

## **PAPUAN PEOPLE’S ASSEMBLY ELECTS NON-MUSLIM LEADERS IN NON-MUSLIM MAJORITY AREAS BASED ON THE MAQASID AL-SHARI’A PERSPECTIVE IN JAYAPURA CITY OF PAPUA PROVINCE**

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**Abstract:** This paper elaborates on an issue that the Papuan People’s Assembly Elects Non-Muslim Leaders in Non-Muslim Majority Areas Based on the Maqasid al-Shari’a Perspective in Jayapura City of Papua Province. The results of this study show that the Papuan People’s Assembly (MRP) elects leaders in non-Muslim majority areas based on the maqasid al-shari’a perspective in Papua, which in its role in the process of organizing the election of prospective leaders in Papua, it has taken away the rights of citizens in general. It is decided by the authorized institution that the Papuan People’s Assembly (MRP) follows what has been decided by formal institutions, including the General Election Commission (KPU) and traditional institutions that have been given authority according to law. In the provisions of Law Number 21 of 2001 concerning Papua Special Autonomy, there is no room or space for immigrants. Besides, the recruitment process for leader candidates, such as governors and deputy governors, is based on Law Number 21 of 2001. The basic matters that constitute the contents of this Law include the arrangement of authority between the Government and the Provincial Government of Papua and the application of this authority in Papua Province which is carried out with specificity. This law places native Papuans and the population of Papua in general as the main subjects. The existence of the Government, Provincial Government, Regency/City Government, and the apparatus under their supervision, are all directed at providing the best service and empowering the people.

**Keywords:** Papuan People’s Assembly; Non-Muslim Leader

### **I. INTRODUCTION**

Papua Province is one of the regions which has uniqueness in terms of governance. Besides the uniqueness, the population is distributed in various areas that have forest clusters, and the areas are separated by various terrains which are quite time-consuming and tough. In terms of their religious adherents, the majority of Papuans are non-Muslim, have cultural diversity, carving skills and traditions of making *noken*. The religion of Islam is *rahmatan lil alamin* whose adherents constitute the majority or the largest religion in Indonesia compared to other religions (Christianity, Protestantism, Catholicism, Buddhism, and Hinduism). However, in Papua Province, Muslims are a group that is considered a minority group. Statistical data shows the total population of 450,096 people (16%), while the Christian population is the largest adherent of religion,

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with a number of 1,855,247 people or about 66% of the total population of Papua Province.<sup>1</sup>

With the number of Muslims as minorities, which is only 16% compared to others, it greatly influences the use of political rights in the succession of leadership, especially in the election for governors and deputy governors in Papua Province. Moreover, the policy of enacting a Special Autonomy for Papua Province requires that those who can be elected as governor and deputy governor are native Papuans.<sup>2</sup>

The phenomenon of the succession of leadership in Papua Province shows that, as Muslims use their political rights to vote in regional head elections, there is no other choice but to elect candidates for governor and deputy governor who are non-Muslim. This can certainly be understood in QS. Al-Mumtahanah (60): 8-9.

Basically, the concept of leadership in Islam that needs to be used as a reference is the model of Rasulullah as a Caliph. The main parameters in determining the direction of public policy have been explained comprehensively in the Al-Qur'an and Hadith. Yet, matters related to replacement or transfer and the validity of leadership need review and analysis and the methods used to understand them.

The validity of the *imamah* (previous caliph, (Leadership) because of the mandate (Appointment) as an *imam* (previous caliph, *ijma'* allowed it and the ulama agreed to justify it. There were two incidents occurred among the Muslims, and they did not deny them:

1. Abu Bakr Radhiyallahu Anhu appointed Umar bin Khathab Radhiyallahu Anhu as an *imam* (caliph) as his successor. Then, the Muslims accepted the *imamah* (leadership) of Umar bin Khathab Radhiyallahu Anhu based on the appointment of Abu Bakr Radhiyallahu Anhu.
2. Umar bin Khathab Radhiyallahu Anhu mandated an *imamah* (leadership) after his death to the shura institution. Members of the shura institution, who were figures from the period at that time, accepted the mandate of this *imamah* (leadership) because they believed in its validity. Some companions disagreed. Ali bin Abu Talib Radhiyallahu Anhu said to Abbas bin Abdul Muthalib Radhiyallahu Anhu who threatened his involvement in the shura institution. This is one of the many major problems of Islam and I don't want to get out of it.<sup>3</sup>

Leadership is a process of influencing and providing a means for others to understand how to complete their tasks and achieve common goals,<sup>4</sup> while Robbins and Judge said that leadership is the ability that a person has to influence a group to achieve

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<sup>1</sup>Central Bureau of Statistics. <http://sp2010.bps.go.id>. Monday, November 13, 2017.

