



**Institutional Capacity The Assembly Of Papua  
(As the Institute for Cultural Representative Indigenous of Papua People)**

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**ABSTRACT**

This article is to obtain a picture of the institutional capacity of MRP as a representative institution natives of Papua, the authors use this type of qualitative research methods of interviews and documentation studies. Furthermore, to obtain the validity / validity of the data, then the analysis also uses a qualitative approach. This study was conducted to answer the question, How Institutional Capacity of the Papuan People's Assembly? To answer these questions, theoretical framework is built include: MRP as a means of representation of indigenous people of Papua, institution, authority, recruitment, ethnicity, marginalization and MRP constraints in implementing the tasks and functions. The results of this study indicate, institutions Papuan People's Assembly in carrying out the mandated duties and authorities there are some obstacles or barriers that are often encountered include: The existence of half-hearted political attitude of the government, There is suspicion of government (shadow separatism), The recruitment process specific elements of customary nature of the selection of lower levels, so laden with political dynamics and the politics of money, Even the observer Papua issue, a very strong political intervention from the government; and The establishment of the MRP of West Papua.

**Keywords:** *Institutional, Representation, Cultural, Indigenous People of Papua.*

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**INTRODUCTION**

Democratic transition in Indonesia is going on. It is accompanied by the issuance of decentralization policy on local autonomy. The policy on the local autonomy is made for the purpose of saving government and national integrity, freeing central government from unnecessary burdens, inducing local initiative and creativity in reaching prosperity [1]. It is surely expected that the effort to induce the local initiative and creativity will result in the improvement of the quality of public services that are delivered in a responsible and corruption, collusion and nepotism-free manner. It represents one of the fundamental requirements of good governance and clean government.

In Papua case, for example, political insurgence results from the condition in which Papua people bring the political status and the legal status of the integration of West Papua (Irian Jaya) into the unitary state of the republic of Indonesia into question. It is caused by the political decision of the integration of what so-called Nederlands Nieuw Guinea into the unitary state of the Republic of Indonesia since 1963 has not given the local people the expected prosperity in addition to the lack of the recognition of the fundamental rights of the people by the state in the area of education, economic, cultural and social areas. It is clearly observe in the existing infrastructures that still deserve serious apprehension relative to the other regions in the Republic of Indonesia. Another fundamental problem is related to human right condition in which the government of the Republic of Indonesia has not materialized the ideal of the prosperity and the equality of the local people.

The problems become the irony in the national life of the independent nation. The fourth paragraph of the preface of the Constitution of 1945 clearly states that the objectives of the government of the Republic of Indonesia are: "to protect all members of the nation and its whole territory and to pursue public prosperity, to educate the whole nation, including the local people of Papua once they have been integrated into the Republic of Indonesia.

It is the social and politic of Papua that causes dissatisfaction and the demand of the local people as expressed in the aspirations of the local people in the public democratic forum [2].

The dissatisfaction of the local people increases and even they use excessive military violence. Human right violation often takes place in Papua and many local intellectual figures are brought into justice for what they have done to express their democratic aspiration.

Concerning with the expression of the dissatisfaction of the local people of Papua, it is necessary for the people's consultative assembly of the Republic of Indonesia to assign special autonomy to the province as mandated in the point (g) of the number 2 of the Broad Outline of Nation's Direction (GBHN) of 1999. When all of the existing stakeholders support the implementation of the special autonomy by giving the local people of Papua as much autonomy as possible to determine their own fate, many problems will surely be overcome. The given trust and the mandated authority represent initial positive steps in building the trust of the local people to the government of the Republic of Indonesia and also strategic steps to lay the foundation for mutual future dialog for the solution of the problems in Papua [3].

The political escalation of the local people of Papua takes place when they decide to organize a more useful dialogue in the forum of Great Meeting of Papua People and Papua People Congress II in Jayapura on May 29<sup>th</sup> to June 3<sup>rd</sup>, 2000 that has resulted in the aspiration of independent Papua and separated from the unitary state of the Republic of Indonesia. The political decision of the local people of Papua in the two forums attracts serious attention of the government of the Republic of Indonesia and international society to the strong willingness of the local people to be independent.

