



Public Policy and Special Autonomy in Papua and West Papua

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ABSTRACT

Serious efforts to decentralize Indonesia have only been carried out since the reformation period began in the midst of the crisis that hit Asia and coincided with the process of changing leadership in Indonesia from Suharto to Habibie. Regional autonomy is considered to be able to answer the demands of equitable distribution of socio-economic development, governance, and the development of an effective political life because it is believed to be able to guarantee the handling of community demands in a varied and fast manner. Article 18B of the 1945 Constitution of the Republic of Indonesia recognizes and respects special or special regional government units which are regulated by law. The special autonomy implemented in Indonesia can be categorized as asymmetric decentralization, including Papua and West Papua. Politically, the issue of Papua Autonomy has gained light and legitimacy as well as a normative basis with the issuance of the Special Autonomy Law, but in reality the implementing regulations are not perfect. A grounded public policy is needed that takes into account the aspirations of the people of Papua and West Papua with the Special Autonomy Law as a normative basis because the actual role of the Special Autonomy Law in the welfare of the people of Papua and West Papua is as legalization to manage Papua and West Papua in particular by taking into account the various characteristics that they have towards progress and prosperity.

Keyword:

Papua, special autonomy,
public policy

INTRODUCTION

Although the implementation of regional autonomy was initiated during the New Order era, serious efforts to decentralize Indonesia have only been carried out since the reformation period

began in the midst of the crisis that hit Asia and coincided with the process of changing leadership in Indonesia from General Suharto to Prof. DR. BJ. Habibie. Starting with the issuance of Law no. 22

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of 1999 concerning Regional Government, then Law no. 25 of 1999 concerning Financial Balance between Central and Regional Governments, Law no. 32 of 2004 concerning Regional Government, Law no. 33 of 2004 concerning Financial Balance between the Central Government and Regional Governments, Perpu no. 3 of 2005 concerning Amendments to Law no. 32 of 2004 concerning Regional Government, Law no. 12 of 2008 concerning the Second Amendment to Law no. 32 of 2004 concerning Regional Government, Law no. 23 of 2014 concerning Regional Government, Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government.

Regional autonomy is considered to be able to answer the demands of equitable distribution of socio-economic development, governance, and the development of an effective political life because it is believed to be able to guarantee the handling of community demands in a varied and fast manner. There were several reasons why the need for regional autonomy in Indonesia at that time felt urgent.

The implementation of regional autonomy is at least motivated by several conditions, including: The life of the nation and state has so far been very concentrated in Jakarta (Jakarta centric). Meanwhile, development in several other areas has been neglected. It can be seen that almost 70% more turnover is in Jakarta, while 30% is used for outside Jakarta (Finance, 2013). With a population of around 12 million in Jakarta, inequality is very visible, because areas outside Jakarta with a population of nearly 190 million only use 30% of the national currency circulation. In addition, almost the entire investment licensing process is also in the hands of the central government in Jakarta.

The distribution of wealth is felt to be unfair and unequal (Fanggidae, Fajri, dan Yuanjaya, 2016; Yuanjaya, 2018). Regions that have abundant natural resources in the form of oil, mining products, and forest products, such as Aceh, Riau, Papua, Kalimantan, and Sulawesi, apparently do not receive proper funding from the Central Government, compared to regions which have relatively few resources. natural power (Bappenas, 2018).

The social gap (in the broadest sense) between one area and another is very pronounced. Physical development in one area, especially Java, is growing very rapidly. Meanwhile, development in many areas is still slow, and even neglected. This social gap also includes the level of education and family health (World Bank, 2015).

Based on Law No. 32 of 2004, the definition of regional autonomy or decentralization is the transfer of government authority by the central government to autonomous regions to regulate and manage government affairs within the system of the Unitary State of the Republic of Indonesia, which aims to improve people's welfare, equity and justice, democratization and respect. to local culture and pay attention to the potential and diversity of the region. Thus, in essence, the purpose of regional autonomy is to improve the welfare of the community by improving public services to the community and empowering the community to participate in the development process (Bratakusumah & Dadang Solihin, 2001).