<sup>2</sup>Law of the Republic of Indonesia Number 21 of 2001 concerning Special Autonomy for Papua Province. Article 12 letter a states that those who can be elected as governors and deputy governors are citizens of the Republic of Indonesia with the following conditions: Papuans, have faith and fear God Almighty, have at least a Bachelor's Degree or equivalent, must be at least 30 years old, every head of the Unitary State of the Republic of Indonesia serves the people of the Papua Province, have never been sentenced to prison for committing an act, unless imprisoned for political reasons, and are not being deprived of their right to vote based on a court decision that has been has permanent legal force, unless imprisoned for political reasons.

<sup>3</sup>Imam Al-Mawardi., Al-Ahkam As-Sulthaniyyah (Hukum-Hukum Penyelenggaraan Negara dalam Syari'at Islam) PT. Darul Falah, Jakarta 2013), pp. 10.

<sup>4</sup>Ala Al-Din Husain Rahhal, a' alim Wa Dhawabith Al-Ijtihad 'Inda Syaikh Al-Islami Ibn Taimiyyah, (Yordan: Dar Al-Nafais, 1422 H/ 2000 M), First Edition, pp. 121-122

a predetermined vision. Thus, it can be considered that leadership is behavior as an effort to encourage, influence, and motivate others with the aim that other people want to carry out activities in accordance with what the leader wants.

The provisions of the law that give authority to the regions, including the Papuan People's Assembly (MRP) and the People's Representative Council of Papua (DPRP), have a very principal role and function compared to other regions in Indonesia. These principles are stipulated in the Special Autonomy for Papua Province.

Islamic law is a set of regulations based on the revelation of Allah and the Prophet's Sunnah regarding the behavior of *mukallaf* humans which are recognized and believed to be binding for all Muslims. This means that Islamic law is all the rules explained in the Al-Qur'an and Hadith. Therefore, a review of Islamic law is an opinion or view according to the Al-Qur'an and Hadith.<sup>5</sup>

A leader is a person who leads or an individual who uses their abilities, attitudes, instincts, and personality who are able to create a situation so that other people they lead work together to achieve goals.<sup>6</sup> The leader is a chosen human who is few in number, but their role in society is the determinant of the triumph and success of the goals to be achieved. Although they are not the only measure of success, the fact proves that without the presence of a leader, a group of people will be static and tend to walk without direction. The requirement to elect a leader is regulated in the 1945 Constitution (UUD) in Article 6 paragraph 1 and Law Number 32 of 2004 concerning Regional Government which states that regional heads are directly elected by the people through the Election of Regional Heads and Deputy Regional Heads or abbreviated as *Pilkada*. Based on the regulation mentioned above, it is clear that every citizen has the right to be elected as a leader or to elect a leader both within the territory of the Republic of Indonesia (President/Vice President) and in a region, either Province (Governor/Deputy Governor), Regency/City (Regent/Mayor) regardless of religion or belief.

Leadership is one of the main aspects and principles of Islam. In a community, people are obliged to have a leader. The importance of leadership in Islam was very well understood by the companions of the Prophet Muhammad after the death of Prophet Muhammad SAW, in which they had to postpone the burial of the noble Prophet's body to solve the problem.

Leaders are often also referred to as *imamah* or *khilafah* when that title is given to the Head of State in Islam even though the titles differ in terms of emergence and the backgrounds that link them are also different. However, in the end, all of them point to the same person and indicate the same meaning, and refer to people of certain positions.

*Imamah* is a level/position manifested to replace prophetic duties in maintaining religion and controlling the world. Another definition of *imamah* is a large state that regulates religious and world affairs. However, it is more accurate to say that *imamah* is a substitute for the prophet in upholding religion. While for *khilafah* as the second title, its pronunciation does not require this kind of explanation, but its urgency lies in the historical significance of its occurrence which is known only by the connotations it carries in Islam alone. The initial addressing was for Abu Bakr RA when he was elected after *bai'at as saqifah* to replace Rasulullah in leading the Muslim community and maintaining their prosperity. Ibn Khaldun said that he named him as *khilafah* (successor or heir) because he replaced the Prophet in taking care of his people.

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<sup>5</sup> Amir Syarifudin, *Garis-garis Besar Fiqih*, (Jakarta: Prenada Media, 2003), pp. 9.

