

Injustice and Discrimination Against Papuans in the Era of Special Autonomy for Papua

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Abstract— *The very basic or fundamental problem is based on disappointment and feeling of injustice felt by the indigenous Papuan people, because there have been many prolonged human rights violations, then also the implementation of special autonomy that has been running is not in accordance with the objectives of the mandate of the law on special autonomy for Papua. Instead of wanting to be independent politically but wanting to be independent economically, socially and so on, the others will adapt themselves. Once again, I want to emphasize that it is this disappointment and dissatisfaction that can bring up bigger things in the minds of the indigenous Papuans or put forward things that are still a long process, for example, wanting to separate from the Unitary State of the Republic of Indonesia.*

Keywords— *Injustice, discrimination and special autonomy.*

I. INTRODUCTION

In the explanation of Law Number 21 of 2001 concerning Special Autonomy for Papua, that the political decision to unify Papua as part of the Unitary State of the Republic of Indonesia essentially contains lofty ideals. However, in reality, various policies in the administration of centralized governance and development 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 the Papua Province, especially the Papuan people. This condition results in gaps in almost all sectors of life, especially in the fields of education, health, economy, culture and socio-politics.

Human rights violations, neglect of the basic rights of indigenous people and differences of opinion regarding the history of the unification of Papua into the Unitary State of the Republic of Indonesia are serious problems that need to be resolved. Efforts to resolve these problems have so far been deemed to have failed to touch the root of the problems and aspirations of the Papuan people, thus triggering various forms of disappointment and dissatisfaction (Law Number 21 of 2001).

Based on the bad experiences experienced by indigenous Papuans, in relation to the implementation of special autonomy, starting from 2002-2013 in Papua, the Papuan people have experienced problems faced by these communities, such as discrimination, injustice, violations of human rights, conflict after conflict and others, when the presence of special autonomy in Papua. It turns out that the presence of special autonomy, instead of reducing every conflict in Papua and prospering the Papuan people, is actually beneficial for certain people and then also increases protracted conflicts so that different views often arise among the indigenous Papuan people. This view is a positive, negative and neutral view in order to accept the implementation of Papua's special autonomy, so that indigenous Papuans often hold demonstrations both in regional and central government, saying that autonomy has failed and restoring special autonomy because the indigenous Papuans feel discontent and distrust of the implementation of Papua's special autonomy.

Loss of trust in the community in all elements of government at the district, provincial and central government levels. Once again, an important part of the community feels neglected, because the agreements that have been ratified in the special autonomy law are not implemented. It is clear that the Central government is reluctant to issue conflicting policies. The implementation of special autonomy stumbled upon the policy of the central government, which violated Law No. 21 of 2001 on special autonomy by issuing Presidential Instruction No. 1.

II. RESEARCH METHOD

Based on some of the problems that we have raised, this research uses a descriptive qualitative approach. In this study, researchers used descriptive research methods, namely trying to find an understanding of meaning based on facts or facts that occurred in Papua Province and West Papua Province, related to the implementation of special autonomy in Papua and then conducted a study in order to obtain a clear and systematic picture in order to find solutions. or a solution to the problem at hand. Then accelerate development and reduce any prolonged conflicts in Papua.

In writing this book, the author tries to collect data from various sources; including the author conducting interviews with students and indigenous Papuans, participating in live broadcasts in public discussions with Papuan leaders, literature books, reports, results of previous research, statements, laws, government regulations. , decisions, print and electronic media, experiences of seeing, hearing and feeling and other sources, related to the implementation of special autonomy in the provinces of Papua and West Papua.

Collecting data through two sources, namely primary sources and secondary sources. One approach to collecting data through primary sources is that the author conducts direct interviews with students and indigenous Papuans, relating to the implementation of Papua's special autonomy, taking place from 2002 to 2020. Meanwhile, secondary data is not collected directly, but intermediaries or data collected already available. For example, the results of previous research, books, reports, articles, official regulations from the government and so on (Kum, 2015: 14).

III. DISCUSSION

1. Injustice

Indigenous Papuans experience and feel in the era of special autonomy, its relation to the prolonged violation of human rights in Papua, but for those who commit human rights violations against Papuans they have never been prosecuted further, because it is understood that criminal law which is used in this country is derived from the Netherlands, so it is very difficult to achieve justice for the indigenous Papuans. Then also independence, transparency and legal accountability which are actually very, very difficult to find. Maybe because this law is suitable to be applied in the country of origin, then the fairest justice can be realized.

With regard to injustice, I am full of disappointment and honestly want to convey, that not only for the Papuan people but for all Indonesian people, in relation to the application of law in this country, the law is more in favor of strong people even though the function of law is not like that, for example only small people those who steal bananas, chickens, bath soap, sugarcane leaves and so on, the legal process is very fast, even as if they already knew the article before the theft took place. But if it is big people who steal state money, the legal process takes a long time to make an arrest, they have to find another reason to determine which article he violated and then try to determine or determine the article. It is things like this that people think do not create legal injustice in this country.