As for in detail, the objectives of implementing regional autonomy according to the opinion of several experts are as follows: From a political point of view, the implementation of autonomy is intended to prevent the accumulation of power at the center and build a democratic society, to attract the people to

participate in government, and to train themselves in exercising democratic rights.

In terms of government, the implementation of regional autonomy is to achieve efficient governance. From a socio-cultural perspective, the implementation of regional autonomy is needed so that attention is more focused on the region. From an economic point of view, autonomy needs to be implemented so that people can participate in economic development in their respective regions.

The implementation of regional autonomy which is regulated according to a Regional Government Law, is felt to be inappropriate for certain regions that have historical, political and economic backgrounds and a central position in the government of the Republic of Indonesia. Moreover, in the past, there has been recognition of these specificities, even though they have experienced obstacles and even stagnation at the implementation level. The presence of the Regional Autonomy Law seems to erase the previous government's commitments that have been remembered by the local community concerned, which in the end gives rise to dissatisfaction and demands leading to acts of violence and potential for integration.

Article 18B of the 1945 Constitution of the Republic of Indonesia recognizes and respects special or special regional government units which are regulated by law. The special autonomy imposed in Indonesia can be categorized as asymmetric decentralization. Actually, the concept of alternative regional autonomy or regional/regional-based devolution takes into account several problems of regional autonomy and takes into account the pluralistic Indonesian society, the size of the territory and the large population of this country. Indonesia in the future is one with diversity, prosperity, modernity, and democracy. This will be realized

through the asymmetric devolution policy by the central government. The regions that are recognized as regions with special authority or more familiarly referred to as special autonomy are Aceh, Jakarta, Yogyakarta, Papua and West Papua with different backgrounds.

METHODS

This paper is a qualitative research by presenting data descriptively (Sugiyono, 2016), the data collection method is literature study. This research begins by collecting reading sources from main books, scientific journals, and news from electronic media. The quality of the sources used as references has met the following elements. (1) The relevance of sources that contain theories that can form a framework of thought to get conceptual answers to problems. (2) Source reliability license which includes the competence of the author/author in accordance with the scientific field and the quality of the publisher, the choice of library sources written by experts in the field (3) The review, that the library sources must be up-to-date, i.e. the latest published sources are selected, in this case the 10th issue last year for scientific journals, mass media news, and reference books (Nurdin & Hartati, 2019).

The data analysis technique used in this study was to collect data which was then reduced. Data reduction is carried out as an effort to conclude the data, then the data from the literature review is sorted into certain concept units, in certain categories, and in certain themes. The results of this reduction are then processed in such a way as to become a unified whole. This process is carried out not only once, but continuously and repeatedly crosschecked or interacted (reviewed). Then the data that has been reviewed will be presented, followed by drawing conclusions and verifying the results (Rijali, 2019).

RESULT AND DISCUSSIONS

Papua Special Autonomy

The political decision to unify Papua as part of the Unitary State of the Republic of Indonesia essentially contains lofty ideals. However, in reality, various policies in centralized governance and development have not fully fulfilled the sense of justice, have not fully enabled the achievement of people's welfare, have not fully supported the establishment of law enforcement, and have not fully shown respect for Human Rights (HAM) in Papua Province, especially the Papuan people. . This condition results in gaps in almost all sectors of life, especially in the fields of education, health, economy, culture and socio-politics.

Human rights violations, neglect of the basic rights of indigenous people and differences of opinion regarding the history of the unification of Papua into the Unitary State of the Republic of Indonesia are problems that need to be resolved. Efforts to solve these problems have so far been considered to have failed to touch the root of the problems and aspirations of the Papuan people, thus triggering various forms of disappointment and dissatisfaction.