The policy of the special autonomy for Papua can be considered as one of the accumulation of the changes in the government system implementation and the development program after the end of the New Order. The policy is based on the awareness that the political decision to integrate into the unitary state of the Republic of Indonesia actually contains noble aspiration of the materialization of the ideal of prosperous people of West Papua. However, the reality shows that the implementation of the policy and the development of Papua province have not provided the local people of Papua with the sense of equality and prosperity, especially in the area of human rights and the fundamental rights of the native people of Papua. The condition has resulted in dissatisfaction and in undermined trust of the local people as expressed in various forms, including the willingness to separate from the unitary state of the Republic of Indonesia as independent nation[4,5].

The special autonomy for Papua clearly and exactly means that there has been many negative understanding of the special autonomy among the local people of Papua. Bad experience of the local people of Papua of the implementation of the special autonomy by the Old Order and the New Order with the Act No. 12 of 1969 is the important reason for the negative attitude. Therefore, the policy of the special autonomy must be consistently implemented in order to bridge the gap between the province and other provinces in the Republic of Indonesia, especially concerning with the prosperity of the local people of Papua. Additionally, it is necessary to provide the local people of Papua with as much autonomy as possible to organize their own government administration in the framework of the unitary state of the Republic of Indonesia. Thus, it is expected that the implementation of the special autonomy for the province will provide the local people of Papua with the sense of equality and the law supremacy enforcement, the respect of human rights, the acceleration of the economic development, the improvement in the prosperity and the development of all aspect of life of the local people of Papua.

The Act No. 21 of 2001 on Special Autonomy of Papua represents a strategic policy in improving the service, in accelerating the development of the province, and in empowering the local people of Papua, especially the native people of Papua and in treating them as the subjects in the development of the province [6].

Special autonomy of the province is essentially the delegation of authority to the province to organize and to manage their own people on their own initiatives and considering the fundamental rights of the local people of Papua. The authority results in big consequence because it relates to huge responsibility of organizing their governmental administration and to make use of their own natural resources for the prosperity of the local people of Papua. The authority is given to make use of the existing social-cultural and economic potentials of Papua province, including giving the local people active role in the development of the province through the existing custom representatives, religious representative and special local regulations and also *Perdasi* and *Perdasus*, in formulating the development strategies by considering equality and plurality of the local people of Papua, preserving the cultural identity of the native people of Papua and the natural environment of Papua.

In order to implement the authority, the local government and the local people must first establish people representative assembly of the local people of Papua on the Act No. 21 of 2001 that accommodates all of the existing aspiration and pursue the interests of the native people of Papua on the basis of right equality among Indonesian citizens. Custom institutions reflects the native people assembly of Papua whose members include religious elements, custom elements and women representing the native people of Papua as mandated in the Act No. 21 of 2001, especially in the Chapter V, First Section, Article 4 and verse (2) stating that in the implementation of the special autonomy of the people of Papua, it is necessary to establish the people assembly of Papua (*Majelis Rakyat Papua*) culturally representing the native people of Papua with special authority in protecting the fundamental rights of the native people of Papua based on the respect of the local custom and culture, women empowerment and religious living harmony[6].

The people assembly of Papua (*Majelis Rakyat Papua*) in its first year has implemented special autonomy and faced the obstacle of the lack of its formulating guideline. The accomplishment of some important agendas as the election of local head of the province of Papua and the establishment of new province of West Papua has been delayed and hence it results in the impression that the government was not serious in issuing the government regulation on the people assembly of Papua (*Majelis Rakyat Papua*) and they consider it as half-hearted policy of the government on the special autonomy of the people of Papua. However, the government regulation of the Republic of Indonesia No. 54 of 2004 on the People Assembly of Papua (*Majelis Rakyat Papua*), though the local people assembly has not been established because of the lack of the mechanism of the existing legislation[7].

It is necessary to conduct a study to find out the solution of the future problem as the consideration and the improvement of the future of the people assembly of Papua for the benefits of the local people of Papua that they become the owner of their own land of Papua.

It is expected that the presence of the people assembly of Papua represents a strategic policy in the effort to deliver quality public service, to empower the native people of Papua, though the establishment of the institution has the potential to cause conflicts among the native people of Papua when it is not properly and wisely implemented.