<sup>6</sup> M. Dhiauddin Rais, *Teori Politik Islam*, (Jakarta: Gema Insani, 2001), pp. 40.

In the context of Papua, the presence of the Papuan People's Assembly (MRP) is not only a forum or group that is considered "new", but also involves competition between ethnic and customary groups and even religions to fight for influence and power. The Papuan People's Assembly is present in among the Papuan community and has existed since the issuance of Law Number 21 of 2001 on Papua Special Autonomy. The Papuan People's Assembly (MRP) is a unifying organization for Muslims and non-Muslims and is more focused on making political decisions both with regard to central and regional interests, especially Papua Province. It is a unifying organization among ethnics and customs, also as a forum for the struggle of native Papuans. Conflicts that occur are not only related to the struggle for supporters or followers, but also related to claims of ownership over Papua. It then raises various responses, especially from minority and majority religious groups, the existence of religious symbols, and traditional symbols as the identity of Papua.

Islam as *rahmatan lil'alamiin* has brought significant changes in all aspects, such as politics, economy, social and intellectual education, culture, and world civilization at its time.<sup>7</sup> Choosing a leader is a major requirement and principle in Islam. In a community, people are required to choose leaders. The importance of leaders in Islam is very well understood by the companions of the Prophet Muhammad after the death of the Prophet Muhammad. They had to postpone the funeral of the noble Prophet Muhammad's body, to finalize the determination of a leader who replaced Rasulullah so that there was no leadership vacuum.<sup>8</sup>

## II. RESEARCH METHODOLOGY

The research methodology used in the writing of this dissertation began by determining the location and type of research. The approach method was based on the theories of the shari'ah legal approach and other supporting disciplines, such as the normative theological approach, the shari'ah, and fiqh principles approach, whose data refer to field research. Thus, the primary data were obtained directly from the research location, which was Jayapura City, by taking interview data with informants who were involved as members of the Papuan People's Assembly, also as their functions. The data collection procedure was through observation, interview, and documentation study. Data processing and analysis were carried out qualitatively.

## III. RESULTS AND DISCUSSION

### a. Leader Recruitment

The recruitment system that applies to the Papuan People's Assembly (MRP) refers to the authorities, duties, and functions of the Papuan People's Assembly (MRP), so that the MRP has a number of jobs to carry out, including:

1. The Papuan People's Assembly is obliged to oversee the election process, which is held simultaneously in 2018 which is considered a political year.

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<sup>7</sup>Didin Saefuddin Bochari, *Sejarah Politik Islam*, (Jakarta: Pustaka Intermedia, 2009), pp. 29.

<sup>8</sup>Khozin Abu Faqih, *Haruskah Dakwah Merambah Kekuasaan?* (Jakarta Timur: Al I'tishom, 2009), pp. 27.

The criterion for native Papuans will be the special job for the new MRP members from the governor-deputy governor election for Papua.

2. Maintaining a harmonious, orderly, and conducive political situation in the pluralistic Papuan social setting.
3. The Papuan People's Assembly (MRP) is obliged to oversee the Special Regional Regulations (Perdatus), starting from the draft (Perdatus), the decision-making process, and the implementation of the established Perdatus. An example of a Perdatus is the process in which the Papuan People's Assembly (MRP) oversees the implementation of the derivative of Perdatus Number 18 of 2018 concerning the People-Based Economy and various other Perdatus.
4. MRP is necessary to play a role in providing advice, consideration, and approval of planned cooperation agreements made by the central government and provincial governments with third parties, both domestic and foreign, that apply in Papua Province, especially regarding the protection of the rights of native Papuans.

In this regard, an interview was conducted with an informant named Toni Wanggai who is a representative of Islamic religious figures in the Papuan People's Assembly, and he said the following:

“Actually, the Papuan People's Assembly (MRP) plays a more important role in the feasibility assessment proposed by the People's Representative Council of Papua, especially in the recruitment system for leader candidates in Papua Province. We do not see that religion is the determinant, but it is part of what is important in fulfilling requirements. As a representative of the Islamic Religion Working Group, I only try to make Islam become *rahmatan lil'alamiin* for all people. And, those who have been elected with the most votes and have gone through the deliberations of the Assembly are definitely the best for those living in Papua Province”<sup>9</sup>

Regarding this issue, the researchers interviewed a member of the Papuan People's Assembly (MRP), in which he revealed:

“The election mechanism is clear, there is no problem because all have referred to the rules that apply in the MRP. When it has an intersection with religious issues, the regulation referred to is in the articles listed in the Papua Special Autonomy Law, which is in article 14 that those who can become leaders are native Papuans and live in Papua”<sup>10</sup>

In the context of strengthening in religious matters, it turns out that the Muslim population in Papua, especially those who have a community called *paguyuban* and *paguyuban* from various ethnic groups, are more dominant in general looking at the

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<sup>9</sup>Toni Wanggai as a representative of the Islamic Religion Working Group of the Papuan People's Assembly, interview on Wednesday, December 12, 2018.

