

The Role of Members of the Regency/City People's Representative Council (DPRK) Appointment Mechanism as Cultural Representatives in Monitoring Special Autonomy Policies

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Abstract

This study aims to further examine the role of DPRK members of the appointment mechanism in accommodating the rights of Indigenous Papuans in regional policies to optimize the implementation of Law Number 2 of 2021. The approach used in writing uses a qualitative descriptive approach that aims to describe the role of DPRK members of the appointment mechanism in accommodating the rights of Indigenous Papuans in Keerom Regency policies to optimize the implementation of Law Number 2 of 2021, so as to produce recommendations in the form of ideas to optimize the role of the DPRK. Therefore, this writing uses a literature study approach related to data collection procedures, in the form of scientific sources such as journals, monographs, and reference books. The results of this study reveal that the role of DPRK members of the appointment mechanism as a cultural representation in overseeing the Special Autonomy policy is carried out through strengthening the position of the DPRK appointment mechanism, namely by providing space for the existence of deputy DPRK leaders who come from DPRK members of the appointment mechanism and the existence of special groups. The existence of deputy leaders and special groups makes the bargaining position of the DPRK appointment mechanism strong in fighting for the rights of Indigenous Papuans so that they can become part of regional policies.

1. Introduction

Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) stipulates that "The state recognizes and respects regional government units that are special or exceptional in nature as regulated by law". As a manifestation of this provision, in Indonesia there are several regions that have special characteristics and/or exceptional characteristics whose implementation is regulated by separate laws and regulations, including Papua Province through Law Number 21 of 2001 concerning Special Autonomy for Papua Province (Law Number 21 of 2001) as amended by Law Number 2 of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for Papua Province (Law Number 2 of 2021).

The specificity of Law Number 2 of 2021 includes regulations regarding the provision of roles for Indigenous Papuans to participate in formulating regional policies, determining development strategies, including participating in preserving their culture and natural resources. Participation is carried out through representation in the membership of the Regency/City People's Representative Council (DPRK) through the appointment mechanism.

Membership of the DPRK through the appointment mechanism is intended to provide an adequate role for Indigenous Papuans through customary representatives. Membership of the DPRK through the appointment mechanism is regulated in Article 6A paragraph (1) of Law Number 2 of 2021, namely "The DPRK consists of members who are elected based on laws and regulations and appointed from elements of Indigenous Papuans". This provision shows that the representation of DPRK members comes from general election and appointment seats. Representation of DPRK membership through general elections is carried out through participation in political parties, while representation of DPRK membership through the appointment mechanism is through indigenous communities.

The importance of the involvement of indigenous peoples in the recruitment of DPRK membership, the appointment mechanism aims to provide opportunities for Papuan indigenous representatives who were previously disadvantaged socio-politically and historically, so with this involvement, it is hoped that Papuan indigenous representatives can control access to resources and have the same abilities and opportunities to participate in socio-political processes in various fields.

In this context, the existence of the DPRK appointment mechanism in the process of forming public policies, especially those related to Special Autonomy policies, is very necessary because through the DPRK appointment mechanism, the aspirations of Indigenous Papuans can be conveyed to government institutions. It is hoped that when planning for public policy making, there will be no friction between the desires of the regional government and the aspirations of the indigenous Papuan people (Indigenous Papuans).

Based on the description above, the author wants to further examine the role of DPRK members of the appointment mechanism in accommodating the rights of Indigenous Papuans in regional policies to optimize the implementation of Law Number 2 of 2021.

2. Research Method

This research always relies on normative and empirical where legislation is the main source which is very important and is linked to looking at facts or realities that occur in the field, then the data is analyzed and can be accounted for.¹ The approach used in writing uses a qualitative descriptive approach which aims to describe the role of DPRK members of the appointment mechanism in accommodating the rights of Indigenous Papuans in

¹ Peter Mahmud Marzuki. (2010). *Legal Research*. Kencana Prenada Media, Jakarta, p. 27.

