



Recognition of the Customary Court: A Review of Decentralization in Papua as Special Autonomy

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ABSTRACT: *The concept of Special Autonomy in Papua applied is essentially a form of concern for the Government of Indonesia to establish the orientation of Papua, both on the social and cultural aspects. But as it turns out in practice, however, there are several problems. This research supposed to explain and identified the essence recognition of customary court based on special autonomy of Papua, Indonesia. The type of research used in this paper is normative legal research, reviewing the legal arrangements concerning the objective of this research. In line with the type of research, ie normative legal research, the approach used in this paper is statute approach and conceptual approach. The outcomes of the research indicate that the recognition of Customary Court for traditional society as philosophical, sociological, and law such as Special Autonomy of Papua became an alternative disputes resolution, which is grow naturally in the mid of society and at the same time law custom society come into. However, according to de facto and de jure as the fact of law pluralism, customary court is not a part from Public Jurisdiction System. It clearly see in Article 2 paragraph 3 of Judicial Authority Act Number 48 of 2009; Article 51 paragraph 2 with the explanation of Papua Special Autonomy Act; Special Provincial Regulation (Perdasus) Papua Province Number 20 of 2008 concerning Customary Court in Papua.*

Keywords: Customary Court, Decentralization, Special Autonomy

I. INTRODUCTION

The Papua provincial administration is the territory of Indonesia who has a unique and special. Papua is provincial with the most east most extensive, and at once the most rarely the density of its inhabitants. Since integrate with republic Indonesia in 1969, this region is always tinged with the acts of separatism and social conflict. In 2001 was issued the Law Number 21 Year 2001 concerning special autonomy of Papua which aims to resolve the conflict prolonged and accelerate economic development in the region.¹ It is not surprising if the Papua Provincial administration that has natural resources richest man in Indonesia as gold, copper, chromium and uranium contested by various the political power of the world.²

Papua Province has recorded abundant natural resources. There are 2.5 billion tons of proven deposits of gold and copper mine materials (based on the Freeport concession); 540 million m³ potential for sustainable commercial timber, and 9 million hectares of forest conversion for large scale plantation development. The beach area is up to 2,000 miles, 228,000 km² of water area, with no less than 1.3 million tons per year potential for sustainable fisheries. Nevertheless, Papua is the most backward province in Indonesia. In 1997, the poverty rate in Papua reported above 50%, while the average national poverty rate has approached 14%. Papua is the largest province of the poor population in Indonesia. In 1999 reported the percentage of poor people of Papua is 54.75%, which makes the Papuan provinces remain as the largest poor population in Indonesia today.³

¹ Evaluation Report of the Special Autonomy of Papua in Public Policy, *Kemitraan untuk Tata Kelola yang Baik*, Jakarta, 2008, p. 12.

² Jacobus Perviddya Solossa, *Otonomi Khusus Papua Mengangkat martabat Rakyat Papua dalam NKRI*, Pustaka Sinar Harapan, Jakarta, 2005, p. 15.

³ Agung Djojosoekarto, et al., *Kebijakan Otonomi Khusus Papua*, Kemitraan bagi Pembaruan Tata Pemerintahan di Indonesia, 2008.

One way to see whether the asymmetric decentralization attached to Papua since 2001 succeeds or fails, is to measure the welfare glasses. Welfare views of some basic aspects, such as education and health. In instrumentatif, welfare views of the design and practice of authority, institutional and financial autonomy inherent in particular. Welfare is placed as the final destination, while autonomy is an attempt to achieve it. Special Autonomy Fund so great after ten years (2002-2012), did not have an impact on the welfare of a significant improvement. Human Development Index of Papua remain in the lowest rank in all provinces in Indonesia. One reason is that there is no legal basis for such a special autonomy fund management, Special Local Regulations (Perdasus) or Provincial Regulation (Perdasi).⁴

The interesting thing is, nonetheless special autonomy funds disbursed but no seriousness to oversee the use of funds in accordance with the special autonomy was designed. The finding of the Audit Board of the misappropriation of funds totaling 380 billion special autonomy was never thoroughly investigated. For elite Papua, special autonomy funds are considered cash and cash dowry blood so no need to be accounted for. From this point, both the central government and the Papuan elite agreed, special autonomy funds do not need to be bothered that's why the Government of Indonesia to Papua donations are not independent.

Implementation of Special Autonomy in Papua (Papua and West Papua), until January 1, 2011 has entered into ten years. If you look at history, Act No. 21 of 2001 which is now the basis for the implementation of the Special Autonomy, established by Parliament on October 22, 2001. Then by President Megawati, the law was passed 21 November 2001 and declared effective from January 1, 2002. In general, the status of Special Autonomy for Papua will be attached over the next 25 years, ie until 2026.

Proceeds fund the Province of Papua Special Autonomy in the Context of the amount equal to 2 percent of the national general allocation funds will expire in 2021, and revenue sharing from the operation of petroleum and natural gas will end in 2025. In 2021, the allocation of special autonomy fund totaling approximately 2.7 to 3 trillion dollars that will not be accepted anymore. Provincial government and cities in Papua will face disaster drastically decrease the fiscal capacity of up to approximately 50 percent starting in 2021.⁵

The granting of the status of Papua as a special autonomous region followed by a rising source of special autonomy Funds As fiscal resources are very important daam order supports the unitary State of the Republic of Indonesia. The granting of Special Autonomy Funds target as large fiscal resources is very important for the people of Guinea to pursue ketertinggalannya. However, attention needs to be given more on the quality and efficiency of the financial management and the use of the area for the well-being of communities. History shows that economic growth and fiscal wealth alone is not enough to reduce poverty levels and increasing the benefits of development in Papua.

The problem is, concept of the special autonomy of Papua has been problematical. A number of sectors is determined as a priority like, education, health, infrastructure and economic society-based, but there is no effective monitoring and the sanctions mechanism to ensure its implementation. At the other side, the fund also impressed used or regarded as balancing fund. The issue of financial balance and the funds special autonomy the use of the general allocation fund and control subject to Law Number 33 Year 2004 concerning financial balance between the central government and local governments. This would mean using the control of autonomy and special funds have to follow Law Number 33 Year 2004. In addition, the use of budget funds autonomy and special who are lumped together also has an impact on lack of supervision and financial responsibility.

