analysis emphasizes that law gains effectiveness not solely from formal validity, but from its capacity to resonate with local meanings and power relations.

When legal formalism is imposed without meaningful engagement with indigenous governance structures, it produces resistance, administrative paralysis, and recurrent disputes over government land assets. Rather than ensuring legal certainty, formal certification in isolation may exacerbate asset insecurity by undermining social legitimacy. This finding reinforces Tamanaha's (2001) assertion that law in practice is shaped by social constraints that limit the reach of formal legal institutions.

Accordingly, securing government land in indigenous contexts such as Jayapura requires a shift from legal formalism toward a pluralist and negotiated governance approach. Recognizing customary land governance not as an external obstacle but as an integral component of the legal landscape is essential for achieving sustainable asset protection. This approach aligns with a post-positivist understanding of law as contingent, context-dependent, and empirically verifiable rather than normatively absolute.

Judicialization of Land Disputes and the Problem of Law in Action

The increasing judicialization of land disputes in Jayapura City reflects the limitations of both administrative and customary mechanisms in resolving conflicts over government land assets. Litigation generally emerges as a last resort when deliberative customary forums (*para-para adat*) fail to produce consensus. As one Ondoafi informant stated, "*If it goes to court, it means that customary law is no longer working.*" This finding suggests that judicialization is not an indicator of effective legal resolution, but rather a symptom of governance breakdown across institutional and social domains.

Judicial intervention, however, does not necessarily lead to effective dispute resolution. Even when court rulings favor the local government, enforcement often remains problematic. As noted by NH, "*Even if the government wins in court, it does not necessarily mean that the land can be used.*" This situation illustrates a persistent gap between *law on the books* and

law in action, where formal legal victories fail to translate into practical control over land assets.

Courts tend to prioritize formal written evidence, thereby disadvantaging indigenous communities whose land claims are grounded in oral history and customary practices. This condition reflects what Bedner and Vel (2010) identify as the inability of judicial institutions in plural legal contexts to adequately accommodate non-state normative orders. In line with Galanter's (1974) analysis of repeat-player advantages and Tamanaha's (2001) conception of law as socially embedded practice, judicialization in Papua often prolongs disputes rather than resolving them. Consequently, litigation functions less as a mechanism of legal certainty and more as a process that exposes the structural limits of legal formalism in pluralistic governance settings.

To answer the research questions, this study organises its analysis into four interrelated thematic sections. Although this study formulates three core research questions, the analytical discussion is expanded into four sections to reflect the empirical complexity of protecting local government land assets in a pluralistic and post-expansion legal context. This structure allows the study to analyse not only protection practices and institutional constraints, but also the dynamics of customary land governance and the judicialisation of land disputes as analytically separate but substantially connected dimensions.

This sub-section concludes that the safeguarding of government land in Jayapura City exposes the structural limits of legal formalism in indigenous contexts where *hak ulayat* remains a primary source of land legitimacy. Formal state instruments, particularly land certification, do not automatically generate social recognition or prevent disputes when they are detached from customary governance processes. Empirical evidence demonstrates that indigenous land governance operates through socially binding mechanisms such as collective memory, natural boundary markers, and deliberative forums that function alongside, and often independently from, formal law. In this legally plural setting, the imposition of legal formalism without institutional engagement with customary authority tends to intensify resistance, administrative stagnation, and recurrent land conflicts. These findings confirm that effective land safeguarding requires a shift from formal legal certainty toward a negotiated and pluralist governance approach that integrates customary legitimacy as a constitutive element of land administration.

Hak Ulayat as an Operational Governance Variable in Local Government Land Safeguarding

Building on the preceding analysis, *hak ulayat* is conceptualized not merely as a cultural background or a residual source of traditional land claims, but as an operational governance variable that directly conditions the effectiveness of

government land safeguarding in Jayapura City. Empirical evidence from administrative practices, dispute trajectories, and institutional decision-making processes indicates that hak ulayat operates as a non-state source of legitimacy through which formal legal instruments are interpreted, negotiated, and enforced in practice.

Doctrinally, this position is consistent with Indonesian agrarian law as articulated by Boedi Harsono, who emphasizes that hak ulayat constitutes a legally recognized communal right embedded within the national land law system, rather than an extra-legal or informal claim (Harsono, 2008). In this sense, customary land rights are not external to state law, but form an integral component of Indonesia's agrarian legal structure as envisaged under the Basic Agrarian Law (UUPA).

Land assets supported by formal state certification but lacking socially recognized customary release remain exposed to legal insecurity, social contestation, and enforcement difficulties. Conversely, assets accompanied by acknowledged customary release tend to display greater stability, even when administrative documentation is incomplete. This pattern suggests that hak ulayat functions as a form of substantive legitimacy that mediates the practical effectiveness of formal legality, reinforcing Harsono's argument that legal certainty in agrarian matters cannot be achieved through formal instruments alone.