Keerom Regency policies to optimize the implementation of Law Number 2 of 2021, so as to produce recommendations in the form of ideas to optimize the role of the DPRK.² Therefore, this writing uses a literature study approach related to data collection procedures, in the form of scientific sources such as journals, monographs, and reference books.³ While other sources used as references are information from the media, secondary data, and so on related to the existence of the DPRK appointment mechanism. Data analysis includes the stages of data reduction, data presentation, and drawing conclusions and verification.

3. Result and Discussion

The characteristics of the people in Papua Province are marked by the formation of various customs and cultures in accordance with the very heterogeneous community, and each of these customs and cultures is used as a joint commitment to resolve social problems in society and in interacting in community life. Therefore, these cultural values become guidelines in creating social harmony.

The customs and culture of the indigenous Papuan people have great diversity between one tribe and another, including in aspects of language, political systems, religion and beliefs. This provides a unique character in the lives of the people in Papua Province, namely in addition to upholding their customs and cultural values, they also submit and obey in practicing their religion. As seen when various conflicts occurred in Papua Province, namely the raising of the Papuan flag (Morning Star) in various districts and cities in Papua Province (Kholifan: 1999), the existence of traditional and religious figures who are gathered in the Irian Jaya Community Reconciliation Forum (FORERI) facilitates the community and government to find solutions in resolving the conflict.

Based on the description above, the existence of the DPRK appointment mechanism which is a cultural representation of various tribes as well as customs and cultures has a consequence that every formulation of regional policies, including in designing draft legal products in the region, must be based on the cultural values of the community so that the character of the legal products and policies are more responsive and aspirational.

This is in line with the legal theory which states that the formation of legal products is in principle to record the dynamics and aspirations that develop in society. Thus, the community can participate in the implementation of regional government, because the government is managed in accordance with the cultural values of customs and culture.

The Special Autonomy Policy through Law Number 2 of 2021 has 4 (four) main targets, namely: affirmative policy in the fields of education and health in order to improve the quality of human resources of Indigenous Papuans, supported by policies in the field of economic empowerment and infrastructure to support the implementation of education and health.

The affirmative policy through Law Number 2 of 2021 does not conflict with the concept of a state of law, in fact without affirmation it is difficult to realize what is aspired to by a state of law. Realizing the importance of affirmative action policies, Article 28H Paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) stipulates that "everyone has the right to receive convenience and special treatment to obtain the same opportunities and benefits, in order to achieve equality and justice". The formulation of this provision can be interpreted that affirmative action policies are a form of discriminatory action, but these actions are temporary, namely that these actions are only needed to address the fact of imbalance or injustice in community life. Thus, when balance and justice have been created in community life, these policies are no longer

² Strauss, A., & Corbin, J. (2003). *Penelitian kualitatif. Pustaka Pelajar, Yogyakarta*, p. 25.

³ Kaharuddin, K. (2021). *Kualitatif: ciri dan karakter sebagai metodologi*. Equilibrium: Jurnal Pendidikan, 9 (1).

needed.

Through Law Number 2 of 2001, development policies in Papua Province are required to provide support to Indigenous Papuans. This is based on the idea that before the enactment of Law Number 21 of 2001, the basic rights of Indigenous Papuans were marginalized, as seen in the considerations (considerations) of Law Number 21 of 2001, including:

- a. that the governance and implementation of development in Papua Province has not fully fulfilled the sense of justice, has not fully enabled the achievement of people's welfare, has not fully supported the realization of law enforcement, and has not fully demonstrated respect for human rights in Papua Province, especially the Papuan people;
- b. that the management and utilization of the natural resources of Papua Province have not been used optimally to improve the standard of living of the indigenous people, which has resulted in a gap between Papua Province and other regions, and constitutes a neglect of the basic rights of the indigenous Papuan people.

The bias towards the Papuan Indigenous People is intended so that in a short period of time (the period of validity of the Special Autonomy funds), the Papuan Indigenous People can catch up on their previous backwardness and can position themselves in the same position as residents in other provinces in Indonesia.

