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## **Papua Land of Peace As a Humanitarian Program For Local People In Unitary State Republic of Indonesia**

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**Abstract:** *This study aims for the actual problems in the field of politics, law and security in the context of Papua Land of Peace. This research is prescriptive legal research with normative juridical approach method in the form of research on the principle with data collection technique through literature study in the form of primary, secondary and tertiary legal material with qualitative analysis of legal materials. The results of the study show that Papua Land of Peace is a humanitarian program to protect the Papuan people who inhabit it, as well as to protect it as citizens of Indonesia in the NKRI container. Therefore it is necessary to be well and carefully identified various matters which are the factors causing the situation in which Papua will not become a Land of peace.*

**Keywords:** *Papua Land of Peace; NKRI.*

### **INTRODUCTION**

This paper begins with a poem that tries to express feelings about the living conditions in the land of Papua from the writer's point of view. The complete contents of the poem:

#### **LORONG GELAP**

Di negeri ini hidup adalah lorong gelap  
Setiap langkah kaki menemani kesuraman  
Kadang bertabrak dengan dinding gua  
Disertai dengan cakaran kelelawar liar  
Setiap helah nafas diselingi suara-suara ngeri  
Yang dipantulkan dari alam kematian

Meneror kemudian membunuh tanpa kasih  
Lalu meninggalkan jejak tulang-belulang  
Mengharapkan cahaya adalah kemustahilan  
Bagai bermimpi masuk surga tanpa kebaikan  
Karena lorong gelap tak punya belas kasih  
Hanya angkara murka dan kematian.

#### **DARK ALLEY**

In this country life is like a dark alley  
Every footsteps gloomy  
Sometimes crushed by the cave walls  
Accompanied by scars from a wild bat  
Each breath is interrupted by the terrible sound

That is reflected from the realm of  
death  
The terrorist would kills without love  
Then leave a trail of bones  
Expecting light is an impossibility  
Like dreaming of going to heaven  
without good  
Because the dark alley has no  
compassion  
Only anger and death.

This poem was read on 13 August 2013, shortly before the closing of the Meeting of the Papuan People's Assembly (MRP) members with members of MRP Papua Province, in order to follow up the MRP Decree Number 6 Year 2013 on Stipulation of the Papuan People's Consultative Assembly Meeting with MRP West Papua Province with representatives of indigenous Papuans from Papua Province and West Papua Provincial Assistance for the Evaluation of Special Autonomy for Papua and West Papua, 25-27 July 2013<sup>1</sup>.

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<sup>1</sup> The result of the MRP Hearing Meeting with Papuan Representatives from 40 Municipal Districts of Papua Province and the West Papua Province mentioned above, is essentially: concludes that: The implementation of Special Autonomy for Papua and West Papua for over 12 years "FAIL" brings people native Papua towards better progress and welfare; and recommends: It is necessary to conduct a "Jakarta - Papua" dialogue mediated by neutral and neutral third parties to discuss the Papua issue; and Special Autonomy should not be changed before the alternative solution ["Jakarta -Papua Dialogue"] has not been done. On the basis of the results of the hearings, the MRP Decree No. 6 of 2013 is as follows: First;

The above poem clearly describes and simultaneously expresses the psychological-psychological atmosphere of the poet in relation to the empirical facts concerning the memoria passionism of indigenous Papuans, so far, as has been concluded also from the result of the above hearing, particularly in the perspective of the implementation of Special Autonomy Papua. The poem expressively moaned and mourned the social situation and sought to deeply digest the essence of humanity's struggle in the environment in which it exists and lives. As if to ask-to himself and to the natural surroundings ....., Is there still a glimmer of hope about the

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Ratify the Result of MRP Hearings Meeting with Papuan People in Papua and West Papua Provinces, in the Framework of the Evaluation of Special Autonomy for Papua and West Papua as formulated in the Hearing Meeting Result Report and listed in the Attachment of this Decision, Second; Recommend to the President of the Republic of Indonesia, the DPR of the Republic of Indonesia, the DPD of the Republic of Indonesia, the Governor of the Province of Papua and the Governor of the Province of West Papua, the DPRP and the DPR PB, to take seriously and follow up the results of the hearings as meant in the FIRST dictum of this Decision. Third: Order the Submission of the Result of Hearing Meeting referred to in the FIRST Dictum to the competing parties as meant in the SECOND dictum no later than 60 (sixty) days from the date of this stipulation. With regard to these issues of politics, law and security, it is necessary to pay attention.

future that brings peace, tranquility, advancement and prosperity to man in the world in which he exists today, is the world of "Nusa Damai ", The Land of Papua, which is none other than, is an integral part of this Unitary State of the Republic of Indonesia?

