TEST Engineering & Management

May – June 2020
ISSN: 0193-4120 Page No. 14500 - 14509

The Implementation of Special Autonomy in Papua in Legal Pluralism Perspective

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Article Info
Volume 83
Page Number: 14500 - 14509
Publication Issue:
May - June 2020

This paper qualitatively aims to provide understanding that legal pluralism emerged as a new theme that colors every field of the world legal system due to the influence of globalization. In Indonesia, legal pluralism has existed since the colonial era by being treated by the legal systems of each of the Indigenous, Eastern and European groups. Legal pluralism has coexisted with other legal systems that interact and complement each other. This gives color to the substance of the scope of the regulation and implementation of Law No 21 of 2001 regarding Special Autonomy for the Province of Papua with XXIV Chapters and 79 Articles also apply in addition to the civil law state system. There is also a customary law system as the living law, as in Article 50 Paragraph (2) of the Papua Special Autonomy Law. The issue of symbols such as regional flags and regional songs did not get further formulation in the form of a Special Papua Regional Regulation. The basic substance of the Papua Special Autonomy problem lies in its suboptimal implementation in all stratification of Papuan society. In the political dimension, the resolution of the Papua problem is far stronger than the development and improvement of the welfare of the Papuan people. Special Autonomy is more filled with political events such as pemekaran, demonstrations, the return of Special Autonomy to the elections. Very little space is available for concrete programs to improve the standard of living of the people of Papua in order to eliminate the gap within Papua, and with other regions.

Article History
Article Received*: 1May 2020*
Revised*: 11 May 2020*
Accepted*: 20 May 2020*
Publication*: 24May 2020*

Keywords: *legal pluralism, implementation, special autonomy, papua*

I. Introduction

Understanding the nature of legal pluralism is more than one legal system that applies side by side, interact and complement each other in various fields of law, especially for Indonesian people. Legal pluralism becomes an important issue in the era of globalization, which places legal pluralism into comparative studies of law with European legal systems, Asian law, African law historically and politically in the perspective of the global legal system (Berman, 2006; von Benda-Beckmann, 2002; Tamanaha, 2008; Burke-White, 2003). In addition, the application of the Western legal system by the colonial which was reduced to a national legal system of Indonesia that applied to the ex-colonial countries that experienced independence in the mid 20th century.

The beginning of legal pluralism is defined as the co-existence between various legal systems in a particular social field, examined and highly emphasizes the diatonomy between state law on one side and various kinds of community law on the other, living side by side and interacting with one another in the current legal field. This is reinforced by the experts doing the classification of the diversity of the legal system into a particular field of study (Irianto, 2009; Mulyadi, 2013; Prasetyo, 2014), operating within the territory of the new independent countries became modern law. This means that legal pluralism is substantially a global concept to the colonies or former colonies through a process of cultural and legal acculturation

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for a newly independent state, which in turn makes the independent state one of the legal systems into modern law in the practice of state and society. For example, the Indonesian nation as an independent state formerly a Dutch colonial colony, the civil law system is the law in Indonesia, with the enactment of the criminal code and the criminal procedure code with characteristics of the codification of law, legal unification, legal certainty, and its judicial mechanism.

To reinforce the above explanation, according to Hooker (1975), the beginning of legal pluralism was marked by the inclusion of colonial law as institutions, the existence of indigenous populations treated as inappropriate classes, namely the lower classes. Former colonial countries wanted to follow Western law in order to provide hope for their prosperity; and the traditional legal system was abolished by a new legal system based on a certain ideology. For example, in Indonesia the process of legal pluralism began with the application of law during the Dutch colonial period when the Indonesian population was colonized, classified into three groups, each of which was subject to different laws, namely the European, Eastern Eastern, and indigenous groups. This shows that there is a "legal pluralism situation" that colors the three classifications of the legal field.

