



# Shifting Approach to Handling the Papua Conflict in Indonesia

<sup>1</sup>Qurrata Ayuni, <sup>2</sup>Fitra Arsil, <sup>3</sup>Satrio Alif Febriyanto

<sup>1</sup>Faculty of Law, Universitas Indonesia

<sup>2</sup> Faculty of Law, Universitas Indonesia

<sup>3</sup> Faculty of Law, Universitas Indonesia

**Abstract:** This paper explores the significant changes in the Indonesian government's approach to managing the Papuan conflict. The study shows that the government has shifted from a militaristic state of emergency approach, characterized by force and coercion, to employing democratic instruments, special autonomy, and regional expansion to address the aspirations of the Papuan people. By examining relevant laws, regulations, and academic literature on the Papuan conflict, this research provides a comprehensive understanding of the government's evolving strategies. Using a historical perspective, the paper highlights the shift from a heavy-handed approach to more inclusive and democratic methods. The findings indicate a marked change from initial militaristic tactics to a framework that prioritizes special autonomy and regional development as means of conflict resolution. This transition reflects Indonesia's broader movement towards democratization and decentralization, offering valuable insights into the effectiveness and implications of these strategies. By focusing on these changes, the paper sheds light on the complexities and challenges of managing regional conflicts in a diverse and dynamic political landscape. The study ultimately underscores the importance of adopting more humane and democratic approaches in addressing long-standing conflicts, providing a model for other regions grappling with similar issues.

**Keywords:** Papua; Conflict; Decentralization, State of Emergency, Indonesia.

**Received:** 24 March 2024

**Revised:** 28 May 2024

**Accepted:** 16 June 2024

## 1. Introduction

In June 2020, the Government of Indonesia was found guilty by its court of throttling internet access in several areas of West Papua Province and Papua Province, Indonesia (BBC, 2020). The Ministry of Communication and Information admitted to slowing down internet access from August 21, 2019, to at least September 9, 2019, due to issues related to ethnicity, religion, race, and inter-group relations that had the potential to trigger riots and inter-ethnic killings in these provinces. The Indonesian government considered this action necessary to avoid conflict, but the State Administrative Court ruled that it was not properly executed. The President of Indonesia had not declared a state of emergency in the Papua region to legitimize the internet throttling, leading to the government being found guilty of this action (BBC, 2020). The State Administrative Court's verdict highlighted a significant change in handling the Papua conflict. The Indonesian government replaced a militaristic approach with democratic instruments, granting special autonomy through the decentralization of the Papua region. This decentralization strategy is part of a broader response to the inefficacy of the centralization system during President Soeharto's era.

Papua, a region within Indonesia, is persistently in turmoil with various attempts at independence. Wangge (2023) notes that several separatist groups, such as the National Liberation Army-Free Papua Movement-West Papua National Liberation Army (TPNPB-OPM), have consistently fought for West Papuan

independence since 1965 (Wangge, 2023). Richard Chauvel (2021) documented that the TPNPB acknowledged responsibility for the killing of about 21 Indonesian construction workers in Papua in 2018. However, the Indonesian government did not declare a state of emergency nor designate the case as separatism, labelling it instead as an action by an armed criminal group (in Indonesia it called Kelompok Kriminal Bersenjata (KKB)).

From 2010 to 2020, Universitas Gajah Mada (UGM) recorded 204 cases of violent conflict involving various parties, including indigenous Papuans (in Indonesia it called Orang Asli Papua (OAP)), non-OAP, security forces, and armed criminal groups. The data indicate a complex situation requiring in-depth analysis to understand the high intensity and implications of the conflict, which resulted in 1,869 casualties, including 356 deaths (Merdeka.com, 2021).

Despite public pressure, the Indonesian government did not declare a state of emergency, opting to handle the Papua conflict as criminal acts under ordinary law. The government chose a more democratic approach to create peaceful and harmonious conditions, allowing for local development. The government chose to use a more democratic approach to create more peaceful and harmonious conditions on the island of Papua because it had the opportunity to determine its development. The form of this democratic approach can be seen in the existence of regional expansion in Papua which was carried out through the division of Papua Province into two provinces into Papua Province and West Papua Province in 1999 (Pemerintah Provinsi Papua, n.d.). Then in 2022, the Papua region was also divided back into 6 provinces Papua Province, West Papua Province, Central Papua Province, Mountainous Papua Province, South Papua Province, and Southwest Papua Province (Daniswari, 2023).

Furthermore, the division of this province opens up space for community participation in determining the existence of regional head elections in each district/city and province. The regional head elections themselves in autonomous regions such as Papua have special characteristics that give control to the indigenous people to participate in the development process. This participation is realized through the existence of regional representative institutions that have the authority to form local regulations. With these various instruments, the potential for conflict can be reduced by directing the delivery of community aspirations through democratic instruments such as channelling votes to elect candidates who represent them by participating in general elections.

This paper highlights this shift, showing the use of democratic instruments for long-term conflict resolution. Examples include special autonomy for Papua and political decentralization, which have successfully resolved ethnic conflicts and rebel-government conflicts in Sierra Leone, Rwanda, and Uganda. Affirmative politics in decentralization policies prevent power concentration and enable community participation in governance.

The paper examines the Indonesian government's actions against separatism in Papua from a normative juridical perspective, focusing on expert theories and applicable regulations. It analyses policy changes over time, including military involvement and special budget provisions, based on Indonesia's positive laws.

