

THE ROLE OF PAPUA SPECIAL AUTONOMY FUND FOR REGIONAL INFRASTRUCTURE DEVELOPMENT

MARIA GRASIA SARI SOETOPO

Faculty of Law, Universitas Pelita Harapan, Jakarta, Indonesia. Email: maria.soetopo@lecturer.uph.edu

Abstract

Since the issuance of Law Number 21 of 2001 concerning Special Autonomy for Papua Province, Papua and West Papua Provinces have held Special Autonomy (Otonomi Khusus / Otsus) status in the endeavour of accelerating regional development. However, the granting of this status has not optimally aided in the achievement of the Regional Medium-Term Development Plan (RPJMD) target. This study discusses the administering of Papua Special Autonomy Fund. This research utilizes normative legal research methods and supported by economic analysis. The study infers problems in the utilization of the Papua Special Autonomy Fund as it has not been amply directed to infrastructure development. As infrastructure plays an important role in facilitating local community's basic services, economic opportunities, and health facilities, the use of the Papua Special Autonomy Fund should be directed to physical and non-physical infrastructure development in the region.

Keywords: Special Autonomy Fund, Papua, Local Government, Poverty Alleviation, Infrastructure Development.

1. INTRODUCTION

1.1 Background

The provisions of Article 18B Paragraph (1) of the Constitution of the Republic of Indonesia Year 1945 (Undang Undang Dasar/UUD 1945) stipulate the State's recognition of the existence of Special Regional Governments or Special Regions. The existence of this recognition was caused by the emergence of an aspiration for the systematic structuring of national and state existence after the Reformation¹ which was followed up by the issuance of several legal products, including:

- 1) People's Consultative Assembly (Majelis Permusyawaratan Rakyat/MPR) Decree Number IV / MPR / 1999 concerning the Outline of the State Direction in 1999-2004; and
- 2) MPR Decree Number IV / MPR / 2000 concerning Policy Recommendations in the Implementation of Regional Autonomy

The various provisions of the MPR above in their development became the basis for the issuance of Law Number 21 of 2001 concerning Special Autonomy for Papua Province as amended several times², most recently by Law Number 2 of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for Papua Province³ (Papua Special Autonomy Law). The existence of the Papua Special Autonomy Law is the basis for Papua's authority in organizing Special Autonomy (Otsus). Based upon this status, the development of the Papua region is expected to administer the lack of development and economic equality in Indonesia.⁴ The granting of special autonomy status is amalgamated with

the administration and implementation of development prioritizing justice and welfare of the Papuan people⁵. In this regard, Papua has exclusive authority in the treasury sector, through of the Special Autonomy Fund.

As one of the sources of regional funding, the Special Autonomy Fund is a Revenue Post in the context of implementing Special Autonomy amounting to 2% of the National General Allocation Fund (Dana Alokasi Umum/DAU) Ceiling for a period of 25 years. The fund aims to realize justice in the management of regional products, improve community welfare, and encourage the empowerment of Human Resources.⁶

Although the Special Autonomy Fund has a significant effect in the circumstance of Papua. It has not foremostly bolstered its regional development. This is elucidated in the Papua Human Development Index (HDI⁷) in the 2019-2022 period at 60.84%, indicating target of the Regional Medium-Term Development Plan (RPJMD) at 63.29%⁸.

As regional governments face challenges in achieving the RPJMD target, this study aims to assess the effectiveness of Papua Special Autonomy Fund to improve Papua's economic development. It is hoped that this study can provide input for the Government, academics, and related parties to improve the people's welfare of the people in the region.

The role of the Papua Special Autonomy Fund can be understood in the context of Lawrence M. Friedman's theory emphasizing the dynamic nature of the legal system and its role in shaping and responding to changes in society.⁹

In the context of Papua, the optimization of the Special Autonomy Fund can be seen as a way to adjust the legal framework to address the social and economic challenges unique to the region. By updating and refining the regulations and policies governing the Special Autonomy Fund, policymakers can use the law as a tool for social engineering, with the aim of improving the welfare of Papuans through infrastructure development.

Correspondingly, Roscoe Pound's theory sees law not just as a set of rules, but as a means to achieve social goals and promote justice.¹⁰ In the case of Papua, the optimization of the Special Autonomy Fund can be in line with the idea of using the law to achieve social outcomes, such as reducing poverty, increasing access to essential services, and promoting economic development.