The momentum of reform in Indonesia provides an opportunity for the emergence of new thoughts and awareness to solve various major problems of the Indonesian nation in managing the life of the nation and state for the better. In this regard, the People's Consultative Assembly of the Republic of Indonesia stipulates the need to grant Special Autonomy status to the Province of Irian Jaya as mandated in MPR Decree Number IV/MPR/1999 concerning Outlines of State Policy 1999-2004 Chapter IV letter (g) number 2 In MPR RI Decree Number IV/MPR/2000 concerning Policy Recommendations in the Implementation of Regional Autonomy,

which among other things emphasizes the importance of immediately realizing the Special Autonomy through the stipulation of a special autonomy law for the Province of Irian Jaya by taking into account the aspirations of the people. This is a positive first step in order to build people's trust in the Government, as well as a strategic step to lay a solid basic framework for the various efforts that need to be carried out for the completion of the resolution of problems in the Papua Province.

The basic things that become the contents of this Law are: the arrangement of authority between the Government and the Papuan Provincial Government and the implementation of such authority in the Papua Province which is carried out with specificity, including the existence of special arrangements related to regional income for Papua. Papua's specialty is in the amount of profit-sharing funds for natural resources in the petroleum mining sector of 70% and natural gas mining of 70%. This percentage is higher than the percentage regulated for other regions, where the profit sharing for petroleum mining for the regions is 15.5% and for natural gas 30.05%. In addition, there is a "Special Revenue" for the implementation of Special Autonomy, the amount of which is equivalent to 2% of the ceiling of the National General Allocation Fund. Recognition and respect for the basic rights of indigenous Papuans and their strategic and fundamental empowerment; and realizing good governance which is characterized by: maximum people's participation in planning, implementation and supervision in the administration of government and implementation of development through the participation of representatives of adat, religion, and women; implementation of development that is directed as much as possible to meet the basic needs of the indigenous Papuans in particular and the population of the Papua Province in general by

adhering to the principles of environmental conservation, sustainable development, justice and direct benefit to the community; and governance and implementation of development that are transparent and accountable to the community. a firm and clear division of authority, duties, and responsibilities between the legislative, executive and judicial bodies, as well as the Papuan People's Assembly as the cultural representation of the indigenous Papuans who are given certain powers.

The existence of the MRP, which has 5 specific powers in the context of protecting the rights of indigenous Papuans based on respect for customs and culture, empowering women, and strengthening religious harmony. Through the MRP, it is hoped that the validity of the customary laws that live in the community will be recognized as formal law. The position of the MRP institution is not found in other regions, where in terms of its authority it can be said to be a legislative body in a bicameral parliamentary structure (as the upper house). As a representative of the Papuan people, the Papuan People's Assembly has great authority, both in the formation of government and in the administration of government. This MRP will determine the specific form of the Papuan government

West Papua Special Autonomy

The existence of West Irian Jaya Province which later changed to West Papua Province whose territory currently includes Manokwari Regency, Teluk Wondama Regency, Teluk Bintuni Regency, Fak-Fak Regency, Kaimana Regency, Sorong Regency, Raja Ampat Regency, South Sorong Regency, and the City of Sorong, in fact, has been carrying out government and development affairs and providing services to the community since 2003, but special autonomy has not yet been implemented based on Law Number 21 of 2001 concerning Special

Autonomy for the Papua Province (Indonesia, 2008). The rest, the basic rules and various specialties given to West Papua are the same as those regulated in the Papua Special Autonomy Law

Role of Special Autonomy in Public Policy

Special autonomy is a political decision as outlined in a law where the law is made based on mutual agreement between the DPR and the government. The issuance of Special Autonomy is clearly the result of political compromise between political parties that have representation in Parliament which is then contained in the Special Autonomy Law.

Looking at the substance of the regulation in the Special Autonomy Law, in this case the Special Autonomy for Papua, it is clear that there are fundamental, significant and promising differences for the realization of a better future for the people of Papua and West Papua. In fact, based on a research result, Special Autonomy for Papua is considered unsuccessful for several reasons as the cause of this failure, namely (Djojosoekarto, 2008): Some of the substances in the Special Autonomy Law actually lead to unresolved conflicts between the Papuan people and the government, such as the issue of regional symbols and flags. Although the existence of symbols and flags is recognized in Article 2 paragraph (2) of Law no. 21 of 2001 but did not get a further formulation and was actually blocked by the government. The case of raising the Morning Star Flag is a common example. TNI and Polri officers refused to fly the Morning Star flag.

