



Reconstruction of the Authority of the Papuan People's Assembly Based on the Principles of Siyasaḥ Syar'iyah: A Study of the Function of Cultural Representation

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ABSTRACT

This article examines the structural limitation of authority exercised by the Papuan People's Assembly (Majelis Rakyat Papua/MRP), a cultural representative institution established under Indonesia's Special Autonomy framework. Despite its strong moral and cultural legitimacy to protect the identity and fundamental rights of Indigenous Papuans, MRP's authority remains largely procedural, creating a persistent gap between its normative mandate and practical influence in regional governance. Existing studies tend to frame this limitation as an administrative or political issue, leaving its normative and theoretical dimensions underexplored. This study offers a conceptual reconstruction of MRP's authority through the lens of Siyasaḥ Syar'iyah, employed as a normative governance framework rather than a merely ethical reference. Using a normative juridical method that integrates conceptual, statutory, and historical approaches, the research develops a prescriptive model grounded in the principles of al-maslahah (public welfare), al-'adl (justice), and hiḏz al-'ird (protection of dignity). The findings demonstrate that this framework enables a redefinition of MRP from a symbolic cultural body into a substantive guardian of Indigenous interests with strengthened consultative authority possessing normative effects. The article contributes by bridging Islamic political jurisprudence and indigenous governance, while offering a normative-institutional basis for enhancing cultural justice within Papua's Special Autonomy system.

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1. Introduction

The recognition of indigenous institutions within modern governance frameworks reflects a constitutional commitment to cultural diversity, social justice, and the protection of collective rights.¹ In regions marked by prolonged histories of structural marginalization, such recognition should not be confined to symbolic or procedural acknowledgment, but must be translated into substantive authority capable of effectively safeguarding indigenous identity, dignity, and welfare.² Papua represents a critical case in this regard. Although cultural representation has been institutionally formalized through Indonesia's Special Autonomy regime, significant limitations persist in the practical influence of indigenous institutions on public policy formulation and decision-making.³

Within this framework, the Papuan People's Assembly (Majelis Rakyat Papua - MRP) constitutes a distinctive institutional model designed to represent Indigenous Papuans and to protect their cultural identity, collective rights, and social dignity. Unlike conventional political bodies grounded in electoral legitimacy, the MRP derives its primary authority from cultural legitimacy, reflecting constitutional recognition of Papua's socio-cultural distinctiveness.⁴ Nevertheless, despite its strong moral standing, the MRP's formal authority remains largely consultative and non-binding, thereby constraining its capacity to shape substantive regional policies.⁵ This institutional configuration has generated a persistent gap between the MRP's normative mandate and its practical effectiveness, reducing its role to a procedural or symbolic function rather than an effective mechanism of cultural protection.⁶

From a governance perspective, this imbalance raises fundamental questions regarding the design of authority for institutions representing indigenous communities. Existing legal arrangements tend to privilege procedural compliance within a positivist legal framework, while paying insufficient attention to substantive justice and cultural protection, particularly in regions with entrenched patterns of marginalization such as Papua.⁷ As a result, policies with direct implications for indigenous rights and cultural sustainability are

¹ A Schilling-Vacaflor and R Kuppe, "Plurinational Constitutionalism: A New Era of Indigenous-State Relations?," in *New Constitutionalism in Latin America: Promises and Practices*, 2016, 347–70, <https://doi.org/10.4324/9781315597904-28>.

² J A Del Real Alcalá, "The New Civil Rights of the Person," *Archiv Fur Rechts- Und Sozialphilosophie* 100, no. 4 (2014): 527–38, <https://doi.org/10.25162/arsp-2014-0038>.

³ Y Arizona, "Indigeneity in the Indonesian Constitution," in *Constitutional Democracy in Indonesia*, 2023, 197–218, <https://doi.org/10.1093/oso/9780192870681.003.0010>.

⁴ Markus Yarangga, *Otonomi Khusus Papua Dan Tantangan Representasi Kultural* (Yogyakarta: Galang Press, 2019).

⁵ Samuel Kawer, *Desain Kelembagaan MRP Dan Problematika Implementasi Otonomi Khusus* (Jayapura: Cenderawasih Institute, 2020).