By ensuring that the Special Autonomy Fund is allocated efficiently and transparently to support infrastructure projects, the legal system can contribute to broader social engineering goals to improve the welfare of Papuans.

The explication above reveals obstacles it shows a problem in the implementation of development in Papua. Despite the increasing Special Autonomy Fund and Papua Infrastructure Additional Fund, regional infrastructure development in Papua has not been attained. For this reason, that this study is conducted with the title "**THE ROLE OF PAPUA SPECIAL AUTONOMY FUND FOR REGIONAL INFRASTRUCTURE DEVELOPMENT**".

1.2 Problem Statement

Based on the description above, the problem formulation of this study is as follows:

- 1) How is development the Special Autonomy Fund administered for Papua's infrastructure development?
- 2) How should the Special Autonomy Fund be utilized to optimize infrastructure development in Papua?

2. RESEARCH METHODS

This research uses normative legal research methods which are supported by economic analysis. Methodologically, normative legal research is literature law research is based on various research materials and approaches.¹¹ The research materials in this article include primary legal materials, secondary legal materials, tertiary legal materials, and non-legal materials.¹² Correspondingly, this study uses statutory approach and conceptual approaches.¹³

3. DISCUSSION

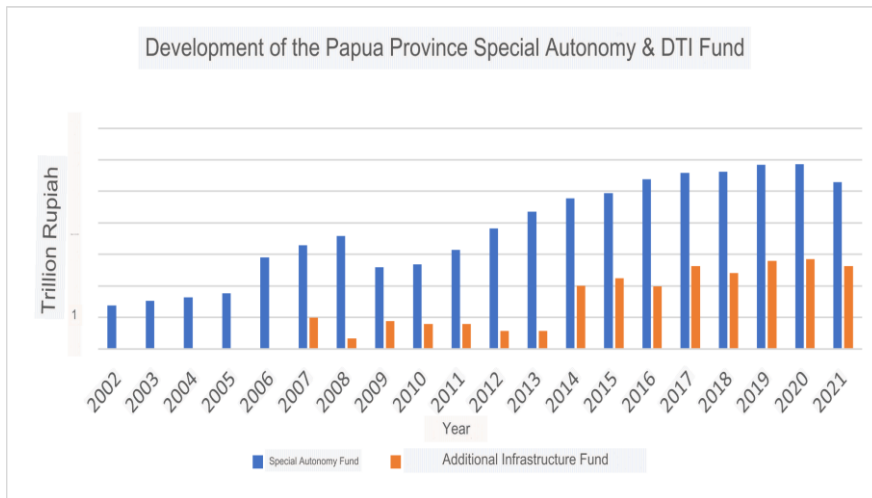
3.1 Use of Special Autonomy Funds and Current State of Papua's Infrastructure

3.1.1 Development of the Papua Special Autonomy Fund

As of 2021, Papua has the sixth largest Regional Budget (Anggaran Pendapatan Belanja Daerah/APBD) structure in Indonesia with a total of IDR 38,055.91 billion. The source of revenue for the region comes from local original revenue, equalization funds, revenues in the framework of special autonomy, regional loans, and other sources of revenue¹⁴. From these various sources of income, the Special Autonomy Fund consists of two components, namely:¹⁵

- 1) Special allocation funds equivalent to 2% of the national general allocation fund; and
- 2) Additional infrastructure fund (DTI).

With its special autonomy status, the Papua Regional Government initially obtained a special allocation fund of Rp 1,382 billion in 2002. Throughout the time, this amount grew reaching IDR 7,911 billion in 2021. Similarly, DTI continued to increase from the original Rp 2 trillion in 2014 to encourage infrastructure development in the Indonesian region¹⁶. Details of the development of the Special Autonomy Fund from 2002 to 2021 are as follows:



Source: BPS, data processed (2023)

Figure 1: Development of the Papua Province Special Autonomy Fund in the Period 2002 – 2021