Based on the aforementioned description, it is clearly observed that the establishment of the people assembly of Papua (*MRP*) is based on the aspiration of the local people of Papua to be independent, and the government can accommodate the aspiration by establishing the people assembly of Papua based on the commitment to pay respect to the local customs and culture, the empowerment of women and the promotion of religious life harmony and the reconciliation between the native people of Papua and the remaining population of the province. Additionally, the establishment of the people assembly of Papua is intended to accommodate the political aspiration of the native people of Papua that its existence in the political system of the province and national political system of the Republic of Indonesia becomes meaningful.

Followings are the background of the establishment of the people assembly of Papua, encompass *The political rights of the native people and the women of Papua tend to be ignored; The political representation of the native people and the women of Papua in the political institution is not significant; The aspiration of the native people and the women of Papua tend not to be accommodated; The participation level of the native people and the women of Papua is low; The commitment to pay respect to the local customs and culture, to the empowerment of women and to the promotion of religious life harmony is low; and The commitment to the reconciliation among the native people of Papua and the remaining population of the province.*

The more, concerning with the political rights of the native people of Papua, it is necessary to establish an institution referred to as the people assembly of Papua (*Majelis Rakyat Papua*) representing the native people of Papua and consisting of custom representatives, religious representative, and women representatives whose number is a third of the total number of the members of the assembly. Thus, the assembly represents a local supra-structure institutions that accommodate the political rights of the native people of Papua and can be categorized as the first institution that serves as the instrument to overcome the divide et imperia politic that the effort for the reconciliation in the province is met. Second, the people assembly of Papua (*MRP*) may be considered as the modification of the existing consolidation means based on the territorial politics or ethnicity politics in Papua. Thus, it represents the political institutions for the native people of Papua as manifested by the cultural representation of the native people of Papua[8].

## **Research Methods**

In order to obtain the figure of the institutional capacity of the *MRP* as the cultural representative institution of the native people of Papua as the objective of the study, the author uses qualitative method with interview and documentation study. Subsequently, the data is analyzed using qualitative-descriptive approach.

The study is conducted to answer the question, “What is the institutional capacity of the people assembly of Papua (*MRP*)?” The answer of the question is obtained using the theoretical framework that: The *MRP* as the representative means of the local people of Papua, institutional representative, authority, recruitment, ethnicity, marginalization and the obstacles facing the institution in accomplishing its functions and duties[9].

## **RESULTS AND DISCUSSION**

Concerning with the institution of the people assembly of Papua (*MRP*) as the cultural representative means of the native people of Papua, there are some related aspects such as:

### **Authority Magnitude**

#### **Authority**

The cultural institution of the people assembly of Papua (*MRP*) has made some decision related to the fundamental rights of the native people of Papua, such as a number of *Raperdatus* on the election of the governor and the deputy of the governor, on demography, on forestry, on mining, and *Raperdasi* on the election of the members of the assembly and the cultural decisions that have not been approved by the local assembly and local executive. According to Elly Doirebo, the deputy of Sinode GKI,

“... It is necessary to pay attention to the matters in evaluating the *OTSUS* such as reviewing the evaluation materials, the parties involved and the methods. That way, there is standard measuring rod in the implementation of the *OTSUS* pursuant to the Act. “We have to avoid the failure in speaking, acting and hence the dialogue must be organized in the perspective of the *OTSUS* that everything become clear. If the *OTSUS* fails it is the *MRP* that must be responsible for the failure.” Additionally, there must be a good attention for the *MRP*, especially in the investment of the assembly in the special autonomy, the budgetary right with the veto right because up to the present the *MRP* can not do anything, but sitting and do not produce any meaningful result. The failure of the *OTSUS* is due to the lack of the socialization in the long term. The socialization must be conducted in the longer term and the actual case is that it is implemented once it has been issued...”

Thus, the concrete evaluation is conducted in each of the teams in the existing districts to enable easy and proper data collection. The teams must be legitimate legally under the local assembly (*DPRD*), the executive and the *MRP* and consists of religious figures, students, women and custom figures, non-government organizations and other parties concerned that they can be solid. The team must be socialized, published, informed and communicated properly and then they must work. Tasks division must be proper and in exact time limitation.