<sup>10</sup>Toni Wanggai as a representative of the Islamic Religion Working Group of the Papuan People's Assembly, interview on Wednesday, December 12, 2018.

religious factor. The reason is that if the leader is Muslim, there are automatically Islamic values implied in their government.

In government, when a leader or governor no longer sees religion as the main function of an essential tool of control, many factors emerge, including social jealousy in the religious and political, social, and cultural fields. Due to this issue, the researchers conducted interviews with former members of the Papuan People's Assembly in the field of the religious working group, in which Arobi Tuwaraw said the following:

“The method of Papuan People's Assembly (MRP) in choosing leaders or regional heads is to pay attention to the advice and suggestions of both religious and traditional leaders. They explained that the requirements include native Papuans, not involved in criminal cases, and people who live in Papua, and have a strong commitment to promote and prosper the community. This will be taken into account, especially by public figures. Well, this proposal will be brought to the Assembly meeting to determine the criteria that will be used as a requirement for recruitment”.<sup>11</sup>

In line with what was stated by the informant above, it is true that the Papuan People's Assembly (MRP) has a system of strengthening the executive agency with customs, so the Papuan government will be stronger to create and form policies independently. Through the MRP, the participation space for native Papuans is increasingly open to influence policy formulation. This is because the MRP has the duty to pay attention to and channel the aspirations of complaints from native peoples, religious communities, native Papuan women regarding the rights of native Papuans and facilitate follow-up resolution. Thus, the MRP, DPRP, and the Governor in the context of Papuan autonomy became the governing groups in Papua (*Communities of governing*).<sup>12</sup>

It is expected that the MRP can provide a new climate of government, especially the optimistic view supported by the attitudes and actions of native Papuans of the change in their views as part of the citizens of the Republic of Indonesia as a country that aims to create a fair and prosperous society based on Pancasila and the 1945 Constitution. The philosophical foundation for the formation of the MRP is *affirmation*, with the purpose to increase the participation of native Papuans in every political and economic decision-making in Papua to protect the indigenous rights of Papuans and improve the welfare of native Papuans. This goal is formulated based on historical experience, politics, and the position of Papuans within the framework of the bureaucracy of the Unitary State of the Republic of Indonesia for nearly forty years.

Thus, the *igahal* customs as the background of the formation of the MRP are: *First*, the absence of significant presence of native Papuans in official political institutions during the New Order and the aspirations of native Papuans that are not significantly accommodated in policymaking in Papua. *Second*, the neglect of participation and political rights of native Papuans during that time. *Third*, the neglect of the rights and participation of Papuan women in the Public Policy Process. Thereby, the formation of the MRP can be said to be a form of commitment of the central and

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<sup>11</sup>Arobi A. Tuwarao as ex member of MRP. From the Islamic Religion Element and serving as Chairman of the Household Affairs Committee for the Period of 2005-2010.

<sup>12</sup>Cultural decision of the Papuan People's Assembly Number III/KK-MRP/2009

regional governments to protect the indigenous rights of the Papuan people and respect for the political aspirations of the Papuan people, also the empowerment of Papuan women (Amiruddin al Rahab, 2010: 90).

As a representative institution for native people, the MRP is associated in the context of a very central political process because it is stated as part of the superstructure of regional governance in Papua. Thus, by the presence of the MRP, the governance in Papua includes the Legislative (DPRP) and Executive (Governor).

The pattern used by the Papuan People's Assembly (MRP) is almost similar to the recruitment process carried out by the People's Representative Council of Papua (DPRP), which uses a screening system in the form of a selection stage. It requires selection in the form of stages by considering the majority of votes supported by the community, especially people who are very influential among the lower class of society both in the bureaucracy and among the community. The only difference is in terms of the institution, as when the researchers interviewed Darwis Masi as a member of the Jayapura City Representative Council who said:

“In the recruitment process, regarding those who will be promoted or nominated as a candidate for regional head leader, there are criteria that must be considered, especially from the side of their character. Then, the people should have a vision and mission with a clear direction of leadership as they are elected later. The difference between us and the Papuan People's Assembly is that we as bearers are more concerned about skills, both in terms of finance and political control. While the Papuan People's Assembly (MRP) is more about culture and customs.”<sup>13</sup>