## **2. The Ambiguity of State of Emergency in Papua**

The conflict in Papua has been a complex and prolonged issue in Indonesia. Tensions in this region often lead to significant public pressure on the government to take decisive actions, including the possible declaration of a "state of emergency." However, the government has chosen not to declare such a state and continues to handle the conflict in Papua as criminal acts managed under ordinary law. This article will analyze this decision, its impact on regional stability, and the government's efforts to create more peaceful conditions in Papua.

In Indonesia, the legal foundation for emergency conditions is governed by Law Number 23/PRP/1959 on Dangerous Situations. This law was created in response to separatist conditions affecting several regions, including Papua, requiring special handling. The main focus of this law is to address emergency conditions by granting the President the authority to declare a state of emergency based on Article 12 of the 1945 Constitution.

According to the Law on Dangerous Situations, there are three categories of emergency conditions: Civil Emergency, Military Emergency, and War Emergency. Each category has different prerequisites and levels of actions, depending on the threat level faced. Declaring an emergency requires several conditions, such

as threats to security or public order due to rebellion, unrest, natural disasters, war, or other special circumstances that endanger the nation's life.

A "state of emergency" refers to a condition where the government declares an emergency to address serious threats or crises such as natural disasters, armed conflicts, or health emergencies. This emergency condition grants the government additional powers to take swift and decisive actions that may not be possible under normal circumstances. Studies on "state of emergency" often involve analyzing the balance between expanded executive power and the protection of individual rights during emergencies. Common issues discussed in this context include the abuse of power, effective oversight of the government, and the long-term impact of actions taken during emergencies on democracy and human rights (Agamben, 2005; Jackson, 2010; Tushnet, 2005).

Despite significant public pressure to take hard actions against numerous bloody cases in Papua, the Indonesian government has chosen not to use military channels to handle the conflict. Instead, the government has opted for a more democratic approach aiming to create more peaceful and harmonious conditions in Papua. One form of this approach is through administrative regional expansion in Papua.

The government's decision not to implement a state of emergency in Papua has significant implications. One of them is avoiding the restriction of human rights that often accompanies the application of emergency conditions, especially Military and War Emergencies. In Civil Emergency conditions, the government is allowed to confiscate goods, use public services, conduct wiretapping, and restrict telecommunications media. Meanwhile, in Military Emergency conditions, the emergency authority is given greater powers, such as prohibiting the production and trade of weapons, controlling communication facilities, and restricting land, air, and sea traffic.

Furthermore, in War Emergency conditions, human rights restrictions become deeper with the legitimacy to forcibly acquire goods for war purposes, conscript the population, and make regulations that contradict legislation for the sake of defense and security.

According to Satya Arinanto, the existence of the Law on Dangerous Situations and Article 12 of the 1945 Constitution aims to accommodate the needs of conditions such as "state of war or siege" (*staat van oorlog en beleg*) in Indonesian. This makes the substance of the Law on Dangerous Situations focus on handling conditions that disrupt national defense and security (Arinanto, 2018).

In the Law on Dangerous Situations, the application of emergency conditions is based on several prerequisites. First, threats to security or public order in part or all of Indonesia due to rebellion, unrest, or natural disasters. Second, the presence of war or the danger of war or the occupation of Indonesian territory. Third, the nation's life is in danger or other special conditions that endanger the nation's life.

The Law on Dangerous Situations categorizes emergency conditions into three types: Civil Emergency, Military Emergency, and War Emergency. These three types of conflicts can be applied with different classifications depending on the President's decision as the supreme commander of the Armed Forces. However, several prerequisites must be met to declare an emergency in any category, including threats to security or public order in part or all of Indonesia due to rebellion, unrest, or natural disasters.

In emergency conditions, the Law on Dangerous Situations regulates exceptions to the law that the government can carry out at different levels. In Civil Emergency conditions, the government is allowed to confiscate goods, use public services, conduct wiretapping, and restrict telecommunications media. In Military Emergency conditions, the emergency authority is given greater powers, including prohibiting the production and trade of firearms and explosives, controlling communication facilities, restricting land, air, and sea traffic, restricting performances and printing, detaining mail and telegrams, conducting militarization in certain positions, and conducting arrests for 21 days.

This condition shows that the regulation of emergency conditions in the government under Military Emergency can deviate from basic human rights, such as the right to life, by allowing arrests. Human rights restrictions are carried out more deeply during War Emergency. In War Emergency situations, the emergency authority is given legitimacy to take possession of goods for war purposes, prohibit performances, and close printing, force people to participate in conscription, and can make regulations that contradict legislation for the sake of defense and security during war. In this condition, the application of conscription becomes an alarm that the implementation of War Emergency will eliminate individual human rights.

However, by not declaring an emergency, the Indonesian government faces challenges in legitimizing military actions and violence to respond to threats from armed groups. This often results in allegations of

human rights violations against Indonesia. These allegations arise because the government's actions are considered to violate human rights in efforts to handle the conflict in Papua without a clear emergency basis.

By not declaring an emergency, the Indonesian government shows its commitment to a democratic approach and respect for human rights in Papua. This approach is expected to create more stable and harmonious conditions by involving the local community in the development and decision-making process. Despite ongoing challenges, the steps taken demonstrate the government's efforts to seek peaceful and sustainable solutions for the conflict in Papua. However, this decision also makes it more difficult for the government to legitimize military actions, leading to allegations of human rights violations from various parties.

The current situation in Papua, Indonesia, shows that the government has not issued a state of emergency or a declaration of social conflict in response to the situation faced in the region. On the other hand, the government has also not used a state of emergency in response to the conflict. The absence of such emergency measures has been the subject of significant criticism of the Indonesian government. The choice not to take such extreme measures has raised a number of questions, especially in relation to the government's policy in responding to the challenges from the Armed Criminal Group (KKB) in Papua.

