
THE CHALLENGES OF REGIONAL AUTONOMY AND FOREIGN INVESTMENT IN PAPUA (1998-2019)

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Abstract: *The implementation of Papua's special autonomy (Otsus) that is written in Law No.21 in 2001 has a significant role to local governments. Policies are aiming to develop the local people of Papua (OAP) as well. However, the number of inequalities among OAP are still on high number. The research try to analyze and identify the problems based on literature review and public policy effectiveness from local and central government in The Papua.*

INTRODUCTION

The Province of Papua known as "The Land of Black Pearl". It refers to Indonesia's most eastern province. The Province of Papua has an area estimated of 316,553,07 km². It is one of the largest provinces in Indonesia. The borders of Papua are consisted of Papua New Guinea. There are almost 3 million people live in Papua according to Indonesia Bureau Statistics (BPS) that occupied three-fourths of the region's land.¹

Before recognized as the province of Papua, the region had undergone political and social conflicts that attain its stability. During the Dutch imperialism era, the region was named Dutch New Guinea and claimed as religious center for Christian missionaries. However, after the war of independence of Indonesia, the Old Order regime proclaimed the New Guinea territory as a part of Indonesia. After the end of Soekarno administration in 1966, New order leader, General Suharto change the name to Irian Barat from 1969 to 1973.² Period of reformation that began in 1998 then changed Papua and other provinces such as Daerah Istimewa (DI) Aceh has gained a greater regional autonomy. The status of special autonomy was granted to this region since Suharto administration. Based on amendment by Law no 21/2001 has underlined Papua status as special autonomy. Moreover, Papua was divided into two new provinces that called as West Papua in western part. The eastern part still under name of Papua.

Papua regions have all natural resources with large numbers of rainforests, mining and fascinating local culture. Papua's natural resources has vastly contributed to the growth

¹ Papua, Badan Pusat Statistik. (2018, June 7). *Jumlah Penduduk Miskin Menurut Wilayah di Provinsi Papua, 199-2010*. Retrieved from <https://papua.bps.go.id/dynamictable/2018/06/07/191/jumlah-penduduk-miskin-menurut-wilayah-di-provinsi-papua-1999-2010.html>. Accessed April 10, 2022.

² Gorlinski, Virginia. (2015, November 22). *Papua, Indonesia*. Retrieved from <https://www.britannica.com/place/Papua>. Accessed April 10, 2022.

of Indonesian economy. Most Papua districts possess potential mining materials such as coal, gold, iron, silver and petroleum. The most eminent gold mine would be The Grasberg that became the largest gold mine and the third biggest copper mine in the world. The location is in Arwandop, Mimika. It provides numerous investors from local government and multinational corporations. One of them is Freeport McMoran Inc.

Apart from the multiculturalism and natural wealth, there is a bitter reality of the condition of Papua people. The poverty rate in Papua is the highest in Indonesia. Papua has 28 percent of poverty rate spread across the region.³ The government seems to neglect the development in the region. The abundant numbers of natural resources, mining, rainforests, rivers and oil fields turned out as exploitation of indigenous Papua and become the concern of international watch. This intertwined with humanitarian aspect that prompted the emergence of Papuan civil society. Recently, the government has tried to revitalize justice and equality on social and economic aspect using the special autonomy budget (Dana Otsus). Moreover, during President Joko Widodo administrations, the renegotiations of Freeport contract has been taken a consideration with Richard Adkerson as Chief Executive Officer (CEO) of Freeport with approvment the new business contract that marks 51 percent of shares to Indonesian government in 2018. Nevertheless, current socio-economic status of Papua still does not reflect the vision and mission of the special regional autonomy in Papua. One of the members of parliaments from Province of Papua, John Siffy Mirin in Commission V has proposed the notion to reevaluate the regional policy and improve the channel of communication to accommodate interest of local indigenous Papua people. Hence, there are still many obstacles and problems that central government in Jakarta must dealing with, especially to uphold the value of social justice and accelerate welfare of Papua with humanistic approach.