## **METHOD OF THE RESEARCH**

The type of research is normative-legal research, which is used to study the rules of law or legal provisions with emphasis on the principles of law that relating to the international and national laws, especially related to the interaction between them.

The technique of data collection used is literature study, by studying various legal materials includes primary, secondary, and tertiary in accordance with the object of study. Data analysis is done by analyzing qualitative data by reducing data, presenting data and drawing conclusion.

## **ANALYSIS AND DISCUSSION**

### **Identification of Actual Problems in the Field of Politics, Law and Security in the Context of Papua Land of Peace**

Politics and Government

1. The application of unity of Bhinneka Tunggal Ika principle that nullifies diversity/pluralism.<sup>2</sup>

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<sup>2</sup> With regard to these issues in politics, law and security, it is necessary to pay attention to what Satijpto Rahardjo (2006: 185 -186) put forward as follows. The principle of diversity is Indonesia's response to civil society. The first principle of diversity accepts diversity or pluralism as a blessing and wealth, not with the attitude of suspicion as exemplified in Germany .... Thus Indonesia is not an ethnic nation. At the time of diversity dissolves in unity, so unknowingly local elements are destroyed. This happens, for example by the enactment of Law No. 5 of 1979 on Village Government. The desire to create uniformity in government across the country to the lowest level, has undermined diversity. The result is fatal and I suspect the riots have not been caused by the destruction or destruction of the local community. We see, Bali is a bit much still able to maintain the local character has a greater survival strength compared with other areas in Indonesia. This is evidenced by the ability of Bali's institutions to maintain security in the region amidst riots almost everywhere. It further argued that the Law reform should seriously make the "existence of diversity" to be the agenda and how to bring it into the fundamentals of the law. if we learn from experience, then the slogan "Bhineka Tunggal Ika" is more pressing on the "single" aspect thus ravaging the existence of pluralism. For the sake of singularity or unity, pluralism is not allowed to exist. This is particularly prominent in the security and stability approaches that have been featured. Moreover, because stability is used in its absolute sense, it means more absolutism. Though the concept of stability taken from physics gives room for enough freedom to keep a building stable in various circumstances. Without these freedom spaces, the chances of a building collapsing. Starting from the recognition of the existence of pluralism, then the conflict is functional for the establishment of society. Conflict is not something to be tabooed, for recognizing diversity is acknowledging conflict, as potential. Thus, the philosophy that is held is to channel conflict in such a way as to be productive for the community. Admittedly, the methodology of confronting the conflict

2. The application of political devide et impera ala Dutch colonial era softly (as indicated by the increasing proliferation of new autonomous regions), in Papua, although not eligible and not through legal procedures, the existence of Papua Indigenous Peoples Institutions Formed Government [LMA Papua] versus indigenous Papuans with the Indigenous Deliberation Council abbreviated as LMA)<sup>3</sup>.
3. Implementation of Family Planning (FP) program for indigenous Papuan civil servants and high poverty rate [indigenous poverty] of indigenous Papuans encourage participation in family planning, which undermines the growing population of indigenous Papuans.
4. The attitude of ambiguity of political will and goodwill of the Government. As an illustration, the Special Autonomy of Papua. The reasons for granting special autonomy to Papua are in order to safeguard and guarantee national integration and resolution of past human rights violations (MPR RI Decree No.IV / MPR / 1999). It turned out that the representatives of Komnas HAM, the Human Rights Court and the TRC in Article 45 and Article 46 of Law Number 21 Year 2001 on Special Autonomy for Papua Province (Law Number 21 Year 2001) have not been established.<sup>4</sup>

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requires its own wisdom which is not as easy as eliminating conflict. Actually negating conflict is not a productive solution. Because it eliminates the conflict simply " does not want to see any conflict " and sweeps the conflict down the carpet. Such conflict handling methodologies cause riots in different parts of the country to explode simultaneously.

