

# Local Community Empowerment in the Special Autonomy Law in Papua Province

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## ABSTRACT

The establishment of the 2001 Special Autonomy Law in Papua Province is not exempted from economic, political and socio-cultural problems. The law is intended to empower the people by preserving their interests and upholding the basic rights of native Papuans. This research aims at finding out a theoretical understanding on the forms of local community empowerment during the implementation of special autonomy in Papua Province. The study is performed through a qualitative approach with a phenomenological strategy. The research was conducted at a location in Jayapura. Empirical data were obtained using the techniques of observation, in-depth interviews, and other secondary data. The implementation of Special Autonomy in Papua Province has brought forth a fundamental change in the approaches and policies of community development, particularly local community empowerment that includes indigenous communities, women, and religion. Local community empowerment in the economic and socio-cultural aspects represents the effort to improve the welfare and sense of justice within the local community in development.

*Keywords: Empowerment, Local Community, Special Autonomy*

## ABSTRAK

Lahirnya Undang-Undang Otonomi Khusus 2001 di Provinsi Papua tidak terlepas dari permasalahan ekonomi, politik dan sosial budaya pada masyarakat lokal. Undang-Undang ini dimaksudkan untuk memberdayakan masyarakat dengan menjaga kepentingan dan hak-hak dasar orang asli Papua. Penelitian ini bertujuan mencari pemahaman teoritis tentang bentuk-bentuk pemberdayaan masyarakat lokal sejak pelaksanaan otonomi khusus

di Provinsi Papua. Studi dilakukan secara mendalam melalui pendekatan kualitatif dengan strategi fenomenologik. Lokasi Penelitian dilaksanakan di Jayapura. Data empiris diperoleh melalui teknik pengamatan, wawancara mendalam, dan data sekunder lainnya. Penerapan Otonomi Khusus di Provinsi Papua telah membawa perubahan mendasar dalam pendekatan dan kebijakan pembangunan masyarakat, terutama pemberdayaan masyarakat lokal yang mencakup masyarakat adat, perempuan, dan agama. Pemberdayaan ekonomi, dan sosial budaya merupakan upaya untuk meningkatkan kesejahteraan dan rasa keadilan terhadap masyarakat lokal dalam pembangunan.

*Kata Kunci : Pemberdayaan, Masyarakat Lokal, Otonomi Khusus*

## INTRODUCTION

Political integration of Papua into the Republic of Indonesia by *defacto* happened since 1963. Since then, political problems always appear in governance reflected by aspirations to separate from the Republic of Indonesia. Besides, economic problems which are related to community welfare also become one of the obvious problems in Papua's governance. Community welfare, particularly in economics, health, education and culture, is still left behind if it is compared with other provinces in Indonesia. Statistical data center in 2006 revealed that poverty rate in Papua Province reached 40.78. This rate is the highest percentage in Indonesia (Papua in 2007).

The establishment of special autonomy for Papua is basically intended to overcome political and economic problems by realizing justice, law enforcement, respect to human rights, acceleration of economic development, welfare improvement, as well as Papuan's improvement. This special autonomy law puts indigenous people of Papua (local community) and the society in general as the main subject of development (Law No. 21/2001; 57). Special autonomy is regarded as one of the paradigm shifts in running the governance in Papua which is based on central government's intention to accelerate welfare improvement for the community.

The important role of indigenous people of Papua in the Special Autonomy Law is to form assemblies as media for Papuans to give consideration and suggestions in running governance and development. In the explanation of the Special Autonomy Law, it is stated that the granting of special autonomy to Papua Province is to give greater authority to local government and Papuans to manage and control their own province in

the Republic of Indonesia. It means local community has greater responsibilities to run governance and utilize the natural resources for community welfare, as well as give authority to empower economic and socio-cultural potentials. Based on those rationales, this study aims at reviewing and analyzing local community empowerment in the Special Autonomy Law.

Research problem was formulated based on the statement that “local community empowerment is based on economic and socio-cultural gap in Papua Province”. As the solution to the problem, the government implements the Special Autonomy Law to Papua Province.

### **THEORETICAL FRAMEWORK**

The establishment of the Law No. 21/2001 about the Special Autonomy to Papua Province is the underlying of the paradigm shift in the implementation of development in Papua Province. The implementation of the law is policy changes to overcome problems in Papua Province by empowering indigenous people of Papua that have not been handled appropriately, especially the issues of welfare and justice.