LITERATURE REVIEW

Special Regional Autonomy of Papua

After gaining independence, Indonesia made an audacious political decision to unite Papua as part of Republic of Indonesia (NKRI). Even there were some intrigues with the Dutch at the beginning, Indonesia still able to transfer the power and share policies. The feeling of marginalization of Papua is one of the problems that still become a priority for finding solutions. After that, the level of poverty and economic inequality within the Papua region is still high. Therefore, after the collapse of New Order regime followed by reformation across Indonesia, Papua also became part of it. The House of Representatives of Republic Indonesia legalized the implementation of special regional autonomy with the principle of government decentralization in Law No 22 of 1999. The rule adjusted the dynamism and tackle the problem in the Papua.⁴ Despite of that, there was still pressure from local parties who feel disadvantaged by the implementation of the new regional autonomy in Papua is still being neglected by Jakarta. This occasion then followed up with the formulation of Law No 21 of 2001 regarding Special Autonomy of Papua.

³ *Politics*. (4th Revised edition). London: Palgrave Macmillan. Accessed April 13, 2020.

⁴ Muttaqqin, Azmi. (2016) Sebuah Upaya Merespon Konflik dan Aspirasi Kemerdekaan Papua. *Otonomi Khusus Papua*, 54(3); 14-28. Accessed April 13, 2022. Heywood, Andrew. (2013, March 22).

Local Law

The revamping of regional autonomy is intended to resolve economic and social matters in response of the indigenous people, as well as political and legal strategy to maintain the region of Papua. This task is mandatory based as the legitimate point of Republic Indonesia. In realizing this issue, Government tries to hear the aspirations of OAP and improve the welfare of local people. In this matter, government from the beginning of Papua has always focused to improve economic condition. The unique authority is granted to this region aims to uphold the prosperity of its people, especially Papuans using instruments such as constitution and local law. The local law also focuses on four aspects of development in education, health, economics, and infrastructure. The actualization of autonomy policy expects of rapid results in social welfare and economic prosperity.

RESEARCH METHODS

Qualitative research methods using a literature review and comparative studies. Referring to Neuman (2014), the qualitative research method of this work will explain the implementation of special autonomy region of Papua based on primary and secondary data. The Law No 22 in 1999 is the secondary data collected by reports and public speeches. We also use government documents such as reports and literatures from period of 1999 to 2020.

All data in this text has been selected manually to avoid certain errors and to facilitate the real issues in Papua Province. This study also looks on data found of civil society and government websites such as local government, central government and international journals. Triangulation data is collected and done by checking the validity and reliability of data by checking and comparing data sources collected from books, journal online and articles according to research questions.

RESULT AND DISCUSSION

Foreign Investment in Papua

There is no doubt that Papua is a paradise of the world since geopolitical discovery by J.J Dozy in 1939. Various foreign and local corporations have shown their interests in investing and cooperating with the local government due to natural wealth. Based on Law Number 1 Year 1967 there was a basic law to open Papua to foreign investments. A contract work agreement between Government of Indonesia and Freeport McMorran Inc. is established during this time.⁵ Freeport was one of the first multinational corporation that operated in Indonesia. This contract also included an exclusive right to manage a concession area of 10 x 10 Km or an area of 100 km around Erstberg. Freeport also began to improve the wealthy of local people. The contract also marked the beginning of modern mining and the development of investment by foreign companies in Papua.

Total investment by foreign companies in Papua has reached 941 million USD in 127 projects as of 2019. This business project lines from mining, agriculture, and crude oil

⁵ Bebas, Ploretar. (2020, March 7). Freeport Indonesia dan Sejarah Aneksasi Papua dalam Bingkai Pascakolonialisme. *SuaraPapua.com*. Retrieved from <https://suarapapua.com/2020/03/07/freeport-indonesia-dan-sejarah-aneksasi-papua-dalam-bingkai-pascakolonialisme-1/>. Accessed April 15, 2022.

extraction. Freeport is the biggest investor of Papua so far. The number of investments has estimated USD 20 billion or around 291 trillion IDR until 2031 according to IUPK validity period.⁶ On a positive note, the investment done by Freeport managed to assist the development of several cities and districts. Mimika as the headquarter of Freeport has flourished as the part of multiplier effects. In terms of infrastructures, Freeport also has built the Mozes Kilangin International Airport in 1990. Freeport also provided more than 3,000 houses, bridges and a hospital. In terms of education, the company has more than 20 private schools from elementary up to high school, vocational school, scholarships allocated for more than 4,000 indigenous Papuans. Lastly, the mining industry also contributes to an increase in employment fields in the region. Approximately 3,000 Freeport workers has 40% number of local Papuan worker.