One thought is how to bring what it calls " anthropological wisdom " into the work of reform today. What has been done in the past is essentially 'counter-antopological' legal counseling, thus creating a counter-productive state for a pluralistic society like Indonesia

<sup>3</sup> Related to this 'devide at impera' politics, on the other hand, Satjipto (2006: 189, 191) writes: We recognize in the Dutch-Indies law system, pluralism is given place. But more important is the question, " for what pluralism needs to be placed in the context of the slogan " devide at impera ". Then the meaning and acceptance of plurality are very different. The politics of pluralism in our law is to promote the unity of Indonesia and to seek for the productivity of life. In the region of East Asia, no country and nation rival Indonesia in terms of pluralism, both topographically and socially and culturally. So to formulate the nationality of Indonesia, we better cite Ernest Renan's concept of " what is a nation ", ie " le desire d 'etre ensemble' '(desire to be together). Dutch with Japanese who are ethnically and ethnically diverse in terms of race, language, and belief

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<sup>4</sup> In connection with this existence, Satjipto (2006: 105 -109)., Also writes that Indonesia is more busy initiating the formation of the TRC, than actually making it happen. Even. because of the protracted time, it is said good momentum has passed. One notion of why the situation until protracted is still strong conventional concept of persisting in the community. It is argued that the Law and the

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court must indeed examine and punish. So as soon as the idea of reconciliation arises, to reconcile, we become a little confused. Why should there be a mind of forgiveness, false confession, peace, and so on? The last idea is too tough to digest. This article says, if Indonesia is now involved reconciliation efforts, then in fact it has deep roots. If we contribute to the creation of the TRC, it is not entirely due to following South Africa and other countries, but because there are more fundamental things. Thus, the idea of the TRC is not just a "that ship passed at night" phenomenon, but because it is rooted in the fundamental behavior that exists in the Indonesian nation. Reconciliation is not a completely new idea for Indonesia, but has a strong historical and anthropological roots. He further argued that, if the old order, including the court is less "sophisticated" than modern law, then the authentic old order holds its own advantages. has a weakness in the division of labor, organizing and bureaucracy, on the other hand it has advantages and flexibility, flexibility, more accommodative, and reconciliation, and away from "strong and vilotent". More than formal organizational, and structural, authentic things have their own atmosphere, the atmosphere of peace and harmony. It is this atmosphere that distinguishes the old order and court from modern law. Courts in authentic communities are more likely to reconcile dripada punish. Even if punished, it is very thoughtful that the old relationship is not damaged. Thus, restoring old relationships (to restore former to relations) becomes a factor of consideration higher than punishment. All proceedings should end in peace, not punishment Conflict must end in peace, not punishment. That is the credo in the authentic community. With this exposure, want to encourage and give support to the spirit of the KKR to firmly carry out their duties. Court punishment is not the only way to go. It turns out that our local people keep the wisdom that is very deserving to be listened to and heard well. Our authentic local community has many wisdom that is quite contrary to our modern court atmosphere. Their creed is peace and harmony, not vengeance. Restoring old relationships and keeping the public from cracking, is felt more important than punishing it for granted. When we make the TRC, it is not because of following the world trend, but because of its tradition, its philosophy already exists in our own society.

5. Uniform legal products in the form of laws, in particular laws in the field of Government and sectoral laws by negating the special autonomy of Papua<sup>5</sup>.
6. Establishment of new autonomous regions at random without considering social benefits and social impacts.
7. Absence of good supervision, supervision and supervision of the

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<sup>5</sup> The uniformity of this law, interesting to note what is presented by Satjipto (2006: 172 - 173) as follows. The words of Pancasila formulated by Bung Karno, Bhinneka Tunggal Ika from the great work of Mpu Prapanca in Sutasoma's book, and Sila Persatuan, all show that the values that will be used as the basis for regulating the relationship of the nation and the state (which is a form of peculiar form of social life nation of Indonesia) are the values that exist, grow and develop in the people and society of Indonesia, such as musyawarah, gotong royong, communal, and religious magis, and appreciate diversity (pluralism). Therefore, since before independence there was an agreement of the Founding Fathers to make customary law as the main source of the establishment of national law. If so, then pluralism that mutually support in the frame of NKRI is a logical consequence. Pluralism requires an attitude of mutual trust, mutual respect, mutual respect, and mutual help in the implementation of the life of nation and state. Pluralism demands coordination and synergy, not subordination and exploitation. Is not one of the issues that stick to the surface that accompanies the phenomenon of disintegration tendency of NKRI is the existence of exploitation of natural resources by the central government to the regions through written legal instruments (laws and regulations) made unilaterally by the central government, without coordination with local governments economically only benefit the government or entrepreneurs?