⁶ Elementary Schools, "OPTIMIZATION OF LEARNING ACTIVITIES IN LOW GRADES," in *PROCEEDING INTERNATIONAL CONFERENCE ON CONTEMPORARY ISLAMIC STUDIES (INCONCIS) 2020*, 2020, 75.

⁷ A.S.R.S. Rakia, H Suaib, and K W Simanjuntak, "Continuing the Limited Authority of the Majelis Rakyat Papua; A Missed Opportunity," *Cosmopolitan Civil Societies* 13, no. 3 (2021): 34–50, <https://doi.org/10.5130/ccs.v13.i3.7915>.

frequently formulated without positioning the MRP as a strategic actor or meaningful decision-maker.⁸ This condition not only weakens the effectiveness of cultural representation but also undermines the legitimacy of regional governance within the Special Autonomy system.⁹

This article advances the argument that the limitations of the MRP cannot be adequately addressed through positivist legal reform alone. Rather, a normative and value-oriented approach is required to reinterpret the meaning and function of authority within culturally representative institutions. In this context, *Siyasah Syar'iyah* offers a relevant analytical framework. Within Islamic political thought, authority is not assessed solely by the possession of formal legal power, but by its orientation toward public welfare (*masalahah*), justice (*'adl*), and the protection of vulnerable groups.¹⁰ These principles resonate strongly with the socio-political realities of Papua, where indigenous communities continue to experience structural inequality and cultural marginalization.¹¹

Theoretically, the MRP occupies a position of dual legitimacy: cultural legitimacy rooted in indigenous traditions and social structures, and constitutional legitimacy conferred by the state through the Special Autonomy Law. Ideally, this dual legitimacy should position the MRP as a moral guardian and cultural overseer within public policy processes. However, the existing institutional design constrains this potential by confining the MRP's authority to non-binding considerations. From the perspective of *Siyasah Syar'iyah*, such constraints contradict the ethical imperative that public institutions entrusted with social mandates must possess sufficient functional authority to protect dignity, justice, and communal welfare.¹²

Previous scholarship on the MRP has predominantly focused on evaluating the implementation of Special Autonomy and the effectiveness of positive law. While these studies provide important descriptive and doctrinal insights, they remain largely legalistic and offer limited normative reconstruction of the MRP's authority.¹³ Studies on cultural representation frequently emphasize the ceremonial character of the MRP without proposing a coherent theoretical framework for strengthening its substantive role.¹⁴ Moreover, research

⁸ HARYANTO, CORNELIS LAY, and BAMBANG PURWOKO, "Asymmetrical Decentralization, Representation, and Legitimacy in Indonesia: A Case Study of the Majelis Rakyat Papua," *Asian Survey* 58, no. 2 (2018): 365–86.

⁹ Kelik Iswandi, "INCREASING POLITICAL PARTICIPATION AND CAPACITY OF INDIGENOUS PAPUANS: ENCOURAGING ADAPTIVE COLLABORATIVE," *Jurnal Review Politik (JRP)* 13, no. 2 (2023): 294–317, <https://doi.org/10.15642/jrp.2023.13.2.294-317>.

¹⁰ Imam Al Mawardi, *Al-Ahkam as-Sulthaniyyah: Hukum-Hukum Penyelenggaraan Negara Dalam Syariat Islam* (Darul Falah, 2020); Nurkholis Ridwan, *Siyasah Syar'iyah Dan Rekonstruksi Kewenangan Lembaga Publik* (Jakarta: Kencana Prenada Media Group, 2020).

¹¹ Muhammad Rifai Darus et al., "Beyond Borders: The Dynamic Role of Papuan Muslims in Governing Special Autonomy," *Otoritas: Jurnal Ilmu Pemerintahan* 14, no. 3 (2024): 679–92.

¹² S Kayadibi, "THE THEORY OF SYARĪ'AH ORIENTED PUBLIC POLICY," *Ahkam: Jurnal Ilmu Syariah* 15, no. 2 (2015): 171–80, <https://doi.org/10.15408/ajis.v15i2.2861>.

¹³ Muhammad Mutawalli Mukhlis, "Regional Government Autonomy in Indonesia: The Ambiguity of the Federalism of Republic Model," *Malaysian J. Syariah & L.* 13 (2025): 35.

