A BRIEF STUDY OF ACTUAL AND STRATEGIC ISSUES
DOMESTIC POLITICAL DIVISION
REVISION OF PAPUA SPECIAL AUTONOMY LAW
IN PUBLIC POLICY PERSPECTIVE

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Abstract
The day before the ratification of the Bill on the Second Amendment to Law no. 21 of 2001 concerning Special Autonomy for Papua Province, there have been demonstrations from students as a reaction to rejection, arguing that the discussion of the bill was carried out with minimal public participation. This paper analyzes the process of drafting and discussing the bill from the public policy perspective and identifies the challenges of implementing the law in the future. The process of formulating the bill by the government is carried out through an elite deliberation approach. In contrast to the government, the Indonesian House of Representatives (DPR RI) takes a participatory democracy approach by providing space for participation from various elements of the government and society, through the Opinion Hearing Meeting (RDP) or Public Opinion Hearing Meeting (RDPU), the results of which can be seen in the formulation of 17 articles of amendment. Students who reject the law are stakeholders whose voices have been heard, but because they bring the aspirations of an independent Papua, they certainly cannot be accommodated constitutionally. This voice will certainly continue to be heard and can interfere with policy implementation. This paper recommends that the Indonesian House of Representatives (DPR RI) and the government need to continue to build communication and involve all stakeholders in the implementation of the Special Autonomy policy.

Introduction
The ratification of the Bill (RUU) on the Second Amendment to Law no. 21 of 2001 concerning Special Autonomy (Otsus) for the Papua Province in the Plenary Meeting of the Indonesian House of Representatives (DPR RI) on July 15, 2021, which began with a series of demonstrations against it in Jakarta, Bandung, and Jayapura. The rejection came from Cenderawasih University students who held demonstrations in three locations in Jayapura (cnnindonesia.com, 14 July 2021). A protest demonstration was also held on July 14, 2021 in front of the Indonesian Parliament building in Jakarta along with a demonstration held in front of Gedung Sate by the Papuan Student Alliance and the Indonesian People's Front for West Papua (tirto.id, 15 July 2021). The refusal was made on the grounds that the discussion of the bill was carried out with minimal public
participation, tended to be carried out in a closed room, and did not involve the Papuan People's Assembly (MRP) and the Papuan House of Representatives (DPRP) as regulated in Article 77 of Law no. 21 of 2001 (national.tempo.co, 15 July 2021).

One of the researchers of the Indonesian Institute of Science (LIPI), Cahyo Pamungkas, is pessimistic that the implementation of the bill that has just been passed by the Indonesian House of Representatives (DPR RI) will go well and be accepted by all indigenous Papuans. According to him, the revised law does not have strong enough legitimacy, especially among groups that have always wanted independence, both the Free Papua Organization (OPM) political group and the armed group, the Papuan Terrorist Separatist Group (KTSP), because they are not involved in the process of drafting the law (national.kompas.com, 17 July 2021).

In fact, according to the Minister of Home Affairs (Mendagri), in drafting the bill the government has requested input from the Governor, the Chairman of the Papuan House of Representatives (DPRP), and the Chairman of the Papuan People's Assembly (MRP) in the two provinces (Report in the Special Committee, 17 June 2021). The chairman of Special Committee (Pansus) of the Indonesian House of Representatives (DPR RI) also said that the discussion of the bill had been carried out by involving the widest community participation (Report of the Chairman of the Special Committee to the Plenary Meeting of parliament, 2021). This paper analyzes the process of drafting and discussing the bill from a public policy perspective and identifies the challenges of implementing the law in the future.

The Process of Drafting and Discussing the Bill

The Bill on the Second Amendment to Law no. 21 of 2001 concerning Special Autonomy for the Papua Province is the President's proposal submitted to the Indonesian House of Representatives (DPR RI) through Presidential Letter No. R-47/Pres/12/2020 dated December 4, 2020. One of the urgencies of the bill is related to receipts within the framework of Special Autonomy funds which according to Law no. 21 of 2001 will end in 2021, while Papua is considered to still need special autonomy funds. Therefore, a new legal basis is needed for the sustainability of the Special Autonomy Funds.

