

# **Government Regulation Number 54/2004 concerning the Papuan Community Parliament**

**[Translated by Jennifer Robinson, February 2005]**

Note: This is not an official government translation. The previous laws and regulations pertaining to Regulation 54/2004 are not included here, only the main provisions.

## **PRESIDENT OF THE REPUBLIC OF INDONESIA**

### **GENERAL PROVISIONS**

#### **CHAPTER I**

The following definitions and principles underlie this regulation:

1. The Central Government, (the Government) is the institution of the united nation of the Republic of Indonesia, consisting of the President and Ministers.
2. Papua Province is the Irian Jaya Province which was given special autonomy within the framework of the Republic of Indonesia.
3. The Provincial Government is the governor and the other institutions forming part of the provincial executive.
4. The Governor is the head of the region and head of the administration fully responsible for implementing and carrying out government functions in the province and as representative of the Government in the province.
5. The district and city governments are the district and city governments in the province.
6. The Papuan Community Parliament (MRP) is representative of the native Papuan's culture, and is given authority and power to protect the rights of native Papuans under the mandate of respect for culture and tradition, empowerment of women and maintenance of a community rich in religion.
7. The Parliament of Papua (DPRP), is the Parliament of the Papuan Provincial Region and is the legislative body of the province.
8. The Selection Committee for the MRP is the committee responsible for choosing the members of the MRP at the district, district/city and province levels, members who are accepted and recognised as native Papuans by the local, tribal Papuan community.
9. Native Papuans are people who are of the Melanesian race, constituted by the native tribes of the Papuan Province and/or people who are accepted and recognised as native Papuans by the local tribal Papuan community.
10. Custom is practice/s recognised, abided by, institutionalised and maintained by the local people, as handed down by their ancestors.
11. The traditional, customary community are people of the local, traditional community, those who are connected and subject to the local customs and live in solidarity with the other members of the community.

12. The customary representatives are the MRP members which come from and represent the local customary community.
13. The religious community is constituted by all followers of religion in the province.
14. Religious representatives are MRP members which come from and represent the religious communities.
15. The female community are all citizens of the female gender in the province.
16. Women representatives are MRP members who are themselves women/female and represent the women of the province.
17. Protection of the rights of local Papuan peoples is protection of rights based on principles of respect towards custom and culture, empowerment of women and maintenance of a community rich in religion.
18. Provincial region regulations (perdasi) are regulations of the provincial region introduced in accordance with authority provided under law.
19. Special regional regulations (perdasus) are regulations of the provincial introduced in order to implement specific provisions in Law 21/2001.
20. The MRP leadership is the Chairman and the Chairman's representatives.
21. MRP members are those who are officially sworn in as members, having solemnly promised themselves in accordance with the provisions of the regulations.
22. MRP Secretariat is an support element of the MRP which is lead by a Secretary and is responsible for assisting the MRP in carrying out its tasks and authority.
23. The Secretary of the MRP is an officer which heads the MRP Secretariat, appointed by the head of the region from public servants who fulfil the criteria and implement the tasks set out, and is responsible to the MRP leadership.

## **CHAPTER II**

### **MRP FORMATION AND MEMBERSHIP**

#### **Part 1 Formation of the MRP**

##### **Section 2**

MRP is formed in accordance with this regulation and will sit in the Papuan Province.

#### **Part 2 MRP Membership**

##### **Section 3**

1. MRP members are constituted by local Papuan people who are customary, religious and women representatives of the Province.
2. MRP members as set out in subsection 1 above cannot exceed  $\frac{3}{4}$  of the members of the DPRP.

3. The compositions of MRP members will consist of:
  - a) The total number of customary representatives will be 1/3 (one third) of the total number of the MRP members;
  - b) The total number of women representatives will be 1/3 (one third) of the total number of MRP members;
  - c) The total number of religious representatives will be 1/3 of the total number of MRP members, composed of religious representatives on a proportional basis.
4. Term of membership of the MRP is 5 (five) years, counted from the time the member is officially sworn in.

#### **Section 4**

MRP members are citizens of the Republic of Indonesia which fulfil the following conditions:

- a) Native Papuan;
- b) Beriman dan bertakwa to God;
- c) Loyal and obedient to the Pancasila and show strong commitment to contributing via good deeds to the life of the community, country and nation;
- d) Loyal and obedient to the Indonesian Constitution 1945 and the Indonesian nation and the legitimate Indonesian government;
- e) Never been involved in subversive (maker) activities against the Republic of Indonesia;
- f) Aged between 30 and 60 years of age;
- g) Healthy of body and spirit;
- h) Strong morals and menjadi panutan masyarakat;
- i) Strong commitment to the protection of rights of the Papuan people;
- j) Not a member of legislative bodies or political party;
- k) Lived continuously in the province for at least 10 years counted back from the time the person is put forward as a possible member;
- l) Right to be chosen not revoked by a decision of a Court with authority and jurisdiction under certain laws;
- m) Not convicted of a crime, by a Court within jurisdiction, attracting a jail sentence of 5 (five) years or more;
- n) Public servants chosen to become MRP members, must resign from their position and their status as public servant;
- o) Education level must be at least primary school level or the equivalent for customary representatives and high school certificate (SLTP) or equivalent for religious and women representatives;
- p) Customary representatives must be accepted and recognized by the local customary community;
- q) Religious representatives must be recommended by a legitimate religious institution;
- r) Women representatives must be active and consistent in championing women's rights and accepted by the female community;
- s) For customary, religious and women representatives who put themselves forward for selection or are nominated, they must resign from any other institutions;

