



PEMBERDAYAAN ATAU PENGECUALIAN? TINJAUAN SOSIO-HISTORIS DAMPAK OTONOMI KHUSUS PAPUA TERHADAP KELOMPOK MINORITAS

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Abstrak

Isu Papua Barat, yang ditandai dengan pelanggaran hak asasi manusia dan gerakan separatis, menimbulkan tantangan signifikan bagi Indonesia. Undang-undang otonomi khusus, yang bertujuan untuk merespons tuntutan separatis, telah menyebabkan perpecahan dalam masyarakat dan diskriminasi hukum, terutama dalam bidang ketenagakerjaan dan kebebasan beragama. Studi ini mengeksplorasi konteks historis dan isu kontemporer terkait otonomi khusus di Papua Barat, dengan fokus pada implementasi otonomi khusus, diskriminasi hukum, dan dampaknya terhadap identitas lokal. Hasil penelitian menunjukkan ketegangan yang terus berlanjut dan pelanggaran hak asasi manusia yang diperparah oleh regulasi diskriminatif dan tantangan administratif. Meskipun upaya telah dilakukan untuk mengatasi masalah Papua, diskriminasi sistemik dan kekerasan tetap berlangsung, menghambat kemajuan menuju inklusivitas dan pemerintahan yang efektif. Dengan menggunakan metode deskriptif historis dan kualitatif, studi ini menganalisis sumber primer dan sekunder untuk memahami akar penyebab dan implikasi dari isu-isu tersebut. Studi ini menyimpulkan bahwa mengatasi diskriminasi, mempromosikan inklusivitas, dan melindungi hak asasi manusia bagi semua penduduk asli Papua sangat penting untuk menyelesaikan masalah Papua Barat. Meski demikian, menjamin kesetaraan hak bagi semua warga Indonesia yang telah lama bermukim di sana juga harus diprioritaskan. Hanya dengan pendekatan ini, perdamaian dan pembangunan berkelanjutan di kawasan tersebut dapat dicapai.

Kata Kunci: diskriminasi, hak asasi manusia, minoritas, otonomi khusus, Papua Barat.

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INTRODUCTION

The West Papua issue has become a domestic concern for Indonesia, drawing international attention due to human rights abuses perpetrated systematically by the Jakarta government (Amnesty International, 2017, p. 187-188; Hedman, 2006, p. 64-65). The presence of local separatist movements, active since the 1960s, adds weight to claims that West Papua's integration into Indonesia through the 1969 Act of Free Choice (Pepera) was not legitimate (McGibbon, 2006, p. 11-12, 26-27; Trajano, 2010, p. 11).

For Indonesia, the West Papua problem represents a failure of early government policies. The economic conditions of the 1970s demanded significant changes after a decade of political instability at the end of the Soekarno era (1959-1967), characterized by hyperinflation and shortages of consumer goods (Halmin, 2006, p. 20-22). Suharto's policy of economic privatization and attracting foreign investment opened opportunities for exploiting natural resources, including mining and logging in Papua. While these concessions brought short-term benefits to the government through tax revenues, they also led to social issues such as disputes over customary land rights, unequal development affecting indigenous communities around mining areas and towns, and cultural disruptions due to an influx of migrant workers (Halmin, 2006, p. 22, 43-44; Rollings, 2010, p. 68-70).

Since the 1900s, the Dutch government began a program called transmigration as part of its ethical policy in the form of education expansion for colonial native, farmland irrigation, and relocating people from Java to the outer islands or transmigration. In Papua, similar to Sumatera and other less density islands the need for a skilled and educated workforce for natural resource exploration and economic development

was crucial (Gietzelt, 1989, p. 206-209). Locals, who were largely uneducated at the time, couldn't fulfil the demand for experts in public administration, education, health, and other social services. After the independence, the inter-insular migration to Papua promoted by the government in the 1970s, initially encouraged and sponsored by the Suharto administration but in the later years drawing migrants independently, a trend that increased steadily during the 1980s and 1990s (McGibbon, 2006, p. 16-17).