In its implementation, the political dimension in resolving the Papuan problem is much stronger than development and welfare improvement. Special Autonomy is mostly filled with political events such as expansion, demonstrations, the return of Special Autonomy to Pilkada. Very little space is

available for concrete programs to improve the standard of living of the Papuan people in order to close the gap between the center and Papua, between other regions and Papua, even between indigenous Papuans and migrants.

The formulation of the Special Autonomy management rules did not proceed as quickly as the disbursement of Special Autonomy funds. The Government Regulation on the MRP was only completed after 3 years of Special Autonomy. The first *Perdasus* only appeared six years after the Special Autonomy. In fact, since 2002, very large Special Autonomy funds have continued to disburse. As a result, there is no single regulatory framework that can guarantee that Special Autonomy funds flow to development that is oriented towards improving people's living standards. On the other hand, the Special Autonomy funds are often suspected of being corrupted or used for the benefit of the elites in Papua.

The evaluation of Special Autonomy which should be carried out every year after the first evaluation in the third year as mandated by the Special Autonomy Law was not carried out in depth and comprehensively. As a result, the community never gets a portrait of the implementation of Special Autonomy in terms of the full fulfillment of their basic rights. What is developing in the community is that the Special Autonomy funds are widely misused by the government bureaucracy; Special Autonomy is indeed informed to the general public (in this case in the city and district of Jayapura) but not well-informed. People know about Special Autonomy but do not fully understand it. With such a reality, Special Autonomy has become a non-participatory policy. Policies that are implemented with a single perspective from the government.

Of the various reasons that are alleged to be the cause of the failure of special autonomy for Papua (and West Papua) in general it can be said that everything is a matter of implementing the grounding of special autonomy to the Papuan people, including their participation in the implementation of regional autonomy where they are both the goal and the actors in the process.

On a more concrete level, it was found that there was a tendency to slow down the implementation of special autonomy by delaying the formation of the necessary implementing regulations. According to the Partnership Research, until 2006 there were at least 2 PPs, 2 Presidential Decrees, 13 *Perdasus*, and 21 *Perdasi* that had not yet been formed. In fact, it is these rules that will become the basis for achieving Special Autonomy, namely respecting the rights of the Papuan people in managing natural resources, protecting human rights, and participating in government administration (Muchamad Ali Safa'at, 2014).

Associated with the theory and practice of public policy, there are at least 2 (two) relationships between special autonomy and public policy, namely special autonomy as a public policy and special autonomy as a political decision that forms the basis for the formation or preparation of public policies as the implementation of political decisions. decisions) that have been determined.

Special Autonomy as A Public Policy

Thomas R Dye as quoted by Islamy (2009: 19) defines public policy as "is whatever government chooses to do or not to do" (whatever the government chooses to do or not to do). In a broad sense, the government also includes state institutions such as the DPR so that the result of joint work between the DPR and the Government (in the narrow sense: executive) in the form of a law is also a public policy.

However, in terms of follow-up, where the Law must be implemented by the Government and the DPR's work is only at the level of supervising the implementation of the Law without interfering in its implementation, then categorizing the Special Autonomy Law as a public policy is something that is too forced even though it can still be used as a consideration in making decisions. matters of political accountability to constituent communities.

Special Autonomy as A Political Decision

As mentioned earlier, the Special Autonomy Law cannot be called a public policy because it was created by a state institution that contains personnel representing political parties, whose election was through a political process, namely elections. Therefore, it is appropriate if the Special Autonomy is referred to as a political decision that becomes the basis for making or formulating public policies.