In accordance with the paradigm law fund management and the use of special autonomy is in order the strengthening of autonomy special in order to strengthen the unitary state of the republic of Indonesia. The strategy is land building a peaceful and prosperous, papua through earnest efforts to improve the welfare. The people in a fair way for everyone, and equitable with a heavy attention to the people who live dikampung-kampung, the remote areas, as well as poor people in the region this year, perkotaan.selama five we also in serious have tried to improve our financial governance. It is done by the province as part of repair governance as a whole.

Since 2006-2010, opinion supreme audit board of the Republic of Indonesia (BPK-RI) to the financial management, Papua is a disclaimer or fails to provide opinion. This situation is already goods could be left out, of course not because it is very fertile land to grow and the flourishing of corruption and various various forms of extravagance or inefficiency the use of public money.⁶ BPK also noted that a number of irregularities in the use of fund disbursed special autonomy since nine years ago, that the magnitude of reach 20 %. BPK find several projects fictitious, the value of the project, mark up the use of budget that deviates from designation, and

⁴ Source: Kompas, 3 July 2012.

⁵ Evaluation Report of the Special Autonomy of Papua in Public Policy, 2008, *Op.cit.* p. 16.

⁶ Papua Governor's speech on the Report of the Governor of Papua Province Description Fiscal Year 2010, Jayapura, July 21, 2011.

the purchase of assets that does not conform to the rules. It means that no indication clear fund special autonomy was corrupted by the bureaucrats in the region.⁷

Some fact put forward pertaining to fund management special autonomy since the implementation of the special autonomy 2002 until now among others: *first*, special autonomy papua being identical with the fund trillions from Jakarta to Papua also become the triggering factor of wide spread of modern buildings belonging to regional government and private all over the land of Papua. Ranging from shop-house, mall, supermarket, hotels, stately, office bank, school, hospitals, a place of worship, until other physical structures, urban area crowded a number of the capital of a district. *Second*, the status of autonomy special papua which by a person outside is identical with much money is being attractiveness so that migration spontaneous from outside is increasing every year. This condition is if not anticipated will continue to threaten the existence of the papua in their lands so there should be rules population being tight. *Three*, most autochthon Papua as if still he landed a deep gorge poverty and tars.

Regardless of the pros and cons against deviations in funds as has been mentioned, special autonomy there are feeze that and the use of regional financial management in papua province will be bigger, considering track record of papua in the management and the use of regional financial are still many menghandung weakness. Government spending, as an illustration and the provision of a public service, health services, education and infrastructure will always be below the average national especially because of public service not reach remote areas and the poorest in papua since unsettled policy through the law on special autonomy. This caused among others, namely in the aggregate number of staff regional government and in papua facility and competence and authority of compulsory authority (options) approximately equal to other areas in Indonesia. Besides, a distribution service is not reflecting the needs of the poor. Many district having no puskesmas or school. Bad infrastructure quality often add difficulty in provide social services and economy.

In essence, Special Autonomy Law Number 21 Year 2001, the Indonesian government is caring seriously to build Papua oriented social and cultural characteristics of the people of Papua. Papua's special autonomy to provide opportunities for the development of society and the Papua region in a comprehensive manner so that the backwardness and under development can be addressed with appropriate development framework, local specific and targeted.⁸ The central issue will be examined in this study is to investigate and analyze how the legal paradigm of management of Special Autonomy Fund in the implementation of special autonomy in Papua.

II. MATERIALS AND METHODS

A. Location and Description of Study Area

The location of the study is done in regional government environment the Papua provincial administration with consideration that since shown by the continuation of special autonomy in papua province the amount of the special autonomy every year more and bigger. It is very possible writerfor the examine issues regional financial management. In addition, the province also located 29 municipalities / cities with a variety of character and the condition of being varied.

B. Legal Approach

This research is a normative legal research or also known as a doctrinal law, which is a research-oriented textual assessment of the provisions of laws and regulations (positive law) in the financial sector and the government and the common law principles.

C. Type and Legal Sources

The study was based on material both primary and secondary law, namely: 1) Primary legal materials, ie materials such laws like Constitution of Indonesia (UUD NRI 1945) and other organic laws, including the Papua Provincial Regulation; and 2) secondary legal materials, ie materials law which gives an explanation of primary legal materials, such as documents, minutes, papers and research reports.

D. Data Collection

Data collection techniques used in this study are as follows: 1) Library Research. Library research was conducted by means of an inventory, identification and carefully studied the primary legal materials and secondary legal materials by using a document study; and 2) Field Research. To support the accuracy of primary

⁷ Audit Board of the Republic of Indonesia (BPK-RI). Available at: <http://jdih.bpk.go.id/wp-content/uploads/2013/04/4.-Dana-Otonomi-khusus-Rp-30-Triliun-Tak-Efektif-Bangun-Papua.pdf>, accessed on 20 June 2013.

⁸ Tim Bentukan Gubernur Papua, Pokok-Pokok Pikiran yang Melatar belakang Penyusunan Rancangan Undang-Undang Otonomi Khusus Bagi Provinsi Papua dalam bentuk Wilayah Berpemerintahan Sendiri, *Naskah Akademik*, Jayapura, 2001, p. 14.

legal materials as well as the existing secondary law required to conduct structured interviews competent resource persons.

E. Data Analysis

All data obtained will be analyzed in full, and then the data was disistemisasi for analysis. The method used to analyze the data is descriptive qualitative exposure by analyzing the research results obtained from tersistematis legal theories as well as domestic law or related to the structuring and management of special autonomy fund.

III. RESULTS AND DISCUSSION

A. Approach to well-being in Papua's special autonomy fund management

Prior to propose an analysis of the legal paradigm of management of special autonomy funds for Papua, first explained the meaning of what the paradigm. Paradigm is a set of assumptions, explicit and implicit, which became the basis for scientific ideas.⁹ The paradigm is understood in a lot of meaning. The paradigm can be defined as a "role model" or "pattern". Similarly Satjipto Rahardjo called "basic perspective" which is an attempt to fundamentally memhamai law. One of the legal paradigm of management of special autonomy fund is how the paradigm of law and principles in the context of government policies Papua

The paradigm of special autonomy fund management law must be supported in a system of structuring and managing the state budget and/or local budgets based on the rule of law is strong. Good financial management and comprehensive area legally must be stated in the rule of law in accordance with the principles of good financial governance in the form of transparency and public participation.¹⁰ In regional autonomy era regional financial management cannot be separated with revenue and expenditure of state (APBN). Regional financial pengelolaan with the implementation of the special autonomy gives a consequence of a stimulus funds special autonomy, including the general allocation fund, special allocation fund, funding for result, and the funds adjustment.