Based on the results of interviews with the informants regarding recruitment to elect leaders in the Papuan People's Assembly (MRP), it can be seen that there is recruitment in choosing leaders as said by the first informant. Thus, recruitment is not seen from the religious side, but it is the most important part of fulfilling requirements. As a representative of the Islamic Religion Working Group, he only tries to make Islam become *rahmatan lil'alamiin* for all people. While the second informant also said that the recruitment of leaders in the Papuan People's Assembly (MRP) must pay attention to the advice and suggestions of both religious and traditional leaders. This proposal will be brought to the Assembly meeting to determine the criteria that will be used as a requirement for recruitment. Further, the third informant said that in the recruitment of leaders in the Papuan People's Assembly (MRP), there must be criteria that have to be considered, especially in terms of character. Then, the people should have a vision and mission with a clear direction of leadership as they are elected later. The difference between them and the Papuan People's Assembly is that they as bearers are more concerned about skills, both in terms of finance and political control. While the Papuan People's Assembly (MRP) is more about culture and customs.

By considering the various descriptions of the interview results with the informants above, it is in line with the opinion of Randall S. Schuler and Susan E. Jackson, recruitment includes efforts to find a certain number of prospective employees who meet the requirements so that the company can select people among them who are

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<sup>13</sup>Darwis Masi, member of the People's Representative Council of Papua (DPRP), interview on August 23, 2019, in Jayapura.

most appropriate to fill existing job vacancies. As a result, recruitment not only attracts an individual's sympathy or interest to work for the company, but also increases the likelihood of retaining them after employment. So, in other words, recruitment is an effort made to obtain the human resources needed to fill certain vacant positions<sup>14</sup>. Thus, the recruitment in electing the leader of the Papuan People's Assembly (MRP) in the management of the Papuan People's Assembly (MRP) can be considered to be very qualified and efficient. However, the recruitment of electing leaders should be optimized in the future. This is because in recruitment, it is necessary not only to find a leader who can manage governance, but also a prospective leader who has sufficient religious knowledge. With religion, a leader knows the meaning of exemplary and religious leader figure and can understand the boundary between what is right and what is false. Moreover, the values in religion that can be used as a source in realizing a trustworthy government can direct the leader to a path that is blessed by Allah swt. Therefore, a leader who knows religious teachings properly and correctly can avoid actions that deviate from the values of religious teachings, such as abuse of power with corrupt practices, etc.

To have a leader who can protect a wide range of people in the Papua Province, several aspects are important in certain conditions as seen today, such as the desire of a few of Papuans who are involved in several existing organizations and are highly considered in the political and other organizations. The loyalty of a regional head or leader is highly anticipated to the Unitary State of the Republic of Indonesia, so that the criteria and conditions mandated by the Law are fulfilled.

#### **b. Requirements for Leader Candidates**

A leader must be optimistic in seeing all problems including the future of the organization or company. Thus, the people who are led can also work properly and correctly. To be able to improve their performance, they should provide a strong motivation so that there is enthusiasm to achieve the targets and provisions that have become their expectations for the future. The leader must be able to guide subordinates so that they can carry out delegated duties. When there are stumbling blocks along the way, the leader must be able to direct the subordinates to learn to become proficient. Not only success, but they can also develop. This is the most important thing!

A leader must also be open to the opinions of the people they lead. They must be able to accept the changes that are required. They are a leader, but ideas and creativity can come from anywhere. The people they lead often collide with the possibilities that they predict or calculate.

The leader must also have a great desire. The task is to set a big but realistic target. However, without the help of the subordinates, this extraordinary wish would not come true. Regarding the requirements for candidates for regional head leaders in Papua Province, an interview was conducted with Tumotius Murib as Chairman of the Papuan People's Assembly (MRP) and he said the following:

“Prospective leaders must have faith and fear God Almighty, and they are native Papuans, and people who have a spirit of nationality or nationalism. Thus, the

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<sup>14</sup>Randall S. Schuler and Susan E. Jackson, *Manajemen Sumber Daya Manusia Menhadapi Abad ke 21*, (Ed. VI, Jakarta: Erlangga, 1997), pp. 227

basis is according to the Special Autonomy Law Number 21 of 2001 which suggests that the leading candidates are must be native Papuans.”<sup>15</sup>

In line with what Tumotius Murib said, the requirements proposed are in accordance with Law Number 21 of 2001 concerning Special Autonomy for Papua, which is stated in article 20. Following the regulation, the researchers conducted an interview with Toni Wanggai as a member of the Islamic Religion Working Group who said the following:

“Regarding the requirements in the Papuan People’s Assembly, the main requirements to consider for the approval of the candidates for governor and deputy governor are to have faith and devotion to God Almighty, and have a high commitment to develop the area led. This matter is proposed by the DPRD. They provide consideration and approval of the requirements proposed by the DPRD together with the Governor. And, they provide advice, considerations, and approval of planned cooperation agreements made by the government and the provincial government with third parties that apply in the Papua region, especially regarding the protection of the rights of native Papuans. They pay attention to and channel the aspirations of the custom society, religious communities, women, and native Papuans.