## **CHAPTER III**

### **METHOD OF SELECTION FOR MRP MEMBERS**

#### **Part 1 Implementation of Selection**

##### **Section 5**

1. Selection of MRP members is carried out by the MRP Selection Committee.
2. The MRP Selection Committee, as mentioned in subsection 1 above, is constituted by:
  - a) District MRP Selection Committee;
  - b) District/City MRP Selection Committee;
  - c) Provincial MRP Selection Committee.
3. The MRP Selection Committee as mentioned in subsection 2 will each have 5 (five) people and the members are from elements of the government and community.
4. Formation of the MRP Selection Committee as mentioned in subsection 2 (a) and (b) will be determined by the district and city leaders after receiving recommendations from the district or city DPRD and the community.
5. Formation of the MRP Selection Committee as set out in subsection 2 (c) is determined by the Governor, after considering the views of DPRD and the community.
6. Selection Committee, as set out in subsection 2 is to be formed 3 (three) months before selection of the MRP members and will cease 1 (one) month after the appointment of MRP members.

##### **Section 6**

The tasks and powers of the Selection Committee is the following:

- a. Plan to undertake selection of MRP members;
- b. Coordination, implementation and complete each step in the implementation of selection of MRP members;
- c. Set timeframes and dates for selection MRP members;
- d. Forward the decisions regarding MRP member selections to the Internal Affairs Minister via the Governor and the District/City leaders for (pengesahan);
- e. Conduct evaluation and report on the selection process.

##### **Section 7**

The Selection Committee is obligated to:

- a. Treat each candidate in a just manner through the selection process;
- b. Investigate and verify the qualifications of each candidate for MRP membership;

- c. Protect and maintain confidentiality of the arsip and documents of the candidates;
- d. Provide information to the community about the selection process;
- e. To be responsible in the use and spending of money provided for the purposes of the Selection Committee APBD.

## **Section 8**

1. Pengawasan implementation of MRP member selection is undertaken by a selection supervision committee formed by the Governor at the provincial and district levels.
2. There will be 5 (five) members of the selection supervision committee at each level as set out in subsection 1 above.
3. Members of the selection supervision committee will be from the police, public prosecution service and community.
4. The tasks and powers of members of the supervision committee are:
  - a. Supervise each step in the selection process;
  - b. Receive the evaluation reports of the selection process;
  - c. Resolve any disputes which arise in the selection process;
  - d. Forward findings to those in authority.
5. Supervision Committee Members as set out in subsection 2 above is formed 3 (three) months prior to selection of MRP members and will cease 1 (one) months after MRP members are appointed.

## **Section 9**

1. Selection Supervision Committee at the provincial level is responsible to the Governor.
2. Selection Supervision Committee at the district and city levels is responsible to the district head.

## **Part 2 Selectors**

### **Article 10**

1. Selectors are constituted by members of the customary, religious and female communities, citizens which have lived continuously in the province for at least 6 (six) months.
2. To be able to register as a selector, the person in question must fulfil the following conditions:
  - a. Be aged above 17 (seventeen) years of age, or has already been married;
  - b. Sound of mind;
  - c. Must not have been disqualified from being registered as a selector by a decision of a Court in accordance with law.
3. If a person has more than one places of residence they must nominate one of those to be used as their place of residence for the purposes of registering as a selector.

4. Selectors who have been registered will be provided with a card demonstrating proof of registration, as identification when making decisions and placing votes.

### **Part 3 Candidates**

#### **Section 11**

1. The first step in MRP candidate registration in the selection areas is recommendations from the customary and female communities to the selection committees at the district level.
2. Registration of MRP candidates for the religious community come from the religious community to the selection committee at the provincial level.

### **Part 4 Selection Steps**

#### **Section 12**

1. Selection of MRP members is to be conducted in the following manner:
  - a. Selection of customary and women representatives is undertaken at two levels, those being the district/city levels;
  - b. Selection of religious representative occurs at one level, the provincial level on a proportional basis.
2. Selection of MRP members as set out in subsection 1 (a) is carried out by MRP Selection Committees at the district and region/city levels.
3. Selection of MRP members as set out in subsection 1 (b) is carried out by the MRP Selection Committee at the provincial level.