Indonesia's independence erases the division of population and the level of judicial institutions with their respective legal systems. Indonesia with its civil law system which prioritizes codification by uniforming codified legal principles, legal unification and legal viction as part of Indonesian legal politics. From the development of legal politics from the New Order era with strong legal centralism to the 1998 Reform Order, legal pluralism emerged to balance the legal centralism so far, as seen from the enactment of Law No 22 of 1999 concerning regional government with the principle of decentralization the transfer of authority to provinces, District and city. The enactment of Law No 32 of 2004 concerning regional government replaces the previous laws, amended by Law No 23 of 2014 concerning regional government, still applying the principle of decentralization and also recognizing special regions and special regions governed by the Act, (see Article 225 and Article 226 of Law No 32 of 2004). The passage of time enacted amendment of Law Number 32 of 2004 to Law Number 23 of 2014 concerning regional government, with the principle of decentralization as a form of submission of government affairs by the central government to autonomous regions based on the autonomous principle. It means "assigning affairs" to the provinces, districts and cities. Special areas and special regions are also recognized as regulated in Article 399 of Law No 23 of 2014. Both of the Laws place the principle of decentralization as a form of assigning authority and/or assignment of functions. Objectively, there is no fundamental change from the change between authority and affairs in the administration of regional government that remains the same.

The background to the birth of Law No 21 of 2001 concerning Special Autonomy for the Province of Papua (hereinafter abbreviated as the Special Autonomy Law of Papua) is to break away from the ties of the Unitary State of the Republic of Indonesia (NKRI). The Papua Special Autonomy Law was judged by experts in the Semi Basic Law in Papua Province. Because it regulates almost all aspects of a country, except foreign relations, monetary and national security and defense. The interesting thing with the change in the political system of the Indonesian constitutional law is the enactment of the Papua Special Autonomy Law, as a form of government policy to maintain the integrity of the Unitary Republic of Indonesia, against threats both from outside and from within. The policy of granting authority through the Papua Special Autonomy Law is expected to be a spirit that can play a role as a policy of the government and the provincial government of Papua with a strategic approach in the framework of optimal and adequate public services, enhancing development in all fields both physical and non-physical, and empowering the entire community, customary law communities and government apparatus integrated

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in regional development ranging from provinces, regencies/cities, districts and villages in Papua and West Papua Provinces. Therefore, the Papua Special Autonomy Law is a manifestation of government policy based on the principle of popular sovereignty, which must be carried out by provincial, district/city regional governments as executive, legislative and judicial bodies. It is hoped that through this policy it can reduce the gap between the Papua Province and other regions in Indonesia, as well as restore a sense of trust in the government and the country and foster a sense of nationalism as fellow children of the Indonesian Nation in developing regions, especially the regions of the Provinces of Papua and West Papua.

Normally, there are some basic things that become the contents of the Papua Special Autonomy Law. First, the regulation of authority between the government of the Papua Province and the application of that authority in the Papua Province which is carried out in particular. Second, recognition and respect for the basic rights of indigenous Papuans (OAP) and their strategic and fundamental empowerment. Third, realizing good governance that has the characteristics of (1) maximum people's participation in planning, implementation and supervision in the administration of government and the implementation of development through the participation of representatives of customary community, religion, and women; the implementation of development which is directed to the maximum extent possible to meet the basic needs of indigenous Papuans in particular and residents of the Papua Province in general by adhering to the principles of environmental preservation, sustainable development, justice and direct benefit to the community, and the administration and implementation of development which are transparent and accountable to the community (Reumi, 2019; Yunus et al., 2015).

In terms of: the division of authority, duties, and responsibilities that are firm and clear between the legislative body (the House of Representatives of Papua abbreviated DPRP), the executive (the Provincial Government of Papua), and the judiciary (law enforcement agencies: the Police, the Attorney General's Office, Court and Lawyer), and the Papuan People's Assembly (abbreviated MRP) as cultural representations of indigenous Papuans are given certain powers based on statutory regulations (Reumi, 2018). The granting of Papua's Special Autonomy is intended to bring about justice, upholding the rule of law, respecting human rights, accelerating economic development, enhancing the welfare and progress of the people of Papua, in the framework of equality and balance with the progress of other provinces. The Special Autonomy Law places Papuans and Papuans in general as the main legal subjects. The existence of the government, provincial governments, regency/city governments, districts and villages as well as other devices below, are all directed to provide the best service and community empowerment especially indigenous peoples (Reumi, 2017; Mulyadi, 2019).