However, the influx of migrant workers did not address the shortage of trained and educated workers in Papua, nor did it significantly increase professional opportunities for indigenous Papuans (Trajano, 2010, p. 22-25). This imbalance was reflected in the low quality of education and the slow improvement of the human development index (Morin, 2016, p. 5-7; Hedman, 2006, p. 21-22). According to Gietzelt (1989, p. 204-205), government policies towards local people in the 1970s tended to be discriminatory, while providing a lot of opportunity for non-Papuan residents in civil service or key sector jobs, for the Papuans the trait has been focused more on providing consumptive aid rather than productive stimulus. This situation made a sense of marginalized and push aside among the native. The subsequent riots and security disturbances revealed the violent and cruel nature of military repression in response to the unrest (Rollings, 2010, p. 72-73, 78-79; Brundige et al., 2004, p. 25). These failures in development and the brutal repression fuelled deep resentment and fostered a social divide, especially between the indigenous and the migrants or outsiders (Buchanan & Cooper, 2011, p. 46-48).

Despite an extensive literature on the West Papua issue especially on the human rights violations and social development in general, there remains a

significant gap regarding the differential treatment of Papuan natives and non-Papuan residents in the west part island of Papua. While the Special Autonomy Law aims to address the grievances of Papuan natives, it inadvertently creates a discriminatory legal framework for non-Papuan residents who are also Indonesian citizens. This gap in the research is crucial as it highlights the challenges faced by non-Papuan minorities, who often find themselves marginalized within the context of the West Papua issue, under-covered, and neglected. These non-Papuan residents, sometimes facing a double minorities status, that different on their race, skin colour, religion, and culture, despite being citizens of the same nation. Understanding the implications of this differential treatment is relevant for promoting equality and addressing the broader issues of discrimination and social cohesion within Indonesia.

This study addresses several key research questions concerning the West Papua issue. Firstly, it examines the historical context, including Dutch colonial policies and Indonesian government initiatives like transmigration, to understand their contributions to the development of the issue. Secondly, it investigates the implications of the Special Autonomy Law on issues such as legal discrimination, societal divisions, and the protection of human rights in West Papua. Lastly, it explores how the special administrative status of West Papua contributes to broader issues of discrimination and unequal treatment within Indonesia and analyses its implications for national unity and cohesion.

METHOD

This study utilizes a combination of historical and qualitative descriptive methods. In terms of historical study, it

involves heuristic stages, source criticism, data interpretation, and historiography or historical writing (Kuntowijoyo, 2003; Sjamsuddin, 2007). In the heuristic stage, the collection of sources includes both primary and secondary sources. Primary sources used include government documents and contemporary news reports. Secondary sources consist of journals, and academic works with keywords of West Papua, special autonomy, minorities, discrimination, and human rights.

Meanwhile, source criticism is integrated into this process but focuses not on originality but on trends in authorship, as the sources used are considered authoritative. Interpretation is done qualitatively by integrating data from sources, analysing, and drawing conclusions, which can be seen in discussions in the form of descriptive writing or historiography (Sjamsuddin, 2007). The research method contains research approaches, methods, sampling techniques, population and sample sizes, and research locations.

In the qualitative aspect, this research involves data reduction from obtained sources, classification, and focusing on three topics: special autonomy issues, discrimination in law, and local sons' issues. Data analysis techniques, besides historical criticism, also use qualitative descriptive methods (Miles, Huberman, & Saldaña, 2014), presented with data and regular conclusion drawing.'

RESULTS AND FINDINGS

Special Autonomy from A Historical Perspective. In 1998, national reforms accompanying the fall of the Suharto regime halted militaristic policies in conflict areas like East Timor and Papua (Halmin, 2006, p. 33-35). President BJ Habibie's initial meeting with a hundred Papuan leaders in early 1999 saw a spontaneous call for

independence (Viartasiwi, 2014, p. 286). The subsequent loss of East Timor underscored the risk of disintegration. In November 2000, Papua Governor JP Salosa and the central government proposed an autonomy concept for Papua as a compromise to address separatist demands (Buchanan & Cooper, 2011: 37), leading to the drafting of Law No. 21 of 2001 on Special Autonomy for Papua.

