



Legal Gaps and Socio-Legal Realities in the Protection of Indigenous Papuan (OAP) Workers

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Original Article

Abstract

The implementation of policies aimed at protecting and empowering Indigenous Papuan (OAP) workers in West Papua remains suboptimal, despite the existence of a special autonomy framework and affirmative action measures. This study seeks to examine the roles and responsibilities of local governments and to identify the factors affecting the effectiveness of these policies. The research employs a normative legal approach, incorporating statutory and conceptual analyses, and is supported by qualitative methods. The findings reveal that key constraints include inadequate infrastructure, limited institutional capacity, insufficient human resources, and weak integration between formal legal systems and customary law. It is concluded that enhancing policy effectiveness requires a holistic, participatory, and context-sensitive approach to ensure the protection and empowerment of Indigenous Papuan workers.

Keywords: *Legal Policy, Labor, Employment, Indigenous Papuans, Special Autonomy*

Abstrak

Belum optimalnya implementasi kebijakan perlindungan dan pemberdayaan tenaga kerja Orang Asli Papua (OAP) di Papua Barat meskipun telah didukung oleh kerangka otonomi khusus dan kebijakan afirmatif. Penelitian ini bertujuan untuk menganalisis peran dan tanggung jawab pemerintah daerah serta mengidentifikasi faktor-faktor yang mempengaruhi efektivitas implementasi kebijakan tersebut. Metodologi yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual, didukung analisis kualitatif. Hasil penelitian menunjukkan bahwa hambatan utama meliputi keterbatasan infrastruktur, lemahnya kapasitas kelembagaan, kurangnya sumber daya manusia, serta ketidaksinergian antara hukum formal dan hukum adat. Kesimpulannya, efektivitas kebijakan memerlukan pendekatan holistik, partisipatif, dan kontekstual guna mewujudkan perlindungan dan pemberdayaan tenaga kerja OAP.

Kata kunci: *Kebijakan Hukum, Pekerja, Ketenagakerjaan, Orang Asli Papua, Otonomi Khusus Papua*

1. INTRODUCTION

Indonesia is widely recognized as a country characterized by a high degree of diversity in terms of ethnicity, religion, culture, language, and societal value systems. This diversity constitutes an inherent social reality that shapes the national identity and serves as a foundational basis for the development of an inclusive legal and governance framework. In this context, the national motto *Bhinneka Tunggal Ika* (Unity in Diversity) functions not only as a symbolic expression of unity but also as a normative principle guiding the formulation of public policies that respect differences and ensure justice for all citizens, including indigenous communities.

The recognition of the existence and rights of indigenous peoples is constitutionally enshrined in the 1945 Constitution of the Republic of Indonesia, particularly under Article 18B(2), which affirms that the state recognizes and respects indigenous legal communities and their traditional rights, provided that they remain consistent with societal development and the principles of the Unitary State of the Republic of Indonesia. Within this framework, the granting of special autonomy to Papua through Law No. 21 of 2001, as amended by Law No. 2 of 2021, represents a form of asymmetric decentralization aimed at providing Indigenous Papuans (OAP) with greater authority in governance, resource management, and development planning in accordance with their specific needs and aspirations.

Nevertheless, the implementation of special autonomy policies in Papua continues to encounter significant challenges and complexities. Several provisions introduced in the amended Special Autonomy Law have generated criticism from various stakeholders, including the Papuan People's Assembly (Majelis Rakyat Papua/MRP), which argues that certain provisions may undermine the constitutional rights of Indigenous Papuans. This condition reflects an ongoing tension between nationally formulated legal frameworks and the socio-political aspirations of local communities, thereby necessitating further critical examination of policy effectiveness.

In parallel, the policy of establishing new autonomous regions (Daerah Otonomi Baru/DOB), which has accelerated in the post-reform era, particularly with the creation of new provinces in 2022, is intended to promote equitable development and enhance public welfare. Regional expansion is expected to improve public service delivery, strengthen local governmental capacity¹, and generate employment opportunities across strategic sectors such as governance, education, healthcare, and infrastructure.² In this regard, the prioritization of Indigenous Papuans in employment and public office represents an essential form of affirmative action aimed at reducing socio-economic disparities.