The backwardness referred to during the period of validity of Law Number 21 of 2001 (Special Autonomy Law volume one) has not been realized, as evidenced by the Human Development Index (HDI) ranking of Papua Province being the lowest compared to other provinces in Indonesia, namely out of 34 provinces, Papua Province is ranked last, namely 34th with a value of 60.62 (BPS "2021). In relation to this condition, amendments were made to Law Number 21 of 2001 through Law Number 2 of 2021 in conjunction with Government Regulation Number 107 of 2021 concerning Receipt, Management, Supervision, and Master Plan for Acceleration of Development in the Framework of Implementing Special Autonomy of Papua Province (PP Number 107 of 2021).

The amended articles include those related to the special autonomy fund of 2% of the National General Allocation Fund ceiling and other crucial articles, including Article 4 of Law No. 21 of 2001 which regulates the authority of the Papua Province and Regencies/Cities in Papua Province through PP Number 106 of 2021.

This is different from the regulation of authority in Law Number 21 of 2001, namely the authority of the Papua Province is only regulated in general because it is followed up by the Provincial Regulation (Perdasi) and Special Regional Regulation (Perdatus), likewise the authority of the Regency/City is not regulated in Law Number 21 of 2001, therefore the Regency/City can only exercise authority within the framework of special autonomy if it has been regulated in the Perdasi/Perdatus.

In contrast to Law Number 21 of 2001, Law Number 2 of 2021 has regulated the authority of the Papua Province and even the Regencies/Cities in Papua Province firmly and clearly, and has also been described in Government Regulation Number 106 of 2021 concerning the Authority and Institutions for the Implementation of the Special Autonomy Policy of Papua Province (PP Number 106 of 2021 which is referred to as special authority. The special authority of the Papua Province and Regencies/Cities consists of the fields of education and culture, health, social, economic, population and employment, and sustainable development and the environment.

Several of these fields are then grouped again to include several other fields of affairs as regulated in Law Number 23 of 2014 concerning Regional Government (Law Number 23 of 2014). It is hoped that with the regulation of this special authority, it can resolve problems in Papua Province, especially the main problems related to the Human Development Index, as previously implicitly stated in Law Number 21 of 2001.

In connection with this, within the framework of affirmation that aims to answer problems in the fields of education, health, economy (economic empowerment) and infrastructure, solutions need to be provided for: First, Problems in the fields of education and health among Indigenous Papuans, especially those with low socio-economic status who still dominate in some districts/cities in Papua; Second, Development and development of infrastructure, in the form of opening new roads and building bridges to penetrate isolated areas through land transportation in Papua, although it has developed quite significantly, however, the planning for infrastructure development has not yet been linked to the development of education and health, as well as plans for the development of "production economic centers" that involve the participation of Indigenous Papuans. In this context, development and development of infrastructure is not only related to roads and bridges, but is part of transportation in general, also including electricity, clean water, telecommunications, and environmental sanitation.

Regarding the Special Autonomy policy according to the direction of Law Number 2 of 2021 Jo. PP Number 2 of 2021, the role of the DPRK appointment mechanism is important to implement the policy.

Law Number 23 of 2014 regulates the Regional People's Representative Council (DPRD), in the context of Papua Province referred to as DPRK according to the provisions of Law Number 2 of 2021. DPRK is a regional people's representative institution that serves as an element of the regional government administration of districts/cities. In more detail, DPRK has a role and responsibility in realizing efficiency, effectiveness, productivity, and accountability in the implementation of regional government, through the implementation of the rights, obligations, duties, authorities, and functions of DPRK in accordance with the provisions of laws and regulations.

DPRK as an element of regional government is interpreted that DPRK is part of the regional government together with the regional government led by the regional head. DPRK has the function of forming regional regulations, budgets, and supervision. The implementation of the functions, duties and authorities of DPRK is carried out by each DPRK apparatus according to their respective fields of duty. The synergy in the implementation of the duties and authorities of each DPRK apparatus holds the key to optimizing the implementation of DPRK performance.

