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Implementation of Papua Special Autonomic Policies for Improving Community Welfare Papua Original People (POP) in Papua Province

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Abstract

Qualitative methods are methods that focus on in-depth observation and analysis. Therefore, qualitative methods in research can produce a more comprehensive study of a fact. Descriptive research, the term "descriptive" comes from the English term to describe which means to describe or describe something, for example: circumstances, conditions, situations, events, activities and others. The results of the study show that special autonomy for Papua is seen as the central government's political commitment to the Papuan people (win win solution) in order to suppress the issue of radicalism and national disintegration and then fulfill their basic rights in life, including reducing social inequalities in society. The government tries to present statistical data on HDI, poverty rates and so on with classical reasons without being based on facts on the ground during the implementation of Special Autonomy in Papua in recent decades, people live backwards and are left behind and the poorest population ranks first in Indonesia. Research suggestions that the author can convey in the future, regardless of the type of policy made by the Government in Papua, must involve the participation of the public or the Papuan community, because according to the community the current policies have not fully involved the Papuan people in a comprehensive and holistic manner starting from policy formulation to evaluation. The Papuan People's Assembly as a cultural representative institution in the context of special autonomy does not function properly because during the hearing (RDP), the approach to security and welfare development with a massive population approach is also important so that the Papuan people do not feel excluded or marginalized from the center their own city center.

Keywords

implementation; public policy; social welfare; special autonomy

Budapest Institut



I. Introduction

The Papuan special autonomy policy is one of the efforts to reduce the disintegration of the Nation and improve the standard of living of the indigenous Papuans to be better in the framework of the Unitary State of the Republic of Indonesia as a home for the people of the Archipelago. In addition, the Papuan special autonomy policy is "a way and alternative to promote inclusiveness of economic and social development in Papua". This special autonomy policy is part of asymmetric decentralization in the spirit of the 1998 reform ideals, which was legitimized through Law no. 2 of 2021, concerning Special Autonomy for the Papua Province with the main objective of guaranteeing basic rights, including: The right to education, health and development in various economic aspects, and infrastructure in Papua. Apart from that, improving the management of natural resources can be managed properly by qualified and reliable Papuan human resources. The economic condition of the population is a condition that describes human life that has economic score (Shah et al, 2020). Economic growth is still an important goal in a country's economy, especially for developing countries like Indonesia (Magdalena and Suhatman, 2020).

"In social studies it is stated that inequality often encourages a sense of injustice for other community groups who feel discriminated against because of their limited access to economic access" (Sukmalalana, Ramadhan, Pidhegso, Huda, and Fadli, 2020:15). In the medium and long term, this will have an impact on conflicts of interest between individuals and groups in areas with a high level of inequality. This is often seen from the many, "horizontal conflicts that occur in Papua, especially conflicts of interest with migrant community groups". (Elisabeth, 2016:65).

"If you refer to the legal basis, there is a very wide space given to Papuan Indigenous People (OAP) through traditional representatives, religious leaders, to women in the formulation of policies relating to indigenous Papuans which is more clearly seen in table 1.12, where 43 articles regulates civil and political rights while 22 articles regulates Economic, Socio-Cultural Rights (EKOSOB). This seems to be a sense of injustice to indigenous Papuans, because the government does not fulfill basic rights for the Papuan people and respect for human rights (HAM) for Indigenous Papuans (OAP). 'deceased' since 2008.

Based on data from the Papua Province government regarding the allocation of special autonomy funds, it is divided into two (2), namely: 80% (eighty percent) for the province and 20% (twenty percent) for districts/cities in 29 districts/cities in the province under the leadership of Lukas Enembe. in 2 (two) periods. Utilization of the Special Autonomy Fund allocation is focused on first, education at 30%, health and nutrition improvement at 15%, spending on government apparatus (Papua Provincial Government, DPRP and MRP) by 8% and one of the stealth funds, namely "5% endowment funds. Meanwhile, the remainder of the special Autonomy Fund allocation was used again for: First, empowering women and children by 2.28%; Second, fostering regional culture, language, and literature 3.42%; Third, customary development and empowerment of traditional institutions 0.76%; Fourth, Youth Development, the last 0.53%, Fifth, Religious Development and empowerment of religious institutions by 3.01%.

Based on research conducted by Finer (1962: 3), it is stated that "the preparation of public policies must prioritize public participation as both the subject and object of the policy". Why is that? "This is because public policy is a legal product that is legalized through a political process, where politics itself is a method used by humans to accommodate individual and group interests". (Halili, 2006: 85).