Government in Papua (many new autonomous regions whose government is not running at all).

8. Political recruitment in political parties and the composition of membership of DPRD and DPRD Kota / Kabupaten, in coastal / coastal areas do not reflect the representation of indigenous Papuans in a balanced manner.
9. The existence of money politics in the election of regional heads that cause social conflict and social rift and social disharmony and result in the loss of life and property.
10. Differences of opinion/views on the integration of Papua to the Unitary Republic of Indonesia and People's Determination (PEPERA (as the root of serious problems.

#### Law

1. The existence of non-policy enforcement politics (non-enforcement policy) in the implementation of Otsus Papua. Among other things, the delay in the formulation of the implementation of Law Number 21 Year 2001: 1). The Government Regulation on MRP was only established and ratified in 2005, although Law Number 21 Year

2001 was in force in 2001; 2). Various Provincial Regulations (Perdasi) and Special Regional Regulations (Perdasus) mandated by Law Number 21 of 2001, only began to be formed in 2008. Until now the mandated Perdasi / Perdasus has not been established, so that in the Letter of the Minister of Home Affairs Number 188/2441 / OTDA, dated 19 April 2012: Immediate Character, Subject: Accelerated Settlement of Perdasi/Perdasus as mandated by Law 21/2001, reminded that the Provincial Government shall immediately complete the legal instrument.

2. The existence of legal dualism and conflict of legal norms. Factor of legal dualism and conflict of legal norm become one of its own problem that is very big influence to the implementation of Law Number 21 Year 2001. Besides the existence of Law Number 21 Year 2001, there is also Law Number 32 Year 2014 about Local Government which revoked by Law Number 23 of 2014 on Governance, there are sectoral laws versus Law Number 21 Year 2001.

- For example: a) Article 4 of the Special Autonomy Law versus PP 38/2007 on the authority of the Government; b) village and village law versus provisions on village version of Law Number 21 of 2001.
- 3) The Papua Regency Government stands on two legal rules, namely Law Number 21 Year 2001 and Law Number 23 Year 2014, agreement of the government, and even lack of coordination and consultation between the Regency / Municipal Government and the Provincial Government of Papua.
3. There is an attitude of ambivalence and inconsistency in the context of the Special Autonomy of Papua (Political-will and Good-will). The Central Government has not been fully consistent in implementing Law Number 21 Year 2001. This is indicated, among others, for example: (a) Establishment of West Irian Jaya Province, now West Papua in 2003, with policy regulation "Presidential Instruction Number 1 Year 2003". (b) The delay in establishing the MRP, the Government Regulation on MRP was issued in 2004. The existence of the MRP becomes a "superbody", an attitude of excessive suspicion, the absence of Government trusts on the Region. Consequently the Perdasus was not formed until 2008. (c) The absence of adequate supervision and supervision function by the Central Government to the Provincial Government of Papua. Consequently Law Number 21 Year 2001 did not work well, then, by the community judged as Law Number 21 Year 2001 has failed. (d) The existence of policies of the formation of institutions or organizations of the period by the Central Government using the term indigenous peoples (LMA Papua), dealing with indigenous peoples institutions in Papua. This is the other side, from the rest of colonial practice "political divide et impera". (e) Provision of governance in the Province and District / City, there is no synergy in implementing Law Number 21 Year 2001. (f) Long intervention and bureaucracy in terms of Papua's special autonomy fund management.
4. There is a misuse of power in handling legal cases.