The government's choice not to issue a state of emergency or a declaration of social conflict in Papua has been heavily criticised by various parties. Some argue that the situation in Papua, particularly in relation to the KKB, requires decisive and in-depth measures. This decision has created a perception that the Indonesian government is not assertive enough in dealing with the threat posed by the KKB in Papua. There is a view that there is inequality in the treatment of Papua compared to other parts of Indonesia.

Although a security and defence approach was not used, the Government through the Coordinating Minister for Political, Legal and Security Affairs (Menkopolhukam) stated that organisations and people in Papua who commit massive violence are categorised as terrorists (Kemenkopolhukam, 2021). Furthermore, the statement also does not mention the imposition of terrorism laws, which creates the impression that the government considers the current conditions as ordinary criminal offences. This condition creates ambiguity in handling the Papuan conflict, which is reflected in the actions of the Indonesian government, which does not use defence and security forces and prioritises a non-militaristic approach with all its consequences. This is shown by the fact that there has never been a single terrorism court for the Papua conflict.

### **3. Special Autonomous in Papua**

One approach to resolving the long-term conflict in Papua is to expand the role of Indigenous Papuans (OAP) in governance. Involving OAP in the post-reform Papuan government aims to restore the role of the Papuan people by optimizing decentralization through special autonomy for the Papua region. The Academic Paper of the Papua Special Autonomy Law explicitly states that granting special autonomy is intended to address the long-standing conflict that has claimed many victims.

Special autonomy was first granted in 2001 with the issuance of Law Number 21 of 2001 concerning Special Autonomy for Papua Province (Papua Special Autonomy Law). Besides addressing the conflict, the background to the special autonomy was to form a regional government accommodating the specificities of the existing customary system to accelerate development in Papua. With the given specificity, policy formulation in Papua and West Papua Provinces can be carried out in a participatory manner to reduce development imbalances. The development concept is thus asymmetrical compared to other regions, with four essential goals: improving the standard of living of the Papuan people; realizing justice, upholding human rights, rule of law, and democracy; recognizing and respecting the basic rights of Indigenous Papuans (OAP); and implementing effective governance.

To achieve these goals, the Papua Special Autonomy Law, last updated in 2021, has a special regional government institutional structure that affirms local wisdom in Papua, evident from the involvement of OAP in regional policymaking. This involvement is a commitment to mainstreaming OAP in political participation, providing strong protection for local and customary values in Papua.

The protection of local and customary values in Papua is maintained by preserving the cultural heritage and traditions of the Papuan people while recognizing the importance of these values to support the development process in Papua. By paying special attention to the basic rights of Indigenous Papuans and involving them in the political process, this policy creates a strong foundation for sustainable and inclusive

autonomy in Papua. One key policy is the establishment of the Papuan People's Council (Majelis Rakyat Papua, MRP) as the cultural representation of Indigenous Papuans (Orang Asli Papua, OAP), which has certain powers to protect their rights

In MRP decision-making, every decision is based on customary and cultural foundations, empowering women, and strengthening religious harmony (Badan Pembinaan Hukum Nasional, 2020). Furthermore, the MRP plays a comprehensive role in increasing the involvement of OAP in local political policy-making through its involvement in the recruitment mechanism of the Papuan People's Representative Council (in Indonesia it called Dewan Perwakilan Rakyat Papua (DPRP)) by giving consideration and approval to the Special Regional Regulation (in Indonesia it Called Peraturan Daerah Khusus (Perdatus)) made regarding DPRP recruitment. This special regulation demonstrates the government's commitment to providing specificity regarding OAP representation, recognizing the importance of their participation in the political process, and establishing rules different from DPRD recruitment mechanisms in other regions.

The existence of Perdatus is one instrument to implement the mandate of the Papua Special Autonomy Law (UU Otsus) alongside Provincial Regulations (Perdasi). There are 13 Perdatus and 18 Perdasi serving as legal instruments for the implementation of the Papua Special Autonomy Law. This illustrates that the Papuan Regional Government has received the flexibility to regulate its institutional affairs per the principle of autonomy, giving more authority to local governments.

Good decentralization can reduce tensions between central and regional governments, increase political participation, and strengthen local capacities (Crook & Manor, 1998; Sisk, 2000). However, poor or improper decentralization can exacerbate conflicts by reinforcing exclusive local identities, widening socio-economic disparities between regions, or creating competition between regional governments. In Papua, the specific measures taken, such as the establishment of the Papuan People's Council and the requirement for local leadership to be Indigenous Papuans, aim to ensure that decentralization is implemented effectively and inclusively.

Additionally, other concrete steps regulate leadership at the regional level. The Governor and Deputy Governor must be Indigenous Papuans (OAP), with their election procedure further regulated by Perdatus. The appointment of the Chief of the Regional Police and the Chief of the High Prosecutor's Office involves the approval of the Governor, demonstrating greater local control of security and law enforcement by Indigenous Papuans. Other institutions in Papua, such as the Customary Court and the Adhoc Law Commission, have also been established. This aligns with the mandate of the Papua Special Autonomy Law and reflects efforts to strengthen local identity and maintain the diversity of local communities.

#### **4. Asymmetric Decentralization And Conflict Dynamics In Papua**

Decentralization has emerged as a pivotal strategy in governance, aiming to enhance the political skills and capabilities of government administrators and communities while maintaining national integration. This concept, rooted in the liberal argument that democratic governance is the most effective method to achieve national democratization, encompasses three main aspects: liberty, equality, and welfare. The political dimension of decentralization has proven significant in various countries, demonstrating its role in resolving ethnic conflicts and fostering democratic governance.

