

## Problematic of Local Politic Party Formation in Papua

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**ABSTRACT:** Post-reforms, governments in Indonesia have the passion to improve existing systems of virtually authoritarianism into democracy, which previously was centralized into decentralized. Therefore the statute of 21 years 2001 on special autonomy for the province of Papua. In chapter 28 a quo provides an opportunity for papuan people to form a political party, but until the rule a quo was changed in 2021, Papua's local political party could not be formed. The study examined two aspects, first, how the formation of a local political party in Papua has developed? Second, what impediment to the formation of a local political party in Papua? The study used the empirical law study method. The result of this study was: first, Papua, a region that was granted special autonomy authority, had an opportunity to form a local political party, but the political social relationship between the central government and the region was not so well defined that the hopes of recreating a local political party in Papua could not be implemented; Second, political will's disharmony between the central government and the local government made it difficult to realize the local political party in Papua.

**KEYWORDS:** Autonomous unitary state; special autonomy for papua and local political parties.

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### I. INTRODUCTION

Post-reform, the political agreement to improve the authoritarian state system into a democratic system and the previous centralized system into a decentralized system is the reason for giving the widest possible autonomy to the regions. The concept of the Unitary State of the Republic of Indonesia as a unity of various regions, the view of the archipelago that the territory of the Republic of Indonesia is one region that is not separated between islands. The reality that cannot be separated is that Indonesia is a country characterized by a plural and multicultural society with cultural diversity and complexity.<sup>1</sup>

Although Indonesia in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia explicitly states as a unitary state in the form of a Republic, the Republic of Indonesia is organized by guaranteeing the widest possible autonomy to the regions to develop according to their respective potential and wealth, of course carried out in synergy with the central government.<sup>2</sup> Therefore, in the Amendment to the 1945 Constitution of the Republic of Indonesia, there were several fundamental changes in the Indonesian constitutional system, one of which was the strengthening of regional autonomy by sharing power from the Central Government to the Regional Government.

Based on the principle of autonomy, in 2001 several regions were granted special autonomy status. Namely to Papua Province through Law Number 21 of 2001 concerning Special Autonomy for Papua Province which was given because it was considered that there were development gaps and violations of human rights.<sup>3</sup> Special Autonomy is a policy with strategic value in the context of improving services, accelerating development and empowerment for all Papuans.<sup>4</sup> Special autonomy is used as a counterweight built with legal construction between the sovereignty of the Unitary State of the Republic of Indonesia in Papua and the expression of the wishes of ethnic group identity.

Article 28 of the Law stipulates the opportunity to form local political parties in Indonesia for Papua, namely:

1. Residents of Papua Province can form political parties;
2. Procedures for the formation of political parties and participation in general elections in accordance with laws and regulations;
3. Political recruitment by political parties in Papua Province is carried out by prioritizing indigenous Papuans; and
4. Political parties are obliged to seek consideration from the MRP (Papuan People's Assembly) in terms of the selection and political recruitment of their respective parties.

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<sup>1</sup> Ria C. Arisa. (2011). *The Pancasila Ideology*. Malang: UB Press, p. 1.

<sup>2</sup> Jimly Asshiddiqie. (2011). *The Constitution and Indonesian Constitutionalism*. Jakarta: Sinar Grafika, p. 63.

<sup>3</sup> Rusdianto Sesung. (2013). *Law of Regional Autonomy*. Bandung: Refika Aditama, p. 97.

<sup>4</sup> Nico Gere. (2015). *Maintaining Indonesia's Sovereignty in Papua*. Jakarta: Antara Publishing, p. 294.

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The implications of article 28 are interpreted by people in Papua as the institution of political parties at the local level. Because the political party regulations in force in that era were Law Number 2 of 1999 concerning Political Parties, which regulates the party system nationally. This means that if you include regulations on the formation of political parties in Law Number 21 of 2001 concerning Special Autonomy for Papua, it can be interpreted as regulating the formation of political parties at the local level in the Papua and West Papua Provinces.

However, if examined closely, the regulations on political parties in Papua are not as explicit as in Aceh, the phrase Political Party in Article 28 paragraph (1) is not clearly interpreted that what is meant by political parties is local political parties. However, the explanation in paragraph (3) can be interpreted that indigenous Papuans as an entity that is prioritized in political contestation in the region, and in paragraph (4) the Papuan People's Assembly as an institution that represents indigenous peoples, religions and women has an important role in giving consideration to political parties.