5. There is discrimination in law enforcement and human rights enforcement in Papua, especially for indigenous Papuans.
6. Land acquisition / ownership of land owned by indigenous people of Papua and customary land rights of indigenous peoples illegally.
7. The higher the crime rate both in terms of quantity and quality in Papua.
8. The number of crimes and violations against Papuan women's human rights, including violence in both domestic and public spheres, is increasing from time to time.
9. The strength and practice of the old and totalitarian legal paradigm in the reform era and the special autonomy era in Papua<sup>6)</sup><sup>7)</sup>. As an

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<sup>6</sup> The term law paradigm that is authoritarian and totalitarian law, here refers to the new order era loaded with the power paradigm. As quoted by Esmi Warassih, as follows (2005: 62 -65): that ... law development in the New Order era is very loaded with the paradigm of power. The law is based on the power paradigm of presenting an undemocratic law, a totalitarian system. Such a legal system (totalitarian law) has the following characteristics: (1). The legal system consists of binding rules of content is subject to arbitrary rulings; (2). With certain technicalities, the law is used as a "cover" to cover the use of arbitrary powers. The law is accepted on the basis of false consciousness and lowers the human level; (3). Social acceptance of the law is based on false consciousness and lowering human status; (4). Legal sanctions contain disintegration of social

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bonds and create a dispersed atmosphere of nihilism (5). The ultimate goal is an institutional legitimacy, regardless of how much society receives. He argued that the power of military, Golkar, and bureaucracy has been built with a collaboration of power consisting of military. Thus, unwittingly or through formal channels, our country changes from "State of Law" to "State of Power". The quality of our law is authoritarian law by demonstrating authoritarian features such as the following: (1) The totalitarian basic rule; (2) Basic rules above the constitution; (3) Slavery law; (4) Totalitarian Bureaucracy; (5) Trias of pro-forma politics; (6) Compliance forced; (7) Type of destructive engineering.

<sup>7</sup> In connection with this fact, Satjipto proposes the existence of legal deconstruction as a progressive legal strategy in the development of law in Indonesia. Clearly, Satjipto argues that: as a result of monopoly and centralization of power to the central government, the state becomes capitalist and authoritarian in exercising its authority. This can be understood, because the state / government as one institution can have its own wishes and goals. Therefore, deconstruction effort is needed as an effort to restore legal fractional form and fraction in Indonesia. According to Satjipto, the urgency of deconstruction carried out in pruning legal unfavorable branches and continued with reconstruction is based on several logical reasons: (a) The state has dominated and negated the rights of the people / communities that should be facilitated by the state in order to achieve the greatest prosperity of the people, (b) the State should appear and provide protection for the people in gaining access to natural resources in reality is not so, even times the country is against people and a source of injustice; (c) State / national law based on a positivist modern legalism has thus dominated people's law, and tends to continue to negate living law which should be facilitated to grow and develop into a source of national law, (d) State exploitation of power by state / Central Government to the region, as well as traditional and autonomous community units (The paradigm of power which gave birth to a totalitarian legal system is very different from the paradigm of benevolent power which, from the beginning of the establishment of the beloved Republic of Indonesia, was idealized by the founders of our country , as a main tool in establishing a kinship state based on

illustration, namely: a) The expansion of the Province, the case of West Irian Jaya Province-present West Papua, is conducted in a way that is unlawful and without legal procedure<sup>8</sup>, b) Formation of MRP in West Papua without a valid procedure<sup>9</sup>, c) Recognition mass organizations as Indigenous Peoples of Papua.<sup>10</sup> Likewise, the recognition of "Indigenous institutions Bentuk" as a mass organization with nomenclature "Institute of Indigenous Peoples of Papua (LMA) with the structure of modern organizations at the provincial level to the district / city se Papua Province and throughout West Papua Province.

Social Culture, including:

1. The basic social and cultural rights of indigenous Papuans including

- customs and norms recognized and respected;
2. The labeling of indigenous Papuans as ignorant, drunken, idle and primitive societies is eliminated;
3. Attitudes that undermine the indigenous Papuan culture that causes the original Papuan identity crisis to be eliminated;
4. Discrimination against persons with HIV and AIDS is terminated;
5. Mother and Child's death rate of indigenous Papuans is reduced through professional health services;
6. Health services in the form of medical personnel and health facilities available to remote villages;
7. Distribution and consumption of alcohol and drugs is suspended in the Land of Papua;
8. The entertainment center in the form of bars and houses of prostitution are closed;
9. The quality of education can be improved through improvement of facilities, the addition of teachers, improving the welfare of teachers, contextual curriculum and management of educational funds that meet the goals and objectives;

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Pancasila. The characteristics of benevolent power are as follows: (1) a power characterized by the public interest, (2) a viewing power to a difficult group of societies ; (3) power that is always thought of public interest; (4) empty power of subjective interests, (5) loving power. Such is the quality of that good power (Satjipto (2006: 190-191).