As an illustrate, some of the results presented as follows: The results of the examination the Finance Audit Agency (BPK) found indications of irregularities fund management of Papua since 2002-2010 that has been allocated by the central government to the Papua Province is Rp 28 trillion. The following finding misuses funds Papua's special autonomy found BPK:

a. Amounted to 566 billion dollars of special autonomy fund expenditures not supported valid evidence. In the examination in 2010 and 2011, was found to Rp 211 billion, not including expenditures supported evidence for PT. Papua standalone TV of the year 2006-2009 amounting to Rp 54 billion, not according to regulations. A total of 1.1 billion dollars journey accountability office using fake tickets. As well as previous findings have not been fully followed up Rp 354 billion.

b. Procurement of goods and services through special autonomy funds worth Rp 326 billion, not according to the rules. Among other things: First, Rp 5.3 billion occurred in Jayapura fiscal year 2008 is not through public auction. Both procurement broken Rp 1,077,476,613 occurred in Merauke district in 2007 and 2008. Third, the absence of a contract provision Rp 10 billion, which occurred in Kaimana, West Papua, in the 2009 budget. In addition, there are findings that have not been followed up in 2002-2009 Rp 309 billion.

c. Rp 29 billion fund special autonomy fictitious. In fiscal year 2010, there were U.S. \$ 22.8 billion in special autonomy funds disbursed without any activity or fictitious. Details of the fictitious events: the detailed engineering design phase Urumuka River Hydroelectric three Rp 9.6 billion to the Department of Mines and Energy Papua. Kedua province, detailed engineering design faze two Mambrano River Hydroelectric Rp 8.7 billion to the Department of Mines and Energy of Papua Province. Third, the study of renewable energy potential in 11 districts of Rp 3.1 billion in the Department of Mines and Energy of Papua Province. Fourth, socialization facilities 2010-2015 MRP period, Rp 827.7 billion in the National Unity, Politics and Public Protection area in 2010. While the follow-up to last year's Rp 6 billion.

d. Rp 1.85 trillion in special autonomy funds 2008-2010, deposited. With details of Rp 1.25 trillion in the bank with No. Series AA 379 012 per 20 November 2008. Rp 250 billion in the bank with No. Series AA 379 304 per May 20, 2009 and Rp 350 billion in the Bank of Papua with No. Series A09610 per January 4, 2010. SAF is in the form of deposit placement is contrary to Article 73 paragraph (1) and (2) Permendagri 13 of 2006. The findings of BPK are disputed by the Head of Finance and Asset Management Areas (BPKAD) Papua, Ahmad Hatari, who argued about the legitimacy of the appointment of the bank as the account holder. Hatari said legal rules also allow for it. As set forth in the provisions of Article 179 Permendagri 13 of 2006.

Regional autonomy requires local governments to improve the capability and effectiveness in running the government. But in reality, local governments generally have not run the function and role efficiently,

⁹ John J.O.I. Ihalauw, *Konstruksi Teori-Komponen dan Proses*, Grasindo, Jakarta, 2008, p.139.

¹⁰ Soekarwo, *Berbagai Permasalahan Keuangan Daerah*, Airlangga University Press, Surabaya, 2003, p. 4.

especially in the area of financial management. Before describing the special autonomy fund management paradigm, first proposed regional financial management with the implementation of regional autonomy.

In the era of regional autonomy, the development of local financial management and its legal basis is more focused on the things that are technical. The most significant changes is the enactment of Government Regulation Number 71 of 2010 which confirms the accrual-based accounting standards. Changes in the cycle, mechanisms, functions, and structure of the budget implemented in order to create a legal system that is integrated with the financial state of local finance. Changes in the financial management area there are three aspects as follows:

1. The cycle of Revenue Budget and Spending Regional

Changes made are the development of processes/stages of the budget cycle earlier era, such as the creation, change, implementation, and budget calculations. Several important changes in the process/stages of the budget cycle is as follows:

- a. The principle of accountability and transparency in the financial management area getting more attention;
- b. Budgeting approach performance and involve participation of all parts of the organization/work unit area (participatory budgeting). Budgets must also consider the inter-relationship of input-output-outcome;
- c. The preparation of the financial accounting system of local government by the Government Accounting Standards (SAP) based on accrual;
- d. The report consists of financial accountability Actual Budget Report (LRA), Statement of Changes in Budget Surplus Balance (Statement of Changes in SAL), Balance Sheet, Statement of Operations (LO), Statement of Cash Flow (SARs), Statement of Changes in Equity (LPE), and the Notes to the Financial Statements (CaLK);
- e. Supervision of the implementation of the budget implemented by the Council with implementing internal control systems;
- f. Accountability reports issued by local authorities inspected by the Supreme Audit Agency (BPK);
- g. Budget principles to be applied are:
 - i. Transparency and accountability;
 - ii. Budgetary discipline;
 - iii. Justice and propriety;
 - iv. Economical, efficiency, and effectiveness, and
 - v. Benefits for the peoples.

2. Function of the Revenue Budget and Spending Regional

Based on rules and provisions regional financial management by Law Number 32 Year 2004, the function of regional financial management also relatively unchanged. Authority otorisator, ordonator, and kebendaharawan are still at (regional chief of course by changing in accordance with the applicable legislation).

3. Structure of the Revenue Budget and Spending Regional

Based the Law Number 32 Year 2004 and it's implementation rules, the structure of the budget is divided into revenues, expenditures, transfers, and financing, each of which must be stated explicitly in conjunction with a number of budget and actual budget earlier period. Revenue divided into income groups and income groups are divided over the types. Shopping is divided into operating expenditure, capital expenditure and unforeseen expenditures. Operating expenditures are grouped into personnel, goods expenditures, subsidies, interest, grants, and social assistance. Transfer revenue/profit sharing to the village consists of tax sharing, profit sharing levy and other revenue sharing. Funding is divided into acceptance financing and financing expenses. The difference between the surplus/deficit with any excess recorded as financing/funding fewer budgets (SILPA).¹¹

The legal basis of the area of financial management, which can be referenced in fund management Special Autonomy of Papua, can be seen in Table 1 below:

¹¹ Abdul Halim and Muhammad Iqbal, *Pengelolaan Keuangan Daerah*, Unit Penerbit dan Percetakan Sekolah Tinggi Ilmu Manajemen, YPKN, Yogyakarta, 2012, p. 9-10.