The process of formulating the bill has actually started since 2019, when the Minister of Home Affairs (Mendagri) asked the Governor of Papua and the Governor of West Papua to evaluate and map the problems of implementing the Special Autonomy policy so far, as well as submitting proposals for changes to the Law. The proposals and inputs were submitted by the West Papua Provincial Government in October 2020, but could not be fully accommodated because the government's internal discussion process had been completed. The Papua Provincial Government did not provide input, because it tends to put forward the proposed Bill that was submitted in 2014, and is waiting for the results of the Opinion Hearing Meeting (RDP) conducted by the Papuan People's Assembly (MRP) with communities in 5 customary territories.

Furthermore, the government's internal discussion was carried out in the Inter-Ministerial Committee (PAK) forum which proposed changes to three articles, namely: (1) Article 1 regarding general provisions, particularly related to the redefinition of "Papua Province", to anticipate the occurrence of provincial structuring in the Papua region in the future, in order to have a strong legal basis regarding the implementation of the Special Autonomy policy. (2) Article 34 related to the sustainability of Special Autonomy funds. In addition to remembering that the validity period is about to expire, the government considers that there is still a high dependence on provincial revenues
from the Special Autonomy Fund, so the government will increase the Special Autonomy Fund from 2% of the General Allocation Fund (DAU) to 2.25%. (3) Article 76 is related to the expansion of provinces. The government deems it necessary to initiate a more affordable range of government control so that it is able to alleviate development problems and public services in Papua, through the expansion of provinces by the central government without going through the preparatory regional stage (Introduction to the Minister of Home Affairs, 17 June 2021).

In response to the information conveyed by the Minister of Home Affairs (Mendagri), the Chairman of the Special Committee on the Bill, Komarudin Watubun (PDIP Faction), decided to listen to as many voices as possible from stakeholders, either directly to the two provinces (1-5 May 2021) or using the forum of Opinion Hearing Meeting (RDP) / Public Opinion Hearing Meeting (RDPU) (27 May to June 9, 2021). Meetings in the regions involved elements of regional leadership deliberations in both provinces, the Papuan House of Representatives (DPRP) and the Papuan People's Assembly (MRP) in both provinces, community leaders, and student elements. In Jakarta, apart from listening to voices from other ministries, the Special Committee also listened to the voices of academics from Gajah Mada University and the Indonesian Institute of Science (LIPI); the voice of the NGO PATTIRO, and the voices of Papuan figures, Freddy Numberi and Frans Maniagasi. In fact, the people of South Merauke, the Papuan People's Assembly (MRP) of West Papua, and the Governor of West Papua also came to Jakarta to convey their voices to the factions in the Indonesian House of Representatives (DPR RI).

These efforts paid off. By the factions of the Indonesian House of Representatives (DPR RI), the various aspirations expressed seemed to be accommodated in the Problem Inventory List (DIM), which was then discussed with the government. The discussion was conducted in a marathon, because time was running out and it had to be completed in July, before the submission of the Draft State Budget and Revenue and Expenditure in August. The discussion has succeeded in including some material outside the articles proposed by the government, so that there are a total of 17 articles that have been changed, including 2 additional articles outside the material contained in Law no. 21 of 2001. The material is related to special arrangements for indigenous Papuans in the political field (Article 4, Article 5, Article 6, Article 6A, Article 7, Article 11, Article 17, Article 20, Elucidation of Article 24, Article 28), education (Article 36, Article 56, Article 68), health (Article 59), employment and the economy (Article 38), and the development of indigenous peoples (Article 36); the establishment of a special agency to increase the effectiveness and efficiency of development in Papua (Article 68A); and arrangements regarding the timing of the formation of implementing regulations, including the role of the Indonesian House of Representatives (DPR RI) in drafting government regulations, so that implementing regulations do not deviate from their objectives (Article 75).

Unfortunately, the efforts to involve community participation through holding open meetings during the Special Committee have been reduced to a closed meeting at the Panja level, for no reason stated. The Panja meeting was also held during the implementation of the emergency Community Activity Restrictions (PPKM), so that the public was cut off from access in the process of discussing the bill. This situation has brought criticism from the protesters that the process of drafting the bill did not go through a process of participation by the Papuan people. In the formulation of public policies, the participation of actors is very important for the success of policy implementation (Edward III, 1980). Without the support of all actors, a policy will experience obstacles. In the process
above, it shows that the Papuan people are still not involved.