3.1.2 Infrastructure Development in Papua

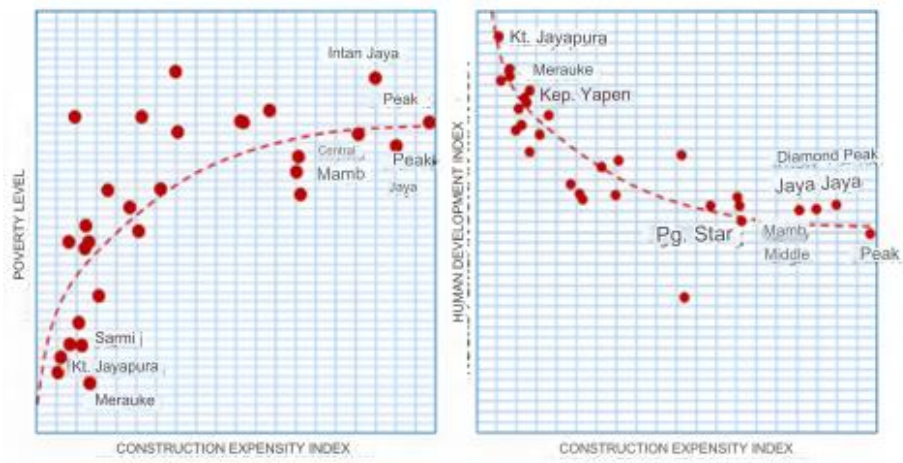
The existence of infrastructure is closely related to the rate of economic growth and welfare. In the same manner, the regional infrastructure system is closely related to economic growth in improving welfare.¹⁷ The presence of DTI in supporting the implementation of Special Autonomy is expected to support infrastructure development in Papua. However, facts show that its use today is still far from achieving the expected goal. Infrastructure is one of the reasons for Papua's status of underdeveloped regions¹⁸.

This can be seen from the existence of more than 35 villages in Panai, Tolikara, and Boven Digoel which are relatively isolated because they can only be reached by air transportation¹⁹. Papua's poor infrastructure can also be seen from its status as an area with the highest CCI in Indonesia (192.57 in 2022), due to the high costs needed for construction of buildings.²⁰

The high index is closely related to the fact that almost all manufactured construction goods come from outside the region of Papua, and because of its difficult geographical conditions, the goods needed for construction becomes expensive due to logistical constraints, such as:²¹

- 1) The length of delivery time;
- 2) High transportation costs; and
- 3) The high cost of transporting goods between regions.

The high CCI is directly proportional to the poverty²² and human development in Papua. This situation can be seen from the correlation of CCI with high levels of poverty and low HDI achievement²³ based on the following figure:



Source: BPS Papua Province, 2020 (data processed)

Figure 2: Correlation between Construction Costliness Index and Poverty and HDI in Papua

Referring to Figure 2 above, the graph on the left shows the correlation between the Poverty Rate and the Construction Costliness Index, it can be seen that districts that have a fairly high Construction Costliness Index (Puncak Jaya, Puncak, and Intan Jaya) also have a fairly high poverty rate, and vice versa. From the graph on the right, it shows the correlation between the Human Development Index (HDI) and the Construction Costliness Index (IKK). Just like the previous chart, Puncak Regency, Puncak Jaya and Intan Jaya, which has a high Construction Costliness Index also has a low HDI. Through those two graphs it shows that the availability of infrastructure greatly affects the two indicators.

3.2 Ideal Utilization of Special Autonomy Fund through Infrastructure Development in Papua

3.2.1 Evaluation of Special Autonomy Fund Utilization Based on Regional and National Development Target Achievement

The existence of the Special Autonomy Fund is intended to assist the implementation of Papua's regional development, especially in relation to increasing the capacity of local governments and the development of customary territories to support the regional economy²⁴.

In relation to the implementation of the RPJMD and the National Development Plan (RPJMN), it is specifically related to the achievement of several development targets as follows:

Table 2: Population and Economic Targets of Papua Province in RPJMD and RPJMN

No	Indicators	Unit	Realization				Target RPJMD	Target RPJMN
			2019	2020	2021	2022	2023	2024
1	IPM	Index	60,84	60,44	60,62	61,39	65	75,54
2	Poverty Percentage	%	26,64	27,53	26,86	26,56	20	16,98
3	Economic Growth	%	-16,36	-20,13	13,42	-	5-6,5	9

Source: BPS, Papua Province RPJMD 2019 - 2023 and RPJMN 2020-2024

Based on the RPJMND target, it appears that the current local government has not been able to achieve the 2019-2023 development targets, due to the following reasons:

- 1) The average increase in HDI only reached an average of 0.30%;
- 2) The average decrease in the percentage of poverty only reached an average of 0.07%