Other investments are available in the oil and gas sector. This include three concession blocks Wiriagar, whose contract period is valid until 2023, Block of Berau and Block Muturi, with contract until 2017 and 2020. BP Tangguh Corporation also has built an Liquefied Natural Gas (LNG) in 3,500 hectares in Babo District. The total capital investment for this project estimated to US 5 billion and is expected to continue for at least 20 years. Furthermore, there also Merauke Integrated Food and Energy Estate (MIFEE) in Merauke. This is one of vital projects in terms of agriculture. The MIFEE corporations will build 1,28 billion hectares of plantation to revive Indonesian food supply. This mandate had begun from the Susilo Bambang Yudhoyono (SBY) administration. The primary object of this project is to sustain the production of food for Papuan people and Indonesia in general.

Economic and Socio-Political Risks

New Order era marked with conflict in the region that has been rooted with the establishment of “Kontrak Karya”. According to the contract the profit sharing in mining management was excessively unequal. The Law No 11 of 1967 also have concern on provisions and principal provisions, which specifically states the government only provides minimum authority to the land that possessed by the Freeport. This gives MNCs complete control over their projects. In return, the companies only required to pay taxes and less obligation to government’s environmental regulations.

As a result of socio-political and economic conflicts that happens regularly in Papua, both government and foreign investors are doing unfair exploitation in Papua. The Amungme tribe, who live in the area around Freeport mine has demanded the company to pay the compensation. Hence, Freeport had undertaken that demands as invalid according to previous agreement. Consequently, further regional conflicts of Freeport and local government agreed to employ indigenous people in mining industry. Apparently, there are still concern about position and wages offered by the company. This issue then prompted Titus Natnike from Tuarak Natkine, one of the chiefs in Amungme Tribe in Waa Valley to file a lawsuit against Freeport. He demanded a loyalty payments and 10 percent share for the local indigenous people.⁷

⁶ Anwar, Muhammad Choirul. (2020, January 17). 52 Tahun di Papua, Freeport Sudah Investasi Apa Saja? *CNBC Indonesia*. Retrieved from <https://www.cnbcindonesia.com/news/20200117195305-4-130925/52-tahun-di-Papua-freeport-sudah-investasi-apa-saja>. Accessed April 15, 2022.

⁷ *Ibid*

The plantation of Freeport also manages to imprint a tremendous economic benefit, up to 279 million USD. Meanwhile, the financial income for Indonesia was only less than 8% as informed by Freeport. Additionally, the approach for equality and equity profit distribution does not generate much for local people. It includes more than 97,000 hectares of land are utilized as commercial land for palm oil plantation and wood industries owned by private companies. Regarding economic aspects, the current government has been struggling to find solution with Freeport until 2019.

President Joko Widodo and Minister of Finance, Sri Mulyani, issued government regulation (PP) Number 1-year 2017 regarding the implementation of Mineral and Coal Mining Business Activities (Minerba). The changes of provisions regarding divestments of shares up to 51% share. According to the President Director of PT Freeport Indonesia, Tony Wenas, the function of this PP will ensure all holders of work contracts and IUPK to comply with Law Number 4-year 2009 about mining, which must divides 51% shares for certain period.⁸

According to Law Number 4-year 2009, the government continues to encourage the realization of infrastructure and regional facilities development. Essential objective of the regulation amendment is to dispense optimal benefits to the state and provide legal and ease of doing business. The remodeling of the working contract into a more sustain and equal to Indonesia has become the limelight of Jokowi's administration. It aimed to advance economic leverage towards Papua. Given the time frame, however, the licensed joint agreement still put a heavy assignment for employing the statutory benefits for region's improvement.