The Special Autonomy Law in Papua also invites the spirit of problem solving and reconciliation, among others by establishing the Truth and Reconciliation Commission (KKR). The formation of this commission was intended to resolve various problems that occurred in the past. However, the KKR regulation in Article 46 of the Papua Special Autonomy Law did not work, because the government revoked Law Number 27 of 2004 concerning the Truth and Reconciliation Commission as a legal umbrella. Therefore, the elaboration and implementation of the Special Autonomy Law for Papua and Regency/City are carried out proportionally in accordance with the spirit and spirit of the nation and state that live in the noble values of the plural Papuan people, regulated in the Special Regional Regulation (Perdasus) and Provincial Regional Regulation (Perdasi). Special Regional Regulations and/or Provincial Regional Regulations are Regional Regulations of the Papua Province which do not exclude other Perudang-Invitations existing regulations as long as they are not regulated in the Papua Special Autonomy Law. In the development phase of thinking, the perspective of legal pluralism

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shows new developments, namely paying attention to the occurrence of interdependencies or interfaces between various legal systems. Interdependence in question is mainly international, national, and customary law (Reumi, 1998). Studies that have developed in the fields of criminal law, civil law, constitutional law, customary law, legal philosophy, legal history, legal comparison, legal sociology, and anthropology of law have only begun to show how private and public policies and agreements are made. carried out by the state or the customary law community or the parties that litigate to influence or intersect with the legal system which subsequently impacts the legal and policy systems at the national and local levels of the customary law community.

The development of legal pluralism is not only understood as a number of applicable legal systems recognized by the state law system. It further illustrates the focus of attention on the legal reality, among others: economic life, social culture, politics globally, in various legal systems that exist in the environment of each customary communities that can be guided and operated in a free force outside the state law. Each legal system that applies outside state provisions has different historical sources and developments in the form of ideal rules and procedural rules and has a unique way of perceiving legal reality and giving meaning to that reality (Slaats & Portier, 1992). More broadly in certain aspects legal pluralism is contradictory and/or contrary to ideal rules and procedural legal centralism which legally state that the state monopolizes the legal system and excludes other forms of law in people's lives. The existence of a state law review is that the law is uniform for all certain legal societies so that it is governed by a single legal system of political organization that is the state, and for other legal systems it can only exist if recognized by the state law law (Zakaria & Soehendra, 1994). Normatively, the rejection of the dominance of the state law against various other legal rules that in reality there are many legal communities in various indigenous peoples or certain ethnic groups in Indonesia (Soehendra, 1994). With this dominance, it will usually have an impact on changing the social order of indigenous and tribal peoples and varies from one community to another based on the lifestyle of the community concerned according to their level of development.

The above description, normatively and empirically, illustrates the situation of legal pluralism coloring the state legal system and customary law in the Papua Special Autonomy Law. Particularly the arrangement of some content material in the Papua Special Autonomy Law concerning the basic rights of Papuans, including in Chapter XI Article 43 concerning "Protection of the Rights of Indigenous Peoples", Chapters XII Article 45 through Article 47 on Human Rights, and in Chapters XIV Article 50 paragraph (2) "Aside from judicial authority..., it is recognized that there is a customary judiciary within certain customary law communities"; and Article 51 Paragraph (1) "Customary court is a court of peace ..., paragraph (2) of an customary court arranged according to the provisions of the customary law of the customary law community concerned". In essence, Article 50 and Article 51, in addition to the regulation of the state court in accordance with the national legal system held by Law Number 48 of 2009 concerning Judicial Power and Law Number 49 of 2009 concerning General Judiciary, customary law also applies as a legal system governing ideal norms and procedures of customary justice in certain customary law communities in Papua Province. As to further understand customary law in the field of customary justice in terms of legal substance, legal structure, and placed in the legal culture. It means that understanding the cultural values and norms of "ideals" and "procedural" of the indigenous peoples concerned is not misinterpreted. State law helps develop cultural values and ideal and procedural customary norms that are stored in the local community, culture and customary law. This is an important part of efforts to understand the identity of indigenous Papuans both in the highlands, lowlands and islands as a whole in accordance with the characteristics of the local cultural ecological zone (Reumi, 1999). The customary justice system is an integrated unit in the sovereignty of

