

The Essence of Law of Community's Participation in the Local Development Planning in Papua

M. Yeti Andrias*, Marthen Arie**, Faisal Abdullah***, A.M. Yunus Wahid****

*PhD student, Postgraduate Hasanuddin University .

** Professor on Legal Science, Faculty of Law Hasanuddin University, as a Promotor.

*** Professor on Legal Science, Faculty of Law Hasanuddin University, as a Co-Promotor.

**** Professor on Legal Science, Faculty of Law Hasanuddin University, as a Co-Promotor.

Abstract

Centralized development strategy is an example of uncertainty bureaucracy to variety of local community development and less responsive of the local community needs/interests including in the lowest level of bureaucracy – called village. The spirit and participation of the local community to develop their capacity and /or their region then cannot be done properly. Basically, the public participation has been governed in some laws such as the Law No. 25/2004, the Law No.32/2004 – has been amended into the law No. 23/2014 concerning Local Governance. Therefore, the form of the participation as stipulated in those laws needs to use optimally either in terms of planning, implementation, or evaluation of the development in Papua. As it is known that the essence of the public participation is because the people basically are more understand to the real problems and needs of the development that they are faced.

Keywords: The essence of law, public participation, and development planning.

1. Introduction

Decentralization principle refers to article 18 of the Indonesian Constitution 1945 (hereinafter referred to UUD1945). The principle divides the Indonesian territory into large and small territories with the shape and structure of the government established by Law. Nowadays, the law which specifically regulate the local governance is the Law No 32/2004. It has been amended into the law No. 23/2014 concerning Local Governance. In this Law, it can be seen that the government must exercise the principles of deconcentration, decentralization and co-administration (*madebewind*). The deconcentration itself means that the delegation of authority from the government to the governor as representatives of governments and / or the vertical agencies in certain areas.¹ The decentralization furthermore is explained as the delegation of responsibility of administrative policy, fiscal, and politic from the government to the local government.² The co-administration then is stipulated as an assignment from the government to the regional and / or villages, from the provincial government to the district or city and / or village, as well as from the district or the city to the village to carry out specific tasks with the obligation to report and be accountable for the implementation of the assignment to the government or the provincial government or the city/district government as the assignment giver.³

The deconcentration policy for regional governance and development is still a matter of the government to plan, implement, supervise, and finance it. In terms of the decentralization policy in the area of government and development affairs submitted to the local government with autonomy status, the planning, implementation and financing matters will be the responsibility of the local government. The co-administration policy in terms of government and development affairs becomes the responsibility of the government based on the principle of the deconcentration. However, the government practically has limitation either in number and ability of the officers to deal with the governance and development affairs. Therefore, those matters cannot be run smoothly and difficult to enforce without involving the local government.

In the context of the co-administration policy as mentioned above, the planning and implementation of government and development affairs will be carried out by the local government, while the policy or direction and financing will remain the authority and responsibility of the government. Thus, it can be said that the local development activities as a part to disseminate of the development in the region whether conducted by the government or the local government, or both are aimed to achieve the harmonization of inter-region growth.

The biggest barrier in terms of the development process is the reliability of administrative capacity. In practice, the economic progress is often obstructed by a lack of administrative capacity a government. Many observers say

¹ Anonym, *The Governmental Decree No. 7/2008 Concerning Deconcentration and Duties Assistance*, Cipta Jaya, Jakarta, p. 63.

² Rahardjo Adisasmita, *Management of the Local Governance*, Graha Ilmu, Yogyakarta, 2011, p.16.

³ Ibid. p. 63.

that the managerial and administrative capabilities is a fundamental problem in developing countries like Indonesia. Another fundamental issue in the process of governance establishment either in the government or the local government levels is the idea of creation the people welfare. As it is known that one of the state missions is the duty of the state to achieve prosperity for the community, including Papua.

