

# Local Democracy: Election of Regional Head and Regional Deputy Head in the Noken System in Papua Indonesia

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The switch between the Election of Regional Head and Regional Deputy Head in Papua from the system of representation to a direct election system is a very significant progress in the democratic life of Indonesia. This condition can be understood as the system of Election of Regional Head and Regional Deputy Head will directly open a wider space for community participation in the democratic process. The election uses the noken system in the selection of Regional Head and Regional Deputy Head in Papua that currently prevails in the central mountain region of Papua Province is an implementation of pluralism in Indonesia and has its own characteristics based on cultural values and traditions. This study attempts to explain the implementation of democracy in regional elections in Papua by using the noken system as an effort to build cultural and cultural democracy in the Papuan people. The results show that the use of the noken system in the implementation of General Elections and the Election of Regional Head and Regional Deputy Head in Papua is influenced by several reasons, including legal, social and political. The Noken system strengthens the existence of traditions or customs which are based on cultural values, and then transforms them into customary law which is subsequently obeyed by the Papuan people.

**Keywords:** *Election of Regional Head, Noken System, Papua*

## Introduction

The implementation of the Election of Regional Head and Regional Deputy Head in Papua is an extensive process, and has very broad dimensions, starting from the preparation stage such as program planning and budgeting, preparation of implementing regulations, setting procedures and schedule for the stages of the implementation of elections, establishing election organisers, the formation of election supervisors, notification and registration of observers, submission of a list of potential voters, and stages of administration such as determining the voter list and candidates, campaign implementation, stages of voting, counting and recapitulation of the results of vote counting, determination of elected candidates, resolution of violations and election disputes, and proposals for ratification of the appointment of elected candidates.

The implementation of irregularities or vertical conflicts and horizontal conflicts, both of which have administrative, political, social and legal dimensions are possible due to extensive dimensions. Such conflicts certainly require careful and thorough resolution, therefore an institution or organ that has the competence to resolve cases that occur in the process of the Election of Regional Head and Regional Deputy Head in Papua is needed. Besides solving cases, building or conducting an appropriate legal construction regarding the Election of Regional Head and Regional Deputy Head in Papua that can accommodate the aspirations and cultural values of the indigenous people of Papua remains important.

The election uses the noken system in the selection of Regional Head and Deputy Regional Head in Papua that currently prevails in the central mountain region of Papua Province, which is an implementation of legal pluralism in Indonesia and has its own characteristics based on cultural values and traditional traditions. Made legal through Constitutional Court Decision Number: 47-81 / PHPU.A-VI / 2009, dated 9 June, 2009, the Noken system should be accommodated by Indonesian laws and regulations. This Court Decision gives constitutional rights to indigenous people in Papua to use their own way (noken system) in their political rights to vote on the implementation of the General Election and Election of Regional Head and Regional Deputy Head in Papua.

In fact, even though the Noken system has obtained the legality of the Constitutional Court, the application in the implementation of the Election of Regional Head and Regional Deputy Head has caused controversy among the public, both from election participants, election administrators, politicians, academics, legal practitioners and state observers. This difference in opinion is due to the fact that the election has not been regulated using the Noken system in the laws and regulations, both in the Law on the Election of Regional Head and Regional Deputy Head namely Law No. 1, 2015, Regarding the Election of Governors, Regents and Mayors, as amended by Law Number 8, 2015 and Law Number 10, 2016 as well as in the

Election Law (Law No. 7, 2017, concerning Elections), even though the Constitutional Court itself has finally allowed elections using the noken system to be applied in regional elections and elections in Indonesia.

Law No. 7, 2017 concerning General Election and the Law on the Election of Regional Head and Regional Deputy Head No. 1 of 2015 concerning the Election of Governors, Regents and Mayors as updated with Law no. 8, 2015, and have been revised by Law No.10 2016, including the principles of elections based on direct, general, free, confidential, honest and fair principles. Neither laws accommodate Constitutional Court ruling Number 47-81 / PPHU.A-VI / 2009, dated 9 June , 2009, to the application of the noken system in the implementation of the General Election and Election of Regional Head and Regional Deputy Head both in their principles and through the norm settings.

