

CONCEPTUAL STUDY OF CENTRAL GOVERNMENT POLICIES IN RESOLVING THE PAPUA CONFLICT IN INDONESIA (PAPUA SPECIAL AUTONOMY PERSPECTIVE)

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Abstract:

Since the implementation of Special Autonomy in Papua, various policies have been implemented by the central government to resolve conflicts in Papua. This policy is carried out through several regulations regarding the acceleration of welfare development in Papua as a way to resolve the Papuan conflict. The method used in this paper is juridical-normative with a conceptual approach to researching library materials using the object of the study of writing in the form of existing libraries. The purpose of this paper is to find out the policies of the Central Government in resolving the Papuan Conflict in Indonesia (Papua Special Autonomy Perspective). With the results of his research that the Central Government's policy in resolving the Papuan conflict in Indonesia (Papua Special Autonomy Perspective) is to solve the root problems in Papua with a welfare and security development policy under the legal umbrella of the Papua Special Autonomy Law and its derivatives regulations. However, this policy has not had a significant impact on resolving the conflict in Papua because it has not resolved the roots of the conflict that occurred in Papua, so one of the steps that must be taken is to open a space for peaceful dialogue to resolve the conflict thoroughly, thoroughly and with dignity.

Keywords: Government Policy, Conflict and Papua Special Autonomy

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INTRODUCTION

The 1945 Constitution in article 18B paragraph (1) reads; "The state recognizes and respects special or special regional government units which are regulated by law." One of the areas that get this specialty is Papua Province. This specificity is accommodated through Law Number 2 of 2021, the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua. The Special Autonomy Policy for the Papua Province or after this referred to as Otsus Papua, is for the Central Government as one of the solutions to solving problems in Papua.

The special autonomy policy for Papua was considered good by policymakers at the time, from two options, namely continuing to apply Special Autonomy or separating from Indonesia. Otsus Papua was born as a win-win solution in dealing with conflicts in Papua at the wish of those who want independence and those who want the Unitary State of the Republic of Indonesia as a fixed price. This special autonomy policy for Papua is expected to make the Papuan people more prosperous and the demands for independence will disappear. Policy is aligned with the ideals and goals of the Unitary State of the Republic of Indonesia, namely to build a just, prosperous and prosperous Indonesian society based on Pancasila and the 1945 Constitution.

Autonomy is In accordance with the ideals and goals of the state and does not have a significant impact on resolving the conflict in Papua. The administration and implementation of development in Papua so far have not fully fulfilled the sense of justice, have not fully enabled the

achievement of people's welfare, have not fully supported the establishment of law enforcement, and have not fully shown respect for human rights in Papua Province, especially the Papuan people. The management and utilization of the natural resources of the Papua Province have not been used optimally to improve the standard of living of the indigenous people, so it has resulted in a gap between the Papua Province and other regions and is a neglect of the basic rights of the indigenous Papuans. So that the government's efforts to resolve the conflict in Papua are considered to have failed to touch the roots of the problems and aspirations of the Papuan people, thus triggering various forms of disappointment and dissatisfaction that point to the separatist movement in Papua.

The government issued various policies as an effort to resolve the conflict in Papua. The central government's policy is through Presidential Instruction (Inpres) and Presidential Regulations (Perpres) with a welfare and security development approach model for the Papua Province and West Papua Province. The two approaches that have been implemented since the time of President Megawati Soekarnoputri, President Susilo Bambang Yudhoyono (SBY) and President Joko Widodo (Jokowi) have not had a significant impact and even tend to escalate conflicts in almost all areas of Papua.

The Papua Special Autonomy Law is still unable to address the root causes of problems in Papua and West Papua. Government policies in the administration of centralized governance and development fail to realize a sense of justice, people's welfare, law enforcement and respect for human rights in Papua in a specific context. The policy of the Papua Special Autonomy Law is intended to support the acceleration of development in various fields in Papua, such as; the field of education, health, economy, culture and society, politics and law, by giving wider authority to the province and the people of Papua in regulating and managing themselves within the framework of the Unitary State of the Republic of Indonesia (NKRI). Although there have been many changes since the implementation of special autonomy in Papua until now, they have not resolved the root causes of the conflict in Papua. The impact is not fully felt by the Papuan people, especially Papuan Indigenous People (OAP), in improving welfare and justice for indigenous Papuans.

In addition, the approach to implementing public policy in resolving conflict problems in Papua tends to be top-down, meaning a one-sided approach from top to bottom. In the implementation process, the role of the government is very large, in this approach the assumption that occurs is that decision makers are critical actors in the success of implementation, while other parties involved in the implementation process are considered to be obstacles, so that decision makers underestimate strategic initiatives that come from the bureaucratic level. Low and other policy subsystems public policy approach is needed bottom-up, where this approach comes from the bottom (society). The bottom-up is based on the type of public policy that encourages people to work on implementing their own policies or still involves government officials but only at a low level. The underlying assumption of this approach is that implementation takes place in a decentralized decision-making environment. This model provides a mechanism for moving from the lowest levels of the bureaucracy to the highest levels of decision making in the public and private sectors so that the aspirations of the community are well accommodated by the authorized officials in making decisions related to solving problems in Papua.

