

The Existence of Papua Island within the Unitary State of the Republic of Indonesia

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Abstract

The emergence of radical movements such as the Free Papua Organization (OPM) poses a threat to the sovereignty of the Unitary State of the Republic of Indonesia (NKRI). The idea of Papua separating from the NKRI, similar to East Timor, is often encountered in academic forums. The underlying cause of this notion is the perception that Papua is merely a resource extraction site for the central government, without adequate consideration for the specific circumstances of the Papuan people as a whole. The granting of special regional autonomy to Papua is seen merely as a way to placate dissent and retain Papua within the motherland. This study comprehensively analyzes the complex issue of why Papua must remain part of the NKRI and how the central government should manage Papua. The research method applied in this study is normative-qualitative legal research. The results of this study indicate that if the central government manages Papua wisely, the calls for Papuan independence will be easily quelled.

Keywords: Central Government; Papua Island; Regional Autonomy.



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INTRODUCTION

Following Indonesia's declaration of independence in 1945, the Preparatory Committee for Indonesian Independence (PPKI) established eight provinces (Rohayuningsih, 2009). Over the decades, this number steadily increased due to administrative reorganization, regional demands, and political considerations (Mutawally, 2022). In 1969, Papua—then known as West Irian—officially became Indonesia's 26th province following the Act of Free Choice (Pepera). The country now comprises 38 provinces, including five newly established regions in 2022: South Papua, Central Papua, Highland Papua, and Southwest Papua, reflecting both demographic needs and political strategy. These developments underscore Indonesia's commitment to a unitary state model as articulated in Article 1(1) of the 1945 Constitution, which affirms Indonesia as a "Unitary State in the form of a Republic."

In contrast to federal states such as the United States, where sovereignty is divided between federal and state governments, Indonesia's unitary system centralizes authority in the national government (Adinda, Fatmala, & Hijri, 2022). Local governments function under powers delegated by the central authority, and key legislative frameworks are uniform across the nation (Sari, 2014). However, to address the nation's vast diversity and regional disparities, Indonesia applies a model of regional autonomy, particularly under Law No. 32

of 2004 on Regional Government, which defines autonomy as the right and authority of regional governments to regulate and manage their own governmental affairs and public interests.

This model of decentralized governance reflects the state's recognition of the heterogeneous nature of its regions. In certain areas with unique historical, cultural, or socio-political dynamics, the state grants special autonomy (Sari, 2014). As of 2024, six provinces benefit from such status: Aceh, Papua, West Papua, Central Papua, South Papua, and Highland Papua. These special arrangements enable local governments to implement policies aligned with their people's aspirations, within the framework of national law.

Papua, in particular, remains a focal point in Indonesia's regional politics. The province has long been marked by the activities of the Free Papua Movement (Organisasi Papua Merdeka/OPM), a separatist group founded in 1965 in Manokwari. Since its inception, the OPM has consistently sought to establish an independent Papuan state, claiming distinct historical and ethnic identities separate from the rest of Indonesia (Mardiani et al., 2021). Its activities include attacks on military and police posts, school arson, and hostage-taking—such as the abduction of a Susi Air pilot in 2023—aimed at gaining national and international attention.

The escalation of OPM's radical actions in 2024, including school burnings in the Highland Papua region, signals the urgency of addressing the long-standing conflict. Similar to Aceh's past insurgency and East Timor's eventual independence, the OPM demands sovereignty based on claims of marginalization, insufficient development, and exploitation of natural resources without meaningful benefits for indigenous Papuans (Mardiani et al., 2021).

Given these complexities, a comprehensive analysis is required to examine the position of Papua within the Unitary State of the Republic of Indonesia. This includes evaluating the effectiveness of central governance, the implementation of regional autonomy, and the formulation of sustainable solutions to the enduring conflict between the Indonesian government and the OPM. Such an inquiry is essential to fostering peace, development, and justice for the Papuan people within the constitutional framework of the Republic of Indonesia.