¹⁴ Avelinus Lefaan, "Identity Politics And The Future Of Democracy In Papua," *J. Legal Ethical & Regul. Issues* 24 (2021): 1.

integrating Islamic political thought into analyses of indigenous governance in Papua remains scarce, leaving a significant gap in the literature concerning value-based institutional reconstruction.

Against this backdrop, this study seeks to reconstruct the authority of the Papuan People's Assembly through the principles of *Siyasah Syar'iyah*. Employing a normative juridical method that integrates conceptual, statutory, and historical approaches,¹⁵ this research examines how the principles of *maslahah*, justice, and the protection of dignity can be operationalized to strengthen the MRP's authority within Papua's Special Autonomy governance structure.¹⁶ Theoretically, this study contributes by bridging Islamic political theory and indigenous governance scholarship. Practically, it offers a normative framework for repositioning the MRP from a symbolic consultative body into a substantive guardian of cultural justice, thereby supporting a more inclusive, legitimate, and welfare-oriented model of governance in Papua.

2. Legal Material and Methods

This study adopts a normative legal research design aimed at reconstructing the authority of the Papuan People's Assembly (Majelis Rakyat Papua - MRP) through the principles of *Siyasah Syar'iyah*. This approach is appropriate because the inquiry does not seek to examine empirical behavior or institutional performance in a sociological sense, but rather to critically reinterpret legal norms, institutional authority, and ethical foundations governing cultural representation within Papua's Special Autonomy framework. The analysis focuses on assessing how existing legal arrangements privilege procedural compliance while constraining the MRP's capacity to realize substantive justice, cultural protection, and public welfare. To achieve this objective, the research integrates statutory, conceptual, historical, and comparative approaches within a unified normative framework. The statutory approach examines the formal authority of the MRP as regulated under Law No. 21 of 2001 on Special Autonomy for Papua and its amendment, Law No. 2 of 2021, in order to identify normative gaps between the MRP's constitutional mandate and its limited practical influence on policies affecting Indigenous Papuans. The conceptual approach employs the core principles of *Siyasah Syar'iyah* - *maslahah* (public welfare), *'adl* (justice), and *hifz al-'ird* (protection of dignity) - as normative benchmarks for evaluating and reconstructing institutional authority beyond positivist legal constraints.¹⁷

The historical approach situates the MRP within Papua's broader socio-political trajectory of marginalization and recognition, thereby contextualizing the persistence of symbolic authority within the Special Autonomy regime. Meanwhile, the comparative approach conceptually relates the MRP to classical Islamic political institutions, particularly *ahl al-hall wa al-'aqd*, to identify shared ethical functions of representation and moral

¹⁵ M. Abdullah Amin, *Islamic Studies Dalam Paradigma Integrasi-Interkoneksi* (Yogyakarta: Suka Press, 2012).

¹⁶ Claire Smith, *Indigenous Governance and Political Representation* (London: Routledge, 2019).

¹⁷ Kuntowijoyo, *Metodologi Sejarah* (Yogyakarta: Tiara Wacana, 2013).

guardianship without equating institutional forms or constitutional structures. Legal materials are collected through a literature-based review of primary statutory sources and relevant scholarly works and are analyzed using prescriptive normative analysis. This method enables the formulation of an ethically grounded and contextually responsive model for strengthening the MRP's authority within Papua's Special Autonomy governance system.

3. Results and Discussion

3.1. Institutional Position and Normative Deficit of the Papuan People's Assembly in the Special Autonomy Governance Structure

This study finds that the Papuan People's Assembly (MRP) occupies a structurally unique position within Indonesia's special autonomy framework, yet remains functionally constrained in terms of substantive authority. Normatively, the MRP is designed as a cultural representative institution mandated to protect indigenous identity,¹⁸ collective rights, and vulnerable social groups, including women and children.¹⁹ This institutional configuration reflects an asymmetric governance model intended to correct historical injustices and socio-political marginalization experienced by Indigenous Papuans.²⁰ However, the empirical and doctrinal analysis conducted in this study demonstrates that such normative recognition has not been accompanied by a corresponding expansion of decision-making power. As a result, the MRP's role remains largely symbolic, confined to advisory functions that lack binding legal force.²¹

An examination of statutory developments, particularly the amendment of Law Number 21 of 2001 through Law Number 2 of 2021,²² reveals that legislative reform has not significantly altered the institutional capacity of the MRP.²³ Despite expectations that the amendment would strengthen indigenous participation in regional governance, the MRP continues to be excluded from decisive stages of legislative deliberation and policy formulation. Its authority is predominantly limited to providing non-binding considerations, which may be acknowledged procedurally but are easily disregarded in practice.²⁴ This

¹⁸ Michael A Murphy, "Representing Indigenous Self-Determination," *University of Toronto Law Journal* 58, no. 2 (2008): 185–216.