The realization of Papua's economic growth tend to fluctuate during 2019-2021. However, this cannot eliminate the high cost of investment in a number of districts, such as Supiori, Pegunungan Bintang, Puncak Jaya, Yahukimo, Tolikara, Asmat, Keerom, Mappi, Sarmi, and Central Mamberamo, caused by the absence of economic and social infrastructure needed to support and integrate all economic activities.²⁵ This shows that the success of development in Papua cannot be solely seen from amount of the Special Autonomy Fund *per se*, but attention is also needed on various other factors, such as transparency and accountability in budget governance. From research that has been carried out, it appears that the Special Autonomy Fund is often misused for purposes apart from that of the regional priorities.²⁶ The existence of this phenomenon is also supported by several other findings such as:

- 1) There is no transparency in the implementation of the Special Autonomy Fund because reports only contains visible and financial realizations, and has never been a consideration for the disbursement of the Special Autonomy Fund for the next period;²⁷
- 2) The limited capacity of institutions and human resources (HR),²⁸ especially related to the preparation of development plans and budget allocation.²⁹

The various problems above show that there are obstacles in the use of Special Autonomy Funds which are not only caused by factors of legal structure, but also the legal culture of the local government administrators. This raises questions related to how the substance of the law plays a role, not only in supporting the realization of transparent and accountable management of the Special Autonomy Fund, but also in changing the behavior of the local government (institution and personnel). The realization of this will accelerate and improve the quality of Papua's infrastructure development, which is urgently needed to facilitate mobility, improve logistics systems, and provide community access to meet basic needs, aswell as improving the standards of living. In other words, improvements to IKK, poverty rate, and HDI of Papua.

3.2.2 Evaluation of Papua Special Autonomy Fund Regulations and Policies on Infrastructure Development

As previously discussed, there are constraints on aspects of the legal structure and culture of the local government administrators that have made the Papua Special Autonomy Fund not ideal in supporting the development of the region. In addition, the evaluation of legal substance also shows the law's absence in the implementation of the law, that makes management of the Special Autonomy Fund far from ideal. These various legal absences are related to several provisions of the Papua Special Autonomy Law, which includes the following:

- 1) The provisions of Article 14 letter j which states that the Governor is responsible for organizing the governance and development of Papua in a clean, honest, and responsible manner in accordance with the Basic Pattern of Development of Papua Province;
- 2) The provision of Article 78 that the implementation of the Papua Special Autonomy Law must be evaluated annually; and
- 3) The provisions of Article 7 jo. Article 32 requires local governments to draft at least 12 Special Regional Regulations (Perdapus) and 19 Provincial Regional Regulations (Perdasi).

In relation to the provisions of Article 14 letter j of the Papua Special Autonomy Law, currently, the local government has prepared a Regional Long-Term Development Plan (RPJPD) for 2005-2025 and RPJMD for 2013-2018. However, the RPJPD and RPJMD have not been specifically equipped with a grand design of Papua's infrastructure development, when in fact the government has issued Presidential Instruction Number 5 of 2007 concerning the Acceleration of the Development of Papua Province and West Papua Province (Inpres No. 5 of 2007), which requires the Governors of Papua and West Papua Provinces to prepare a Master Plan for the Acceleration of Development of their provinces. Meanwhile, in context with the provisions of Article 78 of the Special Autonomy Law, legal absence is related to several factors, namely:

- 1) Clarity on who is responsible for conducting the evaluation;
- 2) The purpose of the evaluation;
- 3) The scope of evaluation; and
- 4) To whom the evaluation report is submitted.

The existence of a regulatory absence in implementing the provisions of Article 78 of the Special Autonomy Law makes the evaluation process only conducted by the Ministry of Home Affairs (Kemendagri), based on Article 100 PP Number 106 of 2021 concerning the Authority and Institution of the Implementation of the Special Autonomy Policy of Papua Province. As of this research, the Ministry of Home Affairs has conducted at least 4 evaluations, which were done on the year 2008, 2011, 2013, and 2018.

However, the evaluation does not fully cover the implementation of the Papua Special Autonomy Law, because its focus is on several aspects, such as:³⁰

- 1) Effectiveness of the implementation of special autonomy policy;
- 2) Identification of special autonomy problems and achievements in Papua-specific arrangements and implementations, as well as the development of improvement strategies;
- 3) Evaluation of the effectiveness of governance in achieving the target of accelerating development and affirmation of Indigenous Papuans (OAP); and
- 4) Changes in the approach of Papua and West Papua provincial governments in connecting the Special Autonomy and Regional Autonomy.