Based on the results of research from the Indonesian Institute of Sciences (LIPI) in 2008, there are four root problems in Papua that must be resolved, namely; First; the problem of marginalization and the effects of discrimination against indigenous Papuans due to economic development, political conflict and mass migration to Papua since 1970, second; failure of development, especially in the fields of education, health and people's economic empowerment.

Third; the existence of historical contradictions and the construction of political identity between Papua and Jakarta. Fourth, accountability for past state violence against Indonesian citizens in Papua. The four root problems described above must be thoroughly resolved. Otherwise, various policies implemented by the Central Government will not have a significant impact in Papua.

Based on the explanation above, it is to find out more about the policies of the central government to resolve the conflict in Papua. The author takes the title, "The policy of the Central Government in resolving the Papuan conflict in Indonesia (Papua Special Autonomy Perspective)".

Government. Central Government policy is essentially a policy aimed at the public in the broadest sense (state, society in various statuses and for the public interest), whether it is carried out directly or indirectly, which is reflected in various dimensions of public life. Government policy is essentially a policy aimed at the public in the broadest sense (the state, society in various statuses and for the public interest), whether it is carried out directly or indirectly, which is reflected in various dimensions of public life. Therefore, government policies are often referred to as public policies. Policy in terms of the choice to do or not to do implies a will to do or not to do, which will be stated based on the authority possessed to make arrangements and if necessary, coercion is carried out. The statement of will by the authorities is associated with the concept of government which provides an understanding of the policies carried out by the government, which are referred to as government policies. Government policy can connote state policy when the government that does it is directed at the state government.

Resolving Conflicts (Conflict Resolution). A resolution is a way to find a peaceful solution for two or more parties in cases of disagreement between the parties. Such disagreements can be personal, financial, political, or emotional. Conflict resolution suggests the use of democratic and constructive ways to resolve conflicts. Conflict resolution is carried out by providing opportunities for conflicting parties to solve problems, either by the parties themselves or by involving third parties. Conflict resolution focuses on the source of the conflict between the two parties, so that they jointly identify more real issues to resolve the issue. According to the book *A Glossary of Terms and Concepts in Peace and Conflict Studies* (2005) by Christopher E. Miller, conflict resolution is an approach that has the goal of resolving conflict through constructive problem solving. Conflict resolution to resolve problems in Papua in accordance with legal issues. Solving problems in Papua is a must that must be solved thoroughly and thoroughly so as not to hinder development in Papua.

Papua Special Autonomy. The term "Autonomy" in Special Autonomy must be interpreted as freedom for the Papuan people to regulate and manage themselves, as well as the freedom to govern themselves and regulate the utilization of Papua's natural resources for the greatest prosperity of the Papuan people by not abandoning responsibility for participation in supporting the implementation of the central government and other regions in Indonesia that are in need. This is no less important is the freedom to determine social, cultural, economic and political development strategies that are in accordance with the characteristics and peculiarities of human resources as well as the natural and cultural conditions of the Papuan people. This is important as part of developing the identity of the Papuan people as a whole, which is indicated by the affirmation of their identity and dignity, including the possession of regional symbols such as songs, flags and symbols. The term "Special" should be interpreted as different treatment given to Papua because of its specialness. These specialties cover things such as the socio-economic level of society, culture, and political history. In a practical sense, the specificity of Papuan autonomy means that there are basic things that only apply in Papua and may not apply in other areas of Indonesia. There are things that apply in other regions of Indonesia that are not applied in Papua.

METHODS

The method used in this writing is juridical-normative, namely legal research carried out by researching library materials using the object of the study of writing in the form of existing libraries in the form of; books, journals, legal principles, regulations relating to the object studied by the author with a conceptual approach, a conceptual approach that departs from an ideal idea or theory which then develops into a thesis or antithesis so that it becomes a doctrine. By studying the views and doctrines in the science of law. The author will find ideas that give birth to legal understandings, legal concepts and legal principles that are relevant to the issues at hand.

RESULT AND DISCUSSION

Government Policy Since the Implementation of Special Autonomy for Papua. The policy of the Central Government in resolving the Papuan conflict was periodically carried out in 1998. When Suharto's leadership ended in Indonesia, it marked the start of a new approach to dealing with problems in the Land of Papua. The security approach, which during the New Order era was the main way of resolving conflicts by the government, was changed to an approach that prioritized the welfare of the Papuan people. This change in approach was marked by the abolition of the status of the Military Operations Area (DOM) in Papua and the continuous implementation of the Special Autonomy policy (Otsus Papua) and the acceleration of development in Papua. Prioritizing the humanist method that prioritizes improving welfare brings great hope to the end of the Papuan conflict and improving the lives of the Papuan people.