Success in implementing community development highly depends on the role of government and community participation in order to create a developing community. Without the participation of the community, development undertaken by the Government cannot run optimally. The progress of development basically not only depends on the community participation, but also properly startagy to support the development efficiency and effectively. The development strategy will be able to assist the government in determining the role of government and the role of the community itself so that both parties can contribute optimally and synergistically in implementing the Development Planning.

The focus of this article therefore is to explain the essence of law of the community participation and the community participation process participation in the local development planning in Papua.

2. The Essence of Law of the Community Participation in the Local Development Planning in Papua.

The community participation is composed of two words - participation and community. Participation means taking part and inclusion. Community itself is meant as an association and an institution.¹ Therefore, the community participation can be explained as involving of many people or association. According to Santoso Sastropoetro, the participation is a person who participated in his work with involving himself or his ego in his duties including involving his thoughts and feelings.²

According to Davis in Santoso Sastropoetro further, participation can be defined as the involvement of mental / mind and emotions / feelings of someone in a group situation to prompt him contributing to the group in order to achieve the objectives and responsibilities of the business concerned.³ Ramos and Roman in Yeung and Mc Gee then emphasizes the community participation as setting up a government and society to accept responsibility and specific activities. In this case, there is a delegation of authority from the government and the public in certain activities.⁴

Soefaat, et.al.⁵ also stipulates community participation as the involvement of the community in accordance with their rights and obligations as the subject and object of development. The involvement in the construction phase is started from planning stage until the following control including its rights and responsibilities. To obtain the community participation, it is needed an approach of participation development. In terms of it, according to Sayogjo,⁶ the development approach is an integral part of participation in order to empower the community. Therefore in this context, the participation can be defined as a process in which a number of actors partnership has influenced and shared authority in development initiatives, including making decisions on resources.

According to Dusseldorp in Slamet,⁷ types of the community participation can be classified into:

- a. The classification is based on the degree of volunteerism that consists of free participation and forced participation;
- b. The classification is based on how the involvement of participation consists of direct and indirect participation;
- c. The classification is based on involvement of the various stages in the process of planning development that consists of full and parted participation;
- d. The classification is based on the level of organization that made up of the participation of the organized and unorganized participation;

¹ See Tanti Yuniar, *Dictionary English-Indonesia, Indonesia-English*, Agung Media Mulia, Surabaya, 2010, p. 265.

² Santoso Sastropoetro, *Participation, Communication, Persuasion, and Discipline in National Development*, Alumni, Bandung, 1988, p.12.

³ Ibid. p.13.

⁴ Y.M. Yeung and T.G. Mc Gee, (eds), *Community Participation in Delivering Urban Services in Asia*, IDRC, Ottawa, 1986, p. 97.

⁵ Soefaat, et.al., *Dictionary of Spatial Planning*, Directorate General of Creation of the Ministry of Public Activities, Jakarta, 1998, p. 79.

⁶ Sayogjo, *Self-reliance and Mutual Empowerment*, Journal of Ekonomi Rakyat, Vol. 1 No. 5 (2002), p. 34.

⁷ Slamet, *Community Development Based on Participation*, Sebelas Maret University Press, Surakarta, 1993, pp.10-21.

- e. The classification is based on the intensity and frequency of activities that consists of intensive and extensive participation;
- f. The classification is based on the scope of coverage of activities that consists of unlimited and limited participation;
- g. The classification is based on effectiveness that comprises of effective and ineffective participation;
- h. The classification is based on who is involved. People who can participate that is distinguished as follows:
 1. Members of the local community, including local residents and local leader;
 2. Government officials, including the residents and non-residents in the community;
 3. People outside, including the residents and non-residents in the community;
 4. Community representatives that are elected.
- i. The classification is based on the style of the participation. It is divided into three practice models to community organizations, namely: locality development, social planning, and social action.

According to Talcott Parsons in Soerjono Soekanto,¹ the principal thought of Talcott Parsons can not be separated from the flow of functionalism in sociology. The characteristic of realism of Parsons is an attempt of him to apply an abstract concepts in the sociological analysis. If it is associated with the organization, it is a social unit or group of people who purposely shaped and reshaped with consideration in order to achieve certain goals.