The same explanation was conveyed by Helena Huby, S.Pd. who said that:

“Considering the provisions in the Special Autonomy Law of the Papuan People’s Assembly (DPRD), it is clear that the main requirement is a native Papuan, then they are domiciled in Papua, and they have the right to be elected, meaning that the people concerned are not insane when they are nominated”.<sup>16</sup>

Based on these interviews, there are several sources of knowledge that must be reviewed to understand non-Muslim leadership from the perspective *maqasid al-shari’a*, including: (1) Islamic teachings about the leader or *khilafah* from the Al-Qur’an and Hadith and the *ijtihad* of the *mujtahids*, (2) whether or not a non-Muslim leader can lead the majority area. (3). The Papuan People’s Assembly (DPRD) as a representative body for native Papuans has a direct relationship with descendants of tribal heads who have been passed down through generations in society as part of the customary system or subject to customary law.

The perspective of Islamic law on leadership starts from the heart and goes out to serve those they lead. Changes in character are everything for a true leader. Without change from the inner self, without self-peace, without humility, without strong integrity, endurance in facing difficulties and challenges, and a clear vision and mission, an individual will never be a true leader. A true leader indeed is often unknown to those they lead. Even when the mission or duty is completed, the whole team will say that

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<sup>15</sup>Tumotius Murib, Chairperson of the DPRD for the 2019 period. Interview on Thursday, 2019

<sup>16</sup>Helena Huby, S.Pd. as a member of the DPRD of Protestant Religion Working Group, interview on August 12, 2019

they do it themselves. A true leader is an encourager, motivator, inspirator, and maximizer.<sup>17</sup>

In carrying out the election of prospective leaders, the researchers made a confirmation by interviewing a member of the Papuan People's Assembly, Toni Wanggai, as a member who is the representative of the Islamic Religion Working Group, who said:

“In the recruitment system for a candidate for governor or mayor, religion is not a problem for the governor and deputy governor. But, they must be native Papuans. For the regent and mayor, there are no strict rules.”<sup>18</sup>

Based on the results of the interview, it is understood that the people of Jayapura City, especially indigenous Papuans, are more dominant in their understanding of customs, regional heads, or what have been rooted and passed down from generation to generation as illustrated in each of the implementations of major events in welcoming guests of greatness and paying respect to an official who is considered a leader. From a legal point of view, what is understood is minimal knowledge and understanding of other normative laws. This is especially related to the legal issue of electing non-Muslim leaders. The role of religion has an important meaning in social life. However, other aspects can be considered, such as culture. Papuan people in general have a very varied character and language. From its various tribes and languages, Papua is very multilingual and can only be understood by fellow tribes, even though they are from the same area.

### **c. Criteria for Ideal Leader in Islam**

Islam is a perfect religion. One of its perfections is in regulating all aspects of human life, both those related to Allah swt (*Hablum Minallah*) and the relationship between humans and Allah (*Hablum Minannas*). Regarding this matter, the researchers interviewed an informant named Sidiq Seknum as a Papuan community, who stated the following:

“The impact that has occurred is that we, as a Muslim community whose in this case the leaders or governors are non-Muslim, are constrained by regulations. For example, the regional regulation of Law Number 21 on Special Autonomy for Papua indicates that the leader candidates or governor should be a native Papuan. That gives us no other choices about the religion of a leader.”<sup>19</sup>

Referring to the applicable Islamic teachings in the text of the Al-Qur'an, it is clear that leadership on the one hand can mean power, while on the other hand can also mean responsibility. When leadership is defined as power, Allah swt gives power to whom He wants, and Allah also deprives the power of whom He wants (QS. Ali-Imran/3:26).<sup>20</sup>

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<sup>17</sup>Source: Library Internet Café of Postgraduate Program of UIN Alauddin Makassar on Monday, September 30, 2019

<sup>18</sup>Toni Wanggai, interview in Jayapura, on August 18, 2019

<sup>19</sup>Sidiq Seknum, a community member in Papua, interview on October 8, 2019

<sup>20</sup>Al-Qur'an and its translation. Ministry of Religion of the Republic of Indonesia.