Special autonomy has been a consistent policy choice used by the government in the reform era since the implementation of a new approach to Papua. The choice of special autonomy for Papua began to be a discourse since President Habibie started the reform era in 1999, but only two years later, it was determined to be a legal political policy, namely with the issuance of the Papua Special Autonomy Law during the reign of the President Megawati Soekarnoputri. Some of the policies issued by the central government to solve problems in Papua can be explained as follows.

Policies of President Megawati Soekarnoputri. Leadership Period The leadership of President Megawati Soekarnoputri's reign took place from July 23, 2001, to October 20, 2004. President Megawati was initially considered a President who understood the wishes of the Papuan people. Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua (abbreviated; UU Otsus Papua) was issued and signed by President Megawati during her reign. However, there are several things or events that cause the Papuan people to doubt the political will of the central government for the implementation of Otsus Papua. Several things have caused the Papuan people to doubt the political will of the government of President Megawati Soekarnoputri, namely: First, before the enactment of the Papuan special autonomy law, on November 10, 2001, Theys H. Eluay (Chairman of the PDP) was killed by unscrupulous security forces with political motives. According to the results of the investigation, the National Investigation Team was formed by the government, even though the Papuan Justice Secretariat (SKP) stated that the death of These was an act of gross human rights violation. This murder showed that the government at that time did not really want to uphold human rights in the land of Papua.

Second, the Government of President Megawati issued Presidential Instruction (Inpres) No. 1 of 2003 to accelerate the implementation of Law No. 45 of 1999. The presence of this Presidential Instruction is considered a violation of the agreement made during the discussion of Law No. 21 of 2001. Third, the Government Regulation (PP)) regarding the MRP as regulated in the Special Autonomy Law for Papua until the end of President Megawati's administration has not yet been ratified. Fourth, during the reign of President Megawati, political violence and gross human rights violations continued to occur in Papua. In contrast, the Special Autonomy Law for Papua exists to

respect human rights and enforce the law. Fifth, there is a strong impression that President Megawati's order regrets the contents of the Special Autonomy Law for Papua. This indication appeared in early January 2002 from a report by the National Resilience Institute (Lemhanas) that the government regretted that the Special Autonomy Law for Papua did not cover expansion. Furthermore, the government is concerned that Otsus will actually strengthen the bargaining position of the Papuan elite based in Jayapura. Another regret is that the Papua Special Autonomy Law is considered to give the MRP a very large political authority to protect the rights of the Papuan people while at the same time rejecting the veto rights for candidates proposed by the DPRD for the positions of governor and deputy governor as well as regional representatives for the MRP. For this reason, the government demands that the MRP only be a representative of cultural values.

Sixth, related to Papua special autonomy funds. During the administration of President Megawati Soekarnoputri, she was worried that the Special Autonomy funds would be used to fund the Free Papua Organization (OPM) by the Papuan provincial government, so the disbursement of the budget was suspended. However, there is also the problem of the alleged misuse of Papua special autonomy funds by the Regional Government. Seventh, related to the preparation of Perdasi and Perdasus as mandated by the Papua Special Autonomy Law. During the reign of President Megawati Soekarnoputri, no Perdasi and Perdasus were produced. Against this condition, the central government is considered to be an omission. As a result, indicators for the implementation of Otsus Papua cannot be measured because without the Perdasi and Perdasus, it is difficult to implement a number of provisions in the Special Autonomy Law for Papua. Eighth, during the administration of President Megawati Soekarnoputri, not many affirmation programs were made related to the order of the Special Autonomy Law for Papua. The reason is because at this time, not all Government Regulations (PP) have been ratified, as well as other implementing regulations such as Perdasi and Perdasus.

Policies of President Susilo Bambang Yudhoyono's (SBY) Leadership Period. The next term of government is President Susilo Bambang Yudhoyono (SBY). Before becoming President, SBY during the reign of President Megawati, served as the Coordinating Minister for Political, Legal and Security Affairs of the Republic of Indonesia (Menkopolhukam RI). His attitude and actions towards Papua have made SBY known as a figure who has a Papuan heart. This is what makes SBY win the votes of the people in the elections in Papua. (Elisabet, 2005).

Several things that became important notes regarding the development of the implementation of Otsus Papua in the leadership of President SBY can be seen in several things. First, regarding the MRP, in December 2004, the President enacted Government Regulation (PP) Number 54 of 2004 concerning the Papuan People's Assembly (MRP). After a very long retreat which should have been 6 (six) months after the Papua Special Autonomy Law was enacted. Almost 3 (three) years since the establishment of Otsus Papua. As a result, what emerged from the delay in the formation of the MRP, namely the formation of regional elections (pilkada) in Papua from what was supposed to be held according to the national schedule to be held in June 2005, was delayed until March 2006. The delay occurred because there was still a need to socialize the PP on the MRP.