Those explanation of participation and the community participation as stipulated in prior show briefly about the essence of the community participation in the development planning. The essence itself can be seen in Law perspective as governed in some laws. The Law No. 25 of 2004 on National Development Planning System and the Law No. 32 of 2004 (has been amended to the Law No. 23 of 2014) on Local Government become the legal basis in the field of development planning both by the government and the local government. The National Development Planning System is a unified procedure for the development planning to produce a development planning in the long term, intermediate and annual. Those planning then are conducted by the government and the local government officially with involving the community participation. The approach used in the system of development planning is politics, technocratic, and participatory either top-down or bottom up.

Implementation of the development is inseparable from the community participation as mentioned in article 2 (4) of the Law No. 25 of 2004. The article states that National Development Planning System is aimed to:

1. Support coordination among development actors;
2. Ensure the creation of integration and synchronization between regions, spaces, and governmental functions including the integration between the government and the local government;
3. Ensure linkages and consistency between planning, financing, implementation, and supervision;
4. Optimize the community participation; and
5. Ensure the achievement of the resources in an efficient, effective, equitable and sustainable.

The community participation is set out also in article 354 (1) of the Law No. 23 of 2014. It states that in the establishment of the local government, it encourages the community participation. In encouraging the community participation as referred to in paragraph (1), the local government is further to encourage the community participation in local development to convey information about the establishment of the local government to the community. It is also to encourage community groups and organizations to play an active role in the establishment of the local government through creating of community capacity building, including the development of institutionalization and decision-making mechanisms that allow groups and community organizations can be involved effectively.

In this context, the community is meant as an individual, group of people, including people of indigenous or legal entity with an interest in the activities and results of development both as an insurer charges, actors, beneficiaries, and underwriter of risk. The community participation in addition is the participation of the community to accommodate their interests in the process of preparing development planning. Indeed, the planning with participatory approach will be implemented by involving all interested parties (stakeholders) to development.

¹ Talcott Parsons in Soerjono Soekanto, *Imperative Functionalism*, Rajawali, Jakarta, 1986, p. 1.

In the planning process itself, there are 4 (four) stages - namely drafting of the planning; determination of the plan; control of the implementation of the plan; and evaluation of the implementation of the plan. Those stages are held simultaneously to form a unified planning cycle.

3. The Public participation process in the Local Development Planning

The structure of development planning in Indonesia based on the hierarchy of the dimension time is referred to the Law No. 25 of 2004. It is divided into long-term, medium-term and short-term (annual) planning. Therefore, the Law No. 25 of 2004 emphasizes one important part of regional planning, namely the Long Term of local development planning (hereinafter referred to RPJP-D), Medium Term of local development planning (hereinafter referred to RPJM-D), the local Government Work planing (hereinafter referred to RKPD), the Strategic planning for local Work Units (hereinafter referred to Renstra-SKPD), and Work Planning of Local Regional Work Units (hereinafter referred to Renja SKPD) as a supplementary.

The process of planning meetings basically record the aspirations and needs of the people who formulated through discussions at the village. It is then continued at the district level to collect the data based on obligation and selection matters of the local governance. Those matters further are processed and made prioritization of programs or activities at district or city conducted by the Local Development Planning Board (hereinafter referred to Bappeda) with the stakeholders in accordance with the abilities of funding and the local authorities.

To achieve the success of rural (village) community development, all program in the context of planning, implementation, and evaluation of development should involve the community. It is because they know the problems and needs that they are facing. They will utilize and judge about the success or failure of development in the society itself¹ and concluded that the national development is:

1. The development process in various spheres of life, whether social, economic, political or other;
2. The process of social change is the process of changing society in a variety of life towards a better, more advanced, and more equitable;
3. The process of development of, by, and for the community or their active community participation.