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indigenous and tribal peoples and can help implement state legal institutions as partners in the field of justice in the effort to handle legal cases outside and within the relevant customary law community as legal objectives, namely legal certainty, legal benefit and justice law.

The perspective of legal pluralism and the implementation of the Papua Special Autonomy Law becomes important in an effort to guarantee legal certainty and law enforcement in optimizing the implementation of the Papua Special Autonomy Law in the community and the customary law community of Papua. The existence of legal reality is colored by various legal systems that live side by side and interact with the customary law community of Papua related to the substance of the Government's policy, Regional Government through the implementation of the Papua Regional Regulation (Perdasi) and the Papua Special Regional Regulation (Perdasus) which are not in favor the philosophical meaning of Papua's special autonomy, which is partiality, protection and empowerment.

II. RESEARCH METHODS

In essence, the research methods used as a legal material collection tool are of two types of legal research methods used, namely: 1) normative juridical and 2) empirical juridical methods. For normative juridical methods, more orientation by prioritizing sources of legal literature in the form of: 1) primary legal materials, namely all statutory regulations as positive law in contact with the object of research, 2) secondary legal materials through the study of legal books, legal journals/articles, research reports law, law magazines used as a supporting reference, 3) tertiary legal material, more on the use of legal dictionaries, English dictionaries, Indonesian dictionaries, to translate the terms of words deemed necessary. Whereas the empirical sociological juridical method of orientation is the source of legal material obtained directly in the community in the form of primary field legal material where the legal material is obtained directly from three legal subjects providing primary legal material in the field, namely informant and respondent through observation and interview techniques, with the reason that the three legal subjects are considered to have knowledge of the research object which is a legal issue.

III. RESULTS AND DISCUSSION

Basically, the spirit of implementing Law No 21 of 2001 concerning Special Autonomy for the Province of Papua (the Special Autonomy Law) quantitatively and qualitatively by the Regional Government has carried out many development programs in the fields of education, health, people's economy, and infrastructure, which become the main focus in the development of Special Autonomy in Papua. However, has the focus of the objectives of Papua's Special Autonomy been achieved holistically and comprehensively as the philosophy of the Special Autonomy of Papua means: 1) alignments, 2) protection, and 3) empowerment of indigenous Papuans (OAP) in the Unitary State of the Republic of Indonesia (NKRI) through planning for Papua's special autonomy development program.

Whereas the existence of regional autonomy and special autonomy were only recognized in the NKRI government system in the reformation era in 1998 with one policy, namely decentralization through Law No 22 of 1999, concerning regional government amended by Law No 32 of 2004, and Law No 23 of 2014 concerning Regional Government and Papua Special Autonomy Law No 21 of 2001. This means that previously, only the term special regions and special regions were known in the regional government law. Looking at the history of law in the past, a special region is an area that has a different government structure from other regions because of its shape, position and function. Special regions are regions that have different government structures due to differences or privileges in the form of the original composition of the Indonesian people, in accordance with the prevailing laws and regulations at the time.

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It is inevitable that special autonomy will formally become part of the state administration system through the Second Amendment to the 1945 Constitution of the Unitary Republic of Indonesia. The existence of special autonomy is one part of the political reversal of state administration which was originally centralistic and uniform with the unification of law and legal viction towards decentralization and respect for diversity. As for matters which are judged philosophically, sociologically, and juridically as a problem in the implementation of the special autonomy law for Papua today include in some important aspects.