RESEARCH METHODOLOGY

The research method employed in this study is the normative legal research method. This method involves the analysis of statutory regulations by considering both the vertical hierarchy of laws and the horizontal harmonization between legal norms. The objective of this research is to understand and evaluate the coherence and legal standing of each regulatory provision within the prevailing legal system as it relates to the subject of study. Accordingly, this method encompasses an in-depth examination of the structure and interrelationships among various levels of legislation to ensure coherence and consistency in the application of law to the research object (Efendi & Rijadi, 2022).

RESEARCH RESULTS AND DISCUSSION

A. The History of the Island of Papua

Following the proclamation of Indonesia's independence on August 17, 1945, the Netherlands attempted to reestablish its colonial control over Indonesia through two military aggressions within the first five years of independence, namely on June 21, 1947, and December 19, 1948. These military aggressions inflicted significant losses on both parties and triggered a series of negotiations between Indonesia and the Netherlands. The five major

negotiations during this period were the Linggadjati Agreement, the Renville Agreement, the Roem–Royen Agreement, the Inter-Indonesia Conference, and the Round Table Conference (RTC). These negotiations aimed to find a peaceful resolution to the conflict and to regulate the post-independence relationship between the two countries (Gea, Subaryana, & Kaswati, 2022).

The Round Table Conference, held on December 27, 1949, marked a pivotal moment in the recognition of Indonesia's sovereignty. The Netherlands agreed to transfer sovereignty under several conditions, including the unresolved status of Papua, which subsequently led to Operation Trikora in 1961. This military operation, commanded by Major General Soeharto under the Mandala Command, aimed to seize Western New Guinea. The Soviet Union's support bolstered Indonesia's position during this operation, which continued until August 1962. International pressure, particularly from the United States, encouraged the Netherlands to negotiate with Indonesia (Berlian & Ravico, 2020).

A secret meeting on March 20, 1962, resulted in a preliminary agreement mediated by the United States through Elsworth Bunker. This proposal included a temporary transfer of Western New Guinea to the United Nations before its final handover to Indonesia in 1963. The agreement was formalized as the New York Agreement on August 15, 1962, wherein the Netherlands consented to transfer the territory to the United Nations Temporary Executive Authority (UNTEA). Before the end of 1969, the people of Papua held the Act of Free Choice (Pepera) to determine whether they wished to integrate with Indonesia or become independent. The Pepera took place between July 14 and August 2, 1969, under the supervision of UN representative Fernando Ortiz-Sanz. A total of 1,025 Papuan representatives voted to remain a part of Indonesia, in accordance with the substance of the New York Agreement, thereby solidifying Papua's status within the Republic of Indonesia (Suryana, Suwirta, & Kamsori, 2017).

A deeper examination of the New York Agreement reveals that it granted all Papuan inhabitants (excluding foreigners), both male and female, the right to participate in the Act of Free Choice. This has been interpreted to imply a "one man, one vote" democratic process. However, the Pepera was carried out through a representative mechanism in which selected indigenous Papuans represented approximately 800,000 local inhabitants at the time. Numerous unofficial reports claimed that the Pepera was undemocratic and did not align with the provisions of the New York Agreement. Nonetheless, these claims are not entirely accurate for several fundamental reasons.

One of the primary reasons for not implementing the "one man, one vote" system in the Pepera was that Indonesia had not yet fully adopted a general election system involving all citizens in the democratic process. At that time, Indonesia's political culture leaned more toward decision-making by acclamation, where community leaders or representatives made decisions. This approach was deemed more suitable given Indonesia's cultural and geographical context. According to electoral theory, election systems can be either mechanistic or organic. The acclamation system is consistent with the organic model, wherein voting is conducted by community leaders representing societal groups (Asshiddiqie, 2006). Efficiency and effectiveness were also practical considerations in executing the Pepera, given the limited infrastructure, low educational attainment, and lack of access to information in Papua at the time.