¹ Ace Hasan Syadzily, *Desentralisasi, Otonomi, Dan Pemekaran Daerah Di Indonesia* (Kencana, 2019).

² Coen J. G. Holtzappel and Martin Ramstedt, *Decentralization and Regional Autonomy in Indonesia: Implementation and Challenges* (Institute of Southeast Asian Studies, 2009).

However, empirical conditions indicate that Indigenous Papuans have not yet been able to fully benefit from these opportunities. Structural constraints—such as limited human capital, restricted access to education and vocational training, and weak monitoring of affirmative action implementation—remain persistent challenges. Moreover, the continued dominance of non-Papuan workers in key economic sectors highlights an imbalance in labor market access, ultimately weakening the socio-economic position of Indigenous Papuans within the regional economy.

Furthermore, within the context of industrial relations, legal protection for Indigenous Papuan workers remains inadequate. Issues such as labor rights violations, weak law enforcement, and a policy orientation that tends to prioritize investment over labor protection contribute to the vulnerability of workers. Normatively, however, the state bears an obligation to safeguard fundamental labor rights, including the right to decent work, equitable treatment, and social welfare.³

Taken together, these conditions reveal a significant gap between normative legal frameworks and their practical implementation. While Indonesia possesses a relatively comprehensive regulatory structure governing special autonomy, regional expansion, and affirmative action policies, their effectiveness in addressing the needs and aspirations of Indigenous Papuans—particularly in the employment sector—remains limited and requires further improvement.

A considerable body of scholarship has examined the protection and empowerment of workers, particularly in relation to indigenous communities and affirmative action policies, employing diverse approaches such as normative juridical, socio-legal, and empirical methods. Collectively, these studies suggest that policy implementation—especially in Papua—continues to face significant structural and cultural challenges.

Djitmau et al., using a normative juridical approach, analyze labor protection in West Papua and find that employment policies emphasizing labor market flexibility tend to weaken workers' legal protections. In practice, violations such as unilateral termination and weak labor supervision remain prevalent, underscoring the critical role of local government capacity in enforcement and oversight.⁴ Similarly, Bayani demonstrates that the 80% quota for Indigenous Papuans (OAP) in civil servant recruitment in Jayapura Regency has been relatively effective in promoting inclusion;

³ Zaeni Asyhadie and Rahmawati Kusuma, *Hukum Ketenagakerjaan Dalam Teori Dan Praktik Di Indonesia* (Prenada Media Group, 2019); Sonny Taufan and Swisca Yolanda, *Ketenagakerjaan Indonesia* (Rasi Terbit, 2015).

⁴ Selfina Beathirix Djitmau et al., "Perlindungan Hukum Tenaga Kerja: Studi Kasus Implementasi Oleh Dinas Ketenagakerjaan Dan Transmigrasi ESDM Provinsi Papua Barat Daya," *Lex Harmonia: Journal of Legal* 1, no. 1 (2026): 1–21, <https://doi.org/10.33506/lhjl.v1i1.5370>.

however, its success is contingent upon regulatory clarity, administrative consistency, and strong local government support.⁵

Further research highlights structural constraints in human resource development. Indonesia identifies persistent barriers in the education sector, including poverty, conflict, limited teaching personnel, and inadequate infrastructure, despite increased funding through special autonomy.⁶ Wachid et al. also reveal that the recognition of customary rights in West Papua remains suboptimal due to limited public awareness, inadequate infrastructure, and the absence of participatory mechanisms.⁷

From a socio-legal perspective, Wicaksana Prakasa et al. argue that development policies, including investment and regional expansion, often contribute to the marginalization of indigenous communities, thereby emphasizing the need for stronger human rights protections and oversight of special autonomy funds.⁸ Wanma and Attamimi further identify a gap between employment opportunities and the capacity of Indigenous Papuans, particularly in adapting to technology-based recruitment systems.⁹ Comparable findings by Ramadhani and Suswanta indicate that, despite formal regulatory guarantees, the effectiveness of employment policies remains constrained by limited capacity and accessibility.¹⁰