By not regulating elections using the noken system in the law, the interpretation of the application of the noken system is ambiguous in its implementation. On the one hand, the legality of the application of the election using the noken system is recognised by the Constitutional Court Decision, on the other hand the law does not regulate it, consequently, the implementation of losing the election and local election participants will easily use the pretext of applying the noken system as a legal reason to raise questions in court. Likewise, the non-regulation of the implementation of the noken system in legislation is only based on the Constitutional Court's decision which always raises multiple interpretations of its application.

Elections use the system of local elections and the election of Regional Heads and Regional Deputy Heads do not exactly implement direct, free and confidential principles, as contained in the election and election law. The customary law community in Papua gives their voice by means of deliberation, consensus and representation, so that in the perspective of the general election the indigenous peoples are not considered to use the principle of direct, free and confidential principles as contained in the election legislation.

The implementation of the noken system in the application of general elections is perceived by indigenous people as not using the direct principle, because during voting each indigenous community member does not cast his or her vote directly, but is represented by respective tribal leaders who are deemed to have contributed to providing protection to their indigenous people. Indigenous people are not considered to use the principle of freedom, because during voting indigenous peoples do not freely choose candidates submitted by political parties according to their choice of interest, but are limited by the common interest in their customary communities. Based on considerations of the interests of the tribe towards the prospective leader, the choices of each indigenous community are not solely for their own interests (individual interests), but are limited by a common interest in maintaining their tribe.

By implementing the nokenjuga system during the election, they do not recognise the principle of secrecy, because members of the customary law community as individual voters in selecting candidates or pairs of candidates promoted by political parties are carried out openly and transparently in a deliberation. Fellow indigenous people know each other's choices by means of deliberation and consensus in selecting or determining candidates or pairs of candidates known by all members of customary deliberations, therefore there is no confidentiality between citizens in exercising their voting rights.

The election of Regional Head and Regional Deputy Head using the Noken system has a philosophy of attainment, prospective leaders produced in the Election of Regional Head and Regional Deputy Head are leaders who will serve and fight for common interests in the customary law community (tribe), rather than for the interests of each individual from Indigenous people as voters. Thus, indigenous people assume that confidentiality is not required amongst fellow tribespeople, who are a unit within their customary community. The importance of each individual as a citizen is the same if there is a secret among indigenous people, and the effect will lead to further conflict between citizens in their tribes. But even if there are no secret tribal members in the election, it does not mean that there is no secret. The secrets in the election only apply to other ethnic communities or to outsiders, so they also greatly reduce their choice of other tribes.

Judging from the course of prior General Elections and Regional Head and Regional Deputy Head Elections, by applying the system of noken elections are always considered to be a source of problem by election participants, by applying a system that mandates the chiefs or community leaders who are trusted in voting, elections are rife with fraud, such as the sale and purchase of votes, the occurrence of conflicts between tribes, the recording of voting results that are easily manipulated, the votes of those who have been entered into the voting switching from one candidate to another.

The occurrence of various vulnerabilities and frauds in the implementation of the Election of Regional Heads and Regional Deputy Heads requires a solution to solve the problem conceptually and comprehensively. The most likely solution is to conduct legal regulation by constructing legal instruments that can accommodate the implementation of the noken system based on the basic rights of indigenous and tribal people in Papua. Thus, the various problems that arise as a consequence of the election applied by using the system can be overcome and minimised. The establishment of the legal instruments can also safeguard the implementation of the system of self-reliance properly and at the same time maintain the purity of the selection system for various interventions and political interests as manifestations in the application of legal pluralism which has local wisdom values in the Papua region.

Papua Province is one of the regions given Special Autonomy status through Law Number 21, 2001 concerning Special Autonomy for the Province of Papua, providing special powers and also greater responsibility for the administration of regional governments. It has not yet seen the Election of a Regional Head and Regional Deputy Head by using the noken system as an urgent matter and needs to be regulated by Provincial Regional Regulation (PERDASI) or Special Regional Regulation (PERDASUS), even though its implementation always raises problems due to political intervention from certain parties. Whereas one of the obligations of the Papua Provincial Government is to provide protection for the rights of indigenous Papuans in the form of recognition, respect, empowerment, and developing the basic rights of indigenous peoples, including political rights in general elections and the election of regional heads and regional deputy heads.