Table 1. The legal basis for regional financial management

Praregional autonomy and fiscal decentralization	Transition Autonomy (Reform Phase I)	Pascatransition Autonomy (Reform Phase II)
UU No. 5 Tahun 1974 PP No. 5 Tahun 1975 PP No. 6 Tahun 1975 Manual Administrasi Keuangan Daerah (MAKUDA) 1981	UU No. 22 Tahun 1999 UU No. 25 Tahun 1999 PP No. 105 Tahun 2000 Kepmendagri No. 29 Tahun 2002 Peraturan Daerah: Pokok-Pokok Pengelolaan Keuangan Daerah Peraturan KDH	UU No. 17 Tahun 2003 UU No. 1 Tahun 2004 UU No. 15 Tahun 2004 UU No. 25 Tahun 2004 UU No. 32 Tahun 2004 UU No. 33 Tahun 2004 PP No. 24 Tahun 2005 (direvisi menjadi PP No. 71 tahun 2010) PP No. 58 Tahun 2005 Permendagri 13 Tahun 2006 (direvisi menjadi Permendagri 59 Tahun 2007, direvisi lagi dengan Permendagri 21/2011)

Source: Secondary data, 2013 (edited)

The main goal to be achieved from the special autonomy fund management is the goal of social and economic objectives. Money and/or budgets managed by the government of taxes and levies are paid by the people, the main aim for the empowerment and welfare of the community. Seen from the side of the main objectives of law Papua's special autonomy fund management is how local governments or agencies have the concept of community needs to prosper the people using Law Number 21 Year 2001 and Perdasi or Perdasus as a legal basis. The underlying point is the management of special autonomy fund current and/or at least begin Fiscal Year 2014/2015 later should no longer be conventional, but the paradigm must be implemented to improve the welfare approach. Special autonomy funds have a major impact to the community. Therefore, the management of special autonomy funds must pivot on the root of the current problems in Papua, namely the issue of welfare. If the special autonomy funds can flow to indigenous Papuans from the villages to the districts conflicts can be minimized.

One of the strategies to ensure a State-owned public welfare is through budget policy that governs the management of keuangan good income as well as government spending.¹² In accordance with the decision of the Minister of Finance Number 47/KMK/2002 concerning the procedures for channelling funds for special autonomy for Papua Province, the allocation of funds in the autonomous province of Papua is calculated on the basis of a percentage of the amount equivalent to 2% of the national ceiling to set out in the National income and Expenditure Budget each year. The special autonomy funds given to Papua Province preferred to finance education and health.

For distribution, the Province of Papua's special autonomy funds disbursed by the Directorate General of Budget has issued the authorization. Distribution of Papua's special autonomy funds awarded on a quarterly basis as follows:

- a. Distribution of the first quarter in February by 15%
- b. Distribution of the second quarter in April by 30%
- c. Distribution of the third quarter in July by 10%
- d. Distribution of the fourth quarter in October by 15%

Furthermore, the Joint Decree of the Minister of Home Affairs and Ministry of Finance Number 18 Year 2003 concerning Special Revenues Fund Distribution in the implementation of special autonomy to Papua Province, arranged that the governor submit a letter of request for issuance of Special Revenues Fund Authorization quarterly to the Minister of Finance and Minister of country. Related to the allocation of proceeds received, Papua Provincial Regulation Number 2 Year 2004 stipulates that the division of revenue in the amount of 60% to district/city and 40% for the province. For allocation to each district/city, distributed based on criteria established by state district/city.

Results acceptance provincial and district/city in the budgets allocated to the details: 1) From the oil and gas: a) 30% to the cost of education, b) 15% to the cost of health and nutrition; and 2) from special revenue: a) 30 % to the cost of education, b) 15% to the cost of health and nutrition.

¹² Abdul Waidl, Yuna Farhan and Diding Sakri, *Anggaran Pro Kaum Miskin: Sebuah Upaya Menyejahterakan Rakyat*, LP3ES, Jakarta, 2009, p. viii.

The rest of the proceeds received from the above allocation are used for infrastructure development, economic empowerment, and other sectors. Thus, it is clear that the special autonomy funds for Papua is more focused on the education and health sectors. Therefore, the process of evaluating the effectiveness of special autonomy fund distribution is to evaluate the two sectors. The amount of special autonomy funds from year to year should have been proportional to the increase in the quality of education and human resources in Papua and increasingly ensuring the health and nutritional quality of its citizens.¹³

As an illustration of the data proposed special autonomy funds received since 2002-2013 as follows on Table 2 below:

Table 2. Acceptance of the Papua Special Autonomy Funds Year 2002-2013

No	Year	special autonomy funds (Rp)	Infrastructure funds (Rp)	Total (Rp)
1	2002	1.382.300.000.000	-	1.382.300.000.000
2	2003	1.539.560.000.000	-	1.539.560.000.000
3	2004	1.642.617.943.000	-	1.642.617.943.000
4	2005	1.775.312.000.000	-	1.775.312.000.000
5	2006	2.913.284.000.000	536.374.689.000	3.449.658.689.000
6	2007	3.295.748.000.000	750.000.000.000	4.045.748.000.000
7	2008	3.590.142.897.000	330.000.000.000	3.920.142.897.000
8	2009	2.609.796.098.000	1.470.000.000.000	4.079.796.098.000
9	2010	2.694.864.788.000	800.000.000.000	3.494.864.788.000
10	2011	3.157.459.547.550	800.000.000.000	3.957.459.547.550
11	2012	3.833.402.135.000	571.428.571.000	4.404.830.706.000
12	2013	4.355.950.048.000	571.428.571.000	4.927.378.620.000
Total		32.790.437.456.550	5.829.231.832.000	38.619.669.288.550

Source: *Badan Pengelolaan Keuangan dan Aset Daerah Provinsi Papua, (edited), 2013.*

From the table above, it's clear that during the period of Fiscal Year 2002-2013, the cumulative amount of the special autonomy funds that have been received by the Papua Province reached Rp. 38,6 trillion, which is composed of at Rp. 32,7 trillion in the form of Funds Special autonomy for Papua and Rp 5,8 trillion in the form of additional funding infrastructure for the special autonomy. Furthermore, the total income of the area in the Papua provincial budget for Fiscal Year 2013 reached Rp. 8.184736 billion consisting of dominant revenue items.¹⁴

One thing that is very interesting author through observational studies carefully, that if the management of large funds (as in RAPBD) do not change in the management of the budget, which is not shifted from the bureaucratic paradigm to the paradigm of welfare, social justice and the culture of the indigenous people of Papua, the ideals of the implementation of special autonomy in Papua Province will not be achieved. Therefore, in the opinion of the author, do an intensive institutional coordination at central, provincial and district/city also needs to be improved.