In addition, Wamafma et al. highlight that investment policies in West Papua have yet to fully accommodate indigenous interests, as reflected in regulatory overlap and insufficient recognition of customary rights. Overall, these studies demonstrate that while a normative framework supporting protection and empowerment exists, its implementation remains fragmented and insufficiently responsive to the socio-economic realities of Indigenous Papuans.¹¹

Ramely et al., in examining labor force participation among older adults in Malaysia, provide a comparative perspective on the importance of inclusive and adaptive labor policies in responding to demographic change. Their findings indicate

⁵ Sriyati Bayani, "Implementasi Kebijakan Afirmasi: Studi Kasus Penempatan Tenaga Kerja Orang Asli Papua (OAP) Pada Sektor Publik (CPNS Di Lingkungan Kabupaten Jayapura)" (Universitas Gadjah Mada, 2022), <https://etd.repository.ugm.ac.id/penelitian/detail/216417>.

⁶ Alfath Bagus Panuntun El Nur Indonesia, "Education and Social Mobility For Orang Asli Papua," *PCD Journal* 9, no. 2 (2022): 121–47, <https://doi.org/10.22146/pcd.v9i2.3313>.

⁷ Choiruddin Wachid et al., "Policy Implementation of Recognition and Protection of Ulaya Rights in Indigenous Communities in the West Papua Region," *Asian Journal of Education and Social Studies* 48, no. 2 (2023): 17–25, <https://doi.org/10.9734/ajess/2023/v48i21049>.

⁸ Satria Unggul Wicaksana Prakasa et al., "Protecting the Land Tenure Rights of Papuan Indigenous Peoples After New Autonomy Region," *Indonesia Law Reform Journal* 3, no. 3 (2023): 287–303, <https://doi.org/10.22219/ilrej.v3i3.31352>.

⁹ Johanis R. Wanma and Yasir Attamimi, "Training for Enhancement of Passing Grade Value of Job Seekers Registered at The Manpower Department of Jayapura City," *International Journal of Social Service and Research* 2, no. 4 (2022): 252–57, <https://doi.org/10.46799/ijssr.v2i4.98>.

¹⁰ Putri Ramadhani and Suswanta Suswanta, "Implementation of Government Programs in Facilitating Employment Opportunities for Persons with Disabilities in Special Region of Yogyakarta," *Journal of Governance and Public Policy* 6, no. 3 (2019), <https://doi.org/10.18196/jgpp.63116>.

¹¹ Filep Wamafma et al., "The Arrangement of Investment Policy for the Protection of Indigenous People's Rights," *Hasanuddin Law Review* 5, no. 2 (2019): 253–61, <https://doi.org/10.20956/halrev.v5i2.2403>.

that labor force participation has significant implications not only for individual welfare but also for family well-being and broader national development.¹²

The existing literature reveals a persistent gap between legal norms and their practical implementation. Although policies concerning special autonomy, labor-related affirmative action, and the protection of indigenous peoples' rights are well established at the normative level, their implementation continues to face substantial challenges, particularly in terms of institutional capacity, human resources, and the political commitment of local governments.

Previous studies have generally addressed issues of labor protection, affirmative action, and special autonomy in a fragmented manner. However, limited attention has been given to examining these dimensions in an integrated framework. In particular, there is a lack of comprehensive analysis exploring the interrelationship between regional expansion policies, the implementation of special autonomy, and the effectiveness of protecting and empowering Indigenous Papuan labor in West Papua. This study, therefore, offers a novel and integrative approach that connects legal analysis, public policy, and socio-economic realities within a unified analytical framework.