Simultaneously, the 'failure; of special autonomy of Papua reflects on the economic unsustainability of the indigenous. The welfare status of Papua do not exhibit the prosperous wealth of its natural resources. The vast government expenditure exerted to optimize the applications of special status that given by central government. Poverty rate is still high and people are living in uncertainty. Although, the local income has been the highest among 34 provinces in Indonesia, Papua still among the place with malnutrition ranks in 29th position.⁹ Central government also recorded that the most significant expenditure of funds for special autonomy has targeted into health sectors. The rise of COVID 19 pandemic also became the real problem that still become dissatisfaction among the regions. There are also 84,80% negative perceptions through Province of Papua.¹⁰

On a different aspect, literacy and education levels in this region also quite unstable. Many children above ten years old are unable to receive a formal education. 60% of indigenous teenagers did not graduate from elementary level education and 44,31% of

⁸ Presiden Republik Indonesia. (2018). *Peraturan Pemerintah Republik Indonesia Nomor 1 Tahun 2017 Tentang Perubahan Keempat Atas Peraturan Pemerintah Nomor 23 Tahun 2010 Tentang Pelaksanaan Kegiatan Usaha Pertambangan Mineral dan Batubara*. Retrieved from https://www.esdm.go.id/assets/media/content/PP_NO_1_TAHUN_2017.pdf. Accessed April 16, 2022

⁹ Indeks Pembangunan Manusia. (2020, March 8). *Indeks Pembangunan Manusia Menurut Kabupaten/Kota, 2010-2019*. Retrieved from <https://papua.bps.go.id/dynamictable/2016/08/05/8/-metode-baru-indeks-pembangunan-manusia-menurut-kabupaten-kota-2010-2019.html>. Accessed April 16, 2022.

¹⁰ Badan Pusat Statistik. (2020, February 17). *Persentase Penduduk Menurut Keluhan Kesehatan dan Kabupaten/Kota di Provinsi Papua, 2009-2019*. Retrieved from <https://papua.bps.go.id/dynamictable/2018/05/17/140/persentase-penduduk-menurut-keluhan-kesehatan-dan-kabupaten-kota-di-provinsi-papua-2003-2019.html>. Accessed April 16, 2022.

population only reached senior high school level.¹¹ There is also an inverse correlation between the level of education and participation. The higher tertiary level of education indicates lower participation of local indigenous people.

In terms of implementation of law, the political legitimacy in the Special Autonomy of Papua is still defective. Although the local government was already granted special autonomy status, almost all the decisions regarding foreign investment and mineral extractions are still in the hands of the central government in Jakarta. When it should be under its regional government's authority respectively. This prompted the rising political tension against the central government due to the abuse of power and jurisdiction above the local government of Papua Province. Not only to that extent, several pro-independence civil society groups - who are also responsible for the resistance in the region - were disregarded from the involvement of the formulation of the Special Autonomy of Papua, one of which is the rebel groups called as Liberation Movement of Papua (OPM). From the beginning of the draft initiation until the enactment of the special autonomy (Otsus) Bill, there was an intensifying flow of demonstrations and statements of rejection to the amended statute.¹² All counterparts must sit down together and discuss the solution with forum or open dialogue. This is the imminent way to tackle loud voices among internal actors in Papua.

The Role of Parliament

The indigenous society in Papua believes that the formulation of the law does not indicate a joint discourse resulting in a political agreement. Therefore, the absence of legitimacy affected implementation of Special Autonomy, which was further complicated by the resistance of conflicting parties. In addressing this outgoing matter, the government has attempted to sustain democratization by incorporating more Papuan representatives in open discussions, such as the 2011 Papua Peace Conference. The government also need to answer the international accusation for human rights abuse.¹³ Nevertheless, according to them, the government still overlooks the eminence in protecting the indigenous economic, social, and cultural rights.

In terms of freedom of speech, the current prosecution of political and security politics is still perceived as repressive and undemocratically harsh. Violence measures arise from political conflict committed by national defense forces, pro-independent movements, and armed civil society. Hence, John Siffy Mirin, Commission V DPR RI Papua member, has addressed the issue to the legislative hearing to emphasize the seriousness of plans for the division of the Papua Province and consider the social, cultural, human resources, and local economic aspects. On the side notes, the member of representatives (MPs) of Papua with Parliament of Papua are playing an important role to echoing the voices of Papua for greater good.