<sup>8</sup> See Decision of the Constitutional Court in Case Number 081 / PUU-I / 2003.

<sup>9</sup> See Decision of the Constitutional Court Number 84 / PHPU-D / X / 2011.

<sup>10</sup> See Decision of the Constitutional Court Number 116 / PUU-VII / 2009.

10. Policies that lead to depopulation of indigenous Papuans such as Family Planning (KB) programs that restrict births are stopped;
  11. The policy of restriction on the flow of migration to Tanah Papua is established and implemented.
7. Papuans live freely without intimidation, discrimination and marginalization;
  8. Customs are respected, upheld, acknowledged and legitimized in existence.

Law and Human Rights, namely:

Politics, namely:

1. Indigenous Papuans feel secure, peaceful and prosperous living on their land and having a good relationship with others, nature and God;
  2. No more separatist / rebellious stigma against indigenous Papuans;
  3. Differing views on Papuan political status have been resolved;
  4. The history of Papua is straightened without engineering and manipulation;
  5. Indigenous Papuans are always involved in agreements relating to the interests and future of the people of Papua;
  6. The root of the Papuan problem has been resolved thoroughly and thoroughly in a dignified manner;
1. Indigenous Papuans free expression, opinion and assembly;
  2. State violence against indigenous Papuans including women and children has been terminated;
  3. The perpetrators of state violence are tried and punished in accordance with the sense of justice of indigenous Papuans and victims;
  4. Law enforcement against corruptors has been conducted in accordance with the sense of community justice;
  5. Policies that impede freedom of expression, opinion and assembly have been terminated;
  6. Human Rights Court established in Tanah Papua; and
  7. Customary justice is recognized in the formal legal system.

Security, namely:

1. The security apparatus performs their duties professionally and respects human rights to ensure a

- sense of security for indigenous Papuans;
2. Military posts are only established in border areas between non-residential countries;
  3. Reduction of non-organic TNI and Police forces throughout Papua;
  4. The development of military institutions is not based on the splitting of civil government territory (kampung, distrik, kabupaten / kota and provinsi);
  5. Intimidating intelligence operations and providing insecurity are eliminated;
  6. TNI and Polri are banned (no longer) doing business and politics, and giving strict legal sanctions for violators;
  7. The security apparatus is prohibited from working as an adjutant or security force for civilian officials.

**The Basic Rights of Indigenous Papuans as well as the Basic Values and Indicators of Papua Land of Peace**

Basic Rights of Orang Asli Papua/Local People

Law Number 21 Year 2001 as amended by Law Number 35 Year 2008, is built on seven basic values. One of the important basic values there is the protection of the basic rights of

indigenous Papuans. Therefore, in the context of the talk of "Papua Land of Peace" is relevant to be addressed and addressed. The basic concepts related to the protection of the basic rights of indigenous Papuans are as follows: Indigenous Papuans have a distinctive identity and identity in the diversity of the Indonesian population and culture. This identity and identity must be positioned as part of the diversity of humans who inhabit the earth of God's creation-and therefore must be protected. The protection of the basic rights of indigenous Papuans is intended to enable the Papuan people to develop the abilities that God has bestowed upon them in a good and dignified way, so that in the soonest time the Papuan people can become Indonesian citizens and members of the modern world community and parallel to the nations, any nation of developed nation by not abandoning its identity and identity. At the same time, the protection of the basic rights can not be separated from the obligations attached to indigenous Papuans, even the entire population of Papua, as a creature of God, citizens and citizens.

In this contest the protection of the basic rights of indigenous Papuans

includes six basic dimensions of life, namely:

1. The protection of the right of life of Papuans in the Land of Papua, a quality of life free from fear and fulfilled all physical and spiritual needs well and proportionately.
2. Protection of Papuans' rights to land and water within certain limits to the natural resources contained therein.
3. Protection of the rights of Papuans to gather and express their opinions and aspirations.
4. Protection of the rights of Papuans to be explicitly involved in political and governmental institutions through the application of healthy democratic life.
5. Protection of the freedom of Papuans to elect and exercise the religious teachings they believe in, without any emphasis from any party; and
6. The protection of Papuan culture and customs.