Accordingly, this study aims to provide a comprehensive analysis of the implementation of Papua's special autonomy policy in the context of protecting and empowering Indigenous Papuan (OAP) workers, particularly in West Papua Province following the establishment of new autonomous regions. Specifically, this study seeks to: (1) identify and analyze the roles and responsibilities of the West Papua Provincial Government in enhancing legal protection and the empowerment of Indigenous Papuan workers based on special autonomy provisions, including affirmative action policies in labor recruitment; and (2) examine the key challenges, constraints, and determining factors affecting the effectiveness of these policies, including regulatory, institutional, human resource, and socio-political dynamics in the post-regional expansion context.

2. RESEARCH METHODOLOGY

This study employs a normative juridical legal research method enriched by a socio-legal approach. This combined approach is adopted to analyze legal norms governing Papua's special autonomy and labor protection, while simultaneously examining their implementation in social reality, particularly with respect to Indigenous Papuans (OAP) in West Papua following regional expansion. The research integrates statutory, conceptual, and socio-legal approaches. The statutory approach is utilized to examine

¹² Aslinda Ramey et al., "The Effects of Malaysian Older People's Participation and Engagement in the Local Labour Market," *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 7, no. 7 (2022): e001685, <https://doi.org/10.47405/mjssh.v7i7.1685>.

relevant legal frameworks, including the 1945 Constitution, the Papua Special Autonomy Law, and the Regional Government Law. The conceptual approach draws upon theories of asymmetric decentralization, affirmative action, and labor protection. Meanwhile, the socio-legal approach is applied to understand how legal norms operate in practice within society.

The study relies on secondary data comprising primary, secondary, and tertiary legal materials, supplemented by policy reports and labor statistics. Data collection is conducted through a comprehensive literature review and analysis of official documents. The data are analyzed qualitatively using a descriptive-analytical method, encompassing legal inventory, statutory interpretation, comparative analysis, and deductive reasoning. To ensure the validity of the findings, source triangulation is employed. This methodological framework enables the study to produce findings that are not only normative in nature but also contextual and comprehensive.

3. RESEARCH RESULT AND DISCUSSION

3.1. The Roles and Responsibilities of the West Papua Provincial Government in Enhancing the Legal Protection and Empowerment of Indigenous Papuan Workers

This study seeks to identify and analyze the roles and responsibilities of the West Papua Provincial Government in enhancing the legal protection and empowerment of Indigenous Papuan (OAP) workers, based on the provisions of Papua's special autonomy framework, including affirmative action policies in labor recruitment. The analysis primarily focuses on how legal norms established within the special autonomy regime are implemented in practice and the extent to which these policies respond to the needs and aspirations of Indigenous Papuans in the labor sector.

The West Papua Provincial Government possesses a strong legal foundation for implementing policies aimed at protecting and empowering Indigenous Papuan workers. This is reflected in various regulatory instruments, particularly West Papua Provincial Regulation No. 6 of 2022 on Manpower Administration, which explicitly incorporates principles of non-discrimination, affirmative action, and workforce planning and development tailored to local needs. Article 3 of this regulation affirms that Indigenous Papuan workers are entitled to equal employment opportunities without discrimination and to fair treatment in the workplace, in line with constitutional guarantees of equality before the law and the right to decent work.

Moreover, the provision of a minimum 80% employment quota for Indigenous Papuans, as stipulated in Article 14 of the Regional Regulation, demonstrates a strong commitment by the regional government to advancing affirmative action policies. This measure represents a concrete manifestation of asymmetric decentralization under Papua's special autonomy framework, aimed at addressing structural inequalities

between Indigenous and non-Indigenous Papuans in access to employment. From a normative standpoint, this policy constitutes a progressive step, oriented not only toward legal protection but also toward the economic empowerment of Indigenous communities.

However, the implementation of this policy remains suboptimal. Despite the presence of 412 companies operating in West Papua in 2023, which contribute significantly to regional economic growth, the absorption rate of Indigenous Papuan workers remains relatively low compared to that of non-Indigenous workers. This condition reflects a persistent gap between law in the books and law in action. Contributing factors include the limited quality of Indigenous Papuan human resources, low levels of education and skills aligned with labor market demands, and restricted access to quality vocational training.