## **II. RESEARCH METHODS**

The research method used in this research is empirical juridical legal research, namely field research to examine applicable legal provisions and their implications in society.<sup>5</sup> In this research, the author conducts field research in the form of interviews and then juxtaposed with laws and regulations and literature studies to explore the facts of the actual situation related to the problem of forming local political parties in Papua which are then described using qualitative methods.

## **III. DEVELOPMENT OF LOCAL POLITICAL PARTIES IN PAPUA**

The existence of local political parties in Indonesia is expected to be part of the Indonesian constitutional system that can carry out the democratization of state administration. This is a manifestation of the participation of local political parties in the process of filling the positions of State administrators through the general election mechanism. By definition, according to Rifqinizami Karsayuda, a local political party is an organization formed by a group of Indonesian citizens voluntarily on the basis of a common will and ideals to fight for and defend the political interests of members, the community, the nation and the State which is domiciled and its scope is only in one province in the Republic of Indonesia.<sup>6</sup>

After the enactment of Law Number 21 of 2001 concerning Special Autonomy for Papua Province, local political parties are an idea that is expected to be implemented in order to increase the proportion of indigenous Papuans to participate in planning, implementing and supervising government administration and implementing development through the participation of representatives of adat, religion and women. In order to implement Article 28 of the Special Autonomy Law in 2003 and 2017, draft regulations on the existence of local political parties in Papua were made, then submitted to the Ministry of Home Affairs for evaluation.

So based on the freedom of assembly and association and based on Article 28 paragraph (1) of the Special Autonomy Law, a local political party called Partai Papua Bersatu (PPB) was formed on October 29, 2014. PPB has had legality from the Ministry of Law and Human Rights with Number AHU-00711.60.10.2014 concerning the Ratification of the Establishment of the Legal Entity of the United Papua Party Association (PPB) on November 17, 2014. However, the political dynamics that occurred resulted in PPB not being able to participate in the election process because in the 2019 election participation registration process, PPB's application was rejected by the KPUD, on the grounds that there was no legal umbrella for the formation of local political parties in Papua.

Actually, the spirit of forming local parties is a manifestation of protecting and improving the rights of indigenous Papuans as well as carrying out and guarding the special autonomy system, but juridically the formation of local political parties in Papua is based on the spirit of freedom of assembly and association. Article 28C paragraph (2) of the 1945 Constitution of the Republic of Indonesia explains that "every person has the right to advance himself in fighting for his rights collectively to develop his community, nation and country", the meaning of this article in the context of local political parties is the right of every Indonesian citizen, especially indigenous Papuans to participate in the contestation of general elections to fill existing political positions.<sup>7</sup>

Furthermore, the constitutional juridical basis for the formation of local political parties, namely referring to Article 1 letter b of the Papua Special Autonomy Law, explains that special autonomy is a special authority recognized and given to Papua to regulate and manage the interests of the local community according to its own initiative based on the aspirations and basic rights of the Papuan people, meaning that if you refer to article 28 paragraph (1) of the Papua Special Autonomy Law which states that Papuans can form political parties, it can be interpreted that political parties at the local level. According to Hamdan Zoelfa, the meaning of "Residents of Papua Province can form political parties" is an embodiment of the State in carrying out recognition and respect for

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<sup>5</sup> Suharsimi Arikunto. (2012). *Research Procedures: A Practical Approach*. Jakarta: Rineka Cipta, p. 126.

<sup>6</sup> Rifqinizamy Karsayuda. (2013). *The Formation of Local Political Parties in the Unitary State of the Republic of Indonesia*. Malang: UB Press, p. 44.

<sup>7</sup> Interview via mobile phone with Darius Newipa, Secretary General of the United Papua Party (*Partai Papua Bersatu*), on March 10, 2020.

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special and special regional government units, meaning that the meaning of "forming political parties" in the Special Autonomy Law is the meaning of political parties at the local level.<sup>8</sup>

Meanwhile, according to Mukhtie Fadjar, Article 28 of the Special Autonomy Law should be interpreted as a local political party, because in the era of its formation, there was no regulation of political parties that allowed the existence of local political parties, but because it is regulated in the Special Autonomy Law, it should be interpreted as a local political party, because if it is juxtaposed with the Aceh case using the "lex specialis derogat legi generalis" argument, then local political parties should also be formed in Papua.<sup>9</sup>

So according to the author, there are at least five advantages if local political parties can be formed and included in general elections in Papua: First, if you reflect on the results of the 2019 legislative elections, which in several regions the proportion of OAP who became DPRD members was not balanced with Non OAP, then local political parties can become a forum for OAP to raise local-based ideas that have escaped the government's attention. Second, local political parties as juridical institutions are used as conflict dampeners with government control. Third, local political parties are a solution to the chaos of the national party system, Fourth, local political parties as implementers of the democratic system in the form of elections in Papua, because the provision of affirmation with the "appointment" scheme instead of "elections" to fill positions in the MPR, DPRD and DPRD will cause horizontal conflicts between indigenous Papuans. Fifth, local political parties as a strengthener of political autonomy, given the delegation of special authority to Papua including the granting of political autonomy.