#### **Section 13**

1. The process of selecting MRP members, as set out above in section 12(1)(a) will be carried out in the following manner:
  - a. The first step/round will take no longer than 30 (thirty) days;
  - b. The second round/step will take no longer than 14 (fourteen) days.
2. This process of selecting MRP members as set out in section 12(1)(b) will be undertaken in 14 (fourteen) days at the most.

#### **Section 14**

1. The first round of selection for MRP members as set out under section 12(1)(a) will be carried out via the simultaneous casting of votes in each region across the province.

2. The second round of selection for MRP members as set out in section 12(1)(a) will be undertaken to choose 2 representatives which represent customary and female communities.
3. Selection as set out under subsection (2) will be reached through discussion and consultation.
4. If the consultation as set out in subsection (3) fails to reach an outcome, then selection shall occur via the casting of votes.

### **Section 15**

1. Results of the selection of MRP members at the district level, as set out in section 14(2) will be forwarded by the district selection committee to the regional district/city selection committee so that the second round of selection can be undertaken.
2. Selection of the MRP members at the second stage, as set out in subsection (1) from the candidates put forward after the first stage will be carried out via discussion and consultation.
3. If discussion and consultation as set out in subsection (2) above does not lead to a clear result, selection shall occur via the casting of votes.
4. The result of the selection as set out in subsection (2) will be presented by ranking the MRP candidates on the basis of the votes of the selection committee, which will then be confirmed by the Head of the Region/City (Bupati).
5. MRP candidates ranked number one on the list of candidates from customary and women elements, as set out in section 3 will be forwarded by the Bupati/Head of the Region to the Internal Affairs Minister via the Governor to officially proclaim the selected members.

### **Section 16**

1. Candidates to become MRP religion representatives for each religion will be recommended by each religion community.
2. Every religion community, as set out in subsection (1) can put forward MRP candidates for each district and region in the province.
3. Candidates for the MRP as set out in subsection (1) will have their qualifications and credentials investigated and verified by the selection committee at the provincial level.
4. Candidates for the MRP who fulfil the conditions MRP as set out in subsection (2) will be selected via discussion and consultation with the religion communities at the provincial level having consideration to the proportion of population of each religion.
5. The selection committee at the provincial level will determine the number of representatives for each religion by proportion to the number of people from each religion.
6. If consultation and discussion as set out in subsection (3) fails to reach a clear result, selection shall occur via the casting of votes by the committee at the provincial level.

7. Results of the selection of MRP members as set out in subsection (6) will be presented by ranking the candidates of each religion in accordance with the number of votes received will be confirmed by the Governor.
8. The MRP candidates confirmed by the Governor as set out in subsection (7) will be forwarded by the Governor to the Internal Affairs Minister to officially proclaim the selected members.

## **Part 5 Proclamation and Inauguration**

### **Section 17**

1. Results of the selection of MRP members will be recommended to the Internal Affairs Minister by the Governor to be officially confirmed.
2. Confirmation as set out in subsection (1) will be given no later than 30 (thirty) working days after receiving the recommendations of the Governor.
3. The Internal Affairs Minister will not consider MRP candidates who do not fulfill the conditions as set out in section 4.
4. MRP candidates who are illegal as set out in subsection (3) can launch an appeal against the decision within 14 (fourteen) days of receiving the letter of notification they have been disqualified.
5. Appeals, as set out in subsection (4), will be decided by the Internal Affairs Minister within 14 (fourteen) days of receiving the letter of appeal and this decision will be final and binding.
6. If the appeal as set out in subsection (5) cannot reach agreement, the Internal Affairs Minister can return the recommendation to the Governor to recommend other candidates in order of rank.

### **Section 18**

1. The chosen MRP members will be inaugurated by the Internal Affairs Minister in the capital city of the province.
2. Before undertaking their tasks and responsibilities, MRP members must make a solemn pledge and be officially sworn in.
3. The pledge to be sworn shall take the following form:

“Before God (Allah), I solemnly swear:  
that I am prepared to carry out the tasks and responsibilities and accept the obligations that attach to membership of the MRP, honestly and justly;

that I will uphold the principles of the Pancasila and the 1945 Constitution, along with the laws and regulations in force;

that I will uphold and facilitate democracy, and promise my allegiance and service to the country and nation of the Republic of Indonesia.”



## **CHAPTER IV**

### **STANDING DOWN AND SUSPENSION OF MRP MEMBERS AND CHANGING MRP LEADERSHIP**

#### **Section 19**

1. Members of the MRP will cease to be members because of:
  - a. Death;
  - b. Are unable to continue in carrying out their tasks and responsibilities as required by the position;
  - c. Resignation- request to excuse themselves from the position;
  - d. They move to another region;
  - e. Violation of the MRP code of ethics;
  - f. No longer fulfill the conditions and requirements of MRP members;
  - g. Violate any of the prohibitions set out in this regulation;
  - h. Violate the solemn pledge of MRP members;
  - i. Convicted, by a court of law, with a crime attracting a jail sentence of more than 5 years.
2. MRP members will be stood down if they are proven to have participated in corruption, terrorism, subversion or other crimes against the security of the nation.
3. Standing down and suspension of members as set out in subsection (1) and (2) will be conducted by the Internal Affairs Minister.