During the implementation of special autonomy in Papua haven't to welfare the people, because granting it autonomy over policy that is based on emergency to quell national disintegration. Special autonomy funds from the state budget/budget are no longer used for operational expenditure, because it is not healthy, but it will be allocated to finance the economic empowerment of the people. The plan for the budget will be reversed, no longer simply pays the salaries of the officers but more geared towards the economic empowerment of the people. According to Johan, based on the recognition of many Papua Governor revolving funds from the state budget and the budget was bigger portion spent for operational expenditure. Like the special allocation fund, apparatus and public produce 80% of the funds provided for operating expenditure rolled out everything. In this case, Abdul Waidl et al,¹⁵ suggests at least seven financial management indicators that indicate the state/local welfare character, ie: *First*, a participatory, ie, each individual in a community, regardless of social status and territory should have the right to participate in the decision-making process regarding fair budget priorities. *Second*, accountability, which means that the budget is pro kesejahteraan harus able to be accounted for, either directly or usefulness undirectly to the poor. *Third*, the representation, namely prodestitution budget must go through the process of testing the poor. *Fourth*, transparency, which means pengambilan decision process in determining program priorities and activities such as health and education in the budget, should be

¹³ Abdul Halim and Muhammad Iqbal, *Op.cit.* p. 215-216.

¹⁴ *Badan Pengelolaan Keuangan dan Aset Provinsi, 2013.*

¹⁵ *Ibid.* p. 14.

open to the poor. *Fifth*, responsive, meaning that the budget should have the answer the basic needs of poor people without discrimination. *Sixth*, efficient, in the sense of all goods and services are allocated in the budget should be quite feasible accepted by the poor suit their basic needs. *Seventh*, equitable, in the sense that the poor prokaum budget is designed and intended as an effort to create social justice

According to Abdul Waldl et al, the seventh characteristics of local financial management reflected in the Regional Budget one can draw an operational definition to facilitate the implementation of welfare policy paradigm budget, a budget that is devoted to the welfare of the people (especially the indigenous people of Papua) or the poor through the process fair, participatory, responsive, transparent and accountable.

The author reiterates that the real motivation behind the establishment of Unit for the Acceleration of Development in Papua and West Papua (UP4B) by Presidential Decree Number 66 Year 2011 was the central government's strategy to weaken Papuan independence movement. But the facts on the ground indicate that the UP4B actually increase the general public dissatisfaction and distrust of the central government of Papua. If it continues to run, then this will lead to the reluctance of moderate groups in Papua to cooperate with the government. Therefore, in the opinion of the author, the central government and the provincial government of Papua immediately undertake systematic efforts to address the special autonomy fund irregularities practice today is to supervise the financial management area. sekarang ini adalah melakukan pengawasan pengelolaan keuangan daerah.

Approach to financial management in Papua is "mitigation" or "prevention". President's policy to encourage the Ministry of Interior, Ministry of Finance, the Financial and Development Supervisory Board, Institute for Procurement Policy/Government Services, and the Commission to unify step in the prevention and control aspects. It is expected that from the beginning there are no leaks. The team could do better planning, resulting in leakage and financial abuse can be avoided as small as possible. President admits there is inequality of well-being in Papua? Clearly, the government needs to realize there is an increase in prosperity for our brothers and sisters in Papua. During this financial authority and regional governments has been great. It should be able to increase the welfare of society in Papua. One important note is the management aspect, so that the President expects this particular unit can ensure institutional capacity of local government can be more powerful and affecting public welfare.¹⁶

B. The approach of Justice Budget on Fund Management Special Autonomy of Papua Province

Management of special autonomy funds from the aspects of justice, is one reason the Papuans demanding independence from the Republic of Indonesia (political crisis) because for decades they were treated unfairly by the central government, both in the political, economic, legal, and human rights. Papuan people feel does not get political rights (political rights), do not get equal rights and obligations as citizens, not directly involved in the development process, and did not get the security and tranquility. They also felt regarded as second-class citizens, both in the national development process as a whole and in the process of development in their own areas. Social and political crisis that never ends in Papua, since the policies implemented special autonomy in Papua, are ultimately derived from social injustice issues once the structural injustice that occurred during this period.

Pursuant to Article 66 paragraph (1) of Law Number 33 Year 2004 concerning Fiscal Balance of Central and Local Government, which stipulates that local finance should be managed in an orderly manner, obey the laws and regulations, efficient, economical, effective, transparent, and accountable with regard fairness, decency, and the benefits to society. Therefore, financial management areas including special autonomy funds held with performance-oriented approach to the output, using the concept of value for money (value for money) as well as the principles of good governance (good governance governance). Approach the performance budget is a budget system that promotes the achievement of the work (output) of a cost allocation plan (inputs) that have been established (Article 39 of Government Regulation Number 58 Year 2005). Performance reflects the efficiency and effectiveness of public services and should be in favor of the public interest, which means maximizing the use of the budget to meet the needs of local communities.

Entering its ninth year, special autonomy hasn't managed to meet justice, welfare, law enforcement, and protection of rights of indigenous people of Papua. Provisions of special autonomy for Papua containing confusion with the special autonomy for Papua, making it difficult and disturbing implementation of governance and development in the region. The confusion caused by overlapping provisions of the Special Autonomy Law for Papua Special Autonomy Law for Papua, Local Government Act, and other sectoral legislation. Special Autonomy Law for Papua apply thorough in Papua, but has not supported other supporting rules which regulate in detail the procedures and governance laksanaanya. Special Autonomy for Papua's been 11 years, but hasn't shown encouraging achievements. Meaning simply adding a new special autonomy fund budget or special

¹⁶ Kajian Otonomi Khusus. Available at: http://www.slideshare.net/puji12/kajian-otonomi_khusus-papua-12567669 accessed 18 June 2013.

autonomy but not substantive, ie satisfy justice, welfare, and law enforcement, and the protection of human rights in Papua. In fact, Papua and West Papua still lags behind other regions.¹⁷

Many findings indicate that the special autonomy policy, within the framework of the application of asymmetric decentralization system, which is accompanied by a large amount of money flowing through the special autonomy fund, was not correlated with the improvement of the welfare of the majority of the people of Papua. In fact there is a strong indication of the special autonomy fund flow more enrich the coffers of the local ruling elite in Papua. This was due to the amount of the special autonomy fund the envy of many other areas during the implementation of the system is not balanced with responsibility and accountability in the utilization.