Second, President SBY ratified Law No. 27 of 2004 on the Truth and Reconciliation Commission (KKR). This commission is also contained in Article 46 of Law Number 21 of 2001. However, this law was canceled by the Constitutional Court (MK). Fourth, President SBY stated his commitment to resolve the conflict in Papua. The President, in his state address on August 16, 2005 stated his commitment that the government will resolve the Papua conflict in a peaceful, just and dignified manner by emphasizing dialogue and a persuasive approach;

"Furthermore, I ask for the support of all the people so that the government can also resolve the problems in Papua. The government wants to resolve it peacefully by prioritizing dialogue and

a persuasive approach. The policy for resolving the Papua problem is placed on the consistent implementation of special autonomy as a fair and comprehensive, and dignified solution. The settlement is seen in its entirety, clearly, and wisely by taking into account the reality and legality of the existence of West Irian Jaya Province. All of them are oriented towards the progress and welfare of all the people in Papua.

President SBY expressed his commitment to resolve the problems in Papua in a peaceful, fair and dignified manner by emphasizing dialogue and a persuasive approach. The dialogue and persuasive approach of the SBY administration has proven successful in transforming the situation from the conflict to post-conflict stages in Aceh. The settlement policy is determined on the consistent implementation of special autonomy. Fifth, as a follow-up to his commitment, President SBY issued Presidential Instruction Number 5 of 2007 concerning the Acceleration of Development of Papua Province and West Papua Province. This Presidential Instruction was made in the context of accelerating development in Papua Province and West Papua Province. This Presidential Instruction emphasizes that the acceleration of development in Papua Province must pay attention to a new policy approach for the two provinces, which is mentioned as the new deal policy for Papua. The policy priorities are strengthening food security and reducing poverty; improving the quality of education administration; improving the quality of Health Services; improvement of basic infrastructure in order to increase accessibility in remote areas, hinterlands, and national borders; and special treatment (affirmative action) for the development of the quality of human resources for indigenous Papuans. With this Presidential Instruction, the central government is paying more attention to Papua and West Papua Provinces through this additional allocation of funds, which is on top of the special autonomy fund allocation and additional infrastructure funds.

It is acknowledged that at first, the implementation of Presidential Instruction Number 5 of 2007 was not optimal. However, in the last 3 years, there has been an increase in budget allocations for ministries/agencies in the provinces of Papua and West Papua. However, this policy is considered by the Provincial Government of Papua and West Papua Province as the attitude of the Central Government, which lacks trust in the Provincial Government. The allocation of the budget for Papua to the Ministries/Agencies is believed to be an opportunity for the Central Government to take advantage of the Papuan problem. Many Central Government programs that use this budget are not supported by the Provincial Government. As a result, there are several government projects that are not running as they should in Papua. Fifth, during the administration of President SBY, Government Regulation (PP) Number 77 of 2007 concerning Regional Emblems was issued on December 10, 2007. The contents of this PP were opposed by the MRP by issuing Letter Number 3 IM/MRP/2008, which rejected the PP (Widjojo, 2009).

Sixth, the enactment of Government Regulation in Lieu of Law (Perpu) Number 1 of 2008 concerning Amendments to Law Number 21 of 2001 concerning Special Autonomy for Papua Province as Law Number 35 of 2008 has legally confirmed the presence of West Papua Province. The presence of Law Number 35 of 2008 is considered by the Papuan people as a violation of Article 77 of Law Number 21 of 2001, where it is stated that "Proposals for changes to this law can be submitted by the Papuan people through the MRP and DPRP to the DPR or the government in accordance with statutory regulations." The DPRP and MRP feel that they have never proposed changes to the Papua Special Autonomy Law. In the second period of President SBY's administration, he still gave great attention to Papua. This is indicated by the various policies issued by the government of President SBY to address the various problems facing Papua. Special Staff to the President for Regional Development and Regional Autonomy, Velix V. Wanggai, said that the Central Government had a comprehensive policy design for Papua in the second term of President SBY's administration.

The policy design consists of 4 (four) agendas, namely (1) the Central Government fixes the planning design for Papua by placing the Papua agenda specifically in the 2010-2014 national Medium Term Plan. The sectoral approach is replaced by a broad regional context approach and diverse ecological zones in the MP3EI. 2) The central government fixes the regulatory design for Papua. The President encourages all sectoral regulations to be in line and in line with the basic spirit and main principles of Otsus Papua, such as regulations on plantations, fisheries, mining, forestry, as well as political regulations for regional elections; 3) Welfare Aspect. The central government will fix the design of Papua's financing. The Central Government will continue fiscal decentralization by increasing the allocation of funds, both K/L and balancing funds, as well as Papua Special Autonomy funds. 4) The central government seeks to organize the institutional design of the Papua regional government. The Central Government will try to strengthen the capacity of the executive, DPRP and MRP institutions.