#### **Administrative Authority**

The right of the *MRP* to guard the local autonomy fund. The Act No. 21 of 2001 confirms the followings, is *first* The verse 7 of the Article 34 of the Act No 21 of 2001: the division of special autonomy fund through *Perdatus* by specially considering under-developed regions and *second is* The verses 1a and 1b of the Article 21: the *MRP* has the right to review of the *Local Regulation Provincial* and the government decision that is considered to violate the protection of the fundamental rights of the native people of Papua; and the *MRP* has the rights to ask the provincial, district/city governments for explanation related to the protection of the fundamental rights of the native people of Papua. UU 21 [6].

#### **The Allocation of Special Autonomy Fund**

The allocation of the *OTSUS* fund for West Papua province<sup>1</sup> based on the Decision of the Minister of Finance Number 161/PMK.07/2009 is 2% of the *DAU* ceiling or Rp.3,849,806,840 divided into Rp.2,694,864,788 (70%) and West Papua by Rp.1.154.942.052.000 (30%). Additionally, there is the allocation for infrastructure in the *OTSUS*, which is Rp.1.400 000.000000 with the allocation value of Rp.800.000.000.000 for Papua province and Rp.600.000.000.000 for West Papua province. To channel the *OTSUS* fund the government of Papua province issues *PERDASI* Number 2 of 2004 on the division of the allocation in the *OTSUS* dated February 24<sup>th</sup>, 2004 consisting of 60% for districts/cities and 40% for province. Subsequently, the division of the *OTSUS* fund is determined through the annual decision of the governor. For the allocation of the *OTSUS* fund in the fiscal year of 2010, the governor did not issue the decision on the allocation of the *OTSUS* fund of the fiscal year 2010 that it referred to the decision of the governor Number 52 of 2009 as described in the table below. The realization of the *OTSUS* budget per priority area [10].

This, the allocation for education and health has met the requirement of the Act No. 21 of 2001 as further described in *PERDASI* Number 2 of 2004, which is 30% for education and 15% for health (UB/AIDP). Based on the income projection and the allocation of the local expenditure described above, the local budget (*APBD*) of Papua province in the budgetary year of 2009 was surplus (Rp.180 billions) [11].

It is expected that the implementation is more effective, especially for the people of Papua. The fund represents the prerogative right of each of the native people of Papua for their prosperity relative to the other regions in the Republic of Indonesia. Whatever the forms are, they contribute significantly to the prosperity of the local people of Papua.

The *OTSUS* fund in the annual local budget (*RAPBD*) of Papua province should be as follows, is *first*, The institutional finance is regulated in the Act No. 21 of 2001, including: *The institution of MRP and DPRP, not DPRD, the representative of KOMNAS HAM and human right judiciary of Papua, Truth and Reconciliation Commission, local police department, custom judiciary, and the component of native people of Papua* ; *Second*, Custom people: Custom Council Papua (*DAP*), 7 *Teritorial Custom Council (DAW)*, and *Tribes Custom Council* ; *Third*, Women society: *Solidaritas Perempuan Papua (SPP)* ; *Fourth*, Religious society: Papua-based churches and Papua Moslem. And *Fifth*, Students: Grants for Student Senates of Universities and bishop dormitory of the church and the local government.

The implementation of the duties in government administration of each of the provincial government institutions, *DPRP*, and *MRP* is financed by the local budget.

Thus, it can be concluded that the financing is related to the *MRP* and it has the right to supervise the implementation of the development programs for the native people of Papua whose source is the *OTSUS* fund of Papua province.

## Recruitment Pattern

### Recruitment Procedure

The candidates of the members in the election area of the first stage by village representative of the custom people and women are registered by the election board at district level. The candidates of religious society are registered by the religious society of the election board of the *MRP* at provincial level.

The recruitment procedure can be seen through the activities: 1) controlled procedure variations, 2) clearly identified election basis with certain rules. This, it can be concluded that the recruitment procedure of the members of the *MRP* is conducted through the recruitment stages as contained in the Act No. 21 of 2001 on Special Autonomy of Papua [6].