According to Hidayat (2001: 45), this law, consisting of 27 chapters and 79 articles, generally covers four aspects: (1) broader provincial management authority over natural resources and governance, (2) recognition of customary rights and indigenous Papuan priorities, (3) democratization and good governance principles, and (4) division of labour among government institutions and personnel.

The formulation of special regulations for Papua ideally involves contributions from academics, Papuan figures and the government, especially the Ministry of Home Affairs. According to Hidayat (2001, p. 33-37), several ideal goals for the central government in implementing this autonomy are as follows. First, the aim is to provide an opportunity to improve the public situation and realign national relations, which were previously disrupted by ineffective government policies in Papua. Second, this effort aims to reduce the gap in development between local tribes and immigrants, who largely dominate the bureaucratic and professional sectors. Third, by giving more authority to regional governments, the aim is to reduce demands for separatism. Lastly, the aim is to prevent persistent international criticism of Papua's status in Indonesia based on claims of injustice, political repression, systematic discrimination, and human rights violations.

Although the basic principles of autonomy and affirmation of locality,

such as recognition of cultural identity and property rights, are common throughout the world, as applied in Papua, the regulations made clearly involve racial considerations. Terms such as "indigenous people", "indigenous people", and "indigenous people" (all meaning "native") are very prominent in considerations for drafting regional legislation and affirmative provisions. It is very important for the Papuan people to preserve their cultural rights, based on the "Melanesian race" or recognition as indigenous peoples by traditional institutions. However, the interpretation of "naturalization" through customary institutions is rarely applied, except in certain conditions, such as matrilineal descent. The political motivation behind the "pure naturalization" of outsiders, as seen in John Banua's nomination as regent, often ends in strong resistance (Tabloidjubi, 2017).

In the context of the Special Autonomy Law, racial considerations extend beyond politics. Article 12 stipulates that the governor or deputy governor of Papua must be an "indigenous Papuan." The Papuan People's Assembly (MRP), tasked with safeguarding indigenous rights, determines who qualifies as "indigenous" during nominations. Membership in the MRP itself requires "indigeneity," effectively excluding those labelled as "migrants" if they are not Melanesian.

Grouping people based on race and origin extends beyond politics. Article 44 guarantees intellectual property rights exclusively to indigenous people, without any consideration for others. This is reinforced in article 62 (2), granting indigenous people priority in employment, including in positions like judges or prosecutors.

From 2001 to 2008, the administrations of Wahid, Megawati, and Yudhoyono pursued similar approaches to address Papuan independence

demands. Viartasiwi (2014, p. 287-288) notes economic development policies and specific budget allocations for Papua, which failed to address separatist issues. In 2008, Act No. 21 of 2001 was revised with Government Regulation (Perppu) No. 1 of 2008, which adjusted the role of the Papuan People's Legislative Assembly (DPRP), abolishing its right to elect the governor and members of regional envoys. Instead, direct elections were enforced, leading to further societal divisions, not only between "indigenous" and "migrant" but also among local tribes.

Legal Discrimination and Its Realities. From a human rights perspective, several provisions in the Papua special autonomy law can be considered systematic violations through unfair legal regulations. The Universal Declaration of Human Rights, which emphasizes "justice" and "human dignity" in its introduction, should not be ignored. The discriminatory provisions in Papua's special autonomy, especially Article 2 on equality, are compared with the principle of non-discrimination based on factors such as "race, colour, sex, language, religion, political opinion, or other, national or social origin, property, birth, or other status". Meanwhile, the hidden categorization of individuals as "native" implied that some of them as "migrant or "outsiders" reinforces social ranking and provides justification for possible injustices and discrimination.

According to Rollings (2010, p. 65-66), the government's transmigration policy as well as development programs in agriculture in particular, have caused significant and threatening land conflicts regarding the customary rights of Papuans. Apart from triggering economic inequality, environmental damage and negative prejudice towards all transmigrants are also strengthening. The presence of new citizens from

outside Papua with relatively higher levels of education and skills also triggers competition for jobs in government, entrepreneurship, and urban economic opportunities such as trade and services involving so-called unskilled migrants (Rollings, 2010, p. 150-151). However, this migrant community, numbering in the hundreds of thousands or even millions, has now given birth to second and third and even fourth generations who have called the land home, even identifying themselves as Papuans. They can no longer be considered outsiders in the sense known by the conditions of the 1960s because they were now born and raised in Papua.