In realizing a comprehensive policy design towards Papua, several policies that can be noted in President SBY's second term of administration are as follows: First, in an effort to improve the welfare and prosperity of the Papuan people, President SBY issued Presidential Regulation (Perpres) Number 65 of 2011 concerning the Acceleration of Development Papua Province and West Papua Province. The Presidential Decree states that the development of the Papua and West Papua Provinces requires acceleration, as well as improvement and optimization for the effectiveness of the implementation of special autonomy. Therefore, in the context of accelerating development, a socio-economic, social, political and cultural approach is needed as well as being part of the National Medium-Term Development Plan 2010-2014, one of which is carried out by establishing a Unit for the Acceleration of Development of the Provinces of Papua and West Papua (UP4B), namely the Institute for formed to support coordination, facilitate and control the implementation of UP4B. So, on September 20, 2011, Presidential Regulation (Perpres) Number 66 of 2011 was stipulated in the Unit for the Acceleration of Development of the Papua Province and West Papua Province (UP4B).

Second, the Central Government for the first time evaluates the implementation of the Special Autonomy Law for Papua. Third, At the end of the second term of President SBY's administration, Governor Lukas Enembe proposed the Special Autonomy Plus Bill as a substitute for the Papua Special Autonomy Law. Until the Bill reaches its 14th draft, the President gives the green light to discuss it with the Indonesian House of Representatives. However, until the end of President SBY's leadership, the bill ran aground. This incident caused disappointment for Governor Lukas Enembe. The Central Government is considered to have broken its promise.

Fourth, Until the end of the reign of President SBY, only 2 (two) implementing regulations have been issued, namely the Implementing Regulations concerning the MRP and the Implementing Regulations concerning Regional Emblems. Meanwhile, the implementing regulations governing the procedures for implementing the governor's accountability have not been made until now. Of the two articles that command the formation of a Presidential Decree, not one has yet been made. In fact, the Truth and Reconciliation Commission (KKR) which should have been established according to the Presidential Decree, was canceled by the Constitutional Court (MK) Decision Number 006/PUU-IV/2006 regarding the review of Law Number 27 of 2004 concerning the Truth and Reconciliation Commission, which stated that Law Number 27 of 2004 contradicts the 1945 Constitution of the Republic of Indonesia so that the Act does not have binding legal force.

The reign of President Joko Widodo. The reign of President Joko Widodo or abbreviated as President Jokowi is the President of the Papuan people. This is evident from the great support of the Papuan people to President Jokowi in the 2014 election. During his campaign, President Jokowi promised to give greater attention to Papua. "In particular, I want to pay attention to the land of Papua. The government is committed to developing Papua and making Papua a Land of Peace. A

riot like the Tolikara case should not happen again in the future. The government provides access for foreign journalists to enter and cover in Papua".

The commitment in the speech was manifested through several actions by the President. First, make several visits to Papua. Within one year of his administration, President Jokowi has visited two provinces, namely Papua Province and Papua Province and West Papua Province. Second, building the people's economy through the construction of the Papuan Mama-Mama Market. Third, granted clemency to 5 (five) political prisoners in May 2015. Fourth, the declaration of the Merauke Regency as a food security area. Fifth, emphasis on the development of Papua during his visit to Merauke, then in Wamena, President Jokowi inaugurated the Wamena airport as well as at Kaimana Airport. Sixth, in the field of human rights, the President established the Papua Human Rights Representative Office as an extension of the National Human Rights Commission. The President, through the Coordinating Minister for Political and Security Affairs, has formed an Integrated Team to investigate allegations of human rights violations in Papua. LIPI identifies President Jokowi's policies towards Papua in several fields, namely:

Economic and infrastructure policies: Papua becomes a production area by establishing cement factories, establishing markets, building food barns and other inter-regional connectivity through roads (Trans Papua), ports, and optical cables (telecommunications, trains).

Political and Security Policy: Administration of clemency, opening access for international journalists, forming a team to investigate the Paniai case.

Seventh, the appointment of the Coordinating Minister for Political and Security Affairs as the coordinator of Papua affairs. The appointment of the Coordinating Minister for Political and Security Affairs, Luhut B. Pandjaitan as the Papuan Affairs Coordinator. Those closest to President Jokowi have also paid special attention to Papua During the administration of President Jokowi, Presidential Instruction Number 9 of 2017 concerning the Acceleration of Welfare Development in the Provinces of Papua and West Papua, emphasized the commitment to the fields of Health and Education, local economic development, basic infrastructure, digital infrastructure, and connectivity in order to create a peaceful and prosperous society in Papua Province and West Papua Province. One of them is realized in the trans-Papua road project. The development of connectivity infrastructure is intended to support the ease of mobilization and open access to the economy of OAP from villages to cities, in addition to access to better education and health, where options for various transportation facilities are increasingly open. Although several things must be considered because this openness also changes the social, economic, and cultural relations of OAP, including OAP and Non-OAP relations.