**Challenges for the Implementation of the Papua Special Autonomy Policy**

Edward III (1980) states, public policies produced by the state are useful for the benefit of society. If the policy cannot solve the problem, the policy is considered a failure. In order for the policy to be implemented, the issue of formulation becomes important. There are several criteria that must be considered in the formulation of democratic policies, namely influence (the process must have the ability to influence the policy and decision making); inclusion (inclusive from various points of view and values); and deliberation (there is dialogue and access to information) (Levine, 2005:120-138). In the process of participation in public policy formulation, there are 2 (two) techniques, namely Elite Deliberation or deliberation among the elite and Participatory Democracy or participant democracy (Fishkin, 2011:242-260). Elite Deliberation places the participation of the elected elite in the democratic process in policy making, while the Participatory Democracy model emphasizes the participation of the community in the policy-making process.

The government as the party drafting the bill has tried to provide space for participation in policy formulation by targeting the elite, namely the governors, the chairman of the Papuan House of Representatives (DPRP), and the chairman of the Papuan People’s Assembly (MRP) in both provinces. Even though it did not get an adequate response, the government at that time took a stance to continue the discussion process, given the urgency of time.

The lack of parties being listened to by the government in the formulation stage was tried to be minimized by the Special Committee of the Indonesian House of Representatives (DPR RI) by immediately providing space for Papuan people’s participation through the Opinion Hearing Meeting (RDP) / Public Opinion Hearing Meeting (RDPU). This space is also a forum for evaluating the implementation of Special Autonomy so far. In the end, various inputs were successfully accommodated in the Problem Inventory List (DIM) and contained in the formulation of 17 articles. This is later assessed by several parties in Papua as having listened to the voice of the Papuan people, as stated by Asmat Regent Elisa Kambu and Jayapura Mayor Benhur Tomi Mano who actually appreciated the revision of the Papua Special Autonomy Law, although not all of them were fulfilled (republika.id, 19 July 2021).

The dissatisfaction expressed by the students can be analyzed as a group outside the elite, whose interests are very different from the goal of forming Special Autonomy (Otsus), namely the welfare of the Papuan people. The students voiced for an independent Papua, a goal that the President and the Indonesian House of Representatives (DPR RI) clearly could not accommodate constitutionally. In the perspective of elite democracy, those who voice independence cannot be accommodated in the public policy making system. However, from a deliberative perspective, as stated by Cahyo Pamungkas from the Indonesian Institute of Science (LIPI), the voices of groups demanding independence for Papua must still be heard. If not, this voice will interfere with the implementation of the Special Autonomy (Otsus) policy in Papua. This disturbance must be anticipated by the government as early as possible.
Closing

Public policy initiated in the form of the Second Amendment to Law no. 21 of 2001 concerning Special Autonomy for Papua was formulated by the government using an elite approach. Meanwhile, the Indonesian House of Representatives (DPR RI) considers that the elite approach is not appropriate in formulating policies in Papua. Even though several Papuan aspirations have been accommodated in several ways, the issue of time seems to be an obstacle in responding to all the wishes of the Papuan people.

Acceptance from the elite has shown that elite voices are heard, but not from students or those who voice the voice of an independent Papua. Thus, it is certain that the support from the elite will make the implementation of the Special Autonomy policy in Papua successful. However, the interference from voices calling for independence will still be heard. Therefore, this disturbance must be responded by the policy makers and implementers.

For policy makers, the Minister of Home Affairs and the Indonesian House of Representatives, in the future must continue to provide communication spaces for those who are still not satisfied, through outreach activities on the material of the Bill that has been stipulated as Law no. 2 of 2021. The Papua Special Autonomy Monitoring Team formed by the Indonesian House of Representatives (DPR RI) under the deputy chairman of the Indonesian House of Representatives (DPR RI) can be used as an effective communication platform, for those who are not satisfied with Law no. 2 of 2021, because the Monitoring Team consists of members of the Indonesian House of Representatives (DPR RI) across commissions.

In implementing policies, actors in Papua and in Jakarta must be able to involve the role of all stakeholders, not just the elite, in order to get support in its implementation. In this way, it is hoped that Papua can become prosperous, and subsequently the Unitary State of the Republic of Indonesia can be maintained.

References


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