The issue of equal citizenship is becoming increasingly pressing as the number of non-Papuan Indonesians is expected to exceed that of native Papuans in the next few years even without internal migration from other islands. Elmslie's (2010) study shows a demographic shift that has led to accusations of a "slow-moving genocide" due to government negligence in the area of health and human rights violations, including murders related to armed violence and rebellions in mountainous areas. Further research shows that there is a significant demographic gap between native residents and immigrants, especially between coastal and inland areas (Elmslie, 2017, p. 1). Official data up to 2010 shows that five regions, namely Merauke Regency (62.73%), Nabire Regency (52.46%), Mimika Regency (57.49%), Keerom Regency (58.68%), and Jayapura City (65.09%) has the majority of non-Melanesian population. This demographic imbalance triggers feelings of vulnerability and fosters discriminatory attitudes towards groups deemed responsible or authoritative.

Apart from ethnicity and race, religion also plays an important role in the division of society in Papua

(Buchanan & Cooper, 2011, p. 39; Elmslie, 2017, p. 10; Rollins, 2010, p. 97-99). Relatively closed off from global trade routes for centuries, Papua, especially the interior, still adhered to traditional beliefs until the end of European colonialism. Thanks to intensive efforts by the Dutch through the Zending Mission and continuing in the post-Perera era, most of the native Papuan population adhered to Protestant Christianity which was introduced by Europeans starting in the 19th century. The western part of Papua, which is particularly influenced by Maluku, has actually had an Islamic community since the 17th century, as stated by Slama (2015, p. 249). Patimburak's oldest mosque can be traced back to mid-19th century. However, the rapid spread of Christianity by Dutch and German missionaries in the eastern interior of Papua, along with the weakening of the sultanate in the Maluku region due to colonial control, caused an Islamic religious crisis in these areas. In the 1960s, Papuan Muslim minorities remained, especially in the bird's head region of Papua (the western tip of Papua), in places such as Fakfak, Sorong, and Raja Ampat. They firmly adhere to Islam which influences their way of life compared to their brothers in the eastern and mountainous regions, especially in food consumption and economic patterns.

The demographic changes highlighted by Elmslie also raise concerns about the dynamics of religion going forward. From a certain point of view, the presence of transmigrants from outside Papua, such as Java or Makassar, are mostly Muslims, while migrants from North Sulawesi or Maluku are mostly Protestants or Catholics (Slama, 2015, p. 263-265; Elmslie, 2017, p. 8). This religious diversity is sometimes vulnerable to exploitation by fundamentalist religious groups who aim to strengthen Christian-Papuan identity

through political channels (Malmambessy, 2011, p. 12-14). In contrast to other regions in Indonesia where Islam is the majority religion, in Papua they are a minority. Given their status as migrants, these fundamentalist groups often emphasize the importance of maintaining Papuan traditions and cultural values, which they consider part of their Christian identity, in response to what they see as threats from the largely Muslim transmigrant population. In fact, Islam itself has had quite strong roots in Papua, at least in parts of its region for a long time. In such conditions, many Papuans experience dual-minority, in the sense of minorities as both ethnic and religious.

Socially, the division of society into indigenous and non-indigenous encourages the enactment of discriminatory laws in local regulations. For example, the "Gospel city" Law in Manokwari, which emphasizes the historical entry of Christianity into Papua, restricts the rights to build houses of worship or hold non-Christian religious activities, despite approximately 30% of residents being non-Christian (Malmambessy, 2011, p. 7-9). Obtaining permits for constructing houses of worship is extremely difficult, and attacks on religious activities have occurred, such as the Tolikara incident in 2015 when a church was attacked by hundreds of Muslims during Eid-al-Fitr prayers (see. Asia Report, 2008, p. 2-5, 10-11). A mosque was burned down, sparking national attention (The Jakarta Post, 2015). However, the perpetrators received light punishments according to the public view, leading to disillusionment (Harian Terbit, 2015; Nahimunkarmedia, 2016).