While some critics viewed the Pepera as undemocratic due to the lack of direct involvement from all Papuans, the process was considered legitimate and democratic within the historical and cultural context. The chosen representatives were tribal chiefs and

community leaders possessing traditional authority and deemed capable of expressing the will of the Papuan people. This practice still exists in several Papuan regions today, where the *noken* system is used in elections as a localized form of democracy (Pamungkas, 2015).

Furthermore, the Pepera was directly supervised by the United Nations, which provided international legitimacy to the process and its results. The 1,025 selected representatives unanimously chose to remain part of Indonesia. This decision was endorsed by the United Nations General Assembly on November 19, 1969, through Resolution No. 2504. The resolution was proposed by six countries, supported by 84 member states, while 30 others abstained. The recognition and support of the international community through the UN reinforced Papua's status as an integral part of the Republic of Indonesia (Ponto, 2014).

Today, the island of Papua comprises six provinces: Papua, West Papua, Central Papua, Highland Papua, South Papua, and Southwest Papua. Each province is legally established within the framework of the Republic of Indonesia through formal legislation. The province formerly known as Irian Jaya was renamed Papua as part of the Special Autonomy policy under Law No. 21 of 2001. This change reflects recognition of Papuan cultural identity and broader autonomy. West Papua, formerly Irian Jaya Barat, was established by Law No. 45 of 1999. Although initially annulled by the Constitutional Court, the province was reinstated and officially renamed West Papua on April 18, 2007, through Government Regulation No. 24 of 2007. Central Papua, South Papua, and Highland Papua were each established by Laws No. 15, 14, and 16 of 2022 as part of the government's effort to accelerate development and governance in Papua's vast and diverse regions. The most recently established province, Southwest Papua, was formed under Law No. 29 of 2022.

The expansion from two to six provinces demonstrates the Indonesian government's serious commitment to Papua. This move not only reaffirms Papua's legal status but also reflects efforts to ensure full administrative and political integration of the region into the Republic of Indonesia. The legality and legitimacy of these provinces are recognized not only domestically but also by the international community. This affirms that Papua is a coherent and inseparable part of the Republic of Indonesia, where the government strives to respond to local needs through decentralization and enhanced regional autonomy.

B. The Implementation of Regional Autonomy in Papua Island

Papua Island contributes significantly to the Republic of Indonesia, both economically and in terms of state revenue. According to the latest data from the Central Statistics Agency (Badan Pusat Statistik or BPS), Papua's economic growth in 2023 reached 5.22 percent year-on-year. In the fourth quarter of 2023 alone, economic growth surged by 10.79 percent compared to the same period in the previous year. From a production perspective, the mining and quarrying sector recorded the highest growth, at 19.42 percent. Furthermore, compared to the previous quarter, Papua's economy grew by 6.15 percent, indicating a positive economic dynamic in the region (BPS, 2024).

On the other hand, Papua's contribution to state revenue is also highly prominent. According to the Ministry of Finance, state revenue realization from Papua reached IDR 9.67 trillion, or approximately 79.30 percent of the target set in the 2024 State Budget (APBN). This revenue represents nearly a twofold increase compared to the same period in the previous year. Among the newly established autonomous regions (DOB), Central Papua contributed the most, accounting for almost 59 percent of total revenue in the Papua region—largely derived from mining and quarrying activities, including major operations by PT Freeport in

Timika. Conversely, the Highlands Papua region contributed the least, at around 5.61 percent, highlighting the economic disparities between subregions (Kemenkeu RI, 2024a).

These facts underscore that Papua is not only an integral part of the Republic of Indonesia administratively, but also plays a substantial economic role in national development. However, the relationship between regional and central governments is not unilateral. As in many other countries, the relationship between local and central governments aims to be complementary in the interest of the public good. Regions contribute according to their potential, while the central government is responsible for redistributing development benefits back to the regions through public services, infrastructure development, and various welfare programs.