The role of the West Papua Provincial Government extends beyond regulatory formulation to include ensuring effective policy implementation through the strengthening of human resource capacity. Provisions under Articles 6 and 7 of Regional Regulation No. 6 of 2022, which govern workforce planning based on a regional employment information system, indicate an effort to promote evidence-based policymaking. However, the effectiveness of this system depends on the availability of accurate data, institutional integration, and the administrative capacity to manage such information effectively.

In addition, provisions concerning job training and apprenticeship programs, as outlined in Articles 8 to 21 of the Regional Regulation, reflect a strategic focus on empowering Indigenous Papuan workers. The regional government has introduced various initiatives, including demand-driven training programs, expanded access to training opportunities, and partnerships with the private sector. Nevertheless, the implementation of these initiatives continues to face significant challenges, such as budgetary constraints, limited training infrastructure, and insufficient coordination among government agencies, the private sector, and educational institutions.

Improving the quality of Indigenous Papuan human resources remains a critical determinant of workforce competitiveness. Empirical studies confirm that limited access to education and training constitutes a major barrier to social mobility among Indigenous Papuans.¹³ Likewise, Wanma and Attamimi demonstrate that although there is strong interest among Papuans in entering public service, this is not matched by adequate competencies, particularly in adapting to technology-based recruitment systems.¹⁴ These findings underscore the importance of integrating employment policies with broader human resource development strategies to ensure the effective empowerment of Indigenous Papuan workers.

¹³ Indonesia, "Education and Social Mobility For Orang Asli Papua."

¹⁴ R. Wanma and Attamimi, "Training for Enhancement of Passing Grade Value of Job Seekers Registered at The Manpower Department of Jayapura City."

In contrast to the findings of Bayani, which highlight the successful implementation of affirmative action policies in civil servant recruitment in Jayapura Regency through an 80% quota for Indigenous Papuans, this study demonstrates that the effectiveness of such policies is highly contingent upon consistent implementation and robust oversight at the regional level.¹⁵ In other words, the mere existence of regulatory provisions is insufficient; their success depends on effective monitoring mechanisms and strong political commitment from local governments.

From a socio-legal perspective, cultural factors, public awareness, and broader socio-economic dynamics also play a critical role in shaping the effectiveness of policies aimed at protecting Indigenous Papuan workers. For instance, persistent discriminatory perceptions among employers regarding the competencies of Indigenous Papuans continue to influence recruitment practices. This suggests that legal protection must extend beyond formal regulatory frameworks to include cultural and educational interventions aimed at transforming societal and institutional mindsets.

Moreover, labor inspection mechanisms in West Papua remain suboptimal. Constraints such as the limited number of labor inspectors, the region's vast geographical coverage, and budgetary limitations significantly hinder effective enforcement of labor regulations, including compliance with employment quotas for Indigenous Papuans. This finding is consistent with Djitmau et al., who emphasize that weak labor supervision contributes to inadequate legal protection for workers.¹⁶

In relation to the Job Creation Law, a dual dynamic emerges between opportunity and risk. On the one hand, increased investment has the potential to generate new employment opportunities. On the other hand, a pro-investment policy orientation may undermine labor protection standards if not accompanied by stringent regulatory oversight.¹⁷ Therefore, the alignment and integration of national and regional legal frameworks—such as Regional Regulation No. 6 of 2022—are essential to ensure that the rights and interests of Indigenous Papuans remain safeguarded.

While the role of the West Papua Provincial Government in protecting and empowering Indigenous Papuan workers is normatively well established, its practical implementation continues to face substantial challenges. The effectiveness of these policies is highly dependent on the synergy between regulatory frameworks, institutional capacity, human resource quality, and the active participation of both the community and the private sector.

Accordingly, optimizing the protection and empowerment of Indigenous Papuan workers requires a comprehensive and integrated approach. Such an approach should

¹⁵ Bayani, "Implementasi Kebijakan Afirmasi: Studi Kasus Penempatan Tenaga Kerja Orang Asli Papua (OAP) Pada Sektor Publik (CPNS Di Lingkungan Kabupaten Jayapura)."