The 2001 Special Autonomy Law is one of the solutions to overcome the problems politically as well as the one related to welfare in Papua. By implementing this special autonomy, both the government and the Papuans get greater authority to manage and control their own province, including running the governance and development by making use of their natural resources for their welfare and prosperity.

Community empowerment is the tasks and responsibilities of the government and other related institutions in Papua Province. As it is mandated in the Special Autonomy Law, empowerment is prioritized to welfare improvement in economic, social, cultural, political, and law fields. Gaffar stated that autonomy is intended as civil society which means the society is totally separated from the state’s influence in economic, political, or other social fields. In such community, any kind of activities is entirely sourced from the community without any involvement from the state. The state merely becomes facilitator, for example in making regulation which is needed to manage competition and protect public interests. (Gaffar, 2002; 181)

Basically, empowerment puts the society as the center of attention as well as the main actor of development (*people-centered development*). The paradigm of community empowerment which recently becomes the issue of central development appears as responds of the fact that there is still unsolved gap particularly in remote and rural villages. (Wrihatnolo and Dwidjowijoto, 2007; 113)

According to Midgley, community involvement in the development is only seen in narrow context which means humans are only regarded as laborers to minimize the costs of social development. Community participation is only limited to implementation or program application. The community does not have chances to be creative and they have to take all decisions made by another party for granted. Participation becomes passive. (Wrihatnolo dan Dwidjowijoto, 2007; 113 - 114)

Empowerment refers to people's abilities, particularly vulnerable and weak groups so they have strength and ability to (1) fulfill their basic needs so they have freedom, not only freedom of speech but also freedom from hunger, stupidity, and pain; (2) reach productive sources that enable them to increase their income and get goods and services they need; and (3) participate in the process of development and decisions making that affect them. (Suharto 2005; 58)

Community empowerment is a concept of economic development covering social values. Some experts give definition and limitation about empowerment by looking at empowerment from the aspects of aim, process, and methods. Formulation about empowerment concept is stated by some experts (in Suharto, 2005; 58 - 59). Jim Ife said that empowerment aims at increasing the authority of unfortunate and weak people. Parsons revealed that empowerment is a process by which people become quite strong to participate and control any occurrence and institutions that influence their lives. Empowerment emphasizes that people get skills, knowledge, and authority to influence their lives and other's that become their attraction. Swift and Levin stated that empowerment refers to reallocation efforts of authority through socio-structural changes. Meanwhile, Rappaport mentioned that empowerment is a way in which societies, organizations, and communities are led to be able to rule their own world.

Another opinion is also mentioned by Pranarka and Moeljarto that the primary tendency of empowerment refers to process of giving or shifting some authority, power, or ability to community so that each individual can be more empowered. This process can be completed by the effort to build material assets to support their independent development through organizations. Contrarily, secondary tendency emphasizes to the process of stimulating, supporting, or motivating individuals to possess ability or power to determine their choices through process of dialog. (Wrihatnolo dan Dwidjowijoto, 2007; 119)

According to Liliey (1998), empowerment is giving ability to society to be able to manage natural resources well, to do activities which have additional values and to leave destructive utilization methods. Empowerment can also be defined as giving roles to low level society to participate in various development activities. Fridmenn argues that community empowerment is not only limited to economic field, but also political field so the community has bargaining power nationally or internationally. (Sastrosasmita, 1988; 11)

Narayan (2002; 14-18) gives limitation that empowerment is an expansion of assets and ability for weak or poor people to participate, negotiate, influence, control, and ask for tort liability (*account ability*) to the institutions that influence their lives. Moreover, Narayan states that there are four basic elements in empowerment, those are information, participation, accountability, and ability of local organizations.