In a study conducted by Katharina (2018: 65), "the participation of the Papuan people is not well achieved in the formulation of special autonomy policies". Furthermore, Katharina (2018: 65), states that: "the formulation of the special autonomy policy only involves the Papuan elite, which does not really represent the interests of the Papuan people, together with the central government". This is not in line with what has been regulated in Law no. 12 of 2011 which confirms that public participation has been guaranteed constitutionally in the formulation of laws and the formulation of public policies.

This was emphasized by Djaenuri. (2015: 75), that: "there is an error in the process of formulating special autonomy policies, which in the long term will have an impact on socio-economic disasters". Therefore, for 20 years, special areas have not been seen because of poverty alleviation and improvement of people's welfare, but it is getting worse in terms of social economy, security, education, health and development. Furthermore, Djaenuri, (2015: 76), emphasized that "the intended error is "the low involvement and participation of the Papuan people in the formulation of special autonomy policies, which in the end can thwart the achievement of outcomes from the implementation of this law".

"Indications of the failure of the special autonomy policy due to the low involvement of the Papuan people in the formulation of special autonomy can be seen in the high poverty rate, low level of education, and the limited access of the Papuan people to health". (Sukmalalana, Ramadhan, Pidhegso, Huda, and Fadli, 2020: 22).

The implementation of the special autonomy policy in Indonesia is more effective, only one Aceh province has received legitimacy and super power through the Aceh government law, while the Papua Province has only been given special autonomy halfheartedly because the specifics for the Papua Province are not visible even though the government has been given it but it is removed (deliberations) because the Papua Special Autonomy Law as a political policy became a Fiscal Law (the DAU Transfer Law to the Regions) because articles concerning the political rights of the Papuan people were abolished, local parties, TRC were ignored by providing a security policy package and approach to each country's leader.

In terms of the historical problem of the incorporation of Papua into Indonesia, there are two (2) important events that did not involve indigenous Papuans as the subject of the problem, namely the first was the Round Table Conference (KMB) which was held in The Hague on November 2, 1949. The question was West Irian (Papua).) The recognition of Indonesia's sovereignty is a follow-up to one important issue that has not been agreed upon in the forum, namely regarding the status of western Papua. Both Indonesia and the Netherlands both insisted on feeling more entitled. For the Dutch, the western part of Papua, or what they call the Netherlands New Guinea, is not part of the territorial unit that must be returned to Indonesia. One of the arguments used is because indigenous Papuans have ethnic and racial differences from Indonesian society in general. And they want to make West Papua (Papua) a separate country under the auspices of the Kingdom of the Netherlands. Because of this, Indonesia did not agree with the Dutch view and the Indonesian government wanted the entire territory of the former Dutch East Indies colony to be surrendered entirely without exception. Because no consensus was reached, the KMB decided that the problem of western Papua would be resolved within the next year (Amarulla Octavian, Military and Globalization, 2012:139).

Based on the previous description regarding the Papua special autonomy policy process, the implementation of the Papua special autonomy policy, and the improvement of the welfare of the indigenous Papuans, indicators of the achievement of the Papua special autonomy policy. The first is the implementation of Law no. 21 of 2001 concerning Special Autonomy for Papua is not "complete" constitutionally. This is reflected in the absence of local regulations that directly regulate the implementation of this policy technically, if the benchmark is to the special autonomy in Naggroe Aceh Darusssalam (NAD). This makes the implementation of special autonomy in Papua no different from regional autonomy applied to other provinces in Indonesia. However, in Law Number 2 of 2021 concerning Special Autonomy for Papua, the new government has made derivative laws with government regulations according to the Jakarta government.

The involvement of indigenous Papuans (OAP), in the process of formulation, implementation, and evaluation of special autonomy policies is still very low. In addition, in terms of achievement indicators for improving the welfare of the people (Indigenous Papuans) and the quality of human resources, Papua and West Papua provinces still occupy the group of regions with the lowest achievements in Indonesia, which indicates that the

special autonomy policy that has been implemented since 2001 through UU no. 21 of 2001 and the revision to Law No. 2 of 2021, in its implementation it has not been able to increase the welfare of the community (indigenous Papuans). Thus, this research will be discussed comprehensively. Policy implementation with the title: Implementation of Papua Special Autonomy Policy for Improving the Welfare of People (Indigenous Papuans) in Papua Province.