¹⁶ Djitmau et al., "Perlindungan Hukum Tenaga Kerja: Studi Kasus Implementasi Oleh Dinas Ketenagakerjaan Dan Transmigrasi ESDM Provinsi Papua Barat Daya."

¹⁷ Mas Rahmah, *Hukum Investasi* (Prenada Media Group, 2020).

not only strengthen legal frameworks but also prioritize human resource development, enhance access to quality education and training, and reinforce monitoring and law enforcement mechanisms. Without these coordinated efforts, affirmative action policies risk falling short of their primary objective of improving the welfare and economic independence of Indigenous Papuans.

3.2. Challenges, Constraints, and Determinants Affecting the Effectiveness of Policies for the Protection and Empowerment of Indigenous Papuan Workers

This study seeks to identify and analyze the key challenges, constraints, and determining factors influencing the effectiveness of policies aimed at protecting and empowering Indigenous Papuan (OAP) workers, particularly in West Papua. The analysis emphasizes regulatory, institutional, human resource, and socio-cultural dynamics in the post-regional expansion context. The primary objective is to assess the extent to which government-formulated policies can be effectively implemented within a local setting characterized by distinct geographic, social, and cultural conditions.

One of the principal constraints in policy implementation is limited infrastructure and regional accessibility. The geographical characteristics of West Papua—dominated by forests, mountainous terrain, and remote areas—result in the uneven distribution of legal services, policy dissemination, and empowerment programs. Inadequate land transportation networks and restricted access to digital communication technologies further impede the effective dissemination of regulatory information and weaken oversight mechanisms at the local level. This condition directly contributes to the limited awareness and understanding of labor rights among Indigenous Papuan communities.

In addition, human resource limitations represent a significant barrier to effective implementation. The shortage of professionals with expertise in labor law, social services, and community empowerment constrains the operationalization of existing policies. In many areas, local government officials and supporting personnel lack the capacity to align Indigenous Papuans' needs with the prevailing regulatory framework. This challenge is compounded by the absence of continuous capacity-building programs and insufficient incentives for skilled professionals to serve in remote regions.

Cultural factors and the role of customary legal systems also substantially influence policy effectiveness. For Indigenous Papuans, customary law functions not only as a social norm but also as a legitimate system of governance. Consequently, state policies that fail to incorporate local values and practices are likely to encounter resistance or be implemented ineffectively. The findings of this study indicate that the involvement of customary leaders and community representatives in policy formulation and implementation remains limited, thereby creating a disconnect between formal legal norms and local social practices.

From an economic perspective, high levels of poverty and unemployment among Indigenous Papuans constitute major obstacles to workforce empowerment. Empirical evidence indicates that a large proportion of Indigenous Papuans remain engaged in the informal sector, which is characterized by low productivity and limited access to formal employment opportunities. Moreover, low levels of education and a mismatch between existing skills and labor market demands further constrain employment prospects. As a result, capacity-building policies have yet to produce a substantial impact on improving community welfare.

Furthermore, weak inter-institutional coordination represents a critical impediment to effective policy implementation. Collaboration among local governments, the private sector, and civil society organizations remains insufficiently integrated. Existing programs tend to operate in a sectoral and fragmented manner, leading to policy overlap and inefficient allocation of resources. In several instances, the private sector has not been optimally engaged in efforts to empower Indigenous Papuans, despite its strategic role in job creation and workforce development.

The findings of this study are consistent with prior research indicating that policy implementation in Papua is frequently constrained by complex structural and cultural challenges. Existing literature demonstrates that top-down policy approaches tend to be ineffective in the absence of meaningful participation from local communities. Moreover, previous studies underscore the critical importance of infrastructure development and human resource capacity building as fundamental prerequisites for effective policy implementation in underdeveloped regions.¹⁸

This study further highlights the interrelationship among regulatory frameworks, institutional capacity, human resources, and socio-cultural dynamics within an integrated analytical framework. The findings confirm that policy effectiveness is determined not only by the quality of legal norms but also by the ability of institutions to adapt these policies to specific local contexts.