¹⁹ Matthew Michaud and Philip Gurney, "The Declaration on the Rights of Indigenous Peoples Act Action Plan: A Critical Analysis through the WPR Approach," *Journal for Cultural Research*, 2025, 1–17.

²⁰ C Lay and B Purwoko, "Asymmetrical Decentralization, Representation, and Legitimacy in Indonesia," *Asian Survey* 58, no. 2 (2018): 365–86, <https://doi.org/10.1525/AS.2018.58.2.365>.

²¹ Rakia, Suaib, and Simanjuntak, "Continuing the Limited Authority of the Majelis Rakyat Papua; A Missed Opportunity."

²² Republik Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 2 TAHUN 2021 TENTANG PERUBAHAN KEDUA ATAS UNDANG-UNDANG NOMOR 21 TAHUN 2001 TENTANG OTONOMI KHUSUS BAGI PROVINSI PAPUA" (2021).

²³ Arie Purnomo, Salmawati Salmawati, and Masni Banggu, "Political Representation of Indigenous Papuans in the Special Autonomy Era: Case Study of Local Democracy in Southwest Papua," *Journal of Contemporary Local Politics* 4, no. 1 (2025): 70–80.

²⁴ HARYANTO, LAY, and PURWOKO, "Asymmetrical Decentralization, Representation, and Legitimacy in Indonesia: A Case Study of the Majelis Rakyat Papua."

finding confirms the existence of a structural gap between legal recognition and institutional effectiveness. Such a gap is not unique to Papua but mirrors patterns observed in indigenous governance arrangements in other pluralistic constitutional systems, where cultural institutions are formally acknowledged yet politically marginalized.²⁵

From an analytical perspective, this condition indicates that the challenges faced by the MRP are not merely legal-technical but deeply institutional and normative in nature.²⁶ International literature on indigenous governance consistently highlights that recognition without decision-making authority tends to result in symbolic inclusion rather than meaningful participation.²⁷ In this configuration, indigenous institutions may be consulted, but they do not possess sufficient leverage to influence outcomes that directly affect indigenous livelihoods, land rights, and cultural sustainability.²⁸ The MRP's experience reflects this broader pattern, wherein procedural acknowledgment masks substantive exclusion. Consequently, the capacity of the MRP to function as an effective guardian of indigenous interests within the special autonomy system is significantly weakened.

The function of cultural representation further illustrates this normative deficit. In the Papuan context, cultural representation is inherently relational, embedded within customary structures, communal values, and traditional leadership systems that possess both social and spiritual dimensions.²⁹ Empirical studies demonstrate that customary institutions play a central role in determining the social legitimacy of public policies among indigenous communities. However, the positive legal framework governing special autonomy has been

²⁵ L Hakim, Q H Melati, and P D Negara, "Integrating Adat Law in Indonesia: Challenges and Opportunities in a Centralized Legal Framework," *Indonesian State Law Review* 8, no. 1 (2025): 58–82, <https://doi.org/10.15294/islrev.v8i1.19628>; L M Kolopaking and S Sjaf, "Problems and Prospects of Recognition of the Ammatoa Kajang Indigenous Community in Indonesia," *Development in Practice*, 2025, <https://doi.org/10.1080/09614524.2025.2562478>.

²⁶ B Tambaip et al., "ORGANIZATIONAL BEHAVIOR IN RESPONDING TO SPECIAL AUTONOMY POLICY IN THE EMERGING MARKET: GOVERNANCE AND REGULATORY CHALLENGES IN A CONFLICT-PRONE REGION," *Journal of Governance and Regulation* 15, no. 1 (2026): 8–19, <https://doi.org/10.22495/jgrv15i1art1>.