Various notions of public policy put forward by experts always mention "Government" as one of its components, as stated by Thomas R Dye above. According to Woll, public policy is a number of government activities to solve problems in society, either directly or through various institutions that affect people's lives. Robert Eyestone defines public policy as "the relationship between a government unit and its environment". Also the opinion of Chandler and Plano which states that public policy is the strategic use of existing resources to solve public or government problems.

As for the Laws / Legislation (UU) are laws and regulations established by the House of Representatives (DPR) with the joint approval of the President. Laws have the position as the rules of the game for the people to consolidate political and legal positions, to regulate life together in the context of realizing goals in the form of a state. Laws can also be said as a

collection of principles that regulate the power of government, the rights of the people, and the relationship between the two.

Therefore, it can be said that law (law) is one of the state's strategies to regulate citizens to act in accordance with the will of the state, including the will of citizens in regulating the state, how the state should act. Which is deliberately formed in a planned, integrated, and sustainable manner in the national legal system.

Article 10 paragraph (1) of the Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislation Regulations stipulates that the content that must be regulated by law contains: further regulation regarding the provisions of the 1945 Constitution of the Republic of Indonesia; an order for a Law to be regulated by law; ratification of certain international agreements; follow-up on the decision of the Constitutional Court; and/or fulfillment of legal needs in society.

Special Autonomy in this case Special Autonomy for Aceh, Papua and West Papua is included in the Law because of Article 18B of the 1945 Constitution which is the constitutional basis for regional autonomy specifically for regions that have specificity in one or several aspects. In contrast to the Aceh case, apart from having a specific history, the granting of special autonomy is also inseparable from the existence of a peace agreement (MOU) which is part of the Aceh conflict resolution. The peace agreement contained in the MOU can also be implemented due to the tsunami natural disaster that claimed the lives of the two conflicting parties. So there are those who argue that the fundamental difference between Aceh and Papua is in terms of conflict resolution. In Aceh, the political conflict of secession was resolved before the implementation of Special

Autonomy. The special autonomy imposed in Aceh is the product of the mutual agreement of the parties involved in the conflict so that its implementation is also understood together as a form of follow-up to conflict resolution.

As for the case of the Special Autonomy Law for Papua and West Papua, if we study the background to the formation of the Special Autonomy Law for Papua, it can be seen that the purpose of granting special autonomy is to resolve the root causes of Papua's problems in accordance with the aspirations of the Papuan people. However, the substance of the Papua Special Autonomy Law itself does not cover efforts to solve all the root problems in Papua. The Papua Special Autonomy Law can only be used as a normative instrument to resolve the root cause of the problem in the form of "gaps, equality of opportunity, and protection of basic rights and human rights."

In other words, the Special Autonomy Law acts as a basis for legitimacy for the formation or making of further public policies to describe and implement them into various public policies that touch the roots of problems in society as well as solve their problems and meet the needs of the people of Papua and West Papua.

Unfortunately, once again the follow-up to the existence of the Special Autonomy Law is very slow. The chairman of the Papuan DPR, Yunus Wonda even admitted that for almost 20 years since the Special Autonomy Law was enacted, the implementation in the field of the regulation did not run optimally because the derivative rules of Law No. 21 of 2001 had only one government regulation even though there was at least one 2 PP, 2 Presidential Decrees, 13 Perdasus, and 21 Perdasi (Riana & Persada, 2019).

Since the Law on Special Autonomy (Otsus) was implemented, the Provinces of Papua and West Papua have received a

large amount of special autonomy funds, of which 2% of the total National DAU funds are sourced. Papua Province, during 2002–2019 the amount of funds that had been disbursed amounted to Rp. 83.93 trillion, consisting of special autonomy funds of Rp. 64.92 trillion and additional funds for infrastructure that had just been provided starting in 2007 of Rp. 19.01 trillion. Meanwhile for West Papua Province, in the period 2008-2019 the total funds that have been disbursed from the central government reached Rp30.27 trillion, consisting of special autonomy funds of Rp20.91 trillion and additional infrastructure funds of Rp9.36 trillion. However, West Papua Province received additional infrastructure funds first in 2008, while special autonomy funds were only given starting in 2009 (Sukmalalana, Ramadhan, Pidhegso, Huda, & Fadli, 2020).

