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Legal Review of the Performance Oversight of the Papua Regional Representative Council in Accordance with the Aspirations of the Community Through the Mandate of the Special Autonomy Law

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Abstract

The enactment of Law No. 21 of 2001 concerning Special Autonomy for the Province of Papua reflects the political will of the Unitary State of the Republic of Indonesia towards the people of Papua. This decision is based on the consideration that the governance and development implementation in the province of Papua, while integrated with Indonesia, has not fully met the sense of justice, achieved prosperity, enforced the rule of law, and has not fully respected human rights, especially those of the indigenous Papuans. The legal research conducted in this study is normative legal research, focusing on examining norms or regulations related to the research object. Law No. 21 of 2001 concerning Special Autonomy for the Province of Papua represents the ideals and goals of the Unitary State of the Republic of Indonesia in building a fair, prosperous, and prosperous Papuan society based on Pancasila and the 1945 Constitution. The reality is that in the implementation of special autonomy, there are many deviations from the basic mandate of special autonomy. As a result, the Papuan people still feel left behind in a dilemmatic situation, unable to fully enjoy the benefits of special autonomy. This is because there is no significant improvement in welfare, peace conditions have not arrived, and basic rights are not adequately respected. The Papua Provincial People's Consultative Assembly (DPRP) is a regional representative institution that acts as an organ of the regional government in the province of Papua. The Papua People's Consultative Assembly has the task and authority to absorb, collect, accommodate, and follow up on the aspirations of the people. In accordance with the mandate of the Special Autonomy Law for the province of Papua, the Papua

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People's Consultative Assembly has the function of conveying the aspirations of the Papuan people regarding development and the expansion of new autonomous regions in the province of Papua to the People's Consultative Assembly (DPR RI).

Keywords

Law, Regulations, Special Autonomy, DPR, Community Aspirations, Papua.

1. Introduction

In order to accelerate the national development process, the government of the Republic of Indonesia has issued various policies to improve the effectiveness, efficiency, and responsibility towards the development of the nation. One of these policies is the implementation of special autonomy. The enactment of Law No. 21 of 2001 concerning Special Autonomy for the Province of Papua reflects the political will of the Unitary State of the Republic of Indonesia towards the people of Papua. This decision is based on the consideration that the governance and development implementation in the province of Papua, while integrated with Indonesia, has not fully met the sense of justice, achieved prosperity, enforced the rule of law, and has not fully respected human rights, especially those of the indigenous Papuans (Riwu Kaho, 2005).

Furthermore, to reduce the gap between the province of Papua and other provinces, and improve the standard of living of the Papuan people, as well as provide opportunities for the indigenous population of Papua, special policies are needed within the Unitary State of the Republic of Indonesia. The enactment of special autonomy, from a psychological aspect, contains three moral messages: (1) being in favor of the indigenous Papuans; (2) empowerment; and (3) protection of the basic rights of the indigenous Papuans from various forms of deviation, such as violence, persecution, humiliation, and murder (Solossa, 2005). Through special autonomy, it is expected to stop all forms of basic rights violations, violence, and conflicts, prioritizing development to improve the well-being, justice, peace, and respect for the basic rights of the indigenous Papuans (Ardinarto, 2009; Widjojo et al., 2010).

The reality shows that in the implementation of special autonomy, there are many deviations from the basic mandate of special autonomy. As a result, the Papuan people still feel left behind in a dilemmatic situation, unable to fully enjoy the benefits of special autonomy (Putri et al., 2020). This is because there is no significant improvement in welfare, peace conditions have not arrived, and basic rights are not adequately respected. Instead, the Papuan people have not experienced the goodness and peace they hoped for and their basic rights by government policies, which are always controversial and give rise to new conflicts between the Papuan people and security forces, leading to recurring violence, murder, and persecution.

The law on special autonomy provides extensive room in every aspect of governance, aiming to channel the aspirations of the people to successfully achieve development in the province of Papua, which is always organized by the local government (Lele, 2023). Thus, it can be seen that the community is not seen as the object of development but as the subject of development with

direct participation in the field to achieve an even distribution of development to improve the quality of life. The delivery of aspirations by the community can be carried out by authorized institutions to follow up on them. Demands by a group of people in conveying aspirations to the government or rejecting government policies are often carried out by formal institutions at the regional level with broader authority.