²⁷ A Latta, "Indigenous Rights and Multilevel Governance: Learning from the Northwest Territories Water Stewardship Strategy," *International Indigenous Policy Journal* 9, no. 2 (2018), <https://doi.org/10.18584/iipj.2018.9.2.4>; I Garba et al., "Indigenous Peoples and Research: Self-Determination in Research Governance," *Frontiers in Research Metrics and Analytics* 8 (2023), <https://doi.org/10.3389/frma.2023.1272318>.

²⁸ R Carmona et al., "Indigenous Peoples' Rights in National Climate Governance: An Analysis of Nationally Determined Contributions (NDCs)," *Ambio* 53, no. 1 (2024): 138–55, <https://doi.org/10.1007/s13280-023-01922-4>; W Baijius, R J Patrick, and C Furgal, "Measuring First Nations Engagement in Water Governance in Manitoba," *Water (Switzerland)* 16, no. 12 (2024), <https://doi.org/10.3390/w16121734>.

²⁹ M Muhaimin, B Ngarawula, and T Hariyanto, "Preserving Cultural Pluralism: The Role of Ondofolo Leadership in Dondai Village, Jayapura, Papua Province," *Ianna Journal of Interdisciplinary Studies* 7, no. 1 (2025): 385–96, <https://doi.org/10.5281/zenodo.14270665>; Simon Abdi K Frank and Usman Idris, "The Papuan Culture: An Anthropological Review," *International Journal of Humanities and Social Science Review* 6, no. 2 (2020): 27–36.

unable to translate these customary dynamics into effective institutional mechanisms.³⁰ As a result, representation through the MRP often assumes a ceremonial character, lacking substantive veto power or enforceable oversight over policies that may adversely affect indigenous communities.³¹

This institutional configuration has generated an imbalance in the relationship between the state and indigenous peoples in Papua. While the state formally recognizes indigenous identity and culture through the establishment of the MRP, it simultaneously retains dominant control over strategic policy decisions.³² Such an arrangement undermines the legitimacy of special autonomy governance by perpetuating a disconnect between normative commitments and practical outcomes.³³ The study therefore concludes that the MRP's current position exemplifies an institutional paradox: strong moral and cultural legitimacy without corresponding substantive authority. Addressing this paradox requires moving beyond descriptive recognition toward a normative reconstruction of authority that aligns legal structures with ethical imperatives of justice, welfare, and indigenous dignity.

3.1. Reconstruction of the Authority of the Papuan People's Assembly Based on Siyāṣah Shar'īyyah and Maslahah-Oriented Governance

The limitations identified in the institutional position of the MRP necessitate a reconstruction of authority that transcends positivist legal interpretation. This study argues that Siyāṣah Shar'īyyah provides a relevant normative framework for such reconstruction, as it conceptualizes authority not merely as formal legal power but as a mandate oriented toward public welfare (*maṣlahah*), justice (*ʿadl*), and the protection of human dignity (*ḥifẓ al-ʿird*).³⁴ Within Islamic political thought, the legitimacy of authority is measured by its capacity to achieve substantive justice and to safeguard vulnerable communities.³⁵ When applied analytically, rather than doctrinally, this framework offers a critical lens through which the ethical adequacy of the MRP's existing authority structure can be assessed. The

³⁰ Pieter Jeffry Baru, Muh Tang Abdullah, and Gita Susanti, "Dynamics Of Indigenous Community Representation : Perspectives On The Institutional Capacity Of The Papua People ' s Assembly," *International Journal of Environmental Sciences* 11, no. 7 (2025): 1219–28.

³¹ Rakia, Suaib, and Simanjuntak, "Continuing the Limited Authority of the Majelis Rakyat Papua; A Missed Opportunity"; Jennifer Gandhi, Ben Noble, and Milan Svulik, "Legislatures and Legislative Politics without Democracy," *Comparative Political Studies* 53, no. 9 (2020): 1359–79.

³² B Suhariyanto et al., "Reconstruction of Intersection the Customary Court and State Criminal Court for Indigenous Communities in Papua," *Journal of Indonesian Legal Studies* 9, no. 2 (2024): 1107–36, <https://doi.org/10.15294/jils.v9i2.19155>.

³³ S Csevár and Y Rugarli, "Greasing the Wheels of Colonialism: Palm Oil Industry in West Papua," *Global Studies Quarterly* 5, no. 2 (2025), <https://doi.org/10.1093/isagsq/ksaf026>.