Specifically in Indonesia, this relationship aligns with the vision of the fifth principle of Pancasila, which is social justice for all Indonesian people. Papua's contributions to the state—both economically and in terms of revenue—must be seen as part of a national system that strives to create balance and equitable development across all regions of Indonesia, including Papua itself. Therefore, the reciprocal relationship between the central and regional governments not only embodies national integration but also reflects a spirit of solidarity in achieving social welfare.

The implementation of special autonomy in Papua is tangible evidence of the Indonesian government's extraordinary attention to the region, with the primary goals of maintaining national integration within the framework of the unitary state and improving the welfare of the Papuan people. This policy was first implemented through Law No. 21 of 2001, which marked a milestone in recognizing the distinctiveness of the Province of Papua. Through this law, the government honored the social and cultural diversity of the Papuan people, acknowledged a special model of local governance, and encouraged autonomous management of natural resources to reduce disparities between Papua and other regions in Indonesia.

Over time, the Papua Special Autonomy Law has undergone two amendments—first in 2008 and again in 2021. The initial amendment, Law No. 35 of 2008, aimed to regulate the establishment of West Papua Province and change the mechanism for electing regional heads to direct elections by the people, in line with other provinces. The subsequent amendment, Law No. 2 of 2021, focused on improving policies related to special authorities, governance, and the management of special autonomy funds. These provisions were further detailed through Government Regulations No. 106 and 107 of 2021, which addressed authority management, institutional structures, and the use of funds to accelerate development in Papua.

Papua's special status is also reflected in the size of its special autonomy budget allocation, which far exceeds that of other provinces. These funds, sourced from 2 percent of the national General Allocation Fund (DAU), have continued to increase over time. For instance, in 2024, Papua's special autonomy funds reached nearly IDR 10 trillion, an increase of almost eight percent compared to the previous year. In fact, in 2022, the allocated funds reached the highest value in recent years. From 2002 to 2020, Papua received tens of trillions of rupiah in special autonomy funds, which have been used to support key sectors such as education, health, infrastructure, and economic empowerment (Kemenkeu RI, 2024b).

From this description, it is evident that Papua receives special attention from the central government—attention not afforded to most other provinces. The granting of special autonomy status and the substantial allocation of funds demonstrate the government's strong commitment to ensuring that Papua develops and stands on equal footing with other regions

of Indonesia. This is concrete proof that the Republic of Indonesia is present not only administratively but also substantively, by striving to realize social justice for all Indonesian people as mandated by Pancasila.

C. Solutions to the OPM Conflict

Addressing the conflict involving the Free Papua Movement (OPM) requires a comprehensive approach, including an evaluation of the recurring proposal for a renewed referendum voiced by a small segment of the Papuan population. It is important to emphasize that holding a new referendum is not an appropriate solution—neither from a legal standpoint, nor from the perspective of historical facts, or in terms of effectiveness in resolving the conflict. Several arguments support this conclusion.

From the constitutional perspective, the idea of a renewed referendum contradicts the Constitution of the Republic of Indonesia. Article 1 paragraph (1) of the 1945 Constitution explicitly states that Indonesia is a unitary state in the form of a republic. This provision signifies that the territorial integrity of the state, including Papua as an integral part of the Republic of Indonesia, is final and non-negotiable. Furthermore, Article 37 of the 1945 Constitution, which regulates constitutional amendments, expressly prohibits any changes to the form of the state. Thus, advocating for a new referendum not only violates the fundamental law of the land but also potentially opens the door to national disintegration—an outcome that runs counter to the spirit of nationalism and unity.

