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**Submission date:** 12-Sep-2021 07:38AM (UTC+0700)

**Submission ID:** 1646126083

**File name:** 5484-23448-2-PB\_MIMBAR.pdf (253.56K)

**Word count:** 4131

**Character count:** 22799

# 1 Asymmetrical Decentralization and Equitable Development in Papua

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1 **Abstract.** The main objective of the implementation of asymmetric decentralization is to realize the distribution of power and authority so that each region has the opportunity to develop the existing potential and carry out governance independently, and also to realize social justice and fair welfare for all levels of society. However, in practice, there is an irony. Papua, in particular, received special autonomy but it has not been able to increase its development. This study aims to analyze Papua's asymmetric decentralization in its development and political aspects. The method used in this research is descriptive qualitative. The results of this study show that the implementation of asymmetric decentralization in Papua has not yet achieved its objectives, especially in increasing equitable development in Papua.

*Keywords:* asymmetric decentralization, special autonomy, equitable development.

## Introduction

Papua is one of the provinces in Indonesia that has been given separate authority by the central government in carrying out its government. This model of authority is called asymmetric decentralization which distinguishes it from other provinces in Indonesia. Special autonomy granted to Papua Province can be seen from 3 (three) aspects, namely political, administrative, and fiscal (White, 2011).

According to Kurniadi (2012), asymmetric decentralization is a new opportunity for the regulation of central and regional relations in Indonesia. If we study more deeply, it turns out that the asymmetric decentralization of a long process that had begun since the colonial period was aimed more at administrative arrangements for the sake of maximizing colonialist economic profits.

10 Asymmetric decentralization is a form of central and regional relations within the framework of a unitary state, where the central government manages all parts of the country. Due to the wide area and diverse regional character, besides the limitations

of the central government to handle all government affairs that guarantee public services, some matters are left to the regional government. Asymmetric decentralization is different from the federal form in which part of the federal state basically declared that they are fused into one state (Ferrazzi, 2000).

From a conceptual point of view, decentralization is not something new since it has been implemented in various federal and Unitarian states. If decentralization is in a broad scope for provinces outside Papua, then this concept is a theoretical foundation for the implementation of autonomy outside special autonomy and regional autonomy. Kaho (2012) and Jaweng (2011) confirm that the concept of decentralization is related to authority, institutions, finance, and control.

The implementation of asymmetric decentralization is an acceleration strategy for the achievement of people's welfare through effective and efficient regional governance with the potential and character of each region (Sukirno & Kuncahyono, 2015).

Papua's special autonomy policy promulgated through Law 21 of 2001, November 2001, has many important and

Received: 2020-03-28, Revised: 2020-05-05, Accepted: 2020-06-03.  
Print ISSN: 0215-8175; Online ISSN: 2303-2499. <https://doi.org/10.29313/mimbar.v36i1>  
Accredited Sinta 2 based on the decree No.10/E/KPT/2019 until 2023. Indexed by DOAJ, Sinta, Garuda, Crossreff, Dimensions

fundamental differences compared to the regional autonomy law that applies to other regions. This law is a very important and fundamental political compromise to respond to demands for independence in Papua. The drafting process itself was carried out very participative through consultation with various stakeholders in Papua and intense discussions among the formulating teams in Papua to be brought to the DPR legislative process in Jakarta (Mutaqin, 2013).

Many researchers undertake research on special autonomy in Papua Province (Mutaqin, 2013; Mahi & Brodjonegoro, 2003; Musa'ad, 2016; Pratama, 2016; Rochendi & Saleh, 2017; Tryatmoko, 2017; Fatmawati, 2018; Uswanas et al., 2018; Uamang et al., 2018; Nurmasari & Al Hafis, 2019; Widodo, 2019), but no one has researched from within the political and development aspects. This paper will focus on the asymmetrical authority of Papua in its development and political aspects based on Law no. 21 on Special Autonomy for the Province of Papua, and in terms of practice (realization) in the field of rural development in Papua.

### Research Methodology

The object of this research is Papua Province because Papua is one of the provinces with special autonomy in Indonesia. This research is a descriptive study with a qualitative approach (Gunawan, 2013; Moleong, 2014; Yin, 2015). The purpose of the descriptive method is to explain the findings in written form and analyze them with the help of existing theories (Maholtra, 2002; Sugiyono, 2002).