³⁴ Lukman Arake, "Agama Dan Negara Perspektif Fiqh Siyasah," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 3, no. 2 (2018): 79–116, <https://doi.org/10.35673/ajmpi.v3i2.200>; M N Alias et al., "The Position of Maqasid Al-Shariah within Islamic Legal Sources: A Comprehensive Analysis," *Samarah* 9, no. 2 (2025): 937–64, <https://doi.org/10.22373/q4byre51>.

³⁵ L Takim, "Maqāṣid Al-Sharī'a in Contemporary Shī'ī Jurisprudence," in *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*, 2014, 101–25, https://doi.org/10.1057/9781137319418_5.

study finds that the current advisory role of the MRP falls short of these ethical criteria, as it lacks the institutional capacity to prevent or correct policies that may undermine indigenous dignity and cultural continuity.

From the perspective of *al-maṣlahah al-mursalah*, the state possesses discretionary authority to adopt governance mechanisms that serve the public interest, even when such mechanisms are not explicitly prescribed in statutory texts.³⁶ In the Papuan context, this principle supports a reinterpretation of the MRP's authority to allow for a more substantive role in policy oversight and decision-making. Expanding the authority of the MRP on a *maslahah*-based rationale does not imply undermining state sovereignty, but rather enhancing the ethical quality of governance within an asymmetric decentralization framework. Such expansion is particularly justified in regions characterized by historical inequality, social conflict, and cultural marginalization.³⁷ Therefore, the reconstruction of MRP authority should be understood as an ethical necessity rather than a mere institutional preference.

Based on this normative foundation, the study proposes a reconstruction model centered on three interrelated dimensions. First, the authority of the MRP to provide policy considerations should be elevated to a binding opinion on strategic issues directly affecting indigenous communities, such as land governance, cultural preservation, and demographic policies.³⁸ Comparative governance studies indicate that binding cultural review mechanisms can enhance policy accountability and prevent social conflict. This approach is consistent with the principle of prudence (*iḥtiyāt*) in *Siyāṣah Shar'iyah*, which emphasizes caution in public decision-making when fundamental communal interests are at stake.³⁹ By granting binding force to MRP considerations, the state acknowledges indigenous cultural authority as a substantive component of governance rather than a symbolic accessory.

Second, the monitoring and oversight function of the MRP should be strengthened through participatory governance mechanisms that directly involve indigenous communities. The principle of *shūrā* in Islamic political thought provides a normative basis

³⁶ M Najib, U N Huda, and E A Faizal, "Reconstructing the Indonesian Legal System through the Lens of *Maṣlahah Mursalah*," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (2025): 117–32, <https://doi.org/10.24090/mnh.v19i1.7861>; Takim, "Maqāṣid Al-Sharī'a in Contemporary Shi'ī Jurisprudence"; Romli Sa and Zuraidah, "Al-Maslahat and Development of Islamic Law," *Nurani* 23, no. 2 (2023): 297–312, <https://doi.org/10.19109/nurani.v23i2.19691>.

³⁷ G Lele, "Asymmetric Decentralization, Accommodation and Separatist Conflict: Lessons from Aceh and Papua, Indonesia," *Territory, Politics, Governance* 11, no. 5 (2023): 972–90, <https://doi.org/10.1080/21622671.2021.1875036>.

³⁸ E Pelupessy, "The Land Rights of Indigenous Peoples: Revaluation of Papua Special Autonomy," *Hasanuddin Law Review* 3, no. 1 (2017): 77–90, <https://doi.org/10.20956/halrev.v3i1.1047>.

³⁹ S A Khalil, "Siyāṣah Syar'iyah Approach in Dealing with Current Criminal Legislation Issues in Malaysia," *Jurnal Fiqh* 19, no. 2 (2022): 157–88, <https://doi.org/10.22452/fiqh.vol19no2.2>; J Ahmed et al., "Analysis of Commodity Reserve Currency System from *Siyāṣah Shariyyah* Perspective," *Journal of Islamic Accounting and Business Research* 9, no. 2 (2018): 222–50, <https://doi.org/10.1108/JIABR-05-2015-0018>.

for inclusive deliberation and collective decision-making.⁴⁰ In the Papuan context, *shūrā* can be operationalized as an institutionalized dialogue between state law and customary law, mediated by the MRP. Such mechanisms would enable indigenous communities to actively participate in evaluating policy impacts and ensuring compliance with cultural values.⁴¹ Strengthening oversight in this manner enhances both procedural legitimacy and substantive justice within the special autonomy system.