Aspects of indigeneity, along with religious and political motives, also influence employment policies through provincial regulations, such as number 4 of 2013 on employment implementation. These regulations prioritize indigenous

people in the employment system, with specific chapters emphasizing affirmative action in job training and promotions (Article 11, paragraph 2). There are detailed provisions specifying the minimum proportion of indigenous people in employment (Chapter five, articles 24 to 31).

Such regulations limiting employment rights based on race and origin violate not only the spirit of national unity and equality but also clash with several articles of the Universal Declaration of Human Rights. These include religious freedom (Article 18) and recognition of economic access and fair work (Articles 22 and 23). Discrimination by indigenous people against so-called migrants contradicts the condemnation of Indonesian military violence in the past and should not be justified.

Putra Daerah and Political Discrimination. The implementation of special status, which strongly differentiated between "native" and "immigrant" populations during the era of regional autonomy in Indonesia, had implications especially in local political contexts, such as the election of regents or mayors, known as "Putra Daerah" (literally, "local man") (Hidayat, 2017, p. 5-6). Even though Indonesia has a multi-ethnic character with fairly strong integration between ethnic groups, in the struggle for power, primordial considerations often take precedence over personal qualities or traces of leadership. Many regions in Indonesia have dominant ethnic groups along with minority groups at both provincial and district/city levels. Java with its two largest ethnic groups, Javanese and Sundanese, has other sub-ethnic groups such as Banten, Cirebon, Osing, and Madurese, who often feel marginalized in politics, economics, and local development. Demands for new territorial divisions or the creation of

new provinces or districts often emerge as practical solutions to reduce social tensions (Hidayat, 2017, 8-9). However, most of the new autonomous regions, especially districts or cities, have difficulty managing their territories, hampered by performance incompetence and failure to increase regional productivity. In this condition, leaders prefer to bring up identity issues that have caused an undemocratic situation in local politics at large, such as the practice of dynastic politics that occurred in Banten and South Sulawesi.

Problems with the administrative subdivision aspect are also seen in Papua. Expansion in the form of new provinces and new districts/cities has been happening since the Reformation era, often without careful consideration. West Papua Province was separated from Irian Jaya Province in 1999, while four new provinces (South, Central, Southwest and Mountain Papua) were created all at once in 2023 by decision from Jakarta, a procedure that usually takes a long time and starts from the grassroots level. upwards, not vice versa. At the second administrative level, from 15 districts/cities in Papua in 2002, there are now 42 in the six provinces. Regionalist sentiments in the structure of Papuan society, which is very diverse following tribal ties, are often reflected in complex traditional understandings. Loyalty to political elites plays an important role in channelling the aspirations of indigenous and local people to create effective and efficient governance but is often misused to mobilize resources and achieve demands on the central government (Tebay, 2011, p. 131-135).

In a national context, Papua's special status, along with Aceh and Yogyakarta, poses additional challenges with discriminatory regulations for certain groups. The increasing demand for Papua in particular has given rise to

antipathy from other parts of the country, as occurred in the incident involving Papuan students in Yogyakarta. Apart from cultural factors and living habits, there are also racial sentiments that trigger rejection of students from Papua in several regions in Indonesia. Likewise, issues such as the implementation of sharia law for non-Muslims in Aceh which often triggers controversy and the issue of land

ownership by Chinese individuals in Yogyakarta show how compromise on special administrative status has legitimized discriminatory arrangements for certain groups through law (The Jakarta Post, 2016). The term of *Putra Daerah* is also a form of discrimination which in many cases ignored due to the pretext of social harmony.