### IV. FACTORS HINDERING THE PRESENCE OF LOCAL POLITICAL PARTIES IN PAPUA

In the process of presenting the realization of local political parties in Papua, it has not been easy, the political turmoil of law and the tug of interest are seen as a form of mediocrity in granting special authority to present local political parties in Papua, therefore it is necessary to describe the factors that hinder the presence of local political parties in Papua, namely:

#### 1. Disharmonization of Political Will and Legislation between Central Government and Local Government

If analyzed, there is disharmony in the implementation of article 28 of the Special Autonomy Law in Papua, First, the interpretation of article 28 which regulates political parties is interpreted by the Papuan people as local political parties, because these provisions are regulated in the Special Autonomy Law which regulates the special authority given to Papua, but the central government interprets differently, that the regulation of political parties in article 28 is a branch of national political parties in Papua.

Second, after being interpreted as local political parties, several local political parties were formed to remote areas and received legal entity recognition (United Papua Party). However, because the Special Autonomy Law does not emphasize local political parties, therefore the existence of local political parties in Papua does not have legal standing.

Third, in general, the implementation of Article 28 of the Papua Special Autonomy Law is not running as it should, because so far the branches of national political parties in Papua have been formed not because of the Special Autonomy Law, but the implementation of the Political Party Law and the Election Law in their participation in elections, and have never asked for consideration from the MRP in the implementation of their political recruitment.

Fourth, 20 years into the implementation of Papua's Special Autonomy, article 28 in fact cannot function as a guideline to raise the participation of indigenous Papuans to join political parties, because political parties recruit cadres by prioritizing collegial relationships without carrying out open recruitment.

#### 2. Nationalizing Political Party Formation Arrangements

In fact, the formation of local political parties in Papua is still hindered by the Law on Political Parties and the Law on Elections which require the existence of political parties in Indonesia to be national. Because the provisions in the Election Law and the Political Party Law require the existence of a national political party both as a legal requirement for the establishment of a political party as well as a condition for its participation in elections.

Based on the provisions on the formation and participation of political parties in general elections, which must be national in nature, the result is to close the possibility of the birth of local political parties. Because the above arrangements require every political party to have a national management. Although if observed, many political parties only have a base of support in certain regions.

The centralization of political parties has in fact created a system of providing recommendations for candidates for regional heads and deputy regional heads at the district/city level who must undergo three stages of selection, namely at the district/city, provincial and central levels of political party management. This is also the case with the selection process of candidates for regency/city DPRD members who must be given recommendations by the management at the central level. This often results in

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<sup>8</sup> Hamdan Zoelva. *Considering the Formation of Local Political Parties in Papua*. Presentation delivered at the webinar titled *Papua Strategic Policy Forum #7: Considering the Formation of Local Political Parties in Papua*, Papua Task Force, Gadjah Mada University, August 25, 2020, p. 4.

<sup>9</sup> Mukhtie Fadjar. (2012). *Political Parties in the Development of Indonesia's Constitutional System*. Malang: Setara Press, p. 68.

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internal conflicts where the wishes of the party management at the local level and the party management at the central level do not coincide in proposing candidates to be supported.

The provision of nationalizing political party structures has actually created a way of partying that drains energy, energy and funds because it is required to activate political party structures in regions that do not have a strong political base. This means that for parties that get significant votes in one or several regions, they should be given the option to exist if the public support for the party is high in every election process. Thus, political parties do not need to be forced to have management throughout Indonesia with the mechanism of nationalizing the management of new political parties.<sup>10</sup>

3. There has been a scheme to appoint Indigenous Papuans as Members of the Legislature at the Provincial and Regency/City Levels.