#### **Section 20**

1. Standing down of MRP members as set out in section 19(1)(b), (c), (d), (e), (f), (g) and (h), will be recommended by the MRP leadership to the Internal Affairs Minister, via the Governor, after consideration is given to the results of the evaluation report of the MRP Council of Respect concerning the MRP members violation.
2. Evaluation and verification as set out in subsection (1), will be carried out on the basis of complaints from the MRP leadership, community, Customary Councils, Women's Institutions and/or Religious Institutions.
3. The method of making complaints, defence and decision making of the MRP Council of Respect, as set out in subsection (2), will be set out under the rules of the MRP.
4. Standing down of MRP members as set out in section 19(1)(i) and/or for subversive can be conducted by a public servant/official without consultation of the MRP Council of Respect.

5. The MRP Council of Respect will be constituted by 5 people from amongst the leaders and members of the MRP, who represent religion, custom and women's groups.
6. The method of creating a MRP Council of Respect, as set out in subsection (5) will be set out under the rules of the MRP.

### **Section 21**

1. MRP leaders can be changed if their work is considered below standard and deviates from that expected under sections 19(1)(e), (f), (g), (h), and (i) based on a collective evaluation of the leader's work by the MRP leadership.
2. The evaluation of MRP leadership as set out in subsection (1) will occur by conducting a plenary session, attended by at least 2/3 of the MRP members.
3. If the evaluation of MRP leadership concludes the leadership's work is below standard and deviates from that set out under subsection (1), and is agreed by 2/3 of the MRP members in attendance at the plenary session, then this will become the basis to change leadership.

### **Section 22**

1. Recommendations to change leadership as set out in section 21(3) can be decided in a plenary session attended by at least 2/3 of the MRP members.
2. MRP decisions to change MRP leadership as set out in subsection (1) is completed with Notification of Change Ceremony.

### **Section 23**

Decisions of the MRP to recommend a change in MRP leadership, as set out in section 22(2), are to be forwarded to Internal Affairs Minister via the Governor, to officially change the leadership.

### **Section 24**

Replacements for the MRP leadership, as set out in section 23, will be selected and voted in by the MRP members.

## **CHAPTER V**

### **MRP MEMBER TERMS**

#### **Section 25**

1. At the end of each MRP member's term, the MRP member will be replaced.
2. Replacement members, as set out in subsection (1), will be chosen by the Internal Affairs Minister from the ranked candidates provided by the Governor.

## **Section 26**

1. The Internal Affairs Minister will appoint the new MRP member from the candidates within 30 days of receiving the recommendations from the Governor.
2. The Internal Affairs Minister can delegate the inauguration of MRP members to the Governor as the representative of the Government.

## **CHAPTER VI**

### **RULES OF THE MRP**

#### **Section 27**

1. The rules of the MRP form the basis for the implementation of the rights and obligations of the MRP.
2. The rules as set out in subsection (1) will cover the instrumentalities, the implementation of rights and obligations and MRP sessions.
3. The rules of the MRP will be decided upon by decision of the MRP made in accordance with this regulation.

## **CHAPTER VII**

### **MRP INSTITUTIONS and OFFICES**

#### **Section 28**

Institutions and officeholders within the MRP are as follows:

- a. Leadership;
- b. Working Groups; and
- c. Council for Respect.

#### **Section 29**

1. MRP Leadership is a collective institution to reflect customary, religious and female elements which consist of:
  - a. One Chairman;
  - b. Two Vice-Chairmans.
2. The Governor will officially confirm and inaugurate the leadership on behalf of the Internal Affairs Minister.
3. Method of selection of leadership will be set out under the rules of the MRP.

#### **Section 30**

4. Working groups are the instruments of the MRP to cover issues of custom, women and religion.
5. There will be as many as three working groups in the MRP.

### **Section 31**

MRP working groups as set out in section 30(2) are constituted by:

- a. Working Group for Custom;
- b. Working Group for Women;
- c. Working Group for Religion.

### **Section 32**

1. The tasks of MRP working groups as set out in section 31 are:
  - a. Working Group for Custom has responsibility of focusing on and considering issues in relation to the protection of traditional customs and cultures of the native Papuans;
  - b. Working Group for Women has responsibility for the protection and empowerment of women having regard to justice and equality between the genders;
  - c. Working Group for Religion is responsible for maintaining religion as an important part of life in the community.
2. Tasks of the MRP working groups as set out in subsection (1) will be covered in more detail in the rules of the MRP.