Tarlton's examination of the distinction between symmetric and asymmetric decentralization reveals a deeper understanding of governance structures. In symmetric decentralization, the relationship between the central government and each region is uniform, with consistent structures and dynamics across all regions. In contrast, asymmetric decentralization creates varied relationships between the central government and different regions, reflecting the unique characteristics and needs of each area (Tarlton, 1965).

Papua's history of conflict and marginalization makes it a complex case for asymmetric decentralization. The region has long struggled with demands for greater autonomy and independence, fueled by feelings of economic neglect and cultural disenfranchisement. Asymmetric decentralization offers a potential solution by allowing for greater regional autonomy while maintaining the overall integrity of the Indonesian state. However, this approach requires careful implementation to avoid exacerbating existing tensions.

The strategic role of decentralization in achieving justice and equality among different societal groups

is also notable. The effectiveness of decentralization in reducing conflict is evident in countries like Bosnia, Ethiopia, and Sudan, where it has helped build political legitimacy and accelerate post-conflict development (Sisk, 2000). According to Kuswanto, decentralization can resolve conflicts by ensuring that power is not concentrated in one group, thereby forcing conflicting parties to share power and negotiate transparently. Additionally, asymmetric decentralization provides political participation opportunities for previously marginalized groups, reducing conflict tensions (Kuswanto, 2012).

The potential for economic development through decentralization in Papua is significant. Decentralization can lead to more efficient and responsive governance, as local governments are often better positioned to understand and address the specific needs of their communities. This localized approach can result in more effective public service delivery, improved infrastructure, and enhanced economic opportunities. However, the success of decentralization in promoting economic development is contingent upon the capacity of local governments to manage resources effectively and the willingness of the central government to support and empower regional authorities.

Pratikno's analysis underscores that a one-size-fits-all government model is unsuitable for all regions, highlighting the need for governance models that accommodate each area's unique characteristics and needs. This flexibility allows for a governance framework that is better suited to local contexts, thereby enhancing effectiveness and legitimacy.

In Indonesia, the implementation of asymmetric decentralization in Papua must be managed with particular care. Papua's unique socio-political and economic context requires a tailored approach to governance that respects local traditions and addresses historical grievances. Effective oversight and control mechanisms, along with a commitment to inclusive and transparent governance, are essential to prevent potential negative outcomes and ensure that decentralization contributes to peace and development in the region. The central government must work collaboratively with local leaders and communities to build trust and ensure that decentralization leads to tangible improvements in the quality of life for all residents.

Despite its potential benefits, decentralization faces significant challenges. Bold and Turner highlight that decentralization will not succeed in reducing conflict if the central government fails to transparently transfer funds to the regions. This failure can lead to distrust between local and central governments, as seen in Cambodia (Bold & Turner, 2008). Zhou emphasizes the importance of local governments having sufficient capacity to manage the authority and finances granted by the central government. A lack of capacity can lead to new conflicts due to inequities in development.

Furthermore, the role of civil society in supporting decentralization efforts is crucial. Civil society organizations can provide valuable support in terms of capacity building, advocacy, and monitoring of decentralization processes. By engaging with local communities and promoting transparency and accountability, civil society can help ensure that decentralization leads to more equitable and effective governance.

Moreover, asymmetric decentralization often strengthens exclusive local identities, further intensifying conflicts among regional groups. When regions perceive that their unique cultural or social identities are neither recognized nor respected, it can lead to heightened regionalism and conflict. This dynamic underscores the importance of designing decentralization policies that promote equity and recognition of diversity. An effective decentralization strategy must consider the unique characteristics of each region and ensure that all communities feel included and respected within the broader national framework.

Local governance structures in Papua must be strengthened to handle the additional responsibilities and powers granted through decentralization. This involves not only building administrative capacity but also fostering a political culture of transparency, accountability, and inclusiveness. The central government must provide consistent support and resources to ensure that local governments can effectively manage their new roles. Additionally, there must be a concerted effort to involve local communities in the decision-making processes, ensuring that their voices are heard and their needs are addressed.

The significance of the political dimension of decentralization is particularly evident in the experiences of countries such as Sierra Leone, Rwanda, and Uganda. In these countries, decentralization has successfully addressed ethnic conflicts and disputes between rebels and the legitimate government. The success of these initiatives can be attributed to the application of affirmative politics within decentralization policies. By distributing power across various entities and facilitating public participation in government decision-making, these countries have managed to create more harmonious and democratic societies (Crook & Manor, 1998). However, it is crucial to recognize that without adequate oversight, decentralization can lead to the exploitation of power by dominant groups, resulting in injustice and inequality. Therefore, effective control mechanisms are essential to ensure an equitable distribution of power and prevent the abuse of authority.

Asymmetric decentralization, characterized by imbalances in authority and responsibilities between central and regional governments, significantly impacts societal conflict dynamics. Uneven power distribution can lead to political tensions and conflicts at both local and national levels. When power is concentrated in specific regions while others are neglected, perceptions of inequality and injustice arise, fueling discontent and potential conflict (Boone, 2003). Additionally, this imbalance can exacerbate development disparities among regions, leading to heightened tensions and increased demands for greater autonomy or resources (Henderson & Korzec, 2017).