Data collection in this research uses a literature study by collecting journals, books, news, and others related to asymmetric decentralization in Papua. The data analysis in this research was conducted descriptively through three stages, namely data reduction, data presentation, and verification (Miles & Huberman, 1984).

### Results and Discussion

History records that in 1998, Papuans were disappointed and demanded for independence which made the central government lose the initiative and got confused. The people of Papua were disappointed because they felt that their rights had been marginalized by the central

government. Papua were lagging behind other provinces in term of development, including the construction of infrastructure and facilities, welfare, education, health, and others due to the raged conflict.

The political history of the Papuan people is different from other provinces in Indonesia. They had already become a nation with their own country before joining Indonesia. This issue must be understood first when you want to understand politics in Papua. Historically, it has been noted that the policy of providing special autonomy for Papua must be put in place internally (internal self-determination) as stated in the distribution of power between Papua and the Central Government (asymmetries autonomy) (Al-Rahab, 2010).

Political compromise greatly colored the formation of the Special Autonomy Law in Papua. Aspects of protecting human rights, respect for native customs and culture, the embodiment of community welfare, and local democracy in the context of the Republic of Indonesia were successfully agreed upon (Suharyo, 2016). To reduce the demand for secession from the Unitary Republic of Indonesia (NKRI), the Government of the Republic of Indonesia granted Special Autonomy (Otsus) to the Province of Papua (Dardias, 2012).

Before being granted regional autonomy (decentralization), the central government had made a uniform policy on local government management in the form of Law No. 32 of 2004 was later revised into Law No. 23 of 2014 concerning the Regional Government. But for Papua, the Law does not apply due to differences in treatment based on local dynamics which require it not to be uninformed; the government then issued Law No. 21 of 2001 for Papua.

In line with the spirit of decentralization after the reformation and regional aspirations, the Papuan people demand to develop their cultural characteristics in the context of the Republic of Indonesia through specific national-level policies. The central government responded with the issuance of Law No. 21 of 2001 concerning the Implementation of Special Autonomy for the Province of Papua. The existence of this policy is to reduce the gap between the Papua Province and other provinces within the Republic of Indonesia and will provide opportunities for indigenous Papuans to take part in their territory as subjects and objects of development.

Specifically, the Papua Special Autonomy Law states that the goal of the Papua Special Autonomy is to reduce the gap between the Papua Province and other provinces, improve the living standards of the people in the Papua Province, and provide more extensive opportunities for indigenous Papuans. The basic values used as the basis for the implementation of Special Autonomy are the protection and respect for ethics and morals, the basic rights of indigenous people, Human Rights (HAM), the rule of law, democracy, pluralism, as well as equality, rights and obligations as a citizen.

The background for granting special autonomy to Papua also exists in Law No. 21/2001. A general explanation of Law No. 21/2001 illustrates that the granting of special autonomy to Papua is due to state recognition of two important matters. Firstly, the government recognizes that until the formation of the law, problems in Papua need to be resolved. The problem covers various fields, including political, government, economic, social, and cultural fields. Secondly, the government recognizes that there have been mistakes in policies taken and carried out to resolve various problems in Papua so far. Strict recognition that has been done in Papua has not yet fulfilled a sense of justice; it has not either achieved prosperity, rule of law, and respect for human rights, especially for local communities.

Special autonomy in Papua is not a form of mutual agreement, but rather a product of the central government to reduce conflicts that occur in Papua. If Aceh's special autonomy is a form of follow-up to conflict resolution, then Papua's special autonomy is made as an effort to resolve the conflict.

Papua previously specialized in political authority to elect Papuan governors and deputy governors by the Papuan People's Representative Council (DPRP), but that authority was later revoked by the central government during the era of President Susilo Bambang Yudhoyono's administration through Government Regulation in Lieu of Law No. 1 of 2008 concerning Amendments to Law No. 21 of 2001 concerning special autonomy for the Province of Papua.

The trimming of authority for the election of the governor and deputy governor of Papua can then reap the pros and cons and cause negative sentiment and distrust of the people of Papua to the central government. This trimming also makes regional head

elections in Papua, which should be the domain of regional governments, an anomaly amid the asymmetric decentralization of Papua province as stated in Article 18B concerning the 1945 Constitution.