#### Basic Values of Papua Land of Peace

The effort to create Papua Land of Peace has long been done by various parties in Papua, especially by religious institutions in Tanah Papua. Therefore it is endeavored to formulate the basic

elements that become the basic values of the concept of Papua Land of Peace.

The basic values of Papua Land of Peace include the following nine values.

1. Participation;
2. Togetherness and Tolerance- Appreciate;
3. Communication / Information;
4. Prosperity;
5. Safety and Comfortability;
6. Justice and Truth;
7. Independence;
8. Recognition and Self-esteem; and
9. Harmony/Wholeness.

#### Indikator Papua Tanah Damai

Indicators of Papua Land of Peace, actually have also been formulated, for example from the Workshop Result of Five Dioceses in Tanah Papua held at Sentani Regency Jayapura on 29 April - 02 May 2012. The indicators include the following aspects.

Economy and Environment, including:

1. All ulayat lands of indigenous Papuans have been mapped well;
2. Customary rights of indigenous Papuans are legally recognized;
3. The transfer and control of customary land rights does not

- eliminate the right of ownership of indigenous Papuans;
4. Natural resource management shall be conducted in ways that take into account the sustainability of nature, respect local wisdom and provide maximum benefit to indigenous Papuans;
  5. Companies that damage the environment and harm customary land owners are given legal and administrative sanctions;
  6. Forests and land that are sources of production of indigenous Papuans rehabilitated;
  7. Natural forest conversion practices that contribute to global warming are halted;
  8. Indigenous leaders with indigenous peoples are involved in the process of developing an investment plan for the management of natural resources;
  9. The business practices of fisheries, mining, illegal logging have been stopped and the perpetrators punished;
  10. Empowering indigenous Papuans in different sectors of the economy can be done through legislation in favor of indigenous Papuans,

training, granting of venture capital and assistance;

11. The government and the private sector must prepare and give priority to indigenous Papuans to be able to fill job opportunities in various sectors.

#### **Some Postulates Based on Pancasila Values as Balancing and Harmonizing Values in Formulating Papua's Indicators of Land of Peace in Political, Legal and Security Aspects**

Postulates are intended as a value of harmony between order and security as values that have high tension in the face of justice and peace. As it is known, to achieve order and security requires harsh action (power), but, on the contrary, the value of justice and peace requires soft measures, preventing as much as possible violence and power beyond the normative limits. Here are some examples of the postulates, namely:

1. In Pancasila society, one should expect that others will treat him as a full individual.
2. In a Pancasila society, one expects, will receive part of the national production which enables it to live up to its human dignity.

3. In a Pancasila society, one expects, he will not be treated discriminatively, but he also expects the ease and special treatment to have equal opportunities and benefits to achieve equality and justice.
4. In a Pancasila society, people expect, will not be disturbed and obstructed in the appreciation of their religion.
5. In a Pancasila society, people expect, decisions concerning the interests of the people will be taken by seriously considering the opinions of those who will be affected by the decision.
6. In a Pancasila society, people expect not to be deprived of their property and right of life arbitrarily.
7. In a Pancasila society, one expects, it will not be disturbed by its culture and custom which it holds as its identity.
8. In a Pancasila society, people expect not to be hindered and restricted in their freedom to develop themselves and their community groups to achieve better levels of progress.
9. In a Pancasila society, one expects, will not be impeded and restricted to the person and family to obtain offspring, in any form and by any excuse.
10. In a Pancasila society, one expects not to be constrained and constrained to meet the need to seek and enjoy like-minded personal relationships without suspicion.

## CONCLUSION

Papua Land of Peace is a humanitarian program to protect the people of Papua who inhabit it, as well as to protect it as citizens of Indonesia in the NKRI container. Therefore it is necessary to be well and carefully identified various matters which are the factors causing the situation in which Papua will not become a Land of peace. Including identifying factors affecting Papua as a land of peace. The result of identification of the factors causing or inhibiting it can then be formulated in pairs that are positive opposite as a factor of strength (strength) to determine the indicators of peaceful land Papua, including indicators in the field of politics, law and security. In this context, then:

1. it is necessary to carefully formulate indicators of peaceful land Papua based on basic human values, in particular the basic

- values of the protection of the basic rights of indigenous Papuans.
2. need to harmonize with Pancasila values; and
  3. harmonize indicators based on the values of protection of basic rights of indigenous Papuans with Pancasila values.

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