To reduce the desire of the majority of the people of Papua secede from the Republic of Indonesia and Papua to accelerate development and reduce the gap, the government began to give earnest attention to the provinces of Papua and West Papua in order to grow and develop like other areas in the country. In 1999, the Government issued Law Number 22 Year 1999 concerning Regional Government. The setting in this law gives broad authority to the regions to organize and manage their own domestic affairs. However, chances of this broad authority as stipulated in Law Number 22 Year 1999, till the law was changed again by the Law Number 32 Year 2004 it is still not able to accommodate the peculiarities of the culture and customs of the people of Papua, both in governance and development in Papua.¹⁸

Since the implementation of Law Number 21 Year 2001 concerning Special Autonomy of Papua Province, according Kambuaya, Special Autonomy policy is a policy that is strategic value in order to improve service, accelerate development, and empowerment of all people in Papua, especially indigenous Papuans. Through this policy, is expected to reduce the gap in Papua and West Papua, with the other provinces in the country, and will provide opportunities for indigenous Papuans to take part in its territory as subject and object of development.¹⁹ In this case, the results of studies Partnership for Governance Reform in Indonesia revealed that aspects of financial management,²⁰ there are 4 (four) financial rights specificity for different Papua significantly different from other regions, as follows:

- a. Percentage of funds from Oil Balance amounting to 70 % for year 1 to year 25 and to 50% for the 26th year and beyond.
- b. Balance of funds Pesentase Mining Natural Gas/Natural by 70% during year 1 to year 25, and to 50% for the year to 26 and so on;
- c. Special reception for the implementation of the Special Autonomy equivalent to 2% of the ceiling of the National General Allocation Fund, is primarily intended for the financing of education and health, and
- d. Additional funding in order to conduct of special autonomy stipulated between the Government and the Parliament based on the proposal of the Province each year, mainly intended to finance infrastructure development.

Policy management of special autonomy fund that has lasted ten years (2002-2012), has not been able to be implemented effectively and there are still gaps in reality. The implementation of this policy has not been a significant change to the implementation of the functions of government in terms of service, building (development), and empowering community. In generally, some of the problems in Papua unsolved until this day, among others:

- a. Not building a systemic relationship between the Government and the Provincial Government of Papua and West Papua special autonomy in running the program in Papua and West Papua to create an independent, progressive, and prosperous.
- b. Economic growth and welfare of the Papuan people have not increased, access to health care and education difficult to obtain with ease.
- c. Human resources are lacking to mimimnya Papua educated community members.
- d. Inadequate infrastructure that can not support the growth of the local economy.
- e. The Governance and Development Acceleration is not going well.
- f. Natural resources have not been optimally managed and utilized for the greatest kesejahteraan rakyat Papua.
- g. Still the separatist movement that will separate Papua from the Republic of Indonesia, so the integrity of the Unitary Republic of Indonesia remains a threat.

Similarly, the development results that have yet to deliver maximum benefit for the indigenous people of Papua for decades very disappointing communities. Expression of disappointment was conveyed in the form of

¹⁷ Dewan Perwakilan Daerah. Available at: <http://www.dpd.go.id/artikel-tahun-kesembilan-otonomi-khusus-papua-belum-berhasil>. Accessed on 4 July 2013.

¹⁸ Siti Komariah, *Otonomi Khusus dan Percepatan Pembangunan di Tanah Papua*, Kamis, 15 Januari 2009, p. 2.- available at: <http://www.setneg.go.id>, accessed on 21 May 2013

¹⁹ *Ibid.* p. 4.

²⁰ Agung Djojosoekarto, dkk. *Op.Cit.* p. 39.

demands for independence or secession from the State Union of Republic of Indonesia. Communities have the opportunity to convey the aspirations it publicly since the new order Government until the era of reformasi now.

C. The Sociocultural Approach in Fund Management Special Autonomy of Papua

Legal paradigm of fund management special autonomy seen from social aspect and culturally autochthon Papua on virtually is recognition and respect rights autochthon Papua, good autochthon Papua who dwell in the mountain (As known as "the mountain people") and the Papua original residing on the beach and penarapannya on the use of the funds to their welfare. The paradigm sosial-kultural as an indicator in fund management special autonomy depart from the philosophy the fulfillment of the rights of social and economic autochthon Papua. The misuse of funds special autonomy constituting the crime of extraordinary violates the rights of social and economic rights autochthon Papua.

Therefore, the management of special autonomy funds should be based on social and cultural Papuans. Characteristics or general characteristics of this paradigm are the participation of the widest possible public, and not just the statement alone. Social and cultural paradigms of indigenous Papuans in the management of special autonomy funds have not been reflected in the budget planning to oversight through the involvement of representatives of indigenous, religious and women. The use of special autonomy funds intended for the greatest fulfillment of basic needs of the people of Papua. Management of special autonomy funds to finance governance transparent and accountable. In addition, the division of powers, duties and responsibilities are clear between the Papuan Legislative Council (DPRP), Local Government and the Papuan People's Assembly (MRP) as a cultural representative of the people of Papua.

According to the indigenous people of Papua, special autonomy in Papua and West Papua must meet at least the principle of protection, alignments, and empowerment. Protection includes the recognition of indigenous peoples, rights of utilizing natural resources, indigenous justice, and customs administration as a local identity, as well as socio-political problem solving and human rights, enforcement and compliance; alignments (affirmative action) includes pewadahan Papuan people need to improve education, health, participation, and well-being, while empowering includes physical and non-physical development, such as infrastructure, isolation, and transportation.