In the aspect of Papua's Special Autonomy and legal pluralism, normatively and empirically in the perspective of legal politics the concept of decentralization through the authority of Law No 21 of 2001 concerning special autonomy for the Province of Papua with its material containing XXIV Chapters and 79 Articles has not been optimally implemented. For example there are certain Articles in their implementation because the authority allows the enactment of other legal systems, such as Article 12 of the Special Autonomy Law only applies in Papua Province, which is elected as Governor and Deputy Governor is an Indonesian citizen on condition that "indigenous Papuans", in accordance with Article 1 letter t, while the other side in the district/city also applies authority to the Regent and Deputy Regent and Mayor and Deputy Mayor according to Law Number 23 of 2014 concerning Regional Government. Another article is Article 50 paragraph (2) Aside from judicial authority..., it is recognized that there is a customary judiciary within certain customary law communities. However, this recognition came from the Papua Special Autonomy Law as the Regional Government Law in the executive branch, not the judiciary. For Law Number 48 Year 2009 concerning Judicial Power, the judiciary does not expressly respond to the existence of a Customary Event, in Article 38 paragraph (2) letter d "settlement of disputes outside of the judiciary" and 58 of the Law "Efforts to resolve disputes can be carried out outside the state court through arbitration or alternative dispute resolution ", so whether it is a non-litigation or non-penal procedure. In Article 51 Paragraph (1) "customary justice is a court of peace within the customary law community,... and does not recognize the tiered bureaucracy. Perdasus No. 20/2008 concerning the Papua Customary Court, recognizes customary courts that live in customary culture and law and customary institutions of each particular customary community. The provisions of these articles reflect that there is more than one legal system that lives side by side and is complementary to achieve a sense of justice for the customary law community of Papua.

Papua's Special Autonomy is not yet optimal in reflecting the Lex Specialis derogate legi generali principle. The implementation of the Papua Special Autonomy is still ongoing long discussion about the Special Autonomy Law at the level of academics, bureaucrats, NGOs regarding the position of the Papua Special Autonomy Law has reflected that the special law takes precedence over the general law. For example, applying the Civil Code to the Civil Code. The Special Autonomy Law for Papua and the Federal System for Defending the Unitary Republic of Indonesia, this is contained in several aspects regulated in the Papua Special Autonomy Law. For example Chapter II Symbols Article 2 paragraph (2) of Papua Province in forms of regional flags and regional songs which are not positioned as symbols of sovereignty. Regional symbols are further regulated by Perdasus based on statutory regulations.

In the scope of Papua's Special Autonomy Policy, as a constitutional basis for Papua's Special Autonomy is Article 18B of the 1945 Constitution of the Republic of Indonesia that the state recognizes and respects special and special regional government units that are regulated by law. In addition, Article 18A of the 1945 Constitution also stipulates that the relationship of authority between the central government and provincial, district and city governments or between provinces and districts and cities is regulated by law by taking into account

regional specificities and diversity. this provision gives the possibility of regulating the granting of autonomy and decentralization of authority that is not the same for certain regions that are specific, different from the regulation of autonomy for other regions that are generally regulated based on Article 18 of the 1945 Constitution of the Republic of Indonesia. The autonomy policy granted by the government to the Papua Province special and different from the autonomy imposed in other regions. Therefore, the provisions of regional autonomy and regional government that are imposed in Papua Province should also be different from other regions in Indonesia, because of the historical background of the integration of Papua into the inclusion in Indonesia in May 1, 1963 in the implementation of the 1969 Act of Referendum. This specificity can be clearly seen from the focus of autonomy at the provincial level, in contrast to Law No. 32/2004 which is now amended by Law No. 23/2014 which places autonomy in the district/city. This is actually an acknowledgment that the Papuan people are a social entity, regency or city should only be seen as an administrative or territorial division. In addition, the specificity of autonomy in Papua Province in accordance with Law No 21 of 2001 can be seen from three things. First, there is the institution of cultural representation of indigenous Papuans, namely the Papua People's Assembly (MRP), which has certain authority in the framework of protecting the rights of indigenous Papuans based on respect for customs and culture, empowering women, and strengthening religious harmony. Through the MRP, it is expected that customary laws that live in the community will be recognized as formal law. The position of the MRP institution is not found in other regions, where in terms of authority it can be said to be a legislative body in a bicameral parliamentary structure (as the upper house). As a representation of the Papuan people, the Papuan People's Assembly has great authority, both in the formation of government and in the administration of government. It is this MRP that will determine the concrete form of specificity of the Papuan government. Second, there is a special regulation related to regional income for Papua. Papua's specialty is the amount of revenue sharing for natural resources in the oil mining sector by 70% and oil mining by 70% and natural gas mining by 70%. This percentage is greater than the percentage set for other regions, where the revenue share of petroleum mining for the region is 15.5% and for natural gas 30.05%. In addition, there is a "Special Acceptance" in the context of implementing Special Autonomy, which is equal to 2% of the ceiling of the National General Allocation Fund. Third, the recognition of cultural existence through the use of special symbols that represent the existence of Papua, naming institutions, and naming rules that are also special.