In 2020 the central government also issued Presidential Instruction No. 9 of 2020 concerning the Acceleration of Welfare Development for the Provinces of Papua and West Papua and as a follow-up to the implementation of Presidential Regulation No. 18 of 2020 concerning the National Medium-Term Development Plan for 2020-2024. The central government is committed to taking breakthrough steps, integrated, precise, focused, and synergized with ministries/agencies and local governments to create an advanced, prosperous, peaceful and dignified society in the Papua Province and West Papua Province within the framework of the Unitary State of the Republic of Indonesia. In the implementation of this Presidential Instruction, it is very clear that the Central Government is trying to resolve the Papuan conflict with a Development Welfare approach. The implementation of this Presidential Instruction will have a significant impact on the physical development of infrastructure in Papua and West Papua. However, it will not necessarily be able to provide peace and prosperity for the Papuan people because of the mental wounds they have experienced and the trauma of past violence that is natural and has not yet been resolved some of the root causes of problems in Papua with dignity.

The government issued Presidential Instruction (Inpres) Number 9 of 2020 concerning the Acceleration of Welfare Development in Papua Province and West Papua Province. Has a great commitment to welfare development in Papua, where the main objective of the issuance of this Presidential Instruction is to accelerate the development of welfare in Papua, which includes 7 (seven) priority areas, namely; poverty, education, health, MSE, employment, achievement of SDGs and infrastructure. In order for the accelerated welfare development program in Papua and West Papua not to be hampered, a conducive political, legal and security situation (Polhukam) is needed.

This was conveyed by the Vice President (Wapres) of the Republic of Indonesia KH Ma'ruf Amin, while chairing a meeting to discuss legal and security political issues related to Presidential Instruction Number 9 of 2020 at the Vice Presidential Palace on Thursday (28/1/2020). Vice President, said that:

"Polhukam issues that we can note here include the issue of Special Autonomy (Otsus). The expansion of the New Autonomous Region (DOM), defense and security, human rights (HAM), Separatism and the management of public communications and international diplomacy, he added. The Vice President also reminded the importance of putting the perspective of this Presidential Instruction in a new spirit and design for Papua, according to President Joko Widodo's direction, at a limited meeting discussing Papua on March 11, 2020. First, a thorough evaluation of governance and the effectiveness of the distribution of special autonomy funds, he said. . Second, the Vice President continued, there is a need for a new spirit, a new paradigm, a new way of working in implementing the program to accelerate welfare development in Papua and West Papua. Then the third one, said the vice president; special autonomy policies must be consulted with all components of society in Papua and West Papua. So that we formulate the best policy which will make Papua and West Papua more advanced and prosperous; hope it. In addition, he also asked that the implementation of the Presidential Instruction can actually build trust and win the hearts and minds of the Papuan people, thereby confirming their awareness as an inseparable part of the Unitary State of the Republic of Indonesia (NKRI). I need to reiterate that our rationale and goal are to prioritize improving the welfare of the people of Papua and West Papua, so that the security situation will be conducive, loyalty to the Unitary Republic of Indonesia will increase, development can run well, community productivity will increase so that the quality of life and welfare of the people of Papua and Papua will increase. West.

In this regard, on December 16, 2020, the Vice President said that he had held a meeting of the Steering Committee of the Integrated Team in accordance with Presidential Decree No. 20 of 20 concerning the Integrated Coordination Team for the Acceleration of Welfare Development in the Provinces of Papua and West Papua, in order to share perceptions and discuss the follow-up plan. Among others, to formulate programs in the field of people's welfare which are the real needs of the people of Papua and West Papua. Currently, under the coordination of Bappenas as the Integrated Team of National Secretariat, an inventory and consolidation of data, work programs, and budget locations of ministries, institutions, and the Papuan Regional Government is being carried out to ensure the accuracy, adequacy and effectiveness of the budget and synchronization between Ministries, Institutions and Regional Governments, he explained.

The priority targets, according to the Vice President are 7 (seven) customary areas and their cultural approach through dialogue with local community leaders or local champions (traditional leaders, religious leaders, education leaders, regional/bureaucratic leaders, youth and women leaders) as strategic partners. God willing, if the conditions are favorable, I will make a working visit to the two provincial capitals in order to have a dialogue and absorb aspirations in meetings with traditional leaders, religious leaders, provincial and district/city regional leaders, as well as educational figures, concluded.

From the explanation above, it is clear that Presidential Instruction No. 9 of 2020 brings fresh air with a step taken by the central government's commitment to welfare development in Papua and West Papua. The Central Government takes a development approach for the welfare of Papua and solutions in overcoming the escalation of conflict in Papua, but in reality, the security approach by sending law enforcement officers (police and TNI) is still being carried out and does not solve the root problems in Papua and West Papua.

Welfare development is carried out based on 7 (seven) customary areas in Papua, in accordance with the direction of President Joko Widodo. History Mapping of customary territories in Papua regarding when this concept began to be known and used as well as indicators used for grouping ethnic groups in Papua into the region, based on data from the Papuan Customary Council (DAP), Anthropology University of Cenderawasih, Summer Institute of Linguistics (SIL)) and the Department of Culture in 2008, when compiling and mapping ethnic groups in Papua since the 1960s. This concept is an amalgamation of several pre-existing concepts by both the Dutch Government and Western Anthropologists, such as the division of 6 administrative areas by the Dutch Government, Provincial Culture by GJ Held, Art Area by Winger, Rapl Linton, A. Gerbrands and S. Kooijman.