Moreover, Lijphart notes the dangers of asymmetric decentralization, such as the domination of certain groups in government and the inequitable distribution of natural resources, which can trigger new conflicts. Therefore, while asymmetric decentralization has great potential to ease conflict, it must be implemented carefully, considering local conditions, government capacity, and central government obligations (Lijphart, 1977).

Education and capacity building are also critical components of successful decentralization. Local government officials and community leaders must be equipped with the necessary skills and knowledge to manage decentralized governance effectively. This includes training in public administration, financial management, conflict resolution, and participatory governance. By investing in education and capacity building, governments can enhance the effectiveness of decentralization and ensure that it leads to sustainable development and improved governance.

This differentiated approach not only respects the customary rights of minority tribes but also aims to empower these groups politically, preventing their marginalization. Asymmetric decentralization, therefore, serves as a tool for building inclusiveness and responding to the cultural and political diversity within a country (Boone, 2003).

## **5. Special Autonomy Funds and Regulations in Papua**

Papua and West Papua, two provinces in Indonesia, have been given special attention within the framework of regional autonomy, aimed at addressing their developmental challenges. This special autonomy involves the provision of significant funds, including the Special Autonomy Funds (DOK) which constitute 2.5% of the national General Allocation Fund, Additional Infrastructure Funds (in Indonesia it called Dana Tambahan Infrastruktur (DTI)), and Revenue Sharing Funds from Petroleum and Natural Gas Mining (Sukmalana et al., 2020). These funds are designed to help local governments in Papua and West Papua to accelerate development in their regions, particularly in education, healthcare, and nutrition.

Since the implementation of the special autonomy policy in 2002, Papua Province has received around IDR 92.7 trillion in special autonomy funding up to 2020 (Badan Pembinaan Hukum Nasional, 2020). West Papua Province, which began receiving these funds in 2009, has accumulated approximately IDR 41.8 trillion in the same period (Badan Pembinaan Hukum Nasional, 2020). These financial resources have been channeled into various sectors including education, healthcare, economic empowerment, environmental sustainability, social services, labor, and employment.

Despite the substantial investment over nearly two decades, the results of this special autonomy are still considered inadequate by some. Therefore, a change in the development approach for these regions is seen as necessary. Nonetheless, there have been significant improvements in the Human Development Index (HDI) in both provinces. For instance, Papua's HDI improved from 54.45 in 2010 to 60.84 in 2019, while

West Papua's HDI increased from 59.6 in 2010 to 64.7 in 2019 (Badan Pembinaan Hukum Nasional, 2020). These improvements, although positive, indicate that there is still room for further progress to reach an optimal level of well-being.

Additionally, the poverty rate in Papua has significantly decreased from 50% in 1999 to 27.74% in 2019, and in West Papua from 50% to 23.01% in the same period (Badan Pembinaan Hukum Nasional, 2020). Despite these improvements, both provinces are still behind other regions in Indonesia and are classified as underdeveloped areas. According to Presidential Decree No. 63/2020 on the Determination of Disadvantaged Areas for 2020-2024, 22 out of 28 regencies and cities in Papua Province and 8 out of 12 in West Papua are designated as disadvantaged areas (Badan Pembinaan Hukum Nasional, 2020).

The special autonomy funds have clearly played a significant role in boosting development in Papua. These funds continue to receive additional support, including direct funds from the central government and revenue-sharing from the wealth of Papua's natural resources (Sukmalana et al., 2020). The funds are projected to be used for a period of 25 years, benefiting not only the provincial government but also the regency and city governments in Papua (Sukmalana et al., 2020).

In addition to the special autonomy funds from the central government, there are additional revenue-sharing funds from natural resources, allocated as incentives from oil and coal mining to encourage a transition towards other natural resources in Papua.

These funds are directed solely to regional governments and do not include the Transfer to Regional and Village Funds (in Indonesia it called Transfer Ke Daerah dan Dana Desa (TKDD)) allocated to all village and regional governments in Indonesia, including those in Papua. This situation highlights the substantial state budget directed to Papua to enhance development.

Given the large amount of funds, it is crucial to ensure accountable and transparent financial management. This starts with an evaluation of the special autonomy implementation to verify that the funds are reaching the intended recipients and benefiting the community (Sukmalana et al., 2020). This evaluation has resulted in the second amendment to the Papua Special Autonomy Law, aimed at further accelerating development in Papua, both in terms of physical infrastructure and human development. In this change, there are seven important points that illustrate significant changes in the province's regulatory framework, which can be seen in the following table:

No.	Discussion Points	Law 20/2001 on Papua Special Autonomy	Law 2/2021 on the Second Revision of Law 20/2001 on Papua Special Autonomy
1.	Details of the position of the DPRP and MPRP (Article 5)	It mentions the DPRP as the legislature and only mentions the seat of the MRP and DPRP in the Provincial Capital.	Delete the concept of legislature (paragraph 1) and specify that the MRP and DPRP are located in each provincial capital (paragraph 3).
2.	Representation of the Community through the Regional Level People's Representative Council (Article 6)	The existence of the Papuan DPR has fewer members than the Papuan DPRD and the method of election is not specified.	The existence of the Papuan DPR has fewer members than the Papuan DPRD and the method of election is not specified.
3.	Existence of Local Political Parties (Article 28)	Communities are allowed to establish local political parties and must involve the MRP in the selection process	Deleted the possibility of creating local political parties (paragraph 1) and the involvement of the MRP is permitted (paragraph 3).
4.	Increase in Special Autonomy Fund (Article 38)	Funding of 2% of the overall General Allocation Fund budget at the central level	Funds amounting to 2.25% of the overall General Allocation Fund budget at the central level
5.	Prioritisation of Indigenous Papuans in the Economic Sector (Article 38)	Unregulated	There are arrangements to prioritise indigenous Papuan human resources as economic drivers (paragraph 3).
6.	Creation of Special	Unregulated	This is an agency that synchronises,