More concretely, since 1994, it has occurred in Jila District, Mimika Regency. At that time, a group that was playing a gambling game involved the district head, several people from the Indonesian National Armed Forces, a teacher, and 4 youths. From this group, they had played a hidden gambling game, but it was discovered by the security forces that they were then given a sanction by handcuffing the 4 youths alone, while the other elements did not give anything, even a reprimand. Learning from such things, the law in Indonesia does not embody justice and does not show clear legal certainty, if it can be seen from these facts, so that people judge and study later also do not believe in the application of law in this country, that always more burdensome to the small community. Or the law never acts fairly, but always sided with the strong, this is what is often encountered in the community and expressions of disappointment, of course, appear among these small communities.

According to the Special Staff of the President for Regional Autonomy, Velix Wanggai, the root of the problem in Papua lies in the injustice in the development process that is felt by residents in the interior, mountains, and disadvantaged areas. The problem is getting more complex because in the area, which has been isolated and has not been served by development, there has been a center of resistance to the government. There are overlapping reasons. Disappointment with development, bureaucratic services, basic education and health services are limited, as well as ideological problems inherent in some people there. In areas that are isolated and difficult to reach for investment, the government also designs markets to encourage development. The government also

continues to build road and air transportation infrastructure in isolated areas (Kompas, 22 January 2013).

The national executive director of the Indonesian Forum for the Environment (Walhi) Berry Nahdian, stated that the successive shooting incidents in Papua were considered inseparable from a series of injustice issues that arose as a result of the operation of the Freeport Indonesia Limited Liability Company in Papua. Freeport Limited Liability Company causes ecological crimes, humanitarian tragedies and economic colonization of the nation. He emphasized that the violence that occurred in Papua was due to injustice by being given a very large space by the government to Freeport Limited Company to exploit Papua's land wealth. The Freeport Limited Liability Company exploits and accesses the political, economic and social life of the Papuan people. When it goes too far, the government is powerless.

Violence, environmental destruction, and social injustice have been embedded in the history of the Freeport Limited Liability Company's operations in Papua, which began operating in 1967. Don't just look at certain groups in Papua who commit violence. For this reason, the solution to overcome all the violence and injustice that has been happening in Papua is to completely stop Freeport's Limited Liability Company operations.

The government must also form an independent committee consisting of legal, environmental and social experts to review all aspects, ranging from human rights, ecology, social, to economics. In addition, as another step, the government facilitates public consultations that bring the people of Papua, especially the people around the Freeport Limited Liability Company, to get a true picture of what has been happening so far. While these steps are running, carry out law enforcement against environmental damage and human rights. If it is true that the operation is closed, the Freeport Limited Liability Company must be responsible for the ecology and all workers. Workers can be diverted for ecological and economic restoration.

According to the former governor of Papua, Barnabas Suebu, one of the manifestations of this injustice is the low level of welfare and high poverty. This situation, continued Suebu, has actually been attempted to be corrected through Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua. However, it must be admitted that in the early years of implementing this Law, not much has been achieved. One of the reasons is that the local government in Papua, in particular the Papuan Provincial Government, is not well prepared to assume responsibility and carry out the mandate of special autonomy as contained in the law. Readiness in question is in the form of a system and good governance.

The Papua problem can only be solved if all parties, be it the government, community institutions, traditional institutions, and religious institutions work together sincerely to do something that will give space to the community, namely space to experience improvements in welfare, justice, truth, and peace. The best way to a safer, more peaceful, just and prosperous Papua for all people, especially the poor and underprivileged is to continue to implement the Village Development Strategic Plan program. For that, let's continue

the program. Regarding the existence of a separatist movement in Papua, the government, especially the security forces, should handle it wisely, using peaceful, persuasive and non-violent dialogue. Violence must be prevented, especially violence against the innocent. For this reason, I urge the security forces to handle it wisely by using peaceful means (<http://www.investor.co.id>).

2. Discrimination

With regard to discrimination, economically the control of natural resources and economic resources is controlled and dominated by outsiders, especially investors in Papua, while indigenous Papuans are spectators of their own land wealth. Another thing that we can see is that almost every area in Papua, for daily market activities, places to sell for Papuan mothers must be on the outskirts and sidewalks, while selling places for Mamas from outside Papua, the local government have provided and prepared a good market building. By looking at this reality, it is very strong if there is discrimination and also conflicts often arise between the Papuan people and people from outside Papua. Even though it seems a trivial thing, the impact is big because strong social ties of brotherhood and unity will automatically move away because of the increasing discrimination.