Papuans themselves have known the boundaries of their territory traditionally since their ancestors. So the indicators used to compile the division of the tribes in Papua into 7 customary areas are as follows; similarity in aspects; kinship, marriage, customary rights, type of leadership, physical, geographical and other characteristics. Papua Province is divided into 5 customary areas, namely Mamta, Saereri, Anim Ha, La Pago, and Mee Pago, while West Papua Province is divided into 2 customary areas, namely Domberai and Bomberai. In the context of accelerating development and solving problems in the Land of Papua. The central government has issued several policies through regulations. As described in table 1 (one);

Table 1. Papua Special Autonomy Period Development Policy

| No | President | Legal Product | Information |
|----|-----------------------------------|--|--|
| 1 | Megawati Soekarno Putri | Presidential Instruction 1/2003 | Accelerating the Division of Papua Province into 3 Provinces |
| 2 | Susilo Bambang Yudhoyono (SBY) | - Presidential Instruction 5/2007 - Presidential Decree 65/2011 - Presidential Decree 66/2011 | - Accelerating Development of Papua and West Papua - Acceleration of Development in Papua and West Papua - Establishment of Unit for Acceleration of Development in Papua and West Papua (UP4B) |
| 3 | Joko Widodo (Jokowi) | - Presidential Instruction 9/2017 - Inpres 9/2020 | - Acceleration of Welfare Development in Papua and West Papua |

Policies issued by the Central Government through Presidential Regulations (Pepres), Presidential Instructions, and other derivative regulations in their implementation do not have a significant impact. This is caused by several factors including: First, whether or not the grand design of Papua's long-term development and commitment to all Papuan development actors is confirmed. So far, the policy umbrella for Papua is the Papua Special Autonomy Law with its derivatives to accelerate development in the form of government work guidelines in the form of a presidential decree or presidential instruction. However, the government does not have a master plan that lays

out operational-details on how the planning, implementation, monitoring, and development targets for Papua will run in the long term. In addition, the government does not have a design that contains the role of development and how collaboration is carried out by each development actor, especially the central and local governments.

The policy for accelerating Papua's development often mandates the preparation of an action plan for Papua's development that refers to the RPJMN and the Provincial Medium-Term Development Plan (RPJMP), but the RPJMN and RPJMP are not grand designs because they both have a short period of time, only five years in accordance with the time period in one year. reign period only. In fact, cooperation and implementation of development in Papua cannot only be done in a short period of time and needs to be continuous between periods of government. Not only that, the RPJMN or even the National Long-Term Development Plan (RPJMN), which is a development guide for a period of 20 years also cannot be positioned as a grand design for Papua's development because it contains development programs in Indonesia that are very general and do not discuss operational details in detail. Specifically for Papuan development. Meanwhile, the RPJPP and RPJMP also cannot be positioned as grand designs because their substance focuses on the performance of local governments, namely provincial and district/city governments. Whereas the grand design must discuss the collaboration and coordination of all development actors (planners and implementers) in Papua.

The absence of a master development plan in Papua means that policies for accelerating development are drawn up based on the priorities of each head of government through a Presidential Regulation (Perpres) or Presidential Instruction (Inpres). Therefore, Presidential Instruction 5/2007, Presidential Regulation 65/2011, Presidential Instruction 9/2017 and Presidential Instruction 9/2020 are translated as a general basis for making programs from technical ministries to the central government as well as regional offices.

The current situation shows that there is a void in the grand design of development as a reference policy that regulates strategic development steps in Papua in the long term and binds the commitments of development actors. Whereas Papua is the region with the least advanced level of development compared to other provinces in Indonesia and has conflict characteristics that deserve special attention in relation to specific, detailed, and well-structured development targets and plans. This is important as a basis for coordination and cooperation of institutions, both government and non-government, in working to develop Papua.

Seconds, weak coordination among Papuan development actors, particularly within the government. Efforts to accelerate have brought consequences for the large budget and the variety of programs implemented in Papua. Central and local governments have different budget and program management responsibilities. It is appropriate, as fellow members of the executive branch, for the central and regional governments to synergize and coordinate with each other to carry out development in Papua. However, this did not work as it should. The problem of weak coordination does not only occur in central-regional relations but also occurs between institutions at the same government level (between K/L or between agencies) because of the sectoral ego of each institution. Coordination problems also take place between agencies within the local government environment in Papua. Weak coordinative work between government agencies like this is certainly very influential on the results of development that are not optimal. It becomes a matter of regret if the problems that have been realized for a long time have not yet met the endpoint.