### **Section 33**

7. Council for Respect is an instrument/element of the MRP which is tasked with and responsible for the consideration and evaluation of MRP members who fulfill the conditions as set out in section 19(1)(b), (e), (f), (g) and (h).
8. Council for Respect will be made up of elements from the leadership and MRP members representing custom, women and religion and will have not more than 5 members.
9. The method of forming the MRP Council of Respect as set out in subsection (1) will be covered in more detail in the rules of the MRP.

## **CHAPTER VIII**

### **PROHIBITIONS AND PUNISHMENT**

#### **Section 34**

MRP members are forbidden to:

- a. Betray the Pancasila, the 1945 Constitution, the nation of the Republic of Indonesia and its legitimate government;
- b. Act in an immoral or undignified manner;

- c. Maintain their position with the public service;
- d. Act in an illegal manner that could result in their disqualification to vote;
- e. Use state funds from the Provincial Spending Fund (APBD) for their own activities.

### **Section 35**

4. MRP members who participate in any of the prohibited actions set out in section 34 will be punished by being stood down as a member of the MRP.
5. The punishment set out in subsection (1) will be handed down after consideration and evaluation by the Council for Respect.
6. The manner in which the punishment in subsection (1) is regulated will be set out in the MRP rules.

## **CHAPTER IX**

### **Part 1**

#### **Tasks and Powers of the MRP**

### **Section 36**

MRP has the power and responsibility to:

- a. Give consideration to and agree upon candidates for Governor and Deputy Governor as recommended by the DPRP;
- b. Give consideration to and agree upon special regional regulations (perdasus - UU No 21/2001) as recommended by the DPRP and the Governor;
- c. Give suggestions, consideration and agree upon work contracts and tenders for work made between the government and provincial government and third parties to operate in the province, in particular those which concern the protection of the rights of native Papuans;
- d. Be sensitive to and channel the aspirations, problems and opinions of the customary, female and religious communities and the community in general which relate to the protection of the native Papuan's rights as well as facilitate a method of resolving these issues;
- e. Provide their opinions and conclusions to the provincial legislature (DPRP), Governor, district legislature (DPRD) as well as the respective town and city leaders concerning issues related to the protection of the rights of native Papuans.

### **Part 2**

#### **Method for Consideration and Approval of Proposed Candidates for Governor and Deputy Governor**

### **Section 37**

1. MRP will consider and agree upon candidates for Governor and Deputy Governor from those recommended by the DPRP.
2. Consideration and agreement as set out in subsection (1) only relates to the requirement that the proposed candidates for governor and deputy governor must be native Papuans.
3. The results of the consideration and agreement of the MRP will be notified in writing to the DPRP leadership within 7 days counted from the date the recommendations are forwarded to the MRP.
4. If the MRP cannot agree upon the proposed candidates because they do not fulfill the condition set out in subsection (2), DPRP will be given an opportunity to amend the candidates within 7 days of MRP notification.
5. Candidates which attain the approval of the MRP will be passed on to the DPRP.
6. If within 7 days MRP does not provide approval of candidates recommended by the DPRP, the proposed candidates can legally be put forward as candidates.

**Part 3**  
**Method for Consideration and Approval of**  
**Proposed Special Regulations (Perdasus)**

**Section 38**

1. The provincial government and the DPRP will forward proposed special regulations (perdasus) to the MRP to discuss, consider and approve.
2. Debate of the proposed special regulations as set out in subsection (1) above will be undertaken by working groups within 30 days of receiving the proposed special regulation.
3. In giving consideration to and approval as set out in subsection (1), the MRP will consult with the provincial government and legislature.
4. In the event a special regulation is not considered by the MRP within 30 days as set out in subsection (1), the special regulation is deemed as having the approval of the MRP.
5. The Provincial government and legislature will introduce the proposed Special Regulation as set out in subsection (1) and it will become law.

**Part 4**  
**Method of Consideration and Approval of**  
**Cooperation with Third Parties**

**Section 39**

1. The central government or provincial government and legislature (DPRP) will forward all proposed contracts of cooperation to the MRP to consider having regard to the protection of Native Papuan's rights.

2. Debate of the proposed cooperation contracts/tenders as set out in subsection (1) will be undertaken by the working groups, which will then obtain approval from a plenary sitting of the MRP within 30 days of receiving the proposed contract.
3. Where required, the working groups can consult with the central or provincial governments regarding the proposed contracts set out in subsection (1).
4. In the event the MRP does not consider and approve the proposed contract between the government and a third party within 30 days as set out in subsection (2), the proposed contract will be deemed to have been approved by the MRP.
5. Cooperation contracts with third parties from outside of the country will be implemented in accordance with the laws and regulations which regulate foreign affairs.

**Part 5**  
**Method of Receiving Opinions, Aspirations**  
**and Complaints of the People**

**Section 40**

1. The customary community, followers of religion, women and the community in general can go directly to the MRP to pass on their opinions, aspirations and complaints which will be received by the MRP Secretariat and then passed onto the MRP leadership and/or the working groups responsible.
2. In acting upon the aspirations and complaints received under subsection (1), the leadership of the MRP will forward these to the Governor and DPRP who will act in accordance with the law.