The unclear party responsible for evaluating the implementation of the Papua Special Autonomy Law makes the Government unable to have adequate monitoring and evaluation mechanisms to measure the real impact of infrastructure development on community welfare.

The above is also exacerbated by the non-implementation of the provisions of Article 7 and Article 32 of the Special Autonomy Law, which require the establishment of a number of Perdasus and Perdasi directly related to the management of Special Autonomy Funds, such as Perdasus and Perdasi on Regional Authorities, Perdasus on Social Supervision, and Perdasi on *Ad Hoc Law Commissions*.

The absence of these various arrangements has the potential to create overlapping authority between the Provincial Government and the Regency / City Government. In addition, the absence of Perdasus regarding Social Supervision also makes supervision of the use of Special Autonomy Funds difficult to carry out effectively because of the absence of community participation within.

The lack of an Ad Hoc Law Commission also makes the policy-making process in Papua unable to be fully directed into realizing the ideal management of the Special Autonomy Fund.

As legal structure, legal culture, and legal substance become obstacles currently being faced, shows the urgency for the Government to take concrete measures in improving the legal system. In aspects related to legal substance, the government needs to immediately respond to the Papua Special Autonomy Law by issuing various implementing regulations, especially related to the implementation of monitoring and evaluation, based on the provisions of Article 78 of the Special Autonomy Law.

This shows the urgency needed by the government in improving the legal system as a whole, which is in accordance to Lawrence Friedman's theory of the legal system. With that said, these obstacles highlight the need for concrete action. With reference to Friedman's theory, the expansion of the Papua Special Autonomy Law must be accompanied by the issuance of implementing regulations, especially related to monitoring and evaluation, to ensure its effectiveness in society. Thus, the statement reflects an awareness of the importance of integration and good implementation in carrying out comprehensive legal reforms.

In addition, the government also needs to continue to assist and encourage the Papua Regional Government in carrying out several of its obligations such as:

- 1) Preparation of the grand design of Papua's infrastructure development by involving all relevant stakeholders, especially OAP representatives; and
- 2) Formulate and implement 12 Perdasus and 19 Perdasi as mandated by the provisions of Article 7 jo. Article 32 of the Papua Special Autonomy Law.

Furthermore, related to constraints on aspects of legal structure and legal culture, it appears that institutional capacity and human resources (HR) need to be improved in order to improve the effectiveness of special autonomy fund management. This should also be supported by efforts to improve and maintain the professionalism and integrity of human resources of local government administrators. This step can be taken by increasing the supervisory role of the society, the Central Government (especially the Ministry of Home Affairs, Audit Agency, Financial and Development Supervision Agency), and Law Enforcement Agencies.

Related to this, the Government's efforts to assist the Papuan Regional Government in carrying out its obligations, such as the preparation of the grand design of infrastructure development and the implementation of regional regulations (Perdasus and Perdasi), reflect Pound's concept of the function of law as a tool to achieve social goals. In addition, the emphasis on improving institutional and human resource capacity for effective management of the Special Autonomy Fund reflects Pound's view of the need for laws to adapt to social needs and accommodate change. These measures are also in line with Pound's thinking about the importance of integrity and professionalism in local governance, which can be interpreted as moral and ethical aspects in carrying out the legal functions. In addition, efforts to increase supervision by the public, the Central Government, and law enforcement agencies are in accordance with Pound's theory which emphasizes the function of legal control to maintain social balance.

4. CONCLUSION & RECOMMENDATION

4.1 Conclusion

1. The Special Autonomy Fund and Additional Infrastructure Fund of Papua already exist and are well developed, however, these additions have not been in line with significant increases in infrastructure to alleviate several problems such as poverty, HDI, and the Construction Costliness Index. Therefore, infrastructure development should be a top priority in the use of these funds, to achieve economic growth targets and improve the welfare of the people.
2. Inadequate management of the Special Autonomy Fund, such as the process of procurement/implementation of work that is not in accordance with the provisions, overpayment, and the use of funds that are not in accordance with the goals and objectives of the use of the Special Autonomy Fund. An increase in transparency on the implementation of the Special Autonomy Fund is also needed, keeping in mind the disbursement of the next period of the Special Autonomy Fund. Improvement to the capacity of institutions and its' human resources, especially related to the preparation of development plans and budget allocation.