Prijono, resuming some experts' opinions, explains that empowerment process is an effort to fix or improve economic, socio-cultural, political, and psychological fields both individually and collectively which is different based on ethnic and social class. (Wrihatnolo dan Dwidjowijoto, 2007; 117 - 118)

Community empowerment is an effort to prepare the community by strengthening community institutions so that they are able to realize advancement, autonomy, and welfare in sustainable social justice. The implementation of empowerment itself is varied from time to time. (Ali, 2006; 8)

Empowerment in the perspective of social changes is proposed by Hulme and Turner that empowerment triggers the process of social

changes that enable powerless people to give their greater influences in political arena locally or nationally. (Priyono dan Pranarka, 1996; 62) According to Usman, empowerment or local development should be important priority in the future development. That effort should at least consider three important things, those are (1) the form of real contribution from the region which is expected by the central government in the process of basic development; (2) community aspirations itself, particularly the ones which are reflected in the prioritized programs of local development; and (3) inter-regional linkages in the economic and political order. The form of real contribution from regions for development interests in macro scales can be varied since each region has their own different power. (Usman, 2003; 12)

Local community empowerment in the perspective of special autonomy, mostly the one which is related to institutional aspects, is indigenous people, women, and religion. Empowerment of indigenous people is giving authority to indigenous institutions to keep and preserve tradition and survival of indigenous people in Papua. Shils states that tradition means every thing which is transferred or inherited from the past to the present (Sztompka : 2004 : 70).

In the concept of women empowerment, to improve women's participation in the development, a strategy of empowerment is needed by giving ability and authority so they can be equal to men. This empowerment approach aims at improving women's autonomy and authority, fulfilling women's right to make choices for their lives and willingness to control material and immaterial sources.

Local community empowerment is major task and role of government and other related institutions in Papua Province. As it is mandated in the Special Autonomy Law, empowerment is prioritized to welfare improvement in economic, social, cultural, political, and law fields.

## **RESEARCH METHODS**

### **1. Research Approach**

Referring to the problems and analyzed object in this study, method or approach used in this study is qualitative. This method is intended to collect and analyze data as well as give interpretation to answer the prob-

lems and research objective which are already formulated. Qualitative approach is intended to elaborate data rationally and empirically which is in-line with research design. This study tends to use phenomenological strategy.

## **2. Data Collecting Techniques**

Considering that this study is descriptive qualitative, data collecting techniques used in this study are as follows:

### **a. Observation**

Observation is a technique which is commonly used in social studies, especially qualitative research. The types of data collected in this observation are scope, performers, activities, particular acts, events, sequences, aim and definition.

### **b. Interview**

Interview is done to collect data from informants by conducting in-depth interview. Interview is conducted by using interview guidelines arranged based on information which wants to be obtained by referring to the problems and research object.

### **c. Secondary data**

Beside from observation, data can also be obtained from secondary data like quantitative data or documents, records of organizations, documentary books, media, official reports, memorandum and correspondence which are related to this study

## **3. Data analysis**

Data analysis is an effort to find and present data systematically based on the observation, interview, and secondary data like documents, reports, media, notes, and many more. Data analyzing process was done inductively while conducting the research. Data obtained through observation, interview, or secondary data which were analyzed by using qualitative approach then described systematically. Qualitative analysis is intended to describe and simplify, as well as explain the whole data which are already categorized and classified. By using this approach, systematic and clear description is obtained.

## RESULT AND ANALYSIS

Community empowerment is correlated with the provision of access for the community itself, institutions, and community organizations in getting and utilizing their rights for economic, social, cultural, and political improvement. Therefore, community empowerment is very important to overcome community disability caused by access limitations, lack of knowledge and skills, and poor condition undergone by some of the communities.

### 1. Empowerment of indigenous people

1945 Constitution (Amendment II) article 188 paragraph 2 states that the county recognizes and respects units of indigenous people and their traditional rights as long as they are still alive and in-line with their principles and community development.

Papua Province is a region of the Republic of Indonesia which has the greatest territory and the most tribes. It is estimated that the number of tribes and languages in Papua is 250s tribes, and each of which has different population. More than 70 percent of the tribes and indigenous people in Papua live in remote and rural areas with inadequate facilities and socio-culturally left behind. These regions are based on kinship lines (*genealogist*) and territory, and they are also autonomous regions managed based on customary system of governance under the leadership of indigenous functionaries. Based on anthropologists and historical records in Papua Province, there are seven custom territories, those are Saireri, Ha Anim, Tabi, Doberai, Boberai, La Pago, and Me Pago.