II. Research Method

This research uses qualitative research with descriptive approach method. Qualitative methods are methods that focus on in-depth observation and analysis. Therefore, qualitative methods in research can produce a more comprehensive study of a fact. Descriptive research, the term "descriptive" comes from the English term to describe which means to describe or describe something, for example: circumstances, conditions, situations, events, activities and others. Arikunto, (2013:3). Furthermore, descriptive research is not just one type of activity, but there are at least 5 (five) types, namely: (a), pure description research or surveys, (b) correlation research, (c) comparative research (d) tracing research (tracer study) and (e) evaluation research. Of the five types of research above, the authors take a qualitative research method with a purely descriptive approach. Pure descriptive research is research that really only describes what is or occurs in a certain field, field, or area.

Qualitative research method is a research method used to examine the condition of a natural object (as opposed to an experiment) where the researcher is the key instrument, the data collection technique is carried out by triagulation (combined), the data analysis is inductive and the results of qualitative research emphasize meaning rather than generalization. Sugiyono, (2009:1).

III. Results and Discussion

In the aspect of implementing policies related to sustainable development efforts, in Papua, especially special autonomy, the existing challenges arise from one main problem, namely policies that are less inclusive and still elitist in nature". (Elisabeth, 2005: 67). Existing policies have not fully involved the Papuan people in a comprehensive and holistic manner starting from policy formulation to evaluation, it is proven when the Papuan People's Assembly as a cultural representative institution in the context of special autonomy does not function properly because during hearings (RDP), evaluations of Otsus in several the area is rejected and intimidated where it is backed up by the security forces. This is what the Papuan people understand very well that the government prioritizes a development approach with a security approach and ignores the intended policy objectives. The community has long been dramatic as long as the security and welfare development approach is treated with a massive population approach because they are excluded or marginalized from their own urban centers.

The absence of Papuan people's participation in the formulation of special autonomy policies is not due to the low level of proactiveness of the Papuan people, but due to the low openness of the government in involving indigenous Papuans. The government was impressed with fear so that it forced its will in the form of Jakarta-style policies. The central government sees and observes the people in Papua there are two groups, there are those who are pro to the Indonesian government, this group states that with special autonomy they can get a lot of money through central government policies, while those who are against the government say they reject special autonomy.

In the context of the implementation of special autonomy in Papua, the approach taken by the central government is divided into two, namely: the welfare improvement approach and the security approach (which tends to be militaristic). On the other hand, there are also indications that the central government is not serious in increasing the implementation of this special autonomy policy from the aspect of supervision. Several chapters and articles, including the mandate, Law 21 of 2001, have not been implemented by the central government, such as the mandate in Chapter VII Article 45 Paragraphs 1 and 2, where the central government - establishes an ad hoc commission, KKR, and the absence of local parties as referred to in paragraph (1). Special autonomy is enforced in Naggroe Aceh Darussalam. On the other hand, Article 19 mentions the mandate for the establishment of the Papuan People's Assembly (MRP), which is explained in Government Regulation No. 34 of 2004 concerning the Papuan People's Assembly (MRP). Meanwhile, the implementation of special autonomy policies for up to 20 years of technical regulations such as special regional regulations to provincial regional regulations has not yet been formed. In addition to the absence of more technical regulations, there are indications of the inconsistency of the central government in implementing the special autonomy policy. The obstacle is suspicion and distrust between the central government and regional governments.

Another factor is that the regional government of Papua Province is confused because on the one hand there is Law 23 of 2014 concerning Regional Government (in the context of decentralization) which is sectoral, but on the other hand there is Law no. 2 of 2021 concerning Special Autonomy for Papua, which is specific in nature, then becomes overlapping. UU no. 2 of 2021, it does not have a special regional regulation as a management guideline like the decentralization law which has derivative rules regarding guidelines for regional governments. This kind of confusion then makes it difficult to implement the special autonomy policy for Papua at the provincial, city, and district levels in terms of regulatory reference in the context of state administration. Therefore, technically, the implementation of this autonomy is more directed to the implementation of decentralization rather than special autonomy in the true sense, so that in the end the use of special autonomy funds has no clear financial management and its impact on improving the progress of education and health.

This confusion is inseparable from the implementation of two (2) laws and regulations in one province, namely Papua. The two laws and regulations include Law no. 1 of 2001 concerning special autonomy for Papua and Law no. 23 of 2014 concerning local government. The Papuan people think that the government is not serious and deliberately plays games for the interests of capitalists on Papuan land because the special autonomy law feels that the regional autonomy law has no specificity and is unique. If we compare (benchmarking) with the special autonomy implemented in Nanggroe Aceh Darussalam, for example, there is only one applicable law, namely Law no. 18 of 2001, and is not charged with administrative legal responsibility for implementing other regional autonomy laws.