Third, policy inconsistencies due to vacancies and overlapping laws. The Special Autonomy Law for Papua becomes a special legal and political policy that gives great authority to the Regional Government to manage development in Papua and West Papua. The Special Autonomy Law also provides a special allocation of funds which are the main source for accelerating development in

Papua. However, the specifics of the Special Autonomy Law seem to be gradually failing because its implementation then refers to national (general) national regulations. This is due to the vacancy of Government Regulations (PP), Special Regional Regulations (Perdapus) and Provincial Regulations (Perdasi), which are supposed to be derivative rules and regulate technical matters from what Otsus Papua wants.

If we refer to the articles that focus on socio-economic development issues in the Papua Special Autonomy Law, there are seven perdasi/perdapus in Papua Province and 16 perdapus/perdasi in West Papua Province, which should have existed to support development in Papua but have not been realized. . Meanwhile, at least four of the Papua Special Autonomy Laws that should be regulated in a PP-level technical regulation have also not been implemented to this day, including on central government facilitation through the provision of guidelines, training and supervision, repressive supervision of perdapus, perdasi, and governor's decisions, functional supervision of the implementation of regional government and evaluation of the implementation of the Papua Special Autonomy Law. The void of technical regulations that should describe the special mandate of Otsus Papua is of course a big problem. Without this technical rule, what is regulated in the Special Autonomy Law may not be implemented and/or lose its special dignity. This situation will ultimately hinder development in Papua.

Fourth, The Papua Development Policy still applies a top-down or should be interpreted as a policy made solely by government decisions (especially at the central level) without consideration and does not involve the public and levels of government below it. Policy for Papua is top-down closely related to the policies implemented during the New Order era, for example, through the implementation of the five-year development plan (Repelita), Military Operation Areas (DOM), to the Transmigration policy. Policy orientation top-down began to be made by applying a bottom-up that gave local governments and the public greater space to be involved in making government policies and programs for Papua. For example; Since 2017, the Papua Special Autonomy Development Plan (Musrempang), based on customary areas in Papua and West Papua, has been held to involve the wider public in the utilization of Papua Special Autonomy programs and funds. Despite efforts to change, the top-down did not stop and continues to this day in Papua.

One of the basic characteristics of top-down is the weak involvement of the public and government at levels below the policymakers. A low level of public participation, especially among the Papuan people in seven (7) customary areas. Policy The top-down will result in two (2) things, namely; The policy is not in accordance with the needs and values of the community and creates a sense of alienation so that it does not succeed in creating a strong sense of ownership of the policy. This then results in weak support for the policy and even resistance to the policy.

Fifth, misuse and poor budget management. The budget is one of the most important elements of a development program because, without an adequate budget, it is impossible for the program to be implemented properly. From the aspect of the quantity of the total budget, it is undeniable that the government's budget allocation for the development of Papua is very large. However, the thing that is still a problem is the budget management, which has not been optimally carried out and has many gaps in the problem. These budgeting problems can be seen from the financial accountability reports, which still show many problems with budget management, budget allocations that are not in accordance with the mandate of the policy and misuse of Papua's development budget.

Good and bad financial management by local governments is influenced by many factors, including the quality of human resource capacity (HR) within the regional bureaucracy, supervision of financial management, receipt of central transfers by regions and others. For example; Papua Province is considered less than optimal in managing Prospect funds due to the problem of limited human resource capacity for financial management at the district and village levels. The problem of

HR, which then intersects with the financial management supervisory function, also occurs due to the limited number of internal control officers (Inspectorates) of only 19 people to supervise 51 Regional Apparatus Work Units (SKPD). In addition, there are also other problems that often affect the ability of local governments to manage APBD funds, especially Papua Special Autonomy funds, namely; delay in the Special Autonomy funds from the Central Government.

CONCLUSION

The policy of the Central Government in resolving the Papuan conflict in Indonesia (Papua Special Autonomy Perspective) is to solve the root problems in Papua with a policy of welfare and security development under the legal umbrella of the Papua Special Autonomy Law and its derivatives regulations. However, this policy has not had a significant impact on resolving the conflict in Papua because it has not resolved a number of root causes of conflict in Papua. So one of the steps that must be taken is to open a space for "peaceful dialogue" to resolve conflicts thoroughly, thoroughly and with dignity.

Based on the results of research conducted based on the variables above, the following are suggestions regarding legal and political policies that must be carried out by the Central Government in resolving conflicts in Papua, namely:

1. The Central Government must change the Security Approach model with a more humanist approach. Because the security approach that has been taken so far by sending military troops to Papua on a massive scale has not been able to resolve the Papua conflict, it can even confuse and add to the problem because the Papuan people are still traumatized by the violence carried out by the military in the past.
2. The Central Government and the Papuan People must change the negative paradigm, namely mutual suspicion, with a positive attitude, namely with mutual trust between the two parties;
3. In this case, the Central Government, President Joko Widodo, must immediately conduct a "peaceful dialogue" with the United Liberation Movement For West Papua (ULMWP) or the United Liberation Movement for West Papua as the parent organization. By forming a special committee team (pansus) whose aim is to prepare a "peaceful dialogue" with a third party agreed by both parties as a mediator to resolve the Papua conflict.

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