In a special autonomy region, there is a separate system for local regulations, processes, and procedures for appointing members of the Papua Provincial People's Representative Council (DPRP) through a lengthy selection process. It starts with the formation of an ad hoc selection committee, formed by the governor of Papua upon the proposal of the provincial people's representative council. Selection is often carried out democratically, honestly, openly, and implemented with the expected efforts. The selection process involves two (2) stages, including administrative selection and prospective candidate selection, and seat allocation selection is determined through the special autonomy regional regulation of Papua. Representatives of the Papua Provincial People's Representative Council come from political party elements participating in general elections selected through general elections according to the regulations, and elements of the indigenous Papuans are appointed through the selection process outlined in the special autonomy regional regulation (Gani & Aituru, 2017).

Members of the Papua Provincial People's Representative Council who are appointed join and merge into each faction of the council. It is expected that the members of the provincial people's representative council distributed in each faction can address the aspirations of all elements of the indigenous Papuan society and the interests of the non-indigenous people living throughout the province of Papua. To create peace and prosperity, the Papua Regional People's Council needs to develop the thoughts, ideas, rights, interests, and needs of the indigenous Papuan population through the mandate of this special autonomy law.

The Papua Provincial People's Representative Council carries out its main tasks and functions as the provincial people's representative council, the Papua people's representative council, the governor, and the Papua regional people's council. These three (3) institutions, which are not separated, have an important role in channeling the aspirations of the people in any form to improve national development in the province of Papua from the village, district, regency/city levels to the provincial level to achieve good performance as the representation of people's aspirations.

The background presented above has sparked the researcher's interest to conduct an in-depth study, formulating the main problem as follows: "How is the performance of the Regional Representative Council (Dewan Perwakilan Rakyat) of Papua Province in line with the aspirations of the community through the implementation of the Special Autonomy Law in Papua?" This research aims to investigate the extent to which the legislative institution's performance reflects the hopes and needs of the people of Papua in accordance with the framework of the existing Special Autonomy Law.

2. Methods

In accordance with the title, the method essentially means the approach used to achieve the objectives. The researcher's goal is to address the issues discussed in this study, providing useful results. To achieve this goal, the research is conducted using normative juridical research methods

(normative legal research methods). Normative juridical research is a literature-based legal research method that involves examining library materials related to the issue, collections of laws and regulations, legal articles, and various other sources. The gathered materials are then analyzed, and the results are compiled in the form of a scholarly work such as a journal article.

Regarding the type of legal research used in this study, it is normative legal research, which focuses on examining or concentrating on norms/regulations related to the research object. This research is classified as normative legal research because its focus is on norms, and it requires secondary data as general information.

3. Results and Discussion

Law No. 21 of 2001 concerning special autonomy for the province of Papua serves as the aspiration and goal of the Unitary State of the Republic of Indonesia in building a just, prosperous, and prosperous Papua society based on Pancasila and the 1945 Constitution. The governance system of the Unitary State of the Republic of Indonesia, according to the 1945 Constitution, recognizes and respects regional government units that are special or extraordinary, regulated by law (Simandjuntak, 2015).

Provincial Regulation No. 11 of 2013 on the second amendment to Provincial Regulation No. 31 of 2015 concerning the formation and structure of the regional government, secretary of the regional government, and the regional people's representative council of Papua, is the implementation of Government Regulation No. 03 of 2005 regarding the amendment of Law No. 23 of 2014 concerning regional governments. This regulation defines the position and performance of the regional people's representative council of Papua in gathering aspirations from all layers of society to be followed up to the Indonesian People's Consultative Assembly.

The enactment of Law No. 21 of 2001 concerning special autonomy for the province of Papua has provided a broad position and space for the regional people's representative council of Papua (DPRP) (Chairullah, 2021; Rahadatul'Aisy et al., 2021; Rakia et al., 2021; Wospakrik, 2020). It has not only created a sharing of power between the central government but has also given greater space and authority to the DPR Papua as a regional government institution to play its role and function as a holder of legislative power. Although *de facto*, the role of the DPRP is no longer superior to the regional government, approaching a working partner, its role and functions have not changed. These include legislative functions (manifested in forming regional regulations together with the regional head), budget functions (manifested in the preparation and determination of the regional budget together with the regional government), and supervisory functions (manifested in the form of oversight of the implementation of laws, regional regulations, decisions of the regional head, and policies determined by the regional government) (Ardinarto, 2009). Thus, the implementation of special autonomy is carried out with the regional government and the DPR Papua as institutions channeling the aspirations and mandates of the people, reflecting a democratic government (Joesoef, 2023; Safkaur, 2022).