	Agency for the Acceleration of Papua Development (Article 68A)		harmonises, evaluates and coordinates the implementation of Special Autonomy and development in the Papua region (paragraph 1).
7.	Existence of Time Limit for Making Implementing Regulations (Article 75 Transitional Provisions)	Unregulated	Stated deadline for completion of making implementing regulations

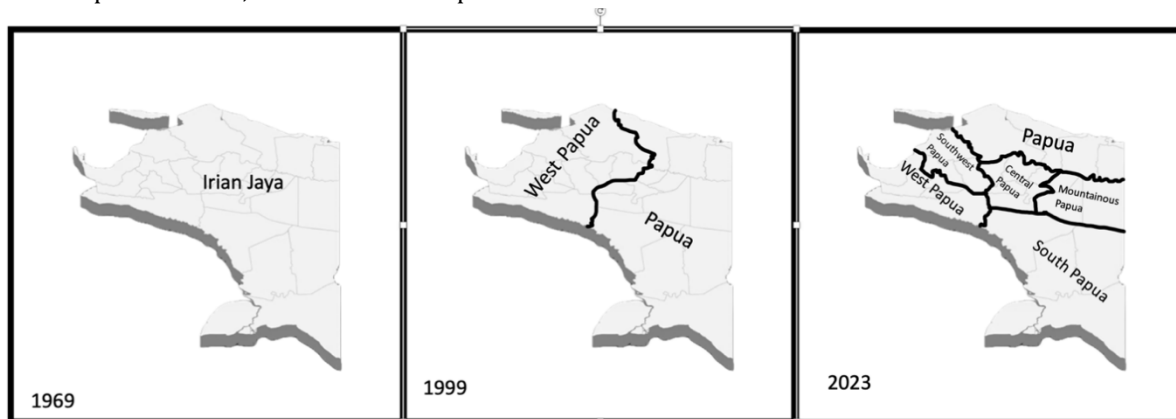
Table 1. Reforms on Papua Special Autonomy Revision Bill

Based on data on the various changes that have been made in the new Papua Special Autonomy Law, there are various improvements and updates made through this regulation. This regulation accommodates the actual changes that have occurred in Papua in the form of affirmation of the position of the MRP which should exist in every province on the island of Papua as stated in Article 4 of the new Papua Special Autonomy Law. In addition, there is also affirmation for OAP representation in the Papuan DPR as stipulated in Article 6 of the Papua Special Autonomy Law which rigidly mentions the number of Papuan DPR members. In addition to the affirmation of the political rights of OAPs, the new Papua Special Autonomy Law in Article 28 has also provided a limitation of special autonomy by reaffirming the prohibition of the establishment of local political parties as mentioned in the Constitutional Court Decision which states that Papua Special Autonomy is not intended to create a local political system that is different from the framework of the prevailing legal system in Indonesia.

Based on data on the various changes that have been made in the new Papua Special Autonomy Law, there are various improvements and updates made through this regulation. This regulation accommodates the actual changes that have occurred in Papua in the form of affirmation of the position of the MRP which should exist in every province on the island of Papua as stated in Article 4 of the new Papua Special Autonomy Law. In addition, there is also affirmation of affirmation for OAP representation in the Papuan DPR as stipulated in Article 6 of the Papua Special Autonomy Law which rigidly mentions the number of Papuan DPR members. In addition to the affirmation of the political rights of OAPs, the new Papua Special Autonomy Law in Article 28 has also provided a limitation of special autonomy by reaffirming the prohibition of the establishment of local political parties as mentioned in the Constitutional Court Decision which states that Papua Special Autonomy is not intended to create a local political system that is different from the framework of the prevailing legal system in Indonesia.

## 6. A Creation of New Provinces in Papua As The Conflict's Resolution

At the time of Papua's reintegration into Indonesia, there was only one province, initially called West Irian, which later became Irian Jaya. This developed further, and in 1999, Papua was divided into two provinces: Papua Province and West Papua Province. Then, in 2022, the Papua region was further divided into six provinces: Papua Province, West Papua Province, Central Papua Province, Mountainous Papua Province, South Papua Province, and Southwest Papua Province.



Picture 1. The Development of New Provinces in Papua

In the context of state administration, the division of the province initiated a democratization process with the introduction of direct regional elections in each district/city and province. This expansion also led to the establishment of regional representative institutions with the authority to create local regulations.

In Papua, social conflict is often seen as a result of inequality and disagreement with implemented policies, leading to challenges in national integration. Papuans' perceptions of centralism and uniformity in national policies are key factors in the emergence of conflict. Analyzing the concept of integration helps to understand the complex dynamics between central and local governments and efforts to build inclusive and equitable national allegiances.

The concept of integration involves bringing together socially, culturally, and politically distinct groups into a unified territory to foster greater national allegiance. Integration aims to eradicate narrow loyalties and focus on forming a national socio-cultural and political identity. It includes unifying the governed and the governors, forming consensus on collective values, and raising awareness among society members to strengthen their bonds.

The theory of decentralization, introduced by the Tiebout Hypothesis in 1956, offers significant insights into the provision of public services by local governments. Tiebout argued that local governments could cater to community needs more effectively by offering goods and services as an alternative to the traditional tax system, thus overcoming inefficiencies in local service provision (Badrudin, 2017).