**Part 6**  
**Method for Considering the Protection of the Rights of**  
**Native Papuans**

**Section 41**

1. Regional policy formulated by the provincial and district governments concerning issues relating to the protection of the rights of native Papuans will be forwarded to the MRP for consideration.
2. The conclusions of the MRP after consideration as set out in subsection (1) above will be notified in writing to the district government within 14 days of receiving the proposed policy.

**CHAPTER X**

**IMPLEMENTATION OF RIGHTS AND OBLIGATIONS OF MRP**

**Part 1**  
**Right to Request Clarification/Explanation**

## **Section 42**

1. MRP can seek clarification from the provincial government in relation to matters concerning the protection of the rights of native Papuans.
2. Seeking clarification as set out in subsection (1), must be suggested by at least 20% of the total MRP membership, by representatives representing all elements of custom, women and religion.
3. Recommendations, as set out in subsection (2), to seek clarification will be put before a plenary sitting of the MRP by MRP leadership.
4. In the plenary sitting as set out in subsection (3), those recommending the MRP seek clarification will have an opportunity to orally explain the recommendation.
5. If the plenary session agrees with the request for clarification as set out in subsection (3), the MRP leadership will forward the request for clarification in writing to the head of the provincial parliament.
6. The provincial parliament will then provide written clarification to the MRP leadership.
7. MRP members can then forward questions arising from the clarification to the provincial parliament in session.

## **Part 2**

### **Right to Request Reconsideration of Perdasi**

1. MRP can forward requests to reconsider regulations (perdasi) or regulations of the Governor which are inconsistent with the protection of the rights of Native Papuans.
2. Requests to reconsider, as set out in subsection (1), must be suggested by at least 30% of the total MRP membership, by representatives reflecting all elements of custom, women and religion.
3. Requests to reconsider, as set out in subsection (2), will be forwarded in writing to the head of the provincial government and legislature (DPRP).
4. Requests to reconsider, as set out in subsection (3), will be considered in writing by the provincial government and legislature to be debated in session.

## **Part 3**

### **Right to Request Funds for MRP**

## **Section 44**

1. MRP will forward its annual planned budget to the DPRP.
2. The planned budget for the MRP, as set out in subsection (1), will be debated by the legislature (DPRP) and the Governor to determine the budget of the MRP.
3. The budget, as set out in subsection (1) of the MRP will be taken from the provincial budget (APBP).

## **Part 4**



## **Right to Introduce MRP Rules**

1. MRP will introduce the Rules and Regulations of the MRP based on this regulation.
2. The MRP Rules, as set out in subsection (1), shall cover :
  - a. Pledges/swearing in;
  - b. Voting and determining leaders;
  - c. Standing down and changing leadership;
  - d. Process and practice within sessions and meetings;
  - e. The tasks, powers, obligations, rights and prohibitions for members and instrumentalities of the MRP;
  - f. Complaints and tasks of the Council for Respect in the process at the end of terms of office;
  - g. Formation, composition, tasks, powers and obligations of the MRP institutions and instrumentalities;
  - h. Process of making decisions;
  - i. Receiving the complaints and aspirations of the community;
  - j. Implementation of secretariat functions;
  - k. Regulatory protocols and code of ethics.

## **Part 5 Implementation of the Rights of MRP Members**

### **Section 46**

1. MRP members have the right to put forward questions.
2. The right to place questions, as set out in subsection (1), can be put forward orally or in written form to be discussed in MRP session.

### **Section 47**

1. MRP members have the right to put forward their opinions and recommendations.
2. Recommendations and opinions, as set out in subsection (1), can be put forward orally or in written form to be debated in MRP session.

### **Section 48**

1. MRP members have the right to immunity from prosecution before a court of law for any opinion or statements they make in MRP session, provincial government or legislature (DPRP).
2. The provision in subsection (1) does not apply where a member is in breach of section 34(a) above [betrayal of Pancasila, constitution or government] and to the announcement of material decided in closed or confidential sessions or other matters relating to the announcement of state secrets as set out in book 2, Chapter 1 of the Criminal Code.

## **Section 49**

The right to speak (protokol) of MRP members is to be equivalent to that of members of the provincial legislature (DPRP) and will be determined by the rules of the MRP.

## **Part 6 Implementation of the MRP Obligations**

### **Section 50**

1. MRP in implementing its tasks and powers have the following obligations:
  - a. Defend and protect the unity of the Republic of Indonesia and to serve the people of the Papua Province;
  - b. Observe the Pancasila and 1945 Constitution, and obey the laws and regulations in force from time to time;
  - c. Guide the preservation of the custom, traditions and culture of the native Papuans;
  - d. Guide and encourage religion in the life of the community;
  - e. Strive for the empowerment of women.
2. Obligations set out above in subsection (1) will be observed by the leadership and members of the MRP in all MRP activities, prioritizing the interests of the country and nation.
3. The method of observing the obligations set out above in subsection (1) and (2) will be regulated in the rules of the MRP.