The implementation of the Special Autonomy policy has been "standstill" for 20 years with a large amount of money through the General Allocation Fund (DAU) in the context of Special Autonomy amounting to Rp.69 trillion in terms of funding. Meanwhile, from the political aspect, the Jakarta government has not been able to carry out consistently according to the 1999 political deals. The government has not lost its mind and has given up, but now in 2021 the government will revise the Special Autonomy Law in Article 34

paragraph (3) letter (e) which reads acceptance in for the implementation of special autonomy, the amount of which is equivalent to 2% (two percent) of the ceiling of the National General Allocation Fund (DAU), which is primarily intended for education and health financing, but in the revision it was increased the Funds Transfer ceiling of the General Allocation Fund to 2.25% (Two point twenty-five percent) in the Special Autonomy Law No. 2 of 2021. It's better not to add money but it's actually simple if the government is serious and has good intentions to solve the Papua problem. Some of the things that the government is doing is implementing the special autonomy policy consistently article by article and removing excessive suspicion and engaging in dialogue with parties who are against the government without labeling various names: KKB, Terrorists and OTK which have been addressed to indigenous Papuans. Excessive suspicion makes the development approach in Papua more of a military and population approach in a systematic and massive manner for decades. In fact, both parties claim each other and defend their egos and sacrifice people who have no connection with political and economic interests in Papua.

After 20 years the implementation of special autonomy has not been maximized because the government is inconsistent in all the contents of each article in the existing special autonomy. The means to carry out the implementation of special autonomy if the government is consistent then there are 4 (four) instruments as follows:1. Establishment of local Papuan Party (Parlok). If the government opens itself up and is facilitated by the formation government from the beginning of the establishment of the Special Autonomy Law, then armed groups and guerrillas in the forest and abroad will get democratic space to achieve their political goals through democratic space. The government abolished Chapter VII, Article 28 so that political channels were blocked. 2. Establishment of a Human Rights Court. The government ignores Article 45 paragraph (2) of the Law even though for decades there have been many serious human rights violations that require serious handling and attention from the government through the Attorney General of the Republic of Indonesia, such as the bloody Wamena, Wasior and Biak cases, the National Commission and the government are reluctant to resolve, this is what the Papuan people feel as a State. favoritism in law; 3. Establishment of the Truth and Reconciliation Commission (TRC). The Special Autonomy Law, article 46 paragraph (1) letter (a) clarifies the history of Papua for the consolidation of national unity and integrity within the Unitary State of the Republic of Indonesia. The Constitutional Court canceled the 2005 TRC Bill. Therefore, for the past 20 years this has not been realized and now the Special Autonomy Law is only made into a fiscal law, not a political law. 4. Establishment of the Papuan People's Assembly (MRP). As a pillar and respect for the Papuan people, however, during the implementation of PP No. 34 of 2004 concerning the MRP, it has not given them more authority to carry out their duties, it seems that they have spent and overspent the Special Autonomy Fund budget. And unfortunately the government separated into two (2) MRP even though one ethnic 7 customary area should maintain the integrity of the community and it is not too important for the state to manage because it is not affected by the survival of the wider community, it is urgent that the government ignores and is busy with something that is not the root of the problem.

On May 1, 1963, the western part of Papua was finally officially handed over to Indonesia from the Netherlands through UNTEA mediation, although voices were heard condemning the exclusion of Papuans in the New York Agreement. The follow-up to the handover was the implementation of the Papuan Act of Free Choice (PEPERA) for 6 weeks from July to August 1969 which resulted in the integration of the West Irian region into the Unitary State of the Republic of Indonesia (NKRI). The process and results of the 1969 PEPERA were not fully agreed upon by all interested parties because it was suspected that fraud had occurred, according to Human Rights Watch, Protests and Sentencing of Political Prisoners in Papua, (2007:11). However, this was the initial stage of integrating West Irian into part of the territory of the Republic of Indonesia under the name Irian Jaya Province at that time. And the name Papua was replaced by President Abdurahman Wahid on January 1, 2000 in Jayapura - Papua.