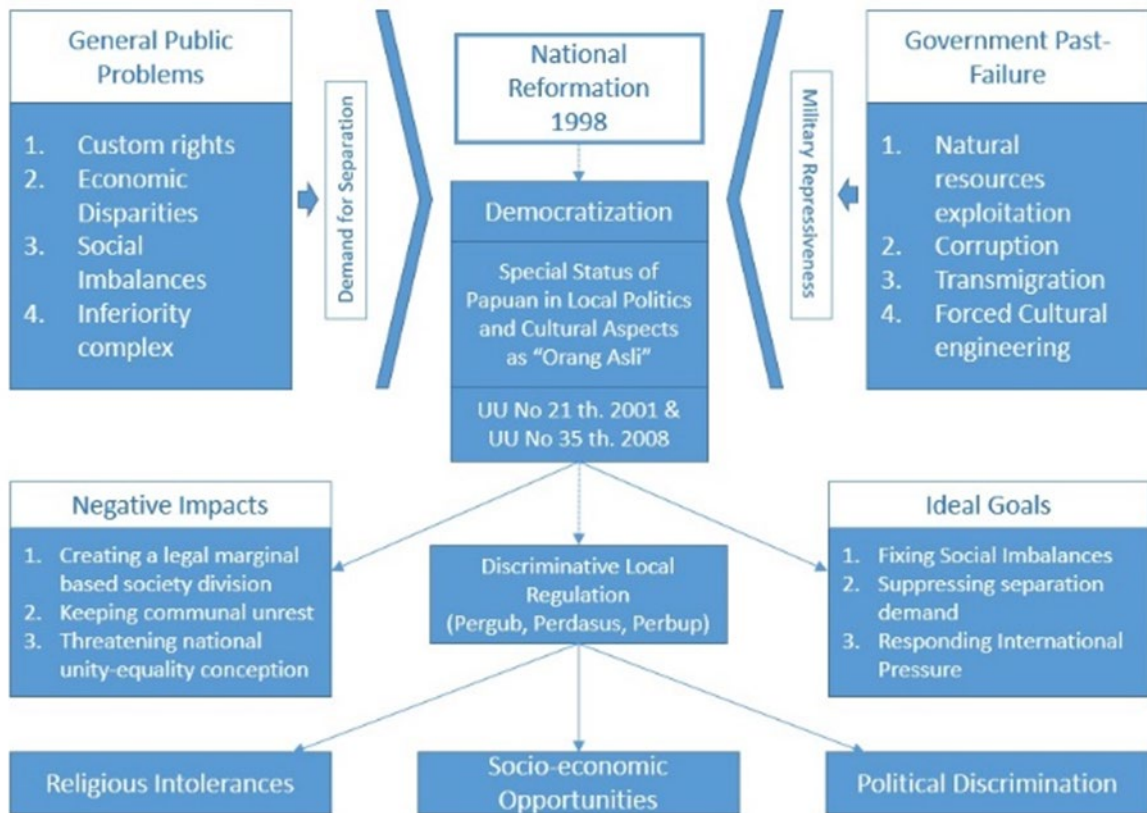


Figure 1. Mapping West Papuan Issues on Minority Discrimination

CONCLUSION

The special autonomy policy in Papua, although motivated by the central government's political goal of maintaining national unity, is actually a form of legitimate discrimination against some citizens. These primordial elements directly cause injustice in various aspects such as politics, religion, and socio-economics felt by migrants in Papua, both in terms of law and social reality, and can be considered a violation of the human rights stated in the Universal Declaration of Human Rights of 1948. It is inappropriate for the wrongs

against Papuan Melanesian people in the past to be corrected while sacrificing other groups in the name of "national interests".

The presence of non-Melanesian people in Papua did not happen recently. History shows that many individuals from outside Papua have settled and lived there since pre-European colonialism. The demographic policies carried out by the government during the New Order era, which did not pay attention to the rights of traditional Papuan tribes for the benefit of outsiders, have been proven to be a mistake, and non-Papuan groups themselves have

become victims of this wrong policy. Voluntary migration is the human right of every individual, just as Papuans have the freedom to move and settle within Indonesia. Imposing certain restrictions will only give rise to similar demands in other areas, because they are reciprocal in nature. Development issues are not only limited to Papua, but also impact the entire nation.

The government needs to review the implementation of special autonomy in Papua regarding welfare and equality. To what extent can autonomy at the regional level compromise the basic rights of communities based on race and ethnicity? Does it make sense to grant this type of autonomy while millions of citizens deemed to be "immigrants" are deprived of some of their basic rights to be equal with Papuans as Indonesian citizens? Furthermore, how long will this discriminatory practice continue to be institutionalized in everyday life? These questions require immediate attention and action to ensure justice and equality for all.

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