## **CHAPTER XI**

### **MRP SESSIONS**

#### **Section 51**

MRP Sessions will consist of:

- a. Plenary sessions;
- b. Working sessions;
- c. Sessions to hear opinions;
- d. Working Group Sessions;
- e. Combined Working Group Sessions.

#### **Section 52**

1. Plenary session, as set out in section 51(a), is a session of members lead by the MRP leadership and represents the highest forum used in the implementation of the tasks and powers of the MRP.
2. Working sessions, as set out above in section 51(b), are sessions involving the instrumentalities of MRP with officials from the provincial and district

governments as well as the provincial and district legislatures (DPRP and DPRD) and other government institutions in the region.

3. Rapat Dengar Pendapat, as set out in section 51(c), is a session involving the MRP instrumentalities with community bodies and institutions in order to hear the opinions, aspirations and complaints of the people in accordance with the role and powers of the MRP.
4. Working Group Sessions, as set out in section 51(d), is a session of the Working Groups and their members and is lead by the Working Group leaders in accordance with their field of responsibility.
5. Combined Working Group Sessions, as set out in section 51(e) is a session in which more than one Working Group participates.

### **Section 53**

1. Plenary sessions must be held at least once every 6 months.
2. MRP sessions set out above in subsection (1) must be attended by at least 2/3 (two-thirds) of the MRP members.
3. Decisions made in plenary session, as set out in subsection (2), will take force if agreed by 2/3 of those in attendance.
4. Other matters concerning the procedure and practices of MRP sessions will be regulated in the rules of the MRP.

### **Section 54**

1. MRP products are in the form of MRP Decisions and MRP Leadership Decisions.
2. Methods, procedures and practices in coming to these Decisions will be set out in the rules of the MRP.

## **CHAPTER XII**

### **MRP SECRETARIAT**

#### **Article 55**

1. The MRP Secretariat is headed by the secretary, who is responsible for assisting the MRP in carrying out its tasks and fulfilling its role.
2. The MRP Secretary will be a public servant , who fulfils the conditions set by the Governor.
3. The Secretariat, for operational purposes, sits below the MRP leadership, but for technical administration purposes, sits below the Secretariat of the Region and Province.

### **Section 56**

The location, composition, method of work and budget of the Secretariat will be regulated by further special regulations (perdasi).

## **CHAPTER XIII**

### **REMUNERATION OF LEADERS AND MEMBERS**

#### **Part 1**

#### **Right to Remuneration - MRP**

##### **Section 57**

Total remuneration of leaders and members of the MRP consists of:

- a. Representation pay;
- b. Pay packet;
- c. Officeholder allowance;
- d. Health and well-being allowance;

#### **Part 2**

#### **Representation Pay**

##### **Section 59**

1. Leaders and members of the MRP will receive a pay packet.
2. The representation pay for the Chairman of the MRP will be no greater than 50% of the basic wage of the Governor.
3. The representation pay for the Deputy Chairman of the MRP will be no greater than 90% of the representation pay of the Chairman.
4. The representation pay for members of the MRP will be no greater than 80% of the representation pay of the Chairman.
5. Besides representation pay, the leadership and membership of the MRP will also receive a family allowance and food allowance.
6. The allowances set out in subsection (5) will be the same as that of members of the DPRP.

#### **Part 3**

#### **Remuneration/Pay Packet**

1. The leadership and membership of the MRP will receive a pay packet.
2. The amount of the pay packet, set out in subsection (1) above, will not exceed 20% from the representation pay, inclusive.

#### **Part 4**

#### **Officeholder Allowance**

## **Section 60**

1. The leadership of the MRP is entitled to an officeholder allowance.
2. The leaders of the working groups are entitled to an officeholder allowance.
3. The amount of the officeholder allowance set out in subsection (1) will be no greater than 50% of the representation pay, inclusive.
4. The amount of the officeholder allowance set out in subsection (2) will be no greater than 30% of the representation pay, inclusive.

## **Part 5 Health and Well-Being Allowance**

### **Section 61**

1. To cover the health and medical needs of the leadership and members of the MRP, a well-being allowance.
2. Health allowance set out above in subsection (1) will be given in the form of insurance.

### **Section 62**

If a leader or member of the MRP dies, their heir will receive:

- a. Assistance payout of as much as 3 times the representation pay, or if death occurred in the course of MRP work, the family payout can be as much as 6 times the representation pay.
- b. Assistance with funeral expenses.

### **Section 63**

1. The Chairman of the MRP will be provided with a furnished home and one official vehicle.
2. The Deputy Chairmen will receive one official vehicle.
3. Once the leadership is stood down or the term ends, the home and furniture, and official vehicles will be returned, in good condition, to the Provincial Government.

### **Section 64**

The leaders and members of the MRP will be provided with official uniforms/clothing depending of the state of the provincial budget.