The are some issues regarding the society's dissatisfaction with the implementation of special autonomy in Papua. The results of the Partnership's research on the Performance of Papua's Special Autonomy (2008) indicate the high level of public dissatisfaction with the implementation of the Special Autonomy of Papua. in fact, it is said that in some cases Special Autonomy has increased public distrust of the government. The research notes identify several reasons for the failure of the Special Autonomy of Papua, namely (Djojosoekarto, 2014). Some of the substances in the Special Autonomy Law actually create unresolved conflicts between the people of Papua and the government, such as the problem of symbols and regional flags. Although the existence of symbols and flags is recognized in Article 2 paragraph (2) of Law no. 21 of 2001 but did not get further formulation and was hindered by the government. The ‘Bintang Kejora’ flag raising case is a common example. The military and police officers refused to raise the ‘Bintang Kejora’ flag. Implementation, in the political dimension of solving the problem of Papua is far stronger than development and welfare improvement. Special Autonomy is more filled with political events such as pemekaran, demonstrations, the return of Special Autonomy to the elections. Very little space is available for concrete programs to improve the

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lives of Papuans in order to eliminate the gap between the center and Papua, between other regions and Papua, even between indigenous Papuans and non-Papuans.

The formulation of the regulation on the management of Special Autonomy does not run as fast as the disbursement of Special Autonomy funds. The Government Regulation on MRP has only been completed after 3 years of Special Autonomy. The first Perdasus only appeared six years after Special Autonomy. Even though since 2002, Special Autonomy funds in very large numbers have continued to flow. As a result, there is no one regulatory framework that can guarantee that the Special Autonomy Fund flows for development that is oriented towards improving people's lives. On the other hand, the Special Autonomy funds are suspected to be corrupted or used for the interests of the elite in Papua.

Evaluation of Special Autonomy which should be carried out every year after the first evaluation in the third year as mandated by the Special Autonomy Law is not carried out in depth and comprehensively. As a result, the community has never received a portrait of the implementation of Special Autonomy in the fulfillment of their fundamental rights in full. Tang growing in the middle of society is that the Special Autonomy fund has been misused by the government bureaucracy. Special Autonomy is indeed informed to the wider community, in this case in the city and district of Jayapura, but not to indigenous peoples. Indigenous Papuans know about Special Autonomy but do not understand it thoroughly. With this reality, Special Autonomy runs into a non-participatory policy. policies carried out with one single perspective from the government.