Accordingly, a comprehensive approach is essential in implementing policies for the protection and empowerment of Indigenous Papuan workers. Infrastructure development should be prioritized as a foundational element to enhance regional accessibility and connectivity. At the same time, sustained investment in local human resource development is crucial, including through vocational education, skills training, and capacity building for local government officials.¹⁹

Furthermore, the integration of formal and customary legal systems constitutes a key factor in enhancing both the legitimacy and effectiveness of policy implementation.

¹⁸ Bayani, "Implementasi Kebijakan Afirmasi: Studi Kasus Penempatan Tenaga Kerja Orang Asli Papua (OAP) Pada Sektor Publik (CPNS Di Lingkungan Kabupaten Jayapura)"; Holtzappel and Ramstedt, *Decentralization and Regional Autonomy in Indonesia: Implementation and Challenges*; Indonesia, "Education and Social Mobility For Orang Asli Papua"; Wachid et al., "Policy Implementation of Recognition and Protection of Ulaya Rights in Indigenous Communities in the West Papua Region."

¹⁹ Margie Civitaria Siahay et al., *Pembangunan Infrastruktur Di Indonesia* (Tohar Media, 2023).

The government should adopt a participatory approach by actively involving customary leaders and local communities at all stages of the policy process, from formulation to evaluation. Such an approach ensures that policies are not only normatively sound but also socially and culturally responsive.

Strengthening cross-sectoral coordination through structured and sustainable collaboration mechanisms is equally important. Local governments must assume a central coordinating role, capable of integrating the interests and resources of public institutions, the private sector, and civil society. A partnership-based approach represents a strategic pathway to ensure that all stakeholders contribute effectively to achieving policy objectives. Without substantial improvements in infrastructure, human resource capacity, and institutional governance, the implementation of policies aimed at protecting and empowering Indigenous Papuan workers is unlikely to achieve optimal outcomes. Therefore, a strong and sustained commitment from all stakeholders is required to advance comprehensive and long-term policy reforms.

Ultimately, policy effectiveness depends not only on the substance of regulatory frameworks but also on the readiness of supporting systems, including infrastructure, institutional capacity, and their alignment with the socio-cultural context of Indigenous Papuan communities. An inclusive, adaptive, and context-sensitive approach is essential to ensuring the effective protection and empowerment of Indigenous Papuan workers.

4. CONCLUSION

The findings of this study confirm that its primary objectives—namely, to identify and analyze the roles and responsibilities of the West Papua Provincial Government in optimizing the legal protection and empowerment of Indigenous Papuan (OAP) workers within the framework of special autonomy, and to examine the factors influencing policy effectiveness—have been comprehensively achieved. The results indicate that, despite the existence of a regulatory framework and affirmative action policies, their implementation remains suboptimal. This is largely attributable to limited infrastructure, weak institutional capacity, a shortage of qualified human resources, and the insufficient integration of formal legal mechanisms with the socio-cultural values of Indigenous Papuan communities.

Furthermore, this study demonstrates that policy effectiveness is highly dependent on synergy among government institutions, the private sector, and indigenous communities, as well as on the adoption of a contextual and participatory approach. The significance of this research lies in its contribution to the development of labor law discourse within the context of special autonomy, while also providing a reference for the formulation of more adaptive and inclusive public policies.

Nevertheless, this study is subject to certain limitations, particularly in terms of its geographical scope and the availability of empirical data from remote areas. Accordingly, it is recommended that policy implementation be strengthened through

improved infrastructure development, enhanced capacity-building for local human resources, and greater integration of customary law into formal regulatory frameworks. Future research is encouraged to adopt broader and more comparative empirical approaches in order to provide a more comprehensive assessment of policy effectiveness across different regions of Papua.