In terms of solving the Papua problem, it is very complicated because of various problems that are still homework for the Indonesian government, one of which is the root of the problem in Papua, namely where the agreement between the Indonesian Government and PT. Freeport McmoRan, which was carried out without the knowledge of or involving customary rights in 1967 before the Dutch government handed over administration to the Indonesian government and two years before implementing the Act. It is necessary for the government to straighten things out and provide compensation to the Papuan people, one of which is the rectification of history.

According to the results of research through a credible institution, the Institute of Sciences (LIPI) that if the government has good intentions to respect Papuan people, the government needs to take concrete actions according to three (3) recommendations, namely: history, political status, failure to develop discrimination, and human rights violations. , (Widjojo, 2010:6-7), it has been ten years since the government has been reluctant to solve the root causes of the basic problems in Papua, but instead the government has prioritized a community welfare approach through a massive militarization and population approach. This approach to development and community welfare is like covering the husks in a fire, it will ignite at any time.

So far, the government has not dared to open up and accept various inputs from credible institutions as shown in table 1.14, the four institutions have the ability in their fields, there is even one state institution, namely the Ministry of Home Affairs (Kemendagri) participating in the evaluation of special autonomy ignore it, this seems poverty and backwardness in the era of special autonomy in Papua as "abandonment".

The government's policy strategy in building the trust of the Papuan people is not in accordance with the wishes of the Papuan people so far. The Papuan people have been demanding justice and rights in all aspects, not just welfare. The government has so far ignored the problems and desires of the Papuan people in advancing their region, forcing the will of the central government on Papuans to follow the decisions made in Jakarta according to the unitary state government system that is commonly applied so far, this ignores the essence of "special autonomy". " itself, both specifically and historically about Papua into the Unitary State of the Republic of Indonesia. The government's policy for Papua is like wrapping a wound without cleaning the pus that is in a wound that is actually serious but is considered still good and simplifies in the end the wound will enlarge in the future. Wounds are not clean and dry, therefore the government must first dry the wound and then put a bandage on it so that it heals and lives a healthy life. The history of the annexation into the territory of the Republic of Indonesia, the government's fault as a violation of democratic rights in the past, the perpetration of mass killings in Biak, Wasior and Wamena, is an event that cannot be simplified.

The government's policy for Papua is not due to the factor of equitable development nationally but to keep their mouths shut, dampen and suppress the intentions of some Papuan people who want to separate themselves from the State of Indonesia due to past historical mistakes. After the annexation of Papua into the Unitary State of the Republic of Indonesia (NKRI), the central government's policies for Papua are policies for the legitimacy of state administration and policy packages for improving people's welfare.

IV. Conclusion

Thus, it can be concluded that the comprehensive involvement and participation of indigenous Papuans as the most important stakeholders in the special autonomy policy is the first priority in the preparation of this law. Whereas historical facts show that the political background of granting special autonomy to Aceh and Papua is basically the same, where the main focus is to reduce the disintegration of the nation (Aceh and Papua), accelerate the resolution of problems of human rights violations, strengthen national unity and integrity, and reduce poverty and eliminates crippling polarization. Legally and administratively, the special autonomy policy stemmed from the amendment of the 1945 Constitution Article 18b (second amendment) and the stipulation of the State Policy Guidelines (GBHN) in 1999 – 2004). This change then resulted in several laws including, Law no. 18 of 2001, concerning the governance of Aceh and Law no. 21 of 2001 on Papua's special autonomy which was revised for the second time into Law No. 2 of 2021 concerning Papua's Special Autonomy. It should also be remembered that the government has abolished articles that are crucial and essential in solving problems in Papua, in the end the government will also be dizzy with itself because of its policy of sabotage.

Even though the root of the problem has been clearly identified by a competent institution, namely the Indonesian Sciences (LIPI), providing recommendations for comprehensive, transparent and democratic improvements, but for the past 20 years this has not materialized, only giving promises without providing certainty what now in 2021 The Papua Special Autonomy Law has been revised, especially Article 34 paragraph (3), letter (e) regarding the previous 2 percent DAU transfer and is now increasing to 2.25 percent according to paragraph (3) letter (e). In terms of evaluating the implementation of the Papua special autonomy policy, after decades the Government and the Papuan people (MRP, DPRP and stakeholders) have never evaluated it in a transparent and democratic manner, but on the contrary. The problem before being resolved, now the government is forced to revise Law Number 21 of 2001 concerning Special Autonomy for Papua, there are changes to articles, additions to articles and deletions, and they are changed again into Law No. 2 of 2021 concerning Special Autonomy in Papua.

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