In the life of the Papuan people, bad stigmas often occur, namely discriminating between one community and another. For example, the Papuan people from the coast and the Papuan people from the central mountains. And in the lives of the Amungme people in Mimika Regency, they also differentiate between one another geographically, for example, in the lives of the Amungme people who live on the coast and the Amungme people who live in the mountains. Attitudes like this, often appear in the minds of people and indirectly also say things like this. This shows that by itself there is discrimination between them and the breakdown of their strong unity and unity within the Amungme tribe itself, so that by itself there will be distance and gulf between them. From here it is possible to destroy solidarity within this tribe, then between individuals and other individuals also often appear discriminatory attitudes that you are from this clan, from the east, from the west, from the south, from this tribe, you are a minority, you are the majority, this and that and so on. So, you are not entitled to get anything, especially in terms of occupying a position or position. The factors or processes of discrimination can be seen below.

a. Easy for People Outside Papua and Difficult for Papuans

In accordance with several phenomena that often occur in the community, between indigenous Papuans and people from outside Papua, they do not blend well in terms of unity and integrity. Indigenous Papuans already understand and feel things like this happen in people's lives related to development programs run by local governments. It is also related to how local governments can prepare and develop work programs. implementation of development as well as making decisions in these development policies, then how to run them. In relation to the implementation of every development carried out by the government, the indigenous Papuan people consider that every government service in the land of Papua does not touch the

hearts of the people. Because everything that is carried out or carried out, especially related to the implementation of each development, is quite inconvenient for small communities, because they still use a bureaucratic system or high bureaucracy, so that every local government service is not very effective and efficient. Thus, things that always appear on the surface are; levels of distrust, discrimination, dissatisfaction and injustice. Especially in terms of work and positions or positions in various agencies both in government and private institutions.

Still related to occupying a position or looking for work, phenomena or real conditions that often occur in this country. For example, people outside Papua who want to occupy positions or work in any agency, especially in the Provinces of Papua and West Papua, have very easy and very free opportunities until all lines have been mastered. Meanwhile, Papuans who want to work outside Papua are very difficult, let alone occupy structural positions. One concrete example, relating to government services to the community for the service of making Identity Cards, is that it is very easy to obtain Identity Cards for people outside Papua who live in Papua, just arriving in Papua as if the Identity Card is ready. Meanwhile, it is difficult for the Papuan people, especially Papuan students who study outside Papua. For example, on the island of Java, it is very, very difficult to obtain an Identity Card, even for 10 years. These phenomena are one of the attitudes and factors of discrimination against the Papuan people.

b. History

Events that have occurred in the past, the local community from generation to generation will understand where the origin of the events. From which tribe the origin of the arrival or occurrence of events or events that have occurred from one tribe to another. The occurrence of mutual hostility between them, remembering and maintaining events in the past. The tribal wars that occurred in the past are still hostile to this day, if between the defeated or weak tribes and the strong or dominant tribes, so that until modern times like today it is very influential to distinguish between them in order to get a decent job. The problem of conflict events that have occurred in Papua, is related to killings or shootings and committing human rights violations. Starting from the military operations that have occurred in Papua, since the 60's until now, this is a long history experienced by the indigenous Papuan people, who will never forget. With these events, the Indonesian government and the Papuan people did not unite and discriminate against each other and then the indigenous Papuans also felt discrimination and distrust of the government's attitude.

c. Geographical

The land of Papua is geographically very influential in being able to discriminate against each other, because the Papuan people also have territorial boundaries for generations. Usually based on the clan then it is limited by rivers, mountains, and so on. Which is the boundary of the area, the area that belongs to the residents, the other residents may not open the land without the knowledge of the owner. If this happens, then of course there will be conflict and mutual hostility between them.

In connection with the acceleration of development in Papua, many people often ask why development in Papua is not

effective and efficient even though the special autonomy funds launched are of greater value and then land and sea transportation cannot be reached to connect one region to another? However, this question can be answered easily because geographically it is very difficult to accelerate and accelerate the development. Matters related to development in Papua, of course, the basic reason and problem is its geographical location, this is the main problem for the movers and role holders in carrying out development in Papua. So, once again, it is very reasonable that the stagnation of development and corruption in Papua is indeed due to the geographical location that is not accessible to launch development. But if those who already have the spirit to build, then the geographical location is not an excuse not to run and accelerate development.