Special autonomy implementation in Papua Province brings renewal to indigenous people. With this special autonomy, indigenous people begin to get attention particularly their customary rights, including land and all contents therein. Empowerment of indigenous people contained in the Special Autonomy Law gives new hope to indigenous people to participate in the implementation of development, starting from planning, implementation, and supervision.

The existence of special autonomy law has strengthened the roles of indigenous people. Indigenous people's important role in the development is by becoming one part of the structure of the Papuan People's assembly which is formally accommodated in policy making within the



government system. This institution plays important role to give protection, alignment, and empowerment especially for local communities.

According to that law, investors must recognize and respect indigenous people's rights and must involve them into every negotiation with the local government. Similarly, provincial government is required to recognize, respect, protect, empower, and establish the rights of indigenous people, including customary rights over land and resources as well as individual rights

Protection and enforcement of the rights of indigenous people are the basic frameworks of the Special Autonomy Law. In the article 43 of this law, it clearly regulates about: (a) Papua Provincial Government shall recognize, respect, protect, empower and develop the rights of indigenous people based on the applicable provisions; (b) the rights of indigenous people include customary rights of indigenous people and individual rights of indigenous people; (c) implementation of customary rights, as long as it still exists, is done by the concerned communities in accordance with local customary law, by respecting the land holdings of the former customary rights acquired by other parties by legal procedures and based on legislation; (d) the provision of customary and individual lands of indigenous people for any purpose is done by discussing it with indigenous people and concerned citizens to make agreement on the submission of necessary land and in return; (e) provincial, county, and city governments provide active mediation to overcome disputes of customary lands and individual rights fairly and wisely, so satisfactory agreement of other concerned parties can be achieved.

The existence of indigenous people is related to customary rights they have. Customary law is an authority in which according to customary laws is possessed by certain indigenous people on a certain area which is a zone to take advantage of natural resources, including land in the area for the survival and life arising from the relationship, outwardly and inwardly, hereditarily and uninterruptedly between the indigenous and tribal people in the concerned area ((PMNA/KBPN No. 5/1999 pasal (1).

Special Autonomy Law has set the land rights for indigenous people in Papua. The implementation of the regulation is regulated in a specific area regulation as the operational basis. This setting includes the asser-

tion that all laws made by the government and the policy that ostensibly harm the rights of individuals as well as the rights of indigenous people on lands should be revised. In this connection, the transfer of land to another party should be set by agreement between the owners of individuals and indigenous people. Agreement of both parties is according to the results of discussion of land rights' stakeholders (indigenous people's customary rights). Compensation for land rights for indigenous people or individuals can also be in form of capital, endowment and resettlement, not only in form of cash. This has been stipulated in article 43 paragraph 4 of the Special Autonomy Law that the provision of communal land and customary law of individuals and indigenous people for any purpose, is carried out through discussion with indigenous people and concerned citizens to obtain agreement on the transfer of required land and in return.

Legal certainty concerning the delimitation of indigenous territories is very important, since it can also be beneficial to prevent the occurrence of indigenous territories border dispute. For that reason, it is the duty of the provincial, county and city governments to regulate and set limits on indigenous territories as a place to earn a living in social, cultural and economic activities. The regulation of limits and boundaries of indigenous territories in provincial level is done through special local regulations, while for the district or city level, it is done through the county or city regulations. Traditional boundaries defined here include territorial boundaries of land, sea or waters, including rivers and airspace.

In order to guarantee the provision of the law, provincial, district and city governments are obliged to facilitate the process of certifying and mapping customary land territory. Certification of customary land includes land owned and controlled by indigenous people for generations, either individually or in groups or clans.

## **2. Empowerment of women in Papua**

Empowerment of women in Papua gets serious treatment after the implementation of the Special Autonomy Law. Under the terms of Article 47 of the Special Autonomy Law that it is the duty of the provincial, district and city governments to enforce Papuan women's human rights.

Obligation to enforce the human rights of women includes the effort to nurture, protect, and empower women dignifiedly and proportionally, and make women as equal partners of men.

Women refers to the Special Autonomy Law No. 20 and Government Regulations no. 54, which specifically set about the task of working groups of women, indigenous peoples and religion in the Papuan People's Assembly. The working group of women fights for empowerment and protection of indigenous Papuan women in terms of getting justice. Empowerment of women is a major mandate on how to do genderization. Genderization emerged in Papua recently, where woman is one of the marginalized individuals both in terms of culture, of the rules of the state policy and local customary rules that are not in favor of women.