The establishment of new provinces in Papua significantly impacts the people's lives, creating security and order that support development. This achievement is influenced by the establishment of the Regional Military Command (Kodam) and Regional Police (Polda), which play crucial roles in maintaining stability, enforcing the law, and protecting the community. Given frequent actions by armed criminal groups (KKB) that threaten stability and public safety, the roles of Kodam and Polda are vital. For instance, the KKB attack in the Kiwirok district, Pegunungan Bintang regency, on September 26, 2021, created insecurity and caused significant losses, including fatalities.

Barnabas Suebu discusses several issues regarding national integration in Papua. These include the concentration and abuse of power, the experience of centralized power before the 1998 reform era, excessive policies promoting uniformity, and disparities in social, cultural, economic, and political aspects. These disparities hinder a sense of national togetherness and equality in status, rights, and obligations of citizens.

Studies by Aisen and Veiga (2011) and Alesina et al. (1992) suggest a positive relationship between political stability and economic performance. Analysis of panel data from hundreds of countries shows that political instability negatively correlates with economic performance, directly impacting local government economies.

The creation of new provinces in Papua also positively impacts legislative institutions at the district/city, provincial, and central levels. This development improves the representation and participation of indigenous Papuans in decision-making processes. Strengthened legislative institutions are expected to better reflect and channel the people's aspirations. This includes members of the Papuan People's Representative Council (DPRP) and the Regency People's Representative Council (DPRK) who are indigenous Papuans, either appointed or elected. Their presence at local, provincial, and national levels (DPR RI) aims to voice the people's aspirations and work towards improving welfare in Papua.

Syamsuddin Haris identifies two primary dimensions of integration: vertical and horizontal. Vertical integration addresses the relationship between the state and society, while horizontal integration focuses on the interactions and tensions among various cultural groups. In the context of regional expansion, policies often prioritize vertical integration, particularly the relationship between the central government and newly established regional entities (Haris, 2007).

This concept was further developed by Oates, who proposed that public services should be managed by local governments closely connected to their communities (Oates, 2011). The main rationale includes a deep understanding of local needs, efficient and swift decision-making, elimination of decision-making barriers, and increased innovation and competition in public service delivery.

Research in Indonesia, such as studies by Rinaldi, Purnomo, and Damayanti (2007), shows that fiscal decentralization shifts power relations between the center and the regions. This shift creates opportunities for money politics, where regional heads use financial resources to maintain legislative support. Legislative members might also use financial resources as deposits for political parties, often linked to self-enrichment efforts. Opportunities for corruption increase due to inconsistencies in regulations between central and

local governments, collaboration between the legislature and executive, and lack of public participation and oversight. A study by Wahyudi and Permadi (2020) supports these findings.

Analyzing decentralization highlights four key points regarding public service delivery by local governments. First, local governments' decisions are more efficient and responsive to local needs, enabling quicker decision-making. Second, decentralization fosters more active public participation, strengthening democratic processes and ensuring that decisions reflect local interests. Third, local governments' deep understanding of community dynamics provides a robust foundation for aligning policies with local preferences. Fourth, competition among local governments encourages innovation in public service delivery, driving them to offer better quality services.

According to the literature, fiscal decentralization brings various benefits, including more effective and efficient regional resource management, improved public service quality and welfare, local community empowerment, national income redistribution, and macroeconomic stabilization. Some studies indicate a positive relationship between fiscal decentralization and economic growth, although other studies offer mixed findings.

Implementing decentralization theory provides a solid foundation for more active local government involvement in public service delivery. Key elements include understanding local community needs, increasing efficiency, and fostering innovation. Additionally, decentralization encompasses political, fiscal, and economic aspects. Political decentralization focuses on establishing sub-national government structures with significant political power within a multi-party, grassroots-based system. Fiscal decentralization transfers responsibilities previously handled by the central government to local governments, involving financial elements outside the state budget through economic decentralization, such as privatization and deregulation. This shift enables local governments to manage economic resources independently and play a crucial role in economic liberalization.

Law No. 23/2014 on Local Government outlines the division of responsibilities between central and local governments, with local governments managing six mandatory areas: education, health, public works and spatial planning, public housing and residential areas, public order and community protection, and social affairs.

Fiscal decentralization has two notable impacts. First, it enhances community participation, initiative, and creativity in development, contributing to more equitable development outcomes across regions by leveraging existing resources and potential within the community. Second, it improves the allocation of productive resources by shifting public policy-making to the local government level, which possesses more comprehensive information, allowing for more informed and effective decision-making compared to the national government.

In Indonesia, fiscal decentralization involves not only the transfer of authority but also the allocation of balance funds to support local governments in their duties. This approach positively impacts community participation and resource allocation efficiency, supporting equitable development goals across regions.

## 7. Conclusions

The approach to handling the Papua conflict by the Indonesian government has undergone significant changes from a militaristic approach to democratic instruments. During the New Order era, the approach was more militaristic with the implementation of emergency conditions. However, after the 1998 Reformasi, this approach shifted towards a more democratic direction through special autonomy and regional expansion. The special autonomy granted to Papua aims to accommodate specific needs and reduce injustice and developmental disparities in the region. These measures are expected to create more peaceful and harmonious conditions by involving the local community in the development and decision-making processes.

Asymmetric decentralization has become one of the key strategies in handling the conflict in Papua. By granting greater power to local governments and involving Indigenous Papuans (OAP) in political and governance processes, is expected to enhance the participation and representation of the local community. The special autonomy policy for Papua also includes significant special fund allocations to accelerate development in various sectors such as education, health, and infrastructure. Although there are still challenges in its implementation, asymmetric decentralization is expected to reduce tensions between the central and regional governments and create long-term stability and welfare for the people of Papua.