For this reason, through Law Number 2 of 2021 and its elaboration through PP Number 106 of 2021, the position of the DPRK is strengthened by the appointment mechanism, namely by having a "special group" which is also mandated to the secretariat to support the smooth implementation of its duties and authorities by providing facilities, infrastructure, budget and experts. Likewise, the DPRK Leadership is given reinforcement, namely by occupying one of the elements of the DPRK deputy chairperson.

Thus, the DPRK appointment mechanism plays a very strategic role for the implementation of DPRK performance as well as within the framework of protecting the rights of Indigenous Papuans. For this reason, the DPRK leadership originating from the appointment mechanism and special groups must be able to synergize with other DPRK leaders and apparatuses in order to optimize the implementation of their duties and authorities within the framework of protecting the rights of Indigenous Papuans. In addition, the DPRK, with the strengthening of its position, must be able to increase its ability to accommodate and fight for public complaints by making the consultation forum with regional heads and DPRK partnerships more effective in establishing relationships with other institutions/agencies.

4. Conclusion

The role of DPRK members of the appointment mechanism as cultural representation in overseeing the Special Autonomy policy is carried out through strengthening the position of the DPRK appointment mechanism, namely by providing

space for the existence of deputy leaders of the DPRK who come from members of the DPRK appointment mechanism and the existence of special groups. The existence of deputy leaders and special groups makes the bargaining position of the DPRK appointment mechanism strong in fighting for the rights of Indigenous Papuans so that they can become part of regional policies.

References

- Kaharuddin, K. (2021). *Kualitatif: ciri dan karakter sebagai metodologi*. Equilibrium: Jurnal Pendidikan, 9 (1).
- Kholifan, Mohammad. 1999. *Babak Baru Perlawanan Orang Papua*. Foker LSM, Jayapura.
- Republik Indonesia, Undang-Undang Dasar Tahun 1945.
- Republik Indonesia, Undang-Undang Nomor 21 Tahun 2001 tentang Otonomi Khusus Bagi Provinsi Papua (Lembaran Negara Republik Indonesia Tahun 2001 Nomor 135, Tambahan Lembaran Negara Republik Indonesia Nomor 4151) sebagaimana telah beberapa kali diubah terakhir dengan Undang-Undang Nomor 2 Tahun 2021 tentang Perubahan Kedua Atas Undang-Undang Nomor 21 Tahun 2001 tentang Otonomi Khusus Bagi Provinsi Papua (Lembaran Negara Republik Indonesia Tahun 2021 Nomor 155, Tambahan Lembaran Negara Republik Indonesia Nomor 6697).
- Republik Indonesia, Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244, Tambahan Lembaran Negara Republik Indonesia Nomor 5587) sebagaimana telah beberapa kali diubah terakhir dengan Undang-Undang Nomor 9 Tahun 2015 tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Nomor 5679).
- Republik Indonesia, Peraturan Pemerintah Nomor 106 Tahun 2021 tentang Kewenangan dan Kelembagaan Pelaksanaan Kebijakan Otonomi Khusus Provinsi Papua (Lembaran Negara Republik Indonesia Tahun 2021 Nomor 238, Tambahan Lembaran Negara Republik Indonesia Nomor 6730).
- Republik Indonesia, Peraturan Pemerintah Nomor 107 Tahun 2021 tentang Penerimaan, Pengelolaan, Pengawasan, dan Rencana Induk Percepatan Pembangunan Dalam Rangka Pelaksanaan Otonomi Khusus Provinsi Papua (Lembaran Negara Republik Indonesia Tahun 2021 Nomor 239, Tambahan Lembaran Negara Republik Indonesia Nomor 6731).
- Strauss, A., & Corbin, J. (2003). *Penelitian kualitatif*. Pustaka Pelajar, Yogyakarta.
- Yusuf, S. A., & Khasanah, U. (2019). *Kajian literatur dan teori sosial dalam penelitian*. Metode penelitian ekonomi syariah.