## **Part 6 Cost of MRP Activities**

## **Section 65**

1. To ensure the implementation of MRP tasks and responsibilities, the following budget is set aside for the MRP Secretariat:
  - a. Budget for payment of workers;
  - b. Budget for office supplies and requirements;
  - c. Budget for travel;
  - d. Budget for security;
  - e. Budget for additional funds for miscellaneous purposes.
2. The size of the MRP budget as set out in subsection (1) will depend upon the Provincial budget and will not exceed that of the DPRP.

## **Part 7 Acknowledgement of Service Payment**

### **Section 66**

1. Leaders and members of the MRP, at the end of their term or if they are respectfully relieved of their position or die, will receive an acknowledgement of service payment, that is:
  - a. For the leaders of the MRP, for every one year of holding office they will receive between one and five months representation pay;
  - b. For MRP members for every one year of membership they will receive between one and five months representation pay;
  - c. If the term of holding office in subsection (a) is less than one year, it will be rounded up for these purposes to one full year.
2. In the event a leader or member of the MRP dies, acknowledgement of service payment set out in subsection (1) will be paid to their heir/s.

### **Section 67**

1. Any costs incurred as a result of this Regulation will be covered by the Provincial Region Budget (APBDP).
2. MRP is prohibited from receiving funds from sources other than the Provincial Regional Budget (APBDP).
3. Special regulations (perdasi) which regulate spending and budget for the MRP which are inconsistent with or exceed that set out in this regulation will be repealed by the Internal Affairs Minister.

### **Section 68**

The MRP Secretary is responsible for the management of MRP funds, use of which should be responsible and accountable, in accordance with this regulation and the law.

## **CHAPTER XIV SUPERVISION**

### **Section 69**

1. The community will supervise the exercise and implementation of the tasks and powers, the rights and obligations of the MRP.
2. The methods of supervision and review as set out in subsection (1) will be set out in further regulations.

## **CHAPTER XV**

### **MISCELLANEOUS PROVISIONS**

#### **Part 1**

#### **Additional responsibilities of the MRP**

### **Section 70**

Besides the powers and tasks set out in section 36, MRP has the following additional responsibilities:

- a. To consider and approve the division of the province;
- b. To provide recommendations for amendments to Law No 21/2001 concerning the Special Autonomy of the Papua Province.

#### **Part 2**

#### **Method of Consideration and Approval**

### **Section 71**

1. Plans to divide the province are provided to the MRP by the provincial government and legislature (DPRP) to consider.
2. The Working Groups and Combined Working Groups will discuss the plans to divide the province, as set out in subsection (1), and then a plenary session will agree upon the plans, no less than 30 days after receiving them.
3. The Working Groups or Combined Working Groups can seek clarification from the Provincial Government and Legislature (DPRP) concerning the division of the province, as discussed in subsection (1).

4. In the event the plans for the division of the province are not given consideration and approval within 30 days of being received by the MRP, as set out in subsection (2), the plans will be deemed to have the consideration and approval of the MRP.

**Part 3**  
**Method of Recommending Amendments to Law No 21/2001**

**Section 72**

1. Recommendations for amendments to Law No 21/2001 can be passed on by the people to the MRP and DPRP.
2. Recommendations as set out in subsection (1) which are passed on via the MRP will be debated by the MRP and then forwarded to the Provincial legislature (DPRP) and government via the Governor.
3. Recommendations for amendment as set out in subsection (1) will then become material for discussion in the central Government.

**Part 4**  
**Formation of the MRP in the Divided Areas**

**Section 73**

MRP along with the Papuan Provincial Government and Legislature (DPRP), is given the task and responsibility to assist the Government to resolve and implement the division of the Papuan province which had been decided prior to this regulation, taking into consideration the realities of the situation and the laws in operation, no later than 6 months after being appointed MRP members.

**Section 74**

1. Once division of the province has occurred, the MRP will sit in the capital city of each of the new provinces.
2. The method of formation, composition, location, membership, implementation of tasks and powers of the MRP in each province set out in subsection (1) will be based on the provisions of this regulation.

**Section 75**

1. MRP must be prepared to implement and be responsible for the creation of MRP in each of the new provinces once the division occurs.
2. In implementing the task set out in subsection (1) MRP will work in cooperation with the Provincial Government and Legislature (DPRP).



## **CHAPTER XVI**

### **CLOSING PROVISIONS**

#### **Section 76**

This regulation will take force from the date of introduction. Let it be known, this law applies to all and is declared by the authority of the Republic of Indonesia.

Confirmed in Jakarta  
23 December 2004

**PRESIDENT OF THE REPUBLIC OF INDONESIA**

**DR H. SUSILO BAMBANG YUDHOYONO**

Introduced in Jakarta  
23 December 2004

**MINISTER FOR LAW AND HUMAN RIGHTS  
INDONESIA**

**DR HAMID AWALUDDIN, S.H**