## References

- [1] Agamben, G. (2005). *State of Exception*. Chicago: University of Chicago Press.
- [2] Aisen, A., and Veiga, F.J. (2011). "How does political instability affect economic growth?" IMF Working Paper No. WP/11/12.
- [3] Arinanto, S. (2018). "Between the Meaning of Compelling Urgency and Dangerous Circumstances in the Issuance of Perppu," *Kompas.com*, <https://biz.kompas.com/read/2017/10/16/100409028/antara-makna-kegentingan-yang-memaksa-dan-keadaan-bahaya-dalam-penerbitan-perppu>.
- [4] Badrudin, R. (2017). *The Economics of Regional Autonomy*. Yogyakarta: UPP STIM YKPN.
- [5] BBC. (2020). "Jakarta Administrative Court rules internet blocking in Papua and West Papua 'unlawful',"
- [6] BBC, <https://www.bbc.com/indonesia/majalah-52901391>.
- [7] Bold, R. and Turner, M. (2008). "Fiscal Decentralization and Local Government Finance in Developing Countries." *Public Administration and Development*.
- [8] Boone, Catherine. (2003). *Political Topographies of the African State: Territorial Authority and Institutional Choice*. Cambridge: Cambridge University Press.
- [9] Coordinating Ministry for Political, Legal and Security Affairs. (2021). "Coordinating Minister for Political, Legal and Security Affairs: Organizations and People in Papua Who Commit Massive Violence Are Categorized as Terrorists," *Coordinating Ministry for Political, Legal and Security Affairs*, <https://polkam.go.id/menko-polhukam-organisasi-orang-orang-papua-lakukan-kekerasan-masif/>.
- [10] Crook, R. C. and Manor, J. (1998). *Democracy and Decentralisation in South Asia and West Africa: Participation, Accountability and Performance*. Masschasetts: Cambridge University Press.
- [11] Daniswari, D. (2023). "6 Provinces in Papua and their Capitals." *Kompas.com*, <https://regional.kompas.com/read/2023/08/26/220042478/6-provinsi-di-papua-beserta-ibukotanya?page=all>.
- [12] Haris, S. (2007). *Decentralization and Regional Autonomy: Decentralization, Democratization & Local Government Accountability*. Jakarta: LIPI Press.
- [13] Henderson, A. and Korzec, M. (2017). "Symmetric or Asymmetric Decentralization? Analyzing Power Relations in Cameroon and Tanzania." *World Development*.
- [14] Jackson, V. C. (2010). *Constitutional Engagement in a Transnational Era*. Oxfordshire: Oxford University Press.
- [15] Kuswanto, A. (2012). "Decentralization and Conflict Resolution: Mechanisms and Impacts," *Journal of Political Studies*.
- [16] Lijphart, A. (1977). *Democracy in Plural Societies: A Comparative Exploration*. Connecticut: Yale University Press.
- [17] Merdeka.com. (2021). "Peneliti UGM Temukan Ada 204 Kasus Kekerasan di Papua Tewaskan 356 Orang Sejak 2010," *Merdeka.com*, <https://www.merdeka.com/peristiwa/peneliti-ugm-temukan-ada-204-kasus-kekerasan-di-papua-tewaskan-356-orang-sejak-2010.html>.
- [18] National Law Development Agency. (2020). "The Result of the Harmonization of Academic Script of Draft Law on the Second Amendment to Law Number 21 of 2001 Concerning Special Autonomy for Papua Province," <https://berkas.dpr.go.id/akd/dokumen/PANSUS-RJ-20210416-100424-2303.pdf>.
- [19] Oates, W. E. (2011). *Fiscal Federalism*. New York: Harcourt Brace Jovanovic. The Government of Papua Province. "A glimpse of Papua," Available at: <https://papua.go.id/view-detail-page-254/sekilas-papua-.html>. Accessed on March 10, 2024.
- [20] Pratikno. (2003). "Decentralization, A Choice That Is Never Final," on Abdul Gaffar Karim (ed.), *The Complexity of Regional Autonomy Issues in Indonesia*. Yogyakarta: Jurusan Ilmu Pemerintahan FISIPOL UGM & Pustaka Pelajar.
- [21] Rinaldi, T., Purnomo, M., and Damayanti, D. (2007). *Fighting Decentralized Corruption: A Case Study of Local Government Corruption*. World Bank: JusticeProject.

- [22] Sisk, T. D. (2000). *Democratization in South Africa: The Elusive Social Contract*. Princeton: Princeton University Press.
- [23] Sukmalalana, et.al. (2020). Accountability of Special Autonomy Funds for Papua and West Papua Provinces. Jakarta: Center for State Financial Accountability Studies.
- [24] Tarlton, C. D. (1965). "Symmetry and Asymmetry as Elements of Federalism: A Theoretical Speculation." *The Journal of Politics* 27.
- [25] Tushnet, M. (2005). *The Constitution in Wartime: Beyond Alarmism and Complacency*. Durham: Duke University Press.
- [26] Wahyudi, A. and Permadi. (2020). "Decentralization and Regional Autonomy in Post-New Order Indonesia: Practices and Implications," on Andi Wahyudi and Siti Zakiyah (Ed.), *Decentralization and Regional Innovations*. Malang: Selaras Publisher.
- [27] Wangge, H. R. (2023). "Securitization of a Political Conflict in Southeast Asia: Disengaging the Indigenous Audience in West Papua." *Asian Security* 19.