REFERENCES

Journals

- Djitmau, Selfina Beathirix, Masrifatun Mahmudah, Anggun Kirana, and Dwi Pratiwi Markus. "Perlindungan Hukum Tenaga Kerja: Studi Kasus Implementasi Oleh Dinas Ketenagakerjaan Dan Transmigrasi ESDM Provinsi Papua Barat Daya." *Lex Harmonia: Journal of Legal* 1, no. 1 (2026): 1–21. <https://doi.org/10.33506/lhjl.v1i1.5370>.
- Indonesia, Alfath Bagus Panuntun El Nur. "Education and Social Mobility For Orang Asli Papua." *PCD Journal* 9, no. 2 (2022): 121–47. <https://doi.org/10.22146/pcd.v9i2.3313>.
- R. Wanma, Johanis, and Yasir Attamimi. "Training for Enhancement of Passing Grade Value of Job Seekers Registered at The Manpower Department of Jayapura City." *International Journal of Social Service and Research* 2, no. 4 (2022): 252–57. <https://doi.org/10.46799/ijssr.v2i4.98>.
- Ramadhani, Putri, and Suswanta Suswanta. "Implementation of Government Programs in Facilitating Employment Opportunities for Persons with Disabilities in Special Region of Yogyakarta." *Journal of Governance and Public Policy* 6, no. 3 (2019). <https://doi.org/10.18196/jgpp.63116>.
- Ramely, Aslinda, Yarina Ahmad, and Nor Hafizah Mohamed Harith. "The Effects of Malaysian Older People's Participation and Engagement in the Local Labour Market." *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 7, no. 7 (2022): e001685. <https://doi.org/10.47405/mjssh.v7i7.1685>.
- Wachid, Choiruddin, Juharni Juharni, Adi Sumandiyar, and Syamsul Bahri. "Policy Implementation of Recognition and Protection of Ulaya Rights in Indigenous Communities in the West Papua Region." *Asian Journal of Education and Social Studies* 48, no. 2 (2023): 17–25. <https://doi.org/10.9734/ajess/2023/v48i21049>.
- Wamafma, Filep, Andi Pangerang Moenta, Farida Patittingi, and Achmad Ruslan. "The Arrangement of Investment Policy for the Protection of Indigenous People's Rights." *Hasanuddin Law Review* 5, no. 2 (2019): 253–61. <https://doi.org/10.20956/halrev.v5i2.2403>.
- Wicaksana Prakasa, Satria Unggul, A. Sakti R.S. Rakia, and Izawati Wook. "Protecting the Land Tenure Rights of Papuan Indigenous Peoples After New Autonomy

Region.” *Indonesia Law Reform Journal* 3, no. 3 (2023): 287–303.
<https://doi.org/10.22219/ilrej.v3i3.31352>.

Thesis

Bayani, Sriyati. “Implementasi Kebijakan Afirmasi: Studi Kasus Penempatan Tenaga Kerja Orang Asli Papua (OAP) Pada Sektor Publik (CPNS Di Lingkungan Kabupaten Jayapura).” Universitas Gadjah Mada, 2022.
<https://etd.repository.ugm.ac.id/penelitian/detail/216417>.

Books

- Asyhadie, Zaeni, and Rahmawati Kusuma. *Hukum Ketenagakerjaan Dalam Teori Dan Praktik Di Indonesia*. Prenada Media Group, 2019.
- Holtzappel, Coen J. G., and Martin Ramstedt. *Decentralization and Regional Autonomy in Indonesia: Implementation and Challenges*. Institute of Southeast Asian Studies, 2009.
- Rahmah, Mas. *Hukum Investasi*. Prenada Media Group, 2020.
- Siahay, Margie Civitaria, Siti Nurjanah Ahmad, Sri Gusty, et al. *Pembangunan Infrastruktur Di Indonesia*. Tohar Media, 2023.
- Syadzily, Ace Hasan. *Desentralisasi, Otonomi, Dan Pemekaran Daerah Di Indonesia*. Kencana, 2019.
- Taufan, Sonny, and Swisca Yolanda. *Ketenagakerjaan Indonesia*. Rasi Terbit, 2015.