Global experiences show that referendums do not always serve as effective mechanisms for resolving separatist conflicts. The Brexit case in the United Kingdom illustrates how a referendum can deepen social and economic divisions. In other regions, such as Catalonia in Spain or Crimea in Ukraine, referendums have instead escalated tensions both locally and internationally. In short, rather than resolving conflicts, referendums can exacerbate instability and ultimately harm all parties involved.

More importantly, a renewed referendum fails to address the root causes of the conflict in Papua, which stem from economic, social, and developmental disparities. Instead of focusing on the issue of a referendum, conflict resolution efforts should be directed toward inclusive development, constructive dialogue, and community empowerment. The Indonesian government has demonstrated its commitment through the implementation of special autonomy, the allocation of substantial funds to Papua, and the expansion of administrative regions to bring public services closer to the people. These measures, though imperfect, reflect the government's goodwill in delivering tangible solutions to improve the welfare of the Papuan people.

Practically speaking, the establishment of a Truth and Reconciliation Commission (TRC) could serve as one strategic solution to the conflict in Papua, focusing on a humanist and peaceful approach that seeks to resolve the root causes in a comprehensive manner. In the Papuan context, the prolonged conflict is not only about separatist aspirations but also involves issues such as human rights violations, unjust resource distribution, and long-standing socio-economic inequalities. The TRC offers a platform for all stakeholders to reveal the truth, reconcile differences, and seek mutually acceptable solutions—without resorting to repressive approaches that often worsen the situation.

A humanist approach through the TRC provides a mechanism for identifying and understanding the root causes of the conflict, including the historical injustices felt by the Papuan people. By involving representatives from various sectors of Papuan society, the central government, and independent entities, the TRC can serve as a forum for inclusive

dialogue and the rebuilding of trust that has long been eroded. This process also allows victims of conflict to voice their experiences, while at the same time enabling parties involved in the conflict to openly take responsibility. The success of the TRC model in other countries, such as post-apartheid South Africa, demonstrates that this approach can lay the foundation for sustainable peace (Kustiwa & Arief, 2021).

Nevertheless, implementing the TRC in Papua is not without challenges. One major obstacle is the low level of trust among Papuans toward the central government, which has long been perceived as unresponsive to local aspirations. Therefore, the implementation of the TRC must be carried out with high transparency, the involvement of independent mediators, and significant leadership roles granted to Papuan communities. This is essential to ensure that the forum is not perceived as a mere political tool of the government to maintain the status quo, but as a genuine space for reconciliation. Moreover, given the complexity of the Papuan conflict—which encompasses political, social, economic, and cultural dimensions—the TRC must be designed as a comprehensive mechanism capable of producing actionable policy recommendations.

While the TRC holds significant potential, it must be understood that this approach cannot stand alone. It should be complemented by other efforts, including improvements in economic welfare, the fair resolution of human rights violations through legal means, and sustained political dialogue. The government must also commit to implementing the TRC's recommendations, including policy reforms that support the well-being of the Papuan people. Within the Indonesian context, the implementation of a TRC is in line with the values of Pancasila, particularly the second and fifth principles, which emphasize a just and civilized humanity as well as social justice for all Indonesians.

CONCLUSION

As part of the Unitary State of the Republic of Indonesia, Papua Island receives serious attention from the central government. The granting of special autonomy through Law Number 21 of 2001, including its revisions, reflects the state's commitment to respecting Papua's uniqueness. This special autonomy encompasses the social, cultural, and political aspects of Papuan society, as well as financial support through special autonomy funds that are larger than those allocated to other provinces, aimed at reducing development disparities and realizing social justice in accordance with the fifth principle of Pancasila. In addressing the conflict with the Free Papua Movement (OPM), the government needs to seek peaceful and sustainable solutions. The establishment of a Truth and Reconciliation Commission (TRC) can serve as a solution to resolve the conflict through a humanistic approach. The TRC aims not only to resolve the immediate conflict but also to build long-term peace based on trust and justice. This approach constitutes a prudent step to comprehensively alleviate the conflict in Papua.

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