**Table-1** The Realization of the Ogsus Find per Priority Area

No	Description	Budget of Pagu		Actual Use	
		Total	%	Total	%
1	Education Sector	210.839.229.354	7,77	194.150.952	7,98
2	Health Sector	308.658.551.203	11,38	260.368.880.536	10,69
3	Infrastructure Sector	14.658.729.000	0,54	13.377.706.065	0,55
4	Economic empowerment and other support sector	2.178.689.632.140	80,31	1.966.791.123.805	80,78
	<i>Total</i>	2.712.846.141.697	100	2.434.688.662.921	100

*Source: Humas MRP, July 2011[12]*

**Table-2** The List of Election Areas (EA) of the *MRP*

N0	DISTRICT/CITY	CUSTOM	RELIGION	WOMEN
<b>I</b>	Raja Ampat District, Sorong City, and Sorong District	Domingus Sani	W.F.Rumsarwir (Origin Biak)	Frida T.Klasim
<b>II</b>	Sorong Selatan District and Manokwari District	Drs Salmon Kambuaya	N.A. Maidepa (Origin Bentuni)	Anike T.H.Sabami
<b>III</b>	Teluk Bintuni and Wondama Districts	S.E. Serimbe	Hofni Simbiak (Origin Biak)	Ruth A. Kurubuy
<b>IV</b>	Biak Numfor and Supiori Districts	Ir Fransk Wospakrik	Y. Worobay (Origin Serui)	Dra. Mientje Rumbiak
<b>V</b>	Yapen and Waropen Districts	Y. Simonapendi	Benyamin Yanteo	Maritje J. Oropa
<b>VI</b>	Jayawijaya and Tolikara Districts	Adolf Kogoya	I. Genongga (Origin Jayawijaya)	Sarindak Pagawak
<b>VII</b>	Yahukimo and Pegunungan Bintang Districts	Engelberthus Kasibmabin	Pene Ifi Kogoya (Origin Jayawijaya)	Orpa Yohana
<b>VIII</b>	Jayapura City and Keerom District	Ferdinand Tuamis	Salmon Patay (Origin Serui)	Yakoba Tjoe-e
<b>IX</b>	Jayapura and Sarmi Districts	Marthinus Buaim	Agus A. Lue Alua (Origin Jayawijaya)	Dra Hanna S. Hikoyabi
<b>X</b>	Digoel and Merauke Districts	Karisimus G	Vitalis Yumte	Martha Olap
<b>XI</b>	Asmat and Mappi Districts	Donatus Pombai	Bernadetha M.	Dra Olga Adu
<b>XII</b>	Fak-Fak and Kaimana Districts	Zainal A. Bay	P.Degei (Origin Paniai)	Atakiah Sirfefa
<b>XIII</b>	Mimika and P.Jaya Districts	Alpius Murib	Aituarauw (Origin Fak-fak)	Yopina Magal
<b>XIV</b>	Nabire and Paniai Districts	Edy Tabay	Tom Lani (Origin Jayawijaya)	Marion Gobay

*Source: Sekretariat Majelis Rakyat Papua, 2009 [13]*

### Recruitment Stages

The recruitment is conducted through the following stages: 1) selection requirements by the election board, 2) candidate nomination, 3) evaluation, and 4) the determination of the selected candidate at sub district/village level, district/city and provincial level.

Concerning with the election procedure of the members of the *MRP* based on the selection procedure of the members of the *MRP* it is explained that: (1) The members of the *MRP* are the native people of Papua who are (a) those coming from Melanesia family, native tribes of Papua province; (b) the members of the *MRP* are 42 individuals representing each of the existing elements of the custom people, religious society and women; (3) the election of the members of the *MRP* is conducted by considering the representation of the native tribe of Papua [7].

Based on the description above it can be concluded that the recruitment mechanism of the members of the *MRP* can be seen through the representation of the following elements: 1) custom elements, 2) religious elements, 3) women elements; and the election areas of the members of the *MRP* indicate the relationship between: (a) recruitment procedure, (b) recruitment steps, and (c) the involvement of the local people, which highly influential in the recruitment model.

### **People Involvement**

People involvement in the recruitment of the members of the *MRP* is seen from 1) the proportion of the custom society, 2) the proportion of the religious elements, and 3) the proportion of women element and the control function of the people.

The participation of the people in the recruitment process of the members of the *MRP* is very important because the members can be recruited from three elements or components in the society, which are custom elements, religious elements and women elements.

### **Recruitment Dynamics**

#### ***Inter - ethnic constellation***

The recruitment dynamics takes place because of the presence of the inter-ethnic constellation: 1) the width of geographic area, and ethnicity/culture, 2) the location of the election authority in the ethnic areas (ondoafi, custom head, etc.).