Third, the reconstruction model emphasizes the formal recognition of customary law as a legitimate source of law within regional governance. This requires harmonizing regional regulations with customary norms through a cultural compliance review conducted by the MRP. Empirical research demonstrates that integrating customary law into formal governance structures can increase policy effectiveness and reduce the likelihood of social and agrarian conflicts.⁴² From a *Siyāṣah Shar‘iyyah* perspective, this approach aligns with the objective of preserving social harmony and protecting collective identity as integral components of public welfare. Affirming customary legitimacy therefore constitutes a crucial element of *maslahah*-oriented authority reconstruction.⁴³

The implementation of this reconstruction model carries significant implications for the governance of special autonomy in Papua. First, it enhances the legitimacy of regional policies by ensuring that they are grounded in indigenous cultural values and ethical considerations. Second, it strengthens social integration by positioning the MRP as a mediator endowed with both moral and legal authority. Third, it contributes to socio-political stability by encouraging inclusive and redistributive public policies that address structural inequality. Finally, this model offers a transferable framework for managing indigenous governance in other regions of Indonesia within the broader context of asymmetric decentralization.

4. Conclusion

This study concludes that the Papuan People’s Assembly (Majelis Rakyat Papua/MRP), despite its strong cultural and constitutional legitimacy, continues to operate within a structurally constrained authority framework that limits its substantive influence in special autonomy governance. The analysis demonstrates that the core problem does not lie merely in deficiencies of positive law, but in a deeper normative deficit arising from the misalignment between cultural representation and effective decision-making power. While

⁴⁰ Dinda Nurul, “Fiqh Siyasah as an Analytical Framework for Literacy Policy Implementation : Evidence from West Lampung , Indonesia,” *Al Adalah: Jurnal Hukum Dan Politik Islam* 11, no. 1 (2026): 124–38.

⁴¹ K Evans, S Flores, and A M Larson, “Participatory Monitoring in Forest Communities to Improve Governance, Accountability and Women’s Participation,” *Small-Scale Forestry* 18, no. 2 (2019): 165–87, <https://doi.org/10.1007/s11842-019-09413-9>.

⁴² I Jauhari, “Resolving Land Disputes Through Land Offices and Customary Institutions: Perspectives from National and Customary Law in Aceh,” *El-Usrah* 8, no. 1 (2025): 366–88, <https://doi.org/10.22373/tqcdmt70>.

⁴³ M Djawas et al., “Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism,” *Hasanuddin Law Review* 10, no. 1 (2024): 64–82, <https://doi.org/10.20956/halrev.v10i1.4824>.

the legal framework formally acknowledges the MRP as a representative institution of Indigenous Papuans, its authority remains largely advisory and procedurally marginal. This condition perpetuates symbolic inclusion rather than meaningful participation, thereby weakening the protection of indigenous dignity, cultural sustainability, and social justice. As a result, the promise of special autonomy as a corrective mechanism for historical marginalization remains only partially fulfilled.

By employing *Siyāsah Shar‘iyyah* as an analytical and normative framework, this study offers a value-based reconstruction of authority that redefines legitimacy in terms of public welfare (*maṣlaḥah*), justice (*‘adl*), and the protection of human dignity. The proposed reconstruction model emphasizes the necessity of transforming the MRP’s role from a consultative body into a substantive ethical guardian through binding policy considerations, strengthened oversight functions, and formal recognition of customary law as a legitimate source of governance. This approach does not challenge state sovereignty, but rather enhances the moral quality and legitimacy of asymmetric decentralization within the Indonesian constitutional system. The study thus contributes theoretically by bridging Islamic political thought and indigenous governance, and practically by providing a normative blueprint for strengthening cultural representation institutions. More broadly, the findings suggest that integrating ethical governance principles into autonomy arrangements can serve as a viable pathway toward more inclusive, just, and welfare-oriented governance in culturally plural societies.

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