In the 1945 amendments governing decentralization and local government units in Indonesia, asymmetric decentralization is found in Article 18A paragraph (1), Article 18B paragraph (1) and (2) of the 1945 Constitution. In Article 18A paragraph (1) it is mandated that "The relationship of authority between the central government and regional, provincial, district and city governments, regulated by law by taking into account the specificity and diversity of the region". Furthermore, in Article 18B paragraphs (1) and (2) it is regulated that the State recognizes and respects special region or special local government units stipulated in the law and the State recognizes and respects the unity of customary law communities along with their traditional rights as long as they live in accordance with the development of society and the principles of the Unitary Republic of Indonesia, and regulated in law.

According to Stefanus (2009), the politics of decentralization outlined in the 1945 Constitution implies that the development of asymmetric decentralization emphasizes specificity, privileges, regional diversity, as well as community units of customary law and traditional rights. The development of asymmetric decentralization in question is regulated further by law. The mandate of the 1945 Constitution has not been taken seriously by the government so that further arrangements for the asymmetric decentralization model have not been made. Meanwhile, several regions demanded special privileges due to the specialty of the area, which was then responded by a number of laws, including the Yogyakarta Special Region which was passed in 2012, the Special Capital Region of Jakarta in 2007, the Aceh Special Region in 2006, and the Papua Special Region since 2001. Regulations with laws are not patterned and are not based on specific benchmarks or specific areas mandated by the 1945 Constitution.

In the field of politics itself, Papua has several specificities contained in Law Number 21 of 2011, among others, as follows: 1) Specifically for the election of governors and deputy governors of Papua, candidates must be native Papuans as stipulated in article 21 letter an of Law 21 of 2001. Papuans are

people who come from the Melanesian race which consists of indigenous tribes in the Papua Province or a person who is accepted and recognized as a native Papuan by an indigenous Papuan community; 2) Specifically for the election of governors and deputy governors of Papua, the procedure for electing governors and deputy governors shall be determined by a Special Regional Regulation (Perdasus) under statutory regulations. This provision is contained in Article 11 paragraph 3) of Law 21 of 2001. *Perdasus* itself is a Regional Regulation of the Papua Province in the context of implementing certain articles in Law No. 21 of 2001; 3) The authority to form local political parties in Papua is contained in Article 28 of Law no. 21 of 2001, whereby residents of the Papua Province can form local political parties and participate in elections that are adjusted to the law. Political recruitment by political parties in Papua Province must prioritize indigenous Papuans. But for its formation, political parties are required to ask for consideration from the Papua People's Assembly (MRP) in terms of political party selection and recruitment of each party. In Papua, the role and involvement of the MRP in the recruitment of local political party management are fundamental. However, the explanation of Law No. 21 of 2001 states that political recruitment by prioritizing indigenous Papuans is not to reduce the open nature of political parties for every citizen of the Republic of Indonesia. Hence, the request for consideration to the MRP does not mean reducing the independence of political parties in terms of political selection and recruitment; 4) Another specialty that Papua has in the political field is the existence of an electoral system through the 'Noken' mechanism in certain areas. The term Noken refers to cultural instruments in the form of bags but multifunctional for the daily life of the Papuan people. Since 1971 until now, several regions in Papua have used Noken as a substitute for ballot boxes in the General Elections and Regional Elections. If ballot boxes generally follow the standards set by the Indonesian KPU (General Elections Commission), for Papua in particular, ballot boxes are replaced with Noken bags. In 2009, this policy was considered constitutional by the Constitutional Court through Decision No. 47-48/PHPU.A-VI/2009 related to PHPU from Yahukimo Regency, then strengthened by the next Constitutional Court decisions No. 06-32/PHPU-DPD/XII/2014 related to the implementation of the 2014 legislative election. We can recognize the Noken