4.2 Recommendation

The Papua Special Autonomy Fund needs to be prioritized in supporting infrastructure development as a pillar supporting Papua's growth. In terms of regulations and policies, it is necessary to immediately compile a grand design of Papua's infrastructure development by involving all relevant stakeholders, especially OAP representatives, and to immediately compile and implement 12 Perdasus and 19 Perdasi as mandated by the provisions of Article 7 jo. Article 32 of the Papua Special Autonomy Law. Efficient use of funds must be improved through more efficient procurement processes and project execution, as well as strict controls to prevent waste. Community participation in project selection and monitoring of project implementation should be improved, and effective monitoring and evaluation systems should be implemented to measure the real impact of infrastructure development on the welfare of Papuans.

Foot Notes

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- 15) Article 5 of Papua Province Special Region Regulation Number 13 of 2016 concerning Amendments to Papua Province Special Region Regulation Number 25 of 2013 concerning Distribution of Revenue and Financial Management of Special Autonomy Funds.
- 16) Article 5A of Papua Province Special Region Regulation Number 13 of 2016 concerning Amendments to Papua Province Special Region Regulation Number 25 of 2013 concerning Distribution of Revenue and Financial Management of Special Autonomy Funds.
- 17) Rosyid & Lukito, 2019, the Relationship of Infrastructure to the Human Development Index in Banten Province.
- 18) "Infrastructure for Papua, Marker of State Presence", *Media Indonesia*, <https://mediaindonesia.com/opini/542806/infrastruktur-untuk-papua-penanda-hadirnya-negara>., accessed on September 6, 2023 at 1:30 p.m.
- 19) See the Study on the Utilization of Papua and West Papua Special Autonomy Funds 2002-2018 Bappenas
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- 21) Juniati, H. (2017). "Analysis of the Effect of Multimodal Transportation on Price Disparity in West Papua Province. *Journal of Multimodal Transportation*, 15(01), 39-52.
- 22) Based on data from the Central Statistics Agency, the number of poor people in Papua reached 26.86% of the total population in March 2021. This figure increased compared to 2019 data of 25.41% after previously experiencing an average decrease of -0.05% during the 2014-2019 period. <https://databoks.katadata.co.id/datapublish/2021/07/16/tingkat-kemiskinan-papua-masih-tertinggi-nasional-pada-maret-2021>.
- 23) Based on information obtained from the Central Statistics Agency, the HDI of Papua Province throughout 2010-2021 has increased every year except in 2020. The lowest HDI value in that period occurred in 2014 at 54.45% and the highest HDI value at 60.84% in 2019. The HDI of Papua Province in 2020 decreased and managed to recover again in 2022. According to BPS (2015), HDI is divided into four groups, namely the low category with a gain of less than 60%, the medium category with a value gain of 60-70%, the high category with a value gain of 70-80%, and the very high category with HDI gain of more than 80%. Judging from the value achievements, the HDI of Papua Province is still in the low to medium category.
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- 27) Ibid.
- 28) For example, the Papua Special Autonomy Bureau in 2019 only manages joint affairs funds in the field of education such as scholarships for Indigenous Papuans (OAP) in various districts or cities. In fact, the institution should also be responsible for developing the capacity of OAP as a whole based on Article 2 Paragraph (1) of the Papua Special Basic Regulation Number 2 of 2013 concerning the Implementation of Education.
- 29) For example, planning for the use of Special Autonomy Fund has not been supported by accurate data on OAP and has not considered the remaining Special Autonomy Fund that was not realized in the previous fiscal year, as well as budget allocations that have not given priority to infrastructure areas that have an impact on education, health, and the economy. This has an impact on non-compliance, weaknesses in the internal control system, as well as uneconomic, inefficient, and ineffective in the management of the Special Autonomy Fund as revealed in the results of the BPK examination in the 2008-2019 period. The results of the examination showed 361 violations of laws and regulations with a total value of Rp759.13 billion, 106 weaknesses in the internal control system, and 239 problems related to uneconomic, inefficient, and ineffective in the management of the Special Autonomy Fund. Some of these problems are related to inadequate management of the Special Autonomy Fund, the process of procurement/implementation of work that is not in accordance with the provisions, overpayment, and the use of funds that are not in accordance with the goals and objectives of using the Special Autonomy Fund. https://www.bpk.go.id/assets/files/storage/2021/01/file_storage_1611741659.pdf
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