At the same time, hak ulayat cannot be treated as a static or internally coherent normative system. Field evidence reveals that internal dynamics within indigenous communities including leadership transitions, intra-group fragmentation, and increasing economic and political pressures have weakened the durability of customary commitments in certain cases. In such conditions, hak ulayat may itself generate legal uncertainty when it is not institutionally embedded within state land administration frameworks.

Conceptualizing hak ulayat as an operational governance variable repositions government land safeguarding as a negotiated and contingent governance process rather than a purely technical or legal exercise. In legally plural contexts, effective safeguarding depends neither on the dominance of formal state law nor on the uncritical affirmation of customary norms, but on the institutional integration of multiple sources of legitimacy within a hybrid land governance framework.

CONCLUSION

This study concludes that the safeguarding of local government land assets in Jayapura City following administrative expansion formally complies with administrative, legal, and physical security frameworks, yet remains

substantively fragile due to the institutionalized persistence of *hak ulayat* within a legally plural governance context.

First, regarding the implementation of land asset safeguarding, the findings demonstrate that administrative instruments such as SIMDA, land certification, and physical boundary marking have been applied by the local government. However, these mechanisms operate selectively and cautiously. Land assets lacking customary land release documents reflecting unresolved *hak ulayat* claims are frequently excluded from administrative registration. This condition indicates that formal compliance with asset management regulations does not ensure effective safeguarding when customary land rights remain socially authoritative and institutionally unintegrated.

Second, with respect to obstacles in securing government land assets, the study identifies legal insecurity as the primary and most systemic constraint. Divergent legal perceptions between state law and *hak ulayat*-based customary law, unclear land origins and tribal territorial boundaries, weakened accountability of customary leaders, and limited institutional capacity following regional expansion collectively undermine legal certainty. These unresolved *hak ulayat* dynamics subsequently generate administrative vulnerabilities and physical insecurity, including recurring encroachment and obstruction of public facilities.

Third, concerning solutions to overcome these constraints, the study finds that effective land asset safeguarding must prioritize the institutional recognition of *hak ulayat* through a hybrid land governance approach. This includes integrating customary land release documents into formal land administration, implementing participatory mapping of indigenous territories, strengthening the accountability of customary authorities, and reinforcing the role of local governments and law enforcement in protecting public assets.

Overall, this study confirms that in legally plural and post-expansion contexts such as Jayapura City, the failure to address *hak ulayat* institutionally renders formal land safeguarding ineffective. Government land protection is therefore not merely a technical or administrative task, but a negotiated governance process in which legal legitimacy—rooted in the accommodation of *hak ulayat*—constitutes a prerequisite for achieving administrative order and physical security.

Further Research Suggestions

This study relied primarily on in-depth interviews conducted through online communication platforms, which, while enabling access to key informants, limited the researcher's ability to capture contextual nuances and non-verbal dynamics inherent in land-related governance practices. Future research should

incorporate face-to-face interviews combined with direct field observations to strengthen empirical depth and contextual validity.

Integrating observational data would allow researchers to examine how legal norms, customary authority, and administrative practices interact in situ, particularly in contested land spaces. Such methodological triangulation is consistent with a post-positivist approach, which emphasizes the provisional nature of findings and the importance of validating interpretations through multiple sources and methods.

Further studies may also adopt a comparative design across different post-expansion regions in Eastern Indonesia to assess the transferability of findings and to refine hybrid land governance models in legally plural contexts.

Policy Implications

Based on the empirical findings, improving the safeguarding of government land assets in Jayapura City requires policy interventions that acknowledge legal pluralism as an operational reality rather than an anomaly. First, reducing divergent legal perceptions between local communities and government institutions is essential. This can be achieved through sustained dialogue and joint legal socialization involving state officials and customary authorities, aimed at bridging formal legal norms and customary land governance.

Second, policy efforts should prioritize clarifying land origins and formalizing inter-tribal territorial boundaries through participatory mapping processes that involve indigenous communities. Such measures would strengthen legal certainty while preserving social legitimacy.

Third, strengthening the institutional accountability and ethical commitment of customary leaders is necessary to ensure the consistency and durability of customary land release agreements, particularly in the face of increasing economic and political pressures.

Fourth, land certification procedures should be systematically integrated with customary land release documentation, thereby aligning formal land administration with indigenous recognition mechanisms.

Finally, local governments and law enforcement agencies must enhance the enforcement of land-related decisions, including court rulings and customary agreements, through clear regional regulations and coordinated institutional action. Firm yet culturally sensitive enforcement is critical to preventing recurrent disputes and ensuring the effective protection of public land assets.

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