In terms of implementation of Special Autonomy for Papua, essentially the failure of Papua's Special Autonomy is optimally based on at least five issues. First, the implementation of special autonomy is not balanced with efforts to peacefully resolve political conflicts. This resulted in the "politicization" of the implementation of special autonomy both by the central government and by groups in the indigenous Papuan community. Special Autonomy has shifted to political issues, not a real program to improve the standard of living and respect for the basic rights of indigenous Papuan people in accordance with the background of the special autonomy policy itself. The central government still uses a security approach that is contrary to the purpose of special autonomy to increase respect for human rights. Second, the security approach at the same time shows that the implementation of special autonomy has been deprived of the basic values that have been set namely protection and respect for ethics and morals, basic rights of indigenous people, human rights, rule of law, democracy, pluralism, and equality of position, rights and obligations as citizens. The still rampant violence and human rights violations, lack of due process of law, the absence of a human rights court, the Truth and Reconciliation Commission, and the absence of a customary court have shown that Special Autonomy is only partially implemented. For certain things there is still mistrust of the government towards the people of Papua to implement Special Autonomy. Third, there is a tendency to undermine the special autonomy granted by reinforcing the centralized pattern of government. This can be seen from the issuance of Presidential Instruction No 21 of 2003 concerning the implementation of Law Number 45 of 1999 concerning the Expansion of the Province of Papua, which in reality substantively contradicts Law No 21 of 2001. The undermining of the special autonomy of Papua also occurs in the form of various decentralization policies that do not refer to the Law No 21 of 2001 which places the emphasis on autonomy in the Province, but uses Law No 32 of 2004 which was later amended by Law No 23 of 2004 concerning Regional Government emphasizing autonomy at the regency and city level resulting in conflicts between regional government units in the exercise of authority . Fourth, there is still a lack of institutional capacity needed to carry out special autonomy both because of formal legal status and because of special political conditions. An example is the existence of MRP which is a

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cultural representation that has not been able to color policies and control the implementation of government. In addition, to accommodate the aspirations of the people of Papua, it is necessary to have the infrastructure of local political parties which is possible in Law No 21 of 2001. However, until now these provisions have not yet been implemented. Fifth, there is a tendency to slow down the implementation of special autonomy by delaying the formation of the necessary implementing regulations. According to the Partnership Research, until 2006 there were still at least 2 PPs, 2 Keppres, 13 Perdasus, and 21 Perdasi that had not yet been formed. Though these rules will be the basis for the achievement of Special Autonomy as the implementing regulations, namely the appreciation of the rights of Papuan people in the management of natural resources, protection of human rights, as well as participation in governance both free from corruption practices.

IV. CONCLUSIONS

That simply legal pluralism exists as a criticism of "legal centralism and positivism" in the application of law to indigenous peoples through the implementation of the Papua Special Autonomy Law in the perspective of legal pluralism having a authority in the arrangement of the administration of provincial, district/city, and village/village governments, it has not been optimally implemented because several Articles of the substance of theSpecial Autonomy Law include: Article 2 paragraph (2), Article 43, Article 46 paragraph (2), Article 50 paragraph (2) of the Papua Special Autonomy Law whose arrangements indicate a situation of legal uncertainty. , so it is in a situation of legal pluralism. And the implementation of the Special Autonomy formally became part of the state administration system through the second Amendment to the 1945 Constitution of the Republic of Indonesia. The existence of the Special Autonomy of Papua is one part of the reversal of the politics of state administration which was originally centralized with a culture of unification of uniformity law towards decentralization and respect for the diversity of the nation Indonesia. This also underlines the influence on the issue of the implementation of the Papua Special Autonomy Law which is not yet optimal, including Special Autonomy for Papua and Legal Pluralism, the Implementation of Special Autonomy for Papua is not Optimal Reflecting the Principle of specialism derogate legi generali, special autonomy Papua reflects the federal system of defending the unitary republic of indonesia, the substance of the scope of Papua's special autonomy, dissatisfaction with the implementation of the special autonomy of Papua, problems with implementation for the indigenous Papuans.

It is suggested to the government and regional governments as well as provincial DPRP and MRP, together think of the best way through strategic policies after the operation of the Special Autonomy Law in relation to the authority of development funding so far. Inadequate management of the management of the Papua Special Autonomy, the Government and the Provincial Government of Papua and the DPRP and MRP need to take strategic steps, reviewing the authority"of the Special Autonomy Law in addition to the authority of the Central Government in converting the New Special Autonomy Law into a Special Government Law in Papua.

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