That way, the recruitment process of the members of the *MRP* can be the true representatives of the ethnic/custom elements that accommodate the interests of the local people of Papua in accordance with their respective election areas.

This, it can be concluded that the recruitment dynamics of the members of the *MRP* can represent the custom institutions and establish the relationship between various ethnic groups of the native people of Papua.

#### ***Central and local government constellation***

The constellation between the local and central government takes place through: 1) central government intervention, 2) bureaucracy elite pressure, 3) local government pressure, and 4) the ability to facilitate (budget, management, secretariat, etc.).

The relationship between the local and central governments taking place in Papua may be considered as the fact of the regulation and the policies of the government that are less favorable for the local people because the intervention of the central government is very strong in Papua, that it weakens the existing institutions in the local government of the province, the *DPRP* and the *MRP*.

This, it can be concluded that the relationship between the central and local government may be considered as imbalance because the interest of the central government is very big and the position of the local government is very weak that there is no much space for the community land holders of the native people of Papua in general. According to the author the relationship of the local and central government may be described using the theory of state [14].

### **Political Actors**

The recruitment dynamics between the political actors can cause pressure that results in what the actors can do. In the perspective of the recruitment process of the members of the *MRP*, the elements related to the political actors must be avoided because the *MRP* is essentially the institutions representing the native people of Papua. Different from the legislative in the recruitment process through political parties, the relationship between the political actors related to the recruitment process of the members of the *MRP* is not dominant because it can weaken the institutional performance of the institution in the future. It is concluded that the members of the *MRP* are free of political interests.

The results of the study show that the *MRP* accomplishes its duties and authorities and faces some obstacles such as: (a) The presence of half-hearted attitude of the government that weakens the institutional performance of the *MRP*, (b)

There is a suspicion of separatism, (c) The recruitment process of special custom elements is carried out at grass root level that is very dynamic and involves money politics, (d) According to the observers of Papua, the *MRP* is a gray cultural institution that is established for the purpose of the means to warrant the fundamental rights of the native people of Papua, (e) The political intervention of central government is very strong as indicated in the establishment of West Papua province for the interest of the central government in Jakarta, and (f) the establishment of West Papua province.

The *MRP* must be empowered as the institution with comparable capability of government institutions such as legislative and executive. Therefore, the regulation of the implementation of its duties and authority must be given special attention, especially in the *DPRP*, governor and the *MRP*. The manifestation of the government has been determined by the *Perdasus* on the procedure of the implementation of the duties and authority of the *MRP*.

Based on the accumulation of the description above it can be concluded that to measure the performance of the *MRP* in the period of 2005-2010 up to the present, the institution has managed to formulate what so-called cultural decisions. The cultural decision contains three important materials that can serve as the guidelines of the implementation of the authority. The first decision relates to the fundamental rights of the native people of Papua. The second decision is about the cultural unity of Papua and the third decision is the policy on special policy of taking side of the native people of Papua, the protection and the empowerment of the native people of Papua. These are all the cultural decisions that regulate the fundamental rights of the native people of Papua, especially including the matters that have not been regulated in Papua[7].

## CLOSING

### Conclusion and Recommendation

This, in my opinion: *first*, the institution of the *MRP* may be one of the instruments that must be considered by the state in solving the problem of divide and rule that the effort for reconciliation may be modified into the consolidation means based on the territorial politics or ethnicity in Papua.

In this paper the author recommends the *MRP* to be empowered as the institution with the competency comparable with other government institutions (legislative and executive). The regulation of the implementation of the authority of the *MRP* must be given a good attention by all parties concerned, especially the *DPRP*, governor and the *MRP*. The manifestation of the attention is in the form of the *Perdasus* on the Procedure in the Implementation of the Duties and the Authority of the *MRP*. It is expected that the *MRP* will be successfully established and the government is commitment to the empowerment of the special autonomy of Papua following the establishment of the *MRP* by involving the native people of Papua in the process of the government administration and by upholding ethnic and moral values. The substance of the Act Number 21 of 2001 on Special Autonomy of Papua province is to give the native people of Papua special autonomy in various areas. It is expected that the half-hearted political attitude of the government will change and does not weaken the *MRP*.

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