The orientation of carrying out tasks and authority with the functions assigned to the DPR Papua in Law No. 21 of 2001 can be seen from several aspects, one of which is discussing and determining provincial regional regulations (Perdasi) and special regional regulations (Perdasus). These regulations are essentially intended as implementation rules derived from the considerations of Law No. 21 of 2001 concerning special autonomy (Law No. 35 of 2008

concerning amendments to Law No. 21 of 2001 concerning special autonomy) to accelerate the realization of public welfare and prosperity as mandated by special autonomy. According to Article 29 of Law No. 21 of 2001, *Perdatus* is made and determined by the DPR Papua together with the governor, with the considerations and approval of the Papua People's Assembly (MRP), while *Perdasi* is made and determined by the DPR Papua together with the governor.

The formation of *Perdasi* and *Perdatus* aims to strengthen and base on the aspirations and basic rights of the indigenous people of Papua while considering various aspects such as the equality of community aspirations, religious, socio-cultural, customary traditions, the right to customary land, and indigenous communities. Other conditions must be made by members of the regional people's representative council of Papua to ensure that special autonomy regulations truly favor the people of Papua in regulating the governance system itself in the continuity of Papuan society's life.

The regional people's representative council of the Papua Province (DPRP) is a regional people's representative institution that serves as an element in the organization of the regional government of Papua Province, and the regional people's representative council of Papua has the task and authority to absorb, collect, accommodate, and follow up on the aspirations of the people. In accordance with the mandate of special autonomy laws for the Papua Province, the DPR Papua has the function of conveying the aspirations of the Papua community in development and the expansion of new autonomous regions to the Indonesian People's Consultative Assembly (DPR RI). The submission of these aspirations is the performance in following up on the results of general consultations at the sub-district, district/city, and provincial levels, handed over to the DPR Papua to be followed up to the DPR RI as the parent regional government institution in the Unitary State of the Republic of Indonesia.

The submission of community aspirations is a follow-up action by the DPR Papua, not just one aspiration in infrastructure development. Rejections (DOB) include many controversial policies of regional and central governments. The DPR Papua, as the representation of the people, must gather all aspirations and present them to the DPR RI as considerations in managing community aspirations (Asrinovit, 2021).

4. Conclusion

Based on the discussion in the previous chapter, the author can conclude several key points. Firstly, the aim of this research is to evaluate the performance of the People's Consultative Assembly of Papua (DPRP) in line with the aspirations of the people as mandated by Law No. 21 of 2001 and its amendments. Secondly, the implementation of Law No. 21 of 2001 regarding special autonomy for the Province of Papua has granted a strategic position and extensive authority to the DPRP. This not only establishes a division of powers between the central government but also provides greater authority to the Papua Regional Council as a local government institution in carrying out its legislative roles and functions. The laws governing special autonomy for the Province of Papua, regulated by Law No. 21 of 2001 and its amendment, Law No. 35 of 2008, resulted from a political compromise between the Papua community and the central government to address conflicts that have persisted since 1962. Through this political compromise, both local and central governments can make corrections to policies deemed inadequate. The goal is to ensure that the implementation of special autonomy brings positive

changes to Papua in various fields. Despite having been in effect for more than 21 years, the Papua community still feels left behind compared to regions that have had regional autonomy. Therefore, further efforts are necessary to ensure that this special autonomy is felt tangibly and has a significant positive impact on the Papua community.

Based on the above conclusion, several recommendations can be proposed regarding the results of the analysis and discussion in this research. First, there is a need for a more active role from the central government in supporting, supervising, and providing effective and efficient assistance to promote the progress and welfare of the Papua community. This idea originates from forums of Papua community organizations and state universities in Papua, aiming to respond to central government policies. Second, it is crucial to provide adequate workspace for each member of the DPRP and qualified staff. This facility can serve as an information service that provides the necessary data for DPR Papua members, as without adequate information, it is challenging to address issues in the process of accommodating aspirations. The delay in information access by DPR Papua members compared to the executive branch can be overcome through the provision of this facility. In an effort to advance Papua society and treat them with dignity in a safe and humane environment, the aspirations of the Papua community and their considerations regarding the amendments to Law No. 2 of 2021 and Law No. 21 of 2001 on special autonomy should be continued. Therefore, the Papua Regional Representative Council (DPR Papua) needs optimization in implementing regional regulations and special autonomy laws by forming regional regulations (*perdasus*) and special regulations (*perdasi*) for the welfare of the Papua community. Cooperation between provincial governments, regencies/cities, DPRP, DPRD, and MRP is considered crucial in involving various civil society policies in Papua.

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