In the field of economics and finance in the implementation of special autonomy in a real and fundamental views on whether the ultimate goal to be achieved by granting special autonomy fund. In a socio-cultural perspective Papua approaches, guided by, among others, are all economic enterprises in Papua, including the utilization of natural resources, carried out for the benefit and for the greater welfare of the people of Papua in upholding the principles of justice, equity, protecting the rights indigenous peoples' rights, provide legal certainty for businesses, as well as environmental and sustainable development pelestarian.²¹

Basic policy of socio-cultural approach to indigenous Papuan special autonomy fund management is:

- a. The mapping problem is the source of the difference (conflict) between the Government and the people of Papua good of the political aspects and approaches and human rights law .
- b. Mapping and approach to strategic groups within the Papuan community in order to build an understanding of the political and cultural issues between the Papuan people and the Government.
- c. Formulating a policy plan that takes into account the local culture in order to enhance public confidence in the Government of Papua.
- d. Preparing the mechanism and substance of constructive communication between representatives of the Papuan people and the government, the agreed settlement figure with the social issues of political and social culture within the framework of the unitary state of Indonesia (NKRI).
- e. Strengthening and control the use of space and land management with priority on accelerating the preparation of spatial plans (RTRW) Provinces and cities, as well as the management of land administration related to ownership rights.
- f. Improved stability and order, especially in crime -prone areas and potential conflicts between communities
- g. Strengthening institutional capacity and local government officers Perdasus and Perdasi and preparation, as well as the prevention and eradication of corruption and law enforcement.

From the basic policy, policy enforcement is done (application of social-cultur paradigm) by means of, among others: *First*, the implementation of the authority is expected to maintain the social field and provide proper security for the residents of the province of Papua, which has social problems, such as underdevelopment, poverty, unemployment, and so on. The incidence of poverty occurs in the land of the Lord shall be awarded its abundant natural resources as no significant effect on the social life and welfare of the Papuan people. Granted

²¹ Frist Bernard Ramandey, *et al. Profil Otonomi Khusus Papua, Aliansi Jurnal Independen (AJI) Papua, Jayapura*, 2005, p. 37.

special autonomy funds to finance social affairs field is still very limited and this area tends tidakmendapatkan adequate attention. In the social field, the clarity of the things needed to be achieved through the implementation of special autonomy in the social field. *Second*, the exercise of authority in the field of health. The application of social and cultural paradigm in the management of fund management in the field of health gain important portion, which receives atleast 15 % portion of the reception. *Perdasi* about existing health services published in 2010 but is still in the stage of socialization so that they refer to health standards ie, delay the decline in health budget autonomy in the field because of budget autonomy downs are always at the end of the year.

Thus, it seems clear that the legal paradigm of special autonomy fund management when viewed from the socio-cultural approach to indigenous people of Papua, is in addition to the embodiment of the implementation of special autonomy is also a mendadar form of legal protection.²² According to the author's opinion, the fundamental aspects of the protection of the law in relation to Papua special autonomy fund management is the protection of the rights of people who living in Papua. This illustrates how the management of special autonomy funds based on social and cultural well-being is meant to give their lives as well as protecting the culture and customs of the indigenous people of Papua. According to the author's opinion, the application of social and cultural approaches to the management of the system and mechanism of special autonomy fund brings great hope for the fulfillment of the needs by indigenous people of Papua.

During the special autonomy fund management only regulated by Decree (SK) Governor of Papua Province. Thus, we feel that since the Special Autonomy rolling until today. The Governor's decree does not regulate all matters relating to the interests of the Papuans are accommodated in special autonomy law. Then Clement, also called on all parties concerned with the special autonomy, should properly define the appropriate special autonomy law categories of native Papuans anywhere. Because now anyone who lived and settled in Papua recognizing them as people of Papua. That is fine because they are settled long enough, even those born, living, and dead in in Papua.²³

After 12 years of continuity of special autonomy in Papua has yet been successful, as measured by the 4 (four) keys areas that were subjected to such special autonomy, education, health, economic empowerment and infrastructure development. In Article 78 of Law Number 21 Year 2001, states: "The implementation of this Act is evaluated every year starting the end of the third year after this law applies. Target evaluations of the implementation of the special autonomy law are as follows:

- a. Knowing what are the issues at the policy level that need attention, as consideration future improvements;
- b. Knowing how the implementation of special autonomy to Papua and West Papua and implementation arrangements related to financial management, special powers, specialized agencies and other peculiarities?
- c. Identifying the problems in the implementation of special autonomy to Papua and West Papua, particularly related to financial management and implementation of special authority.
- d. Develop improvement strategies over efforts to strengthen the implemen-tation of special autonomy to Papua and West Papua.

Associated with the evaluation of the substance of the Act Number 21 Year 2001 that didn't go well, because there is no central government's commitment to guide and direct by Papua government in managing local finances. As if going on nullifying the special autonomy fund its huge. According to the authors, one contributing factor is no clear reference in pengelolaan special autonomy fund, thus implementing government policies such as state/city in financial implementation often are confused in terms of allocation. The use of special autonomy fund is still not optimal can be said, this is reflected in the special autonomy fund is not in accordance with priorities, such as education, health and infrastructure in Papua. Sharing arrangements between special autonomy fund transfers to the Provincial Government for each district is still unclear settings. In terms of social cultural indigenous people of Papua, special autonomy fund management and distribution must consider and follow where the number of indigenous people as well as the condition of underdevelopment.

At the implementation level, the Papua Special Autonomy contains some crucial problems, namely the problem of the welfare of Papuans. In this context, at least there are some problems as follows:

- a. Inequality understanding and unity of perception; existing positive and negative responses, negative responses such as the referendum request.
- b. Mutual distrust between the Papuan people and the central government. This is due to the persistence of human rights violations and intimidation on the people of Papua, and has led to a profound disappointment that they chose alternatif secede from the unitary state of Indonesia.
- c. Unreadiness issues of local government, it is seen from the quality of human resources available.

²² See Agus Sumule, *Mencari jalan Tengah Otonomi Khusus Provinsi Papua*, Gramedia Pustaka Utama, Jakarta, p, 145.

²³ Tanah Papua. Available online at: <http://tanahpapua.com/index.php/Berita-Terkini/pengelolaan-dana-otonomi-khusus-harus-diatur-dalam-perdasi-perdasus.html>, accessed on 21 July 2013.

Observations during the study, authors can be expressed also in this diseretasi that most native Papuans assess the implementation of special autonomy to date (beginning in 2001-2013) has not been in accordance with the ideals of autonomy, namely to eradicate ignorance, underdevelopment both in the education sector and health and human resources that are needed indigenous Papuans. One example is indicative of the Papua Special Autonomy kegagalan is still difficult people in the villages to access good health services. Until now, the people of Papua are still struggling with health problems of maternal mortality and newborn death, malnutrition, HIV/AIDS, malaria, and other diseases.²⁴ For example, public health programs are budgeted very big but its realization is still very low, such as:

- a. Prevention of malaria, 13.13% realization,
- b. Training early detection of child development, realization (37.60%),
- c. Combating Iodine Deficiency Disorders (IDD) realization (63.45%),
- d. Child's height measurement, realization (52.78%).
- e. Jayapura hospital health services, budgeted very big but its realization is not proportional to the output produced.