The community participation plays an important role in the development planning. According to Coyers, there are 3 (three) main reasons why the community participation in development planning has a very important characteristic, as followings:

1. The community participation is a tool to obtain information about the conditions, needs, and attitudes of local communities;
2. The community will trust the development activities programs if they are involved in the preparation and planning as they would prefer to know the in and out of the program of activities and will have a sense of belonging to the activity programs.
3. The community participation is part of democratic process.

Some issues strategies that should be considered in relation to the community participation in development planning are:

- a. The government policies have not been fully oriented to the community so that people do not directly involved in the development.
- b. It is still less open of the development actors in carrying out the development planning process that considers the community is mere objects of development.
- c. It is still lack of government efforts in providing information about the accountability of the program. People in this situation feel that the development is carried out not notifying their aspirations, although the mechanism of the community participation has become a common interest. However, in practice their understanding is different.
- d. The partnership is less optimally conducted between the government, the private, and the community in the implementation of development planning. The problems faced in terms of participatory planning at this time include the length of the decision process.

Based on the experience as indicated above, the lack of the community participation in the development planning especially in Papua will result negative impacts such as the low sense of belonging of the community to the

¹ Tjokroamidjojo Bintoro, *The Development Management*, Gunung Agung, Jakarta, 1995, p.8.

development programs. The effect of it will influence the sustainability of the program. Another impact is the program is not in accordance with the needs and characteristics of the community. The emergence of transaction costs will very expensive due to lack of awareness of the goals of the development program. In this condition, the program in some how is rejected.

In addition to the main issue of the mechanism of the community participation in the development planning, other problems encountered in the implementation of the planning of the local development, especially in Papua province is the general election of the President or the head of the region, where the general election of the president or the head of the local government is not the same between the government, the province, and the Regency / City. This condition basically influences the preparation of the local development planning. In the implementation of the local development planning, it also creates a legal vacuum which the differences of policy between province, district, and city. Another problem further is the absence of local regulations in long term to be used as a reference in the local development planning. So the local development planning is already planned that can not be done well.

To discuss the community participation in the local development, especially the province of Papua, we should bear in mind the construction development in Papua itself. This is because however the government's role in development has been inseparable from the role of the community. The existence of community furthermore can not be underestimated in the life state and development activities.

The annual development planning process is described as an activity or activities that are carried out in each stage of the planning process from the bottom. The process will see in the stages preparation and adoption of work plans of regional development. It is carried out through a sequence of events as follows: preparation of a preliminary draft regional development plans. The preparation of draft regional development plans; The regional development planning; and the preparation of the final draft the local development planning. The stages of preparation and adoption of plans of local governments carried out through the preparation and designation of Public Policy Budgets, RKA SKPD, controlling and evaluation of RKPD, formation LAKIP, reports on Description Accountability, reports on Regional Government (LPPD), and information of the establishment of the local Government (IPPD).

The preparation of the work planning and the local development planning of the local government carried out a timetable that is integrated with national development planning and annual planning of Papua Province. In terms of institutions, the operator and people who are responsible in MUSRENBANG. In the level of rural/village, the Village Head is responsible for the development planning in rural / urban villages through MUSRENBANG Village, which happen to be assisted by the agency for the village community such as the Institute for Village Community Empowerment (LPMD / K) or other title. In level of district, the district head is responsible for development in the district through the District MUSRENBANG, which is established by elements SKPD in district level. In the level of Regency, the head of Regent is responsible for planning development in the District through the District MUSRENBANG, which happen to be assisted by the head of Bappeda, and then it will be continued at the provincial level.

4. Conclusion

It can be concluded from the discussion in previous pages, the nature of the community participation in the local development planning is referred to the Law No. 25 of 2004 on National Development Planning System and the Law No. 32 of 2004 (has been amended to the Law No. 23 of 2014) on Local Government. Those laws are the legal basis in the field of development planning.

The community participation itself plays an important role in terms of the local development planning including in Province of Papua. The formation of the participation is designed into the stages preparation and adoption of work plans of regional development.

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