The people who live in the mountains and those who inhabit the coast in Papua, have an attitude of discriminating between the people who inhabit the mountains and also the people who inhabit the coast, by looking for each other's weaknesses, mocking each other, cursing each other, mutually underestimate between coastal communities against mountain communities and vice versa. Regarding the things above, they are not physically visible, but psychologically they really feel and indirectly also in the community similar things happen, so that by itself in people's lives, people discriminate between each other. People who have attitudes like these then feel the stigma and bad prejudices experienced by the community, because they assume that geographical factors certainly distinguish between mountainous communities and coastal communities.

d. Culture

Papuan people already have a variety of cultures and customs. In the life of the Papuan people, there is not only one culture, but also multiculturalism according to the number of tribes and languages in Papua, because Papua has more than 250 tribes and languages. In each culture and customs, there is a good culture and there is also a bad culture according to the general public who study it. Ideally, what is good must be preserved and preserved and what is not good is left behind. But also not necessarily according to the community, the culture that is not good is abandoned, but it does not rule out that the culture that is not good according to other people is good and must be maintained and preserved. It is these differences in attitude that then differentiate between them and often social conflicts occur.

e. Power

In this regard, certain areas become the territory of power or have full authority. For example, customary land belongs to tribal chiefs as the holder of customary territory power and there are areas that are still under the supervision of the regional government, whether the regent or governor has full authority to regulate it. The government regulations also stipulate that there are certain fields that handle it from the Regency level and there are also fields that handle it from the Provincial level. However, there are often conflicts of authority and power between the district government and the provincial government.

Conflicts of authority occur in the territory of the tribal chief or customary head as well as the territory under the jurisdiction of the district and provincial governments. The conflict occurs due to lack of building effective and efficient communication,

inconsistency, not establishing good relationships, lack of coordination, high egotism, wanting to get maximum results or profit as much as possible. Desires like this often appear in their minds, so it is very easy to differentiate between one another.

f. Position/Position

What is the main factor to seize a position or position can happen and this has happened which then has a negative attitude or behavior that often appears in a person's mind so that there is mutual discrimination between co-workers, individuals with other individuals, in communities, in groups, within the community, between government and private officials as well as other institutions, so that in people's lives they do not live in harmony. Often there is a difference between one another to cause conflicts that result in casualties.

According to Dudi Setyanto, watching Papua is like watching a soap opera on television in volumes, as if it will never end, and there are always problems swirling around. When I first set foot in Sentani, I was amazed by its nature. Especially after relaxing on the beach in Jayapura. It's beautiful and peaceful. But this beauty seems meaningless when you hear the stories of friends there about the life of the Papuan people. They have a hard time finding work. Government offices are also dominated by immigrants. Papuans are considered intellectually incompetent. Trade is the same. The markets are dominated by traders from other areas, around Papua. Papuans mostly sell areca nut, their cigarettes every day. Nature is beautiful and rich, exploited to the full by big companies.

In his book, Haluk (2013) also explains that the condition of education in Papua is still apprehensive. Let alone those in the interior, schools in the city still need attention. The problem of education in Papua does not appear to be a priority for the local government. According to the director of the Institute for Civil Society Strengthening (ICS), the budget for free education is not included in the Regional Revenue and Expenditure Budget. It is also stated that in the Special Autonomy Law, the Special Autonomy funds are intended to finance education and health. This should be reflected in the Regional Revenue and Expenditure Budget, where the percentage of education funds should be greater than other sectors. The National Education System Law mandates that the education budget is 20 percent of the Regional Revenue and Expenditure Budget, but in reality only 4.7 percent is budgeted. If referring to the mandate of the Regional Regulation, the education budget must be 30 percent of the special autonomy fund or Rp. 313.18 billion. Even in the results of the ICS analysis, it is stated that Rp. 171.93 billion or 84.51 percent, education funds were used up for personnel expenditures (salaries, allowances and honoraria) as well as office administration costs, official travel, and employee food and drink expenses. So that education funds that are directly in contact with the public interest, only Rp. 31.52 billion or 15.49 percent. In addition, the quality of teachers also needs to be improved. And it is necessary to pay attention to their welfare. Good teachers are currently around the city, not yet reaching the interior. Many schools are abandoned by teachers because, however, these teachers also have to survive.

The curriculum plays an important role in the implementation of education. An understanding of Papuan culture is needed so that educational materials and methods can

provide maximum results. I think education is not about changing Papuan culture, but how Papuans can survive as themselves. Local content needs to be included in the curriculum. How they can produce such a fine carving. How those who own fields can cultivate their land to produce more. How do they select sago and process it. How the fishermen can live from fish. Discrimination can be ended, if all parties have a strong intention to end it. The people of South Africa have gained independence. The Australian government has recognized Aboriginal people. The American people have elected a black president. Indonesia already has an Anti-Discrimination Law.

IV. CLOSING

Every year the Central Government allocates a special autonomy fund which is quite large in value. However, the majority of indigenous Papuan people who admit that they have not enjoyed or have not touched the small community or the lower level people always say that they are not satisfied with

the results of the implementation of special autonomy itself. In addition, the indigenous Papuan people view and assess that the implementation of special autonomy has not brought significant results, because the people really feel distrust, dissatisfaction, injustice, and feel discriminated against by the central government and local governments. So by looking at these conditions, the people say that special autonomy and development in Papua have failed.

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