In this case, Adriana Elisabeth,²⁵ chairman of the Papua New Study Team of the Indonesian Institute of Sciences (LIPI) explained that, the management of special autonomy fund problematic. Adriana said special autonomy funds are not problematic, but its management is problematic. If the special autonomy began in 2001, there should be a comprehensive evaluation of the government addressing the special autonomy. Adriana says, due to the failure of development in Papua performance pemerintah Regional Government area, the DPRP and MRP as well as other civic organizations was instrumental in the implementation of special autonomy. Public health in Papua, he said, is not an improvement. In fact, the special autonomy funds are also allocated to the budget for health. Papuan people sick, but can't be helped even though they have the money for treatment. This failure must have to be evaluated again.

IV. CONCLUSION

Legal paradigm of fund management special autonomy of Papua Province based on three ideas, namely: welfare approach, justice budget approach, and socio-cultural approach to indigenous people of Papua. However, the paradigm of special autonomy fund management law hasn't been fully implemented proportionally. This is because there is no correspondence between the budget plans targets are achieved, the lack of clarity synergy responsible authority (accountability) with the budget. Another cause is the lack of adherence to legal principles of financial management, accountability and transparency of local budgets. This led to the use of the budget has not been touched on priority areas such as the special autonomy fund budget for education, health, economy and infrastructure. From the aspect of welfare, management of special autonomy funds are not positively correlated with the improvement of the welfare of the majority of the people of Papua, especially the tribes in the interior. In fact, there is a strong indication of the special autonomy fund flow more enrich the ruling elite and the settlers in Papua.

Based on the research findings above, it should be legal paradigm of special autonomy fund management in Papua oriented to increase prosperity and justice for indigenous Papuans. Therefore, the participation of indigenous people of Papua through MRP agencies need to be optimized. In addition, it is necessary to strategic policies in the management and use of special autonomy funds through the separation between grants (General Allocation Fund) with the Special Autonomy Fund. This is important because the special autonomy fund commits the central government to the indigenous people of Papua, so that financial management strategy should specifically anyway.

²⁴ Final opinion of the Democratic Party, 2011. p. 12.

²⁵ Adriana Elisabeth, *Otonomi Khusus Papua Telah Gagal dan Saya Bukan Bangsa Budak*, available online at: <http://nasional.kompas.com/read/2011/10/28/13333787/Dana.Otonomi.khusus.Papua.2012.Naik>, accessed, 3 June 2013.

REFERENCES

- [1]. Abdul Halim and Muhammad Iqbal, *Pengelolaan Keuangan Daerah*, Unit Penerbit dan Percetakan Sekolah Tinggi Ilmu Manajemen, YPKN, Yogyakarta, 2012.
- [2]. Abdul Waidl, Yuna Farhan and Diding Sakri, *Anggaran Pro Kaum Miskin: Sebuah Upaya Menyejahterakan Rakyat*, LP3ES, Jakarta, 2009.
- [3]. Adriana Elisabeth, *Otonomi Khusus Papua Telah Gagal dan Saya Bukan Bangsa Budak*, available online at: <http://nasional.kompas.com/read/2011/10/28/13333787/Dana.Otonomi.khusus.Papua.2012.Naik>, accessed, 3 June 2013.
- [4]. Agung Djojosekarto, et al., *Kebijakan Otonomi Khusus Papua*, Kemitraan bagi Pembaruan Tata Pemerintahan di Indonesia, 2008.
- [5]. Agus Sumule, *Mencari jalan Tengah Otonomi Khusus Provinsi Papua*, Gramedia Pustaka Utama, Jakarta.
- [6]. Audit Board of the Republic of Indonesia (BPK-RI). Available at: <http://jdih.bpk.go.id/wp-content/uploads/2013/04/4.-Dana-Otonomi-khusus-Rp-30-Triliun-Tak-Efektif-Bangun-Papua.pdf>, accessed on 20 June 2013.
- [7]. *Badan Pengelolaan Keuangan dan Aset Provinsi*, 2013.
- [8]. Dewan Perwakilan Daerah. Available at: <http://www.dpd.go.id/artikel-tahun-kesembilan-otonomi-khusus-papua-belum-berhasil>. Accessed on 4 July 2013.
- [9]. Evaluation Report of the Special Autonomy of Papua in Public Policy, *Kemitraan untuk Tata Kelola yang Baik*, Jakarta, 2008.
- [10]. Frist Bernard Ramandey, et al. *Profil Otonomi Khusus Papua, Aliansi Jurnalis Independen (AJI) Papua*, Jayapura, 2005.
- [11]. Jacobus Perviddy Solossa, *Otonomi Khusus Papua Mengangkat martabat Rakyat Papua dalam NKRI*, Pustaka Sinar Harapan, Jakarta, 2005.
- [12]. John J.O.I. Ihalauw, *Konstruksi Teori-Komponen dan Proses*, Grasindo, Jakarta, 2008.
- [13]. Kajian Otonomi Khusus. Available at: <http://www.slideshare.net/puji12/kajian-otonomi-khusus-papua-12567669> accessed 18 June 2013.
- [14]. Kompas, 3 July 2012.
- [15]. Papua Governor's speech on the Report of the Governor of Papua Province Description Fiscal Year 2010, Jayapura, July 21, 2011.
- [16]. Siti Komariah, *Otonomi Khusus dan Percepatan Pembangunan di Tanah Papua*, Kamis, 15 Januari 2009, p. 2.- available at: <http://www.setneg.go.id>, accessed on 21 May 2013
- [17]. Soekarwo, *Berbagai Permasalahan Keuangan Daerah*, Airlangga University Press, Surabaya, 2003.
- [18]. Tanah Papua. Available online at: <http://tanahpapua.com/index.php/Berita-Terkini/pengelolaan-dana-otonomi-khusus-harus-diatur-dalam-perdasi-perdasus.html>, accessed on 21 July 2013.
- [19]. Tim Bentuk Gubernur Papua, Pokok-Pokok Pikiran yang Melatar belakang Penyusunan Rancangan Undang-Undang Otonomi Khusus Bagi Provinsi Papua dalam bentuk Wilayah Berpemerintahan Sendiri, *Naskah Akademik*, Jayapura, 2001.