The substance of leadership in an Islamic perspective is a mandate that must be given to people who are truly skilled, qualified, and have clear and correct responsibilities, also those who are fair, honest, and good in morals. These are some of the criteria that Islam required in selecting a leader who can actually lead people to a better, harmonious, dynamic, prosperous and peaceful life. Among the criteria for the leader that the prophet has is *Shidiq*, which means being honest and trustworthy in everything he does. Basically, the position of the leader is not different from the position of the people. He is not an individual who should continue to be privileged. He is just a person who must take precedence over others because he has gained confidence in leading and carrying out the mandate. He is the servant of the people who support the communication with his subordinates and everyone.<sup>21</sup>

Referring to the substance of leadership in the perspective of *maqasid al-shari'a*, the substance of leadership is a mandate that must be given to people who are true experts, have leadership, quality, and responsibility that is transparent and correct and fair in treating regional policies, honest, and have good moral. These are the criteria in Islam that are required in selecting a leader who can actually lead people to a better, harmonious, dynamic, prosperous, vigorous, and peaceful life. Besides, the leader must also be an individual who has faith in Allah swt. This devotion becomes a reference in seeing the figure of a leader who will truly carry out the mandate. Literally, *taqwa* is defined as carrying out Allah's commands and staying away from all the prohibitions of Allah. *Taqwa* means obedience and compliance, which is the fear of violating or denying all forms of Allah's commands. Leadership on the one hand can mean power, while the other hand it can also mean responsibility. It reminds us that the essence of power belongs to Allah swt. Allah swt gives power to whom He wants, and Allah also deprives the power of whom He wants, according to the word of Allah as follows:

Meaning: Say, "O Allah, Owner of Sovereignty, You give sovereignty to whom You will and You take sovereignty away from whom You will. You honor whom You will and You humble whom You will. In Your hand is [all] good. Indeed, You are over all things competent." (Surah Ali-Imran (3) verse 26).<sup>22</sup>

#### d. Criteria of a Leader from MRP Version

Based on the criteria from the Papuan People's Assembly (MRP) version, it seems that the applicable provisions are in the form of Law Number 21 on Special Autonomy for Papua, which affirms that the leader is a native Papuan and is non-Muslim. For the immigrant community who are non-Papuans, they only have to follow what was decided by the Papuan People's Assembly (MRP) and the People's Representative Council of Papua (DPRP). When this was confirmed to Toni Wanggai as a member of the Papuan People's Assembly, from the representative of the Islamic Religion Working Group of the Papuan People's Assembly (MRP), he stated that:

"The Papuan People's Assembly is one of the organizational components that is involved in formulating the terms and criteria for leader candidates proposed by the People's Representative Council of Papua."

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<sup>21</sup>Ernita Dewi, *Mengapa Kriteria Pemimpin Ideal*, (Edition I; Yogyakarta: AK Group, 2006), pp. 81.

<sup>22</sup>Department of Religion of the Republic of Indonesia, pp. 287

**e. Implementation of the Leader Selection Process**

Based on the interview with the Chairperson of the Papuan People's Assembly (MRP) regarding the implementation of the leader election, he said the following:

“In the process of selecting, the task of the Papuan People's Assembly (MRP) is to carry out an administrative selection process related to the completeness of requirements of leading candidates, such as identity documents and verification of the eligibility, in this case, such as diplomas and other certificates.”<sup>23</sup>

In realizing the ideal leader expected by the Papuan people, it is not only considering at the aspects of the origin of the Papuan people, but rather an orientation to the culture they have so that they can provide a solution to the problem which so far there has been no partiality for the interests of indigenous Papuans. The researchers tried to understand deeper into the issue of Papuan leadership, which still seems unable to create equality for the welfare of indigenous Papuans. To realize what indigenous Papuans have not perceived, especially the equitable distribution of welfare in all fields, the researchers conducted an interview with Mrs. Yohana as a member of the MRP, in which she said:

“Regarding the implementation of the leader election, we focus more at the regulations that have been regulated by the Papuan People's Assembly which the role is looking more at the cultural factor of indigenous Papuans and they live in Papua, then whether this person has a diploma or other identity card. This is important because if it is not carried out with a fairly strict selection, it will have an impact on the elimination of the leader candidate participants.”<sup>24</sup>