Special Autonomy for Papua is a policy that is expected to realize the welfare of the community by bringing services closer to the public, encouraging democratization and broader public participation, strengthening regional capacity and responsibility in solving local problems with all the potential and creativity of the region.<sup>11</sup>

In order to encourage public participation to participate in formulating policies, determining development strategies and participating in government decision making in the form of filling members of the Provincial and Regency / City DPRD through an appointment mechanism regulated in article 6 paragraph (1) which reads "DPRP consists of members who: a. are elected in general elections in accordance with statutory provisions, and b. are appointed from the elements of Indigenous Papuans". in line with this regulation, article 6A paragraph (1) explains that "DPRK consists of members who: a. are elected in general elections in accordance with statutory provisions, and b. are appointed from the elements of Indigenous Papuans".

The granting of the appointment scheme is a form of affirmative action aimed at increasing the participation of Indigenous Papuans in every political and economic decision-making in the region, as well as for the sake of protecting the rights, ensuring the improvement of the welfare of indigenous Papuans.<sup>12</sup>

However, the implementation of the appointment scheme is not solely without problems, whether or not a person from the Indigenous Peoples element passes to become a member of the DPRD is determined by the Governor and the tools formed, not determined by the Indigenous Peoples themselves communally, on the other hand the Governor himself is a political position which according to statutory regulations is nominated through a political party or a combination of political parties. This results in the appointment scheme as a member of the DPRD is a new problem that can lead to horizontal conflict between Indigenous Papuans themselves.

Because if you refer to Article 7 of Law Number 8 of 2012 concerning the General Election of Members of the DPR, DPD and DPRD, it explains that the participants in the general election to elect members of the DPRD are political parties. the appointment scheme in the Special Autonomy Law should be abolished, because so far the function of DPRD members in the appointment scheme has not been effective in voicing the aspirations of indigenous peoples, because indigenous peoples entrust their aspirations to the Papuan People's Assembly which consists of elements of women, adat and religion. so that horizontal conflicts no longer occur, the appointment scheme should be abolished and replaced using a local political party scheme. If local political parties can be formed and participate in general elections in Papua, then competition for DPRD seats in accordance with the Law a quo and competition is drawn to the realm of elections, not to the realm of appointments.<sup>13</sup>

4. Rejection of the United Papua Party's Judicial Review Lawsuit

The United Papua Party is a local party formed on October 29, 2014. United Papua Party is a local political party led by Krisman Dedi Awi Janui Fonataba as chairman and Darius Newipa as Secretary General. The basis of its formation PPB has had legality from the Ministry of Law and Human Rights with Number AHU-00711.60.10.2014 concerning the Ratification of the Establishment of the Legal Entity of the United Papua Party Association on November 17, 2014. However, PPB's application to the KPUD to participate in the elections was rejected because it was considered that there was no legal umbrella governing the existence of local political parties in Papua.

Therefore, on September 9, 2019 PPB filed a judicial review lawsuit to the Constitutional Court with the object of the case regarding the examination of Law Number 21 of 2001 concerning Special Autonomy for Papua as amended by Law Number 35 of 2008 concerning Government Stipulation in Lieu of Law Number 1 of 2008 concerning amendments to Law Number 21 of 2001 Article 28 Paragraph (1) of the phrase "Political Party" which is considered contrary to Article 28C paragraph (2) and Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

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<sup>10</sup> Rifqinizamy Karsayuda, *The Formation of Local Political Parties in the Unitary State of the Republic of Indonesia*, *op. cit.*, p. 304.

<sup>11</sup> Azmi Muttaqin. (2014). "Special Autonomy in Papua: An Effort to Respond to Conflict and the Aspiration for Independence in Papua," *Politika: Journal of Political Science*, 4(1), p. 3. DOI: <https://doi.org/10.14710/politika.4.1.2013.5-18>

<sup>12</sup> Rochendi S. and Kausar Ali Saleh. (2017). "The Relationship Between Central and Regional Governments in Special Autonomy in Papua Province," *Journal of Political Studies and Development Issues*, 13(1), p. 1915.

<sup>13</sup> Interview with Maxsi Nelson Ahoren, Chairperson of the West Papuan People's Assembly, in Manokwari, September 23, 2021.

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After the judicial review trial, the panel of judges did not find convincing evidence that the phrase political party in Article 28 of Law 21 of 2001 is a local political party. The Constitutional Court Decision Number 41/PUU-XVII/2019 has delegitimized the existence of local political parties in Papua, during which PPB has made coordination efforts with various executive elements, namely the Governor, as well as legislative elements with the MRP and DPRP, but has not yet obtained legal standing as a foothold for the existence and participation of local political party elections in Papua. As a result, the legal effort to submit an application to the Constitutional Court is the last resort that finally gets a decision.