With gender issues at both regional and national levels, at least it can minimize women's issues, especially in the areas of governance and development. However, in the traditional structure discrimination against women still occurs. Therefore, the Special Autonomy Law has been set up for women to be able to take a role in areas where women's involvement is very limited.

### **3. Empowerment of Religious Life**

Implementation of Special Autonomy for Papua Province brings policy changes in the religious field. The law has provided confirmation of the existence of the government and Papuan people's commitment to ensure freedom of religion. Policy in religious field is carried out with particularity. Substantially, the articles related to religion in this law give a confirmation about the commitment of the government and people of Papua to guarantee freedom of religion and belief, respect for religious values, strengthen tolerance and harmony among religious communities and prevent any attempt to break the unity of the people in Papua Province and in the Republic of Indonesia.

Although based on formal-juridical religious authority is central government's authority, article 4 of the Special Autonomy Law states that the province of Papua has a specific policy in the religious field. In this correlation, the Government of Papua Province shall provide support mainly in the form of religious development funds in Papua by con-

sidering the number of religious adherents of indigenous Papuans. Therefore, local governments are also obliged to provide assistance to support social activities of churches and Muslim Papuans.

To preserve religious values which also become an integral part of the cultural values of Papua, the provincial, district, and city governments are obliged to protect sites of religious history. This obligation is realized through the construction of religious sites which are supported by adequate funding and budget budgeted permanently at the local budget of the province, district and city. In order to give alignments and the empowerment of indigenous Papuans, recruitment of staff of the Department of Religion, including the appointment of teachers of religion, the provincial government needs to make policies and provides opportunity and major priority to them.

In addition to support of human resources and source of funds, specific policies in the field of religion are also supported with adequate praying infrastructures. However, to maintain and guarantee freedom of religion and worship in accordance with religious rules and beliefs of each religion, then local regulation is set up to regulate procedures for the construction of means of worship through a license from the provincial and district / city governments.

The arrangement of means of worship is important to maintain harmony for religious life and respect of religious belief according to their respective religious teachings and beliefs. It is increasingly becoming important in relation to the agreement and commitment of all leaders of religious institutions with the support of stakeholders to make Papua a land of peace. The concept of Papua as a land of peace is made in order to maintain the integrity of the nation, and at the same time maintain the religious harmony that allows the whole process of governance, development and service to be effective and beneficial.

#### **4. Social, Cultural, and Economic Empowerment**

##### *a. Socio-cultural Aspect*

Socio-cultural aspect is one part that gets special attention in the Special Autonomy Law. Of socio-cultural aspect, Papua province has a diversity of ethnics, languages and customs. Diversity is also a great potential

wealth in order to build a national culture. Culture has connotations that are complementary to the notions of behavior, customs, culture, structure, and civilization. Human are cultured, civilized beings and have traditions of community structure, including fixed certain habits and change with the times.

As it is stated in the general explanation of Act No. 21/2001 that greater authority given to Papua Province contains greater responsibilities to regulate the administration and manage the utilization of natural resources for the greater prosperity of the people of Papua. This authority also means the authority to empower the socio-cultural and economic potential of the Papuan people. This suggests that the intellectual property rights of native Papuans should be empowered for the benefit of indigenous Papuans themselves.

Education is a basic need that can not be neglected in the daily lives. Education is not only formal education but also education outside of school which is commonly so-called non-formal education. Based on the statistical records, the quality of education in the province of Papua is still low. This is due to socio-economic factors as well as geographical and topographical conditions which are the major obstacles to the implementation of education. In addition, the limited number of teachers also influences the quality of education in Papua.

The problems related to educational development in Papua are: (a) many children of school age who can not get education; (b) dropout rate, especially at the high school level (unable to complete his education well); (c) imbalance ratio of the number of teachers and students (lack of teachers); (d) high number of illiteracy; and (e) low enrollment rates. Even the gross enrollment ratio (GER) of learners to basic education levels appears to decline, both quantitatively and qualitatively.