¹¹Badan Pusat Statistik. (2018, Mei 28). *Angka Partisipasi Murni Menurut Tingkat Pendidikan dan Kabupaten/Kota di Provinsi Papua, 2006-2018*. Retrieved from <https://papua.bps.go.id/dynamictable/2018/05/28/154/angka-partisipasi-murni-menurut-tingkat-pendidikan-dan-kabupaten-kota-di-provinsi-papua-2006-2018.html>. Accessed April 16, 2022.

¹² Widjojo, Muridan S. dan Alsah Putri Budiarti. (2015) UU Otonomi Khusus Bagi Papua: Masalah Legitimasi dan Kemauan Politik. *Jurnal Indonesia* 46(8); 59-80. Accessed April 16, 2022.

¹³ Pamungkas, Cahyo. (2017). The Campaign of Papua Peace Network for Papua Peace Land. *Jurnal Ilmu Sosial dan Ilmu Politik*, 21(2), Retrieved from doi: 10.22146/jsp.30440. Accessed April 16, 2022.

CONCLUSION

Implementation of Special Autonomy of Papua, the government still failed to optimize a positive result given the political tension from 1998 until now. There are still indifference to the formation of provincial law and regulations. Political imbalance regarding bureaucracy and abuse of power also often happened. Central governments also have weaknesses and obstacles to the implementation of this special autonomy. Even though current administration trying to build many infrastructures, maybe it is still not best answer for local Papua. Matter of fact, if special autonomy not immediately corrected, it can generate implications to the decline of trust in the government's seriousness in answering the aspirations of its people. The silent treatment using military power also will further trigger the public temper to separate from the Republic of Indonesia.

Economic development in this region has slowly progressed from the previous years, and more needs to be done by the government to achieve ideal economic prosperity that reflects the initial mission of the Special Autonomy of Papua, especially of the indigenous people. Furthermore, ethnic discrimination still has not been thoroughly addressed, which escalated to further social tension among the government body and has increased tension to the citizens.

Meanwhile, the current policy concerning the legal framework of foreign investors and multinational corporations' operations has been rewarded more profitably than the previous contract. With the realization of the 51% distribution of Freeport shares, the government is expected competently to allocate the income to fulfill the advancement of the Papua region. Infrastructure construction has been initiated by the current government administration and has contributed to the replenishment of the social security of the indigenous. The levels of literacy and healthcare have improved from the previous years. However, many complaints about illegal logging and illegal private plantations trigger horizontal conflicts between community members if the share of the wealth collected from natural exploitation is not shared equitably.

Therefore, the government must consider altering the approach for the Special Autonomy of Papua, especially in terms of political legitimacy and impartial bureaucracy of Indigenous representatives. Political synergy must be fabricated as contained in the substance of the Special Autonomy Law with the fundamental consistency of both the central government and the Papuan Government along with the association of Papuan civil society. To diminish the political tension, the central government should embrace the Papuan regional government more in making legislative decisions, especially in the cooperation of natural resource extraction and investment. After all, the wealth of natural resources is still in abundant at Papua territory. For this reason, the regional Government of Papua should be granted the authority to formulate regional policies (Peraturan Daerah Khusus), especially for cooperation and working contracts with foreign investors in the exploitation of mining, mineral, and oil fields.

For further recommendation, the central government shall revise and crosscheck the basis of the proposed enactment of the bills for any concerning contentment that is not commensurate with the laws of the Republic of Indonesia. The formulation of regulations can be employed as legal guidelines to promote the economic and social welfare of the people and uphold the collective involvement of more Papuan delegations to eradicate any political tensions against the central government. To sum up, the government should

emphasize and respect the value of traditional customs in Papua. Large-scale development must heed the local wisdom, including the values of tribes as a sign of respect for local culture. Thus, the people of Papua can feel the unity as one of pulling factor as Papuan in Republic of Indonesia.

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