Regarding the process carried out by the Papuan People's Assembly (MRP) in terms of selecting leaders, the researchers conducted a verification to other members of the MRP, such as Dr. H Toni V.M Wanggai, S.Ag. MA. as a member of the MRP. He was contacted via Whatsapp phone call and said that:

“Besides examining the completeness of the leading candidates' documents, the Papuan People's Assembly (MRP) also gives approval to the candidates with a fairly strict selection, which is also important.”<sup>25</sup>

To obtain accurate data regarding the requirements of the leading candidates, the researchers conducted interviews with various parties, including informants to strengthen field data, such as Mr. Darwis Massa as a legislative member regarding the MRP and DPRD, also the DPRD, who said:

“The legislative agency only provides recommendations to the Papuan People's Assembly (MRP) for regional head candidates, then the Papuan People's Assembly (MRP) considers the proposal. If it is approved by the MRP, it will be

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<sup>23</sup>Tumotius Murib, Chairperson of the MRP. Interview on Thursday, in Jayapura, March 28, 2019

<sup>24</sup>Yohana, as a member of the Papuan People's Assembly (MRP). Interview in Jayapura, March 29, 2019

<sup>25</sup>Dr. H Toni V.M Wanggai, S.Ag, MA. Interview via Whatsapp on September 29, 2019

carried out to the next stage. Of course, it should obtain consideration and approval from the Papuan People's Assembly (MRP)."<sup>26</sup>

After completing some stages, the next stage is carried out, which is the determination of the results of the regional head election, validated by the Papuan People's Assembly (MRP) and the People's Representative Council of Papua (DPRP) as the institutions with the authority to inaugurate and take the oath. This is because these institutions are given the authority to determine the elected candidates.

#### **f. Inauguration of Leaders**

Regional heads who have been declared as winners by the General Election Commission (KPU) will be nominated at the KPU session, and are scheduled to be inaugurated by the Minister of Home Affairs. To determine the validity or legality of a governor, the researchers interviewed the head of the Jayapura Election Commission (KPU), Sudin Retop, who revealed the following:

"After passing through these stages, the KPU only determines the winner and then arranges a plenary for the results obtained from each of the contestants based on the most votes. Based on the results, the most votes will be what KPU is scheduled to hold inauguration."<sup>27</sup>

The General Election Commission (KPU), as the organizer of the *Pemilukada* and for decision-makers, is at the elite level of the MRP, DPRP, and community organizations, both at regional and national levels. Given the existing MRP authority, such as giving consideration to the drafting of *Perdatus*, the MRP will become a political institution that will become the governing body. From this perspective, the political process in Papua has entered a new era with the position of the MRP as the third pillar of governance in Papua. The MRP is also a political institution that will make local politics in Papua in this autonomous era more dynamic. The political institution referred to is an institution whose members are directly elected by the people and have the authority to make public policies and are accountable to the public. It means that, with the authority available to them, the decisions they make will bind all people in Papua.

On the other hand, the presence of the MRP ensures the running of the democratic process in Papua. This is possible because of the large opportunity to balance each other between the three pillars of power in Papua. This mutually balanced position will open up greater opportunities for the Papuan people to participate in and control the running of the government and various government policies related to the indigenous rights of Papuans. The opening of a wide space for participation and control will strengthen the local democratic process in Papua.

## **IV. CONCLUSION**

Based on the explanation above, it can be concluded that the Papuan People's Assembly (MRP) elects leaders in non-Muslim majority areas in the perspective of

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<sup>26</sup>Darwis Massi, as a legislative member of DPRD of Jayapura City, April 2019

<sup>27</sup>Sudin Retob member of the General Election Commission (KPU) of Papua Province, interview on March 23, 2019

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*maqasid al-shari'a* in Papua, which in its role in the process of organizing the election of prospective leaders in Papua, it has taken away the rights of citizens in general. It is decided by the authorized institution that the Papuan People's Assembly (MRP) follows what has been decided by formal institutions, including the General Election Commission (KPU) and traditional institutions that have been given authority according to law. In the provisions of Law Number 21 of 2001 concerning Papua Special Autonomy, there is no room or space for immigrants. Besides, the recruitment process for leader candidates, such as governors and deputy governors, is based on Law Number 21 of 2001. The basic matters that constitute the contents of this Law include the arrangement of authority between the Government and the Provincial Government of Papua and the application of this authority in Papua Province which is carried out with specificity. This law places native Papuans and the population of Papua in general as the main subjects. The existence of the Government, Provincial Government, Regency/City Government, and the apparatus under their supervision, are all directed at providing the best service and empowering the people.

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