### 5. Second Amendment to Law Number 21 of 2001 to Law Number 2 of 2021 concerning Papua Special Autonomy.

After the expiration of the Papua Special Autonomy fund in 2021, in accordance with article 34 paragraph (3) letter c number (6) explains that regional revenue in the context of Special Autonomy is valid for 20 years. The pressure to revise the Special Autonomy Law has actually long emerged because Otsus Papua is considered unable to create prosperity for the Papuan people. However, the Central Government is serious about proposing changes to the Special Autonomy Law after the expiration of the special autonomy fund revenue in the 2021 Priority.

The problem that occurs is that so far the meaning of article 28 a quo is interpreted as a local political party, so that several political parties have been formed such as the United Papua Party (PPB), the Prosperous Papua Party (PPS), the West Papua National Party (PNPB) and the West Papua Democracy Party (PDPB). However, on the contrary, the central government considers that article 28 has caused misunderstanding between the central government and local governments regarding the phrase political parties.

The deletion of article 28 is a form of implementation of the Constitutional Court's decision Number 41/PUU-XVII/2019 which does not interpret that article 28 a quo is a local political party, but a national political party. Therefore, it was replaced with a form of affirmation by providing arrangements for the appointment of DPRP members in article 6 and DPRK members in article 6A.<sup>14</sup> However, article 28 is not deleted entirely and does not eliminate the authority of political parties to carry out political recruitment that prioritizes indigenous Papuans and political parties can seek consideration and / or consultation with the MRP in terms of political recruitment.

The deletion and shifting of the norms of Article 28 is considered to have no implications. Because the previous regulation requires political parties to ask for consideration from the MRP in terms of selection and recruitment of political parties, but this obligation cannot be implemented because there is no implementing regulation. Meanwhile, the phrase of article 28 paragraph (4) which was previously "mandatory" was changed to "may request", meaning that article 28 will not have any effect, unless an implementing regulation is made that regulates the request for consideration of the selection and recruitment of political parties in Papua.

## V. CONCLUSION

The development of local Papuan political parties is the implementation of article 28 of the Special Autonomy Law, which is interpreted by Papuans as a local political party. Therefore, several local political parties have been formed. However, in the verification process at the KPUD to participate in the 2019 election process, the KPUD rejected the registration because it was considered that there was no legal standing for the existence of local political parties in Papua. Whereas there are several advantages obtained if local political parties can be formed and included in general elections in Papua: First, local political parties can be a forum for OAP to raise locally-based ideas that escape the attention of the government. Second, as a conflict reducer with government control. Third, as a solution to the chaos of the national party system, Fourth, as an implementer of the democratic system in the form of elections in Papua. Fifth, as a strengthener of political autonomy.

However, the journey of forming local political parties has experienced various obstacles, namely: First, there is a disharmony of political will and legislation between the central government and local governments; Second, the rules for the formation of political parties are national in nature; Third, in Papua there has been filling of DPRP and DPRK members through an appointment scheme; Fourth, the rejection of the United Papua Party (PPB) lawsuit; Fifth, the deletion of paragraphs (1) and (2) of article 28 in the second amendment to the Special Autonomy Law.

## REFERENCES

- 1) Jimly Asshiddiqie, (2011) Indonesian Constitution and Constitutionalism, Jakarta: Sinar Grafika.
- 2) Mukthie Fadjar, (2012). Political Parties in the Development of Indonesian State Administration, Malang: Setara Press.
- 3) Muttaqin Azmi, (2014) "Papua Special Autonomy an effort to respond to conflict and aspirations for Papuan independence", *Politika: Journal of Political Science*, 4(1), pp. 3 DOI : <https://doi.org/10.14710/politika.4.1.2013.5-18>
- 4) Nico Gere, (2015). Caring for Indonesian Sovereignty in Papua, Jakarta: Antara Publishing.
- 5) Ria C Arisa. (2011). Pancasila Ideology, Malang: UB Press.

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<sup>14</sup> Special Committee Report on the Amendment of the Papua Special Autonomy Law, House of Representatives of the Republic of Indonesia.

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- 6) Rifqinizamy Karsayuda, (2013). Formation of Local Political Parties in the Unitary State of the Republic of Indonesia, Malang: UB Press.
- 7) Rochendi S, Kausar Ali Saleh, (2017) "Central and Local Government Relations in Special Autonomy in Papua Province", Journal of Political Studies and Development Issues, 13 (1), pp: 1915.
- 8) Rusdianto Sesung, (2013) Regional Autonomy Law, Bandung: Refika Aditama.
- 9) Suharsimi Arikunto, (2012). Research Procedures A Practical Approach, Jakarta: Rineka Cipta.



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