The realization of the special autonomy fund which is quite large requires effective and transparent management. Obtaining opinions given by BPK RI to district/city local governments in the Provinces of Papua and West Papua in 2010-2018. In 2010 there were 31 local governments who received a Disclaimer of Opinion (TMP) opinion from the BPK RI and in that year no one received a WTP, the new district/city governments received a WTP opinion in 2013 as many as 4 local governments with a percentage of 9.52%. When viewed in terms of the average opinion acquisition for the 9 years, the regions that received TMP opinions were 18.6 or 43.9% regions, while those receiving WTP were 14.8 or 22.52% regions. Of course, this is not a good thing, because the majority of regions on an annual average still receive more TMP opinions than WTP. Although in the last 6 years the number of Unqualified Opinions (WTP) obtained by each local government has increased significantly, has been stagnant since 2015 and began to rise

again in 2018. With the increase in obtaining better opinions, automatically the districts/cities The number of people receiving TMP opinions continues to decline every year. This shows that in terms of budget accountability, district/city local governments in the provinces of Papua and West Papua have implemented improvements every year. However, as a whole, the areas receiving WTP are still below 50 percent of the total district/city government entities in the Papua and West Papua Provinces. This result places the provinces of Papua and West Papua as the provinces with the lowest number of WTP opinion gains compared to other provinces in Indonesia (Sukmalalana et al., 2020).

The poverty rate in Papua and West Papua Provinces is still the 2nd highest nationally, but there is a downward trend in the poverty rate in Papua and West Papua Provinces, even the average poverty rate decline in Papua Province is 1.14% per year and West Papua Province is 1.49% per year is the best nationally. Disparities in poverty levels need to be a concern, in Papua Province, namely in Merauke Regency by 10.78% while in Deiyai Regency it is 44.32% or 14 | The AKN Study Center almost half of the residents of the area are below the poverty line. The disparity in West Papua Province is relatively smaller, namely the poverty rate of Sorong City of 15.44% while in Tambrauw Regency it is 33.66% (Sukmalalana et al., 2020).

Seeing the amount of funds received and the BPK's assessment of the financial statements of the Papua and West Papua Regional Governments, associated with the level of poverty, and reflecting on the fact that a well-organized public policy has not yet obtained a normative and legitimacy basis with the existence of the Special Autonomy Law, it should be stated that the ball currently it is in the hands of the Central Government, the Papuan

Government and the West Papuan Government to produce public policies that are truly in accordance with the constitutional mandate as stated in the Special Autonomy Law so as to be able to provide welfare to the people of Papua and West Papua in particular. Because only through the preparation of appropriate policies, which pay attention to the stages of public policy formulation as Dunn's opinion which includes: Preparation of Agenda (Agenda Setting); Policy Formulating (Policy Formulating); Policy Adoption/Legacy; Policy Implementation; Policy Evaluation/ Evaluation. If this has been implemented, it is hoped, as the title of this webinar, that the effective and efficient use of special autonomy funds can be realized.

CONCLUSION

The implementation of Special Autonomy in Papua and West Papua, which has entered its 19th year in 2020, still leaves many problems. Even though politically, the issue of Papua Autonomy has gained light and legitimacy as well as a normative basis with the issuance of the Special Autonomy Law, in reality the implementing regulations are not perfect and even some have not been made even though the Otsus funds have been routinely disbursed so that they have not been able to provide benefits to the Papuan people. who hope to be more prosperous and have a better life with the Otsus. Therefore, a grounded public policy is needed that takes into account the aspirations of the people of Papua and West Papua with the Special Autonomy Law as the normative basis because the actual role of the Special Autonomy Law in the welfare of the people of Papua and West Papua is as a legalization to manage Papua and West Papua in particular by paying attention to various peculiarities. owned towards progress and prosperity.

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