implementation system or the binding system only in places that always implement it on an ongoing basis. According to the Court, places that have never used Noken before may not apply the Noken system. If an area no longer uses the Noken system, its use in that area can no longer be recognized. Voting using the Noken system with conditions does not apply in Papua: local and concrete does not violate the principles of fair and just elections. The Noken system in general or local elections is widely practiced by people from the mountainous region who are generally and relatively remote from the access of the capital; 5) The number of DPRD members is 1¼ (one quarter) times the number of DPRD members in the Papua Province as stipulated in the legislation. This provision is in Article 6 Paragraph 4 of Law No. 21 of 2001, wherewith this provision, the determination of the amount of seat allocation for Papua is done through national provisions. Papua is entitled to receive an additional seat allocation of 1 one (a quarter) multiplied by the amount determined by the national; 6) The Governor in carrying out his obligations as regional head and head of provincial government is responsible for the DPRD. This provision is stated in Article 18 paragraph 1 of Law No. 21 of 2001 in which the governor as a representative of the central government in the area reports to the President. In contrast to other regions, the governor of Papua in addition to being responsible to the president is also responsible to the DPRD which makes the characteristics of the Papuan government lead to a semi-parliamentary where the executive is responsible to the parliament. On the other hand, understanding presidential democracy in Indonesia, the executive is only responsible to the people not to the House of Representatives because those who elect the executive directors are the people.

The Government through the Director-General of Regional Autonomy supports the extension of the Papua special autonomy fund allocation previously stipulated in Law No. 21 of 2001 and will end 2021. The government has the optimism that the distribution of special autonomy funds is still the key to improve the life of the two easternmost provinces in Indonesia from various types of backwardness, one of which is development. Disbursement of funds is not proportional to the quality of physical development output, human resources, and service quality when compared to other regions.

We need to explore the root of

the problems found in Papua to analyze development problems and the low quality of public services within the framework of asymmetric decentralization in Papua. One of the fundamental problems of special autonomy in Papua today is the absence of comprehensive regulations to regulate the segmentation of authority for provinces and districts/cities in Papua (Tryatmoko, 2016). This condition has an impact in the form of chaotic implementation and coordination between special autonomy institutions that have an impact on development.

Planning, program formulation, and budgeting practices that use distribution systems to many districts or regions without considering the needs and demands of local officials in efforts to build physical infrastructure have led to poor development in Papua. This weakness in the development planning stage at the local level has implications in the form of physical development inequality in Papua.

The government is encouraging the sustainability of special autonomy funds needs to conduct a comprehensive evaluation of the special autonomy problems for two decades. Efforts to encourage the continued distribution of the Papua special autonomy fund must also be harmonized with the spirit to improve the quality of development and its direct impact on the people of Papua.

The evaluation does not stop at administrative and technical problems related to the management, distribution, responsibility, and managerial management of special autonomy funds. Yet the efforts of improvement must start from making better regulations related to the clarity of provincial and district authority in the Papua Special Autonomy. Besides, the central government needs to establish communication with local Papuan elites to resolve political battles and overlapping interests which have had a negative impact on development in Papua.

## Conclusions

Asymmetrical decentralization in Indonesia is a continuation of history since the colonial period and is confirmed by the three constitutions in force in Indonesia. Asymmetric decentralization concerns fundamental affairs related to the pattern of central and regional relations that interfere with different designs of authority, institutional, financial, and control. The granting of asymmetric decentralization in Papua aims to reduce

the demand for separation from the Unitary State of the Republic of Indonesia (NKRI). Challenges for Papua through the provision of special autonomy remain to this day, especially to maintain political stability, security, and development in Papua which is still not fully controlled. The weakness of the implementation of special autonomy that still appears is that there is no elaboration by adjusting the need to democratize and restructure local politics in the province.

Apart from some hardliners calling for independence, people in Papua expect positive developments from the decentralization policy through its special autonomy policy. Papua's asymmetrical autonomy gives the province considerable authority to develop a different development model and a unique model of democratization based on the culture of its people which bequeaths strong religious and customary values. Now the ball is in the hands of local political leaders and intellectuals to find their models.

Decentralization has given certain specificities for Papua so that the space for implementation and creativity is highly dependent on the ability of provinces and districts/cities. Inequality in some matters, as in the government system, policy, and development do have the challenges. Local wisdom will play a role that is expected to make people in the Papua province to have a better life from time to time. As a large nation, the Unitary Republic of Indonesia through a decentralized system has become a more dynamic space for the regions to develop their communities in a more complete manner.

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