Based on those facts, Article 56 of the Special Autonomy Law stated that any resident of the Papua Province shall be entitled to a quality education from early childhood education up to secondary school level with the lowest tuitions. Under this provision, in the explanation, the provincial government can make affirmative policy to allow for exemption of education fees for students to basic education, while for secondary education and higher education scholarships can be provided. This policy is

further regulated through the Special Local Regulation.

*b. Economy*

Implementation of special autonomy in Papua significantly changes the overall approach to economic development. The 2001 Special Autonomy Law confirmed that the economy in Papua Province is carried out as a part of national and global economy that is directed at and intended to create for the greater prosperity and welfare of the Papuan people to uphold the principles of fairness and equity.

Economic development, including the use of natural resources, is carried out by providing benefits for the greater prosperity and welfare, while still upholding a sense of fairness, equity, protection of indigenous people, environmental protection and sustainable development. Policy is more directed to the sectors of the economy and based on the utilization and management of natural resources, which are used for the greater prosperity and welfare of indigenous Papuans. Economic development aimed at community economy is empowerment effort to indigenous Papuans.

Empowerment priority in the economic aspects is done by: (a) the empowerment of indigenous Papuans to employers, (b) providing economic support facilities and infrastructure facilities in the form of special markets for indigenous Papuans; (c) provision of agricultural land, plantations, livestock and fisheries for native Papuans supported by adequate supporting facilities, (d) the ease of obtaining venture capital through soft loans made by banks or credit institutions or financial guarantor institutions provided by the provincial, district or city governments; and (e) establishment or provision of financial guarantor institution at the village level which controls money circulation in the village level and also ensures business loan capital for indigenous Papuans through village credit institutions or with a different name at the village level. In this case, the financial guarantee institution is established and funded by the provincial, district and city governments.

Local government efforts to promote the local economy become important in economic empowerment. These efforts can be realized if the government policies provide budgetary alignments to promote Small and Medium Enterprises (SMEs), the protection of the economically weak

groups, and strengthening local economic institutions that already exist. For example, the empowerment of local traders, village-owned enterprises, cooperatives, village credit institutions and many other.

The empowerment of economic aspects of local communities especially relates to the supply market; provision of agricultural land, plantation, animal husbandry, and fisheries with adequate support facilities; ease to obtain capital through soft loans; empowerment in the areas of business services, industry and trade.

Empowerment of indigenous Papuans in the field of labor is the duty of the provincial, district and city governments to provide easy and adequate facilities. The Government is also responsible for preparing skilled workers to compete in the private sector. The implementation of the Special Autonomy Law with the principle of affirmative action is in accordance with article 62 paragraph (2) which asserts that every Papuan is entitled to the opportunity and advantage in all areas of employment in the Papua Province based on their education and skills.

## **CONCLUSION AND SUGGESTION**

### **1. Conclusion**

Based on the study and description of the empowerment of local communities within the framework of special autonomy which have been stated above, it can be concluded as follows:

- a. The implementation of the Special Autonomy Law in Papua Province has brought a fundamental change in approach and community development policies, particularly the empowerment of local communities including indigenous people, women and religion. Empowerment of indigenous people is to give the ability to manage natural resources sustainably, strengthen indigenous institutions, as well as solve the problems of land and customary rights of indigenous people. Empowerment of women is related to achievement of gender equality by involving them in various aspects of development, as well as protecting them from the elements of violence. Empowerment in the field of religion concerns the protection of indigenous Papuan people to embrace religion or belief in accordance with the trust and maintain harmony among religions.

- b. Social, cultural and economic empowerment is an effort to improve the well-being and sense of justice to the local communities in development. Empowerment is accomplished by providing maximum benefit for the well-being while upholding a sense of fairness, equity, protection of indigenous peoples, women, and religion as well as environmental protection and sustainable development. It is also intended to catch up and reduce the socio-economic gap with other regions in Indonesia.

## 2. Suggestion

Associated with the description and analysis of the above problems, it can be given advices or suggestions as follows:

- a. In order to empower local people (indigenous people of Papua) in the execution and implementation of the Special Autonomy Law, strict monitoring and evaluation is needed to fit the purpose of special autonomy.
- b. To maintain the interests of the people of Papua as a whole, the operational basis for the Special Autonomy Law shall be resolved, namely the Provincial Regulation and Special Areas Regulations.

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