Legal instruments in the form of Perdasi and Perdasus are statutory regulations similar to regional regulations that have the same level of importance as regional Regulations due to being an integral part of the legal system and hierarchy of laws and regulations in Indonesia. Perdasi and Perdasus were formed because of adjustments to specific problems in the region (Papua) relating to regional conditions and characteristics including the application of the noken system in the implementation of the Election of Regional Head and Regional Deputy Heads. The Papua Provincial Government needs to be able to make the special authority as an opportunity to be able to accommodate the noken system in the implementation of the Election of Regional Head and Regional Swoyrt Head through the Perdasus Legal Instrument.

Considering the difficulty of changing the law related to election using the noken system in the Election of Regional Head and Regional Deputy due to strong political interest in the DPR in the formation of laws, the Perdasi or Perdasus should be a consideration and opportunity for the Papua Provincial Government to conduct legal regulations on the selection of the noken system in choosing a Regional Head and Regional Deputy Head. However, to give a clearer picture regarding whether the election using the Noken system in the election of Regional Head and Representatives to Regions is a system that must be accommodated through legal regulations, it is necessary to examine and conduct scientific research on the Legal Construction of the Noken System in the Election of Regional Heads and Regional Deputy Head, according to the system of Democracy and election Law based on legal pluralism in Papua.

## Methodology

The research method used in this study is based on the dogmatic scientific nature of law, legal theory and legal philosophy.<sup>1</sup> The type of research used in this study is normative or doctrinal

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<sup>1</sup> Legal research can be distinguished from legal science which is theoretically divided into three main areas: dogmatic law, legal theory and legal philosophy. At the dogmatic level, the starting point of research consists of positive legal provisions. At the theoretical level, the starting point consists of research in concepts based on views and doctrines. Finally, at the philosophical level, the starting point of research is principle and value. Philipus M Hadjon, Legal Studies, Paper on

research, which is legal research that places the law as a building system of norms, namely regarding the principles, norms, rules of legislation, court decisions, agreements and doctrine (teaching) or legal research conducted to produce new arguments, theories or concepts as a prescription for solving problems. This normative research as the source of data use primary legal materials (Basic Rules Norms: Opening of the 1945 Constitution; Basic Regulations: Body of the 1945 Constitution, TAP MPR, Legislation: Laws, Government Regulations, Presidential Decrees and Regulations, Presidential Decrees or Regulations, Regional Regulations; Unwritten Legal Material: customary law, customary traditions; Jurisdiction); secondary legal materials (books, legal journals, research results, legal expert opinions); and tertiary legal materials (legal dictionaries, legal encyclopaedias) supported by data from observations and in-depth interviews. The form of research is diagnostic and descriptive. Diagnostics are intended to obtain information about the causes of the use of the "noken system" in the Election of Regional Heads and Deputy Regional Heads in Papua, while the prescriptive method is intended to find a solution to the use of the "noken system" in the election of regional heads and deputy regional heads in the form of legal construction.

## Results and Discussion

The use of the noken system in the implementation of General Elections and Regional Head and Regional Deputy Head Elections is influenced by several factors including legal, social and political reasons. Legal reasons (juridical) relate to the existence of customary traditions or customs based on cultural values. It embodies the customary law which is subsequently obeyed and implemented by each indigenous community member of the each organisation of the general election and the election of Regional Head and Regional Deputy Head. Customary law, which is rooted in cultural values and traditions or customs then acquires legal status through Constitutional Court Decision Number: 47-81 / PHPU.A-VII / 2009, dated 9 July, 2009. In practice, implementation is followed up with the General Election Commission Papua Province Decision Number 01 / KPTS / KPU PROV.030 / 2013 and Election Commission Regulation Number 10 of 2017. The reason for the social aspect is the fact that the use of the noken system is considered to be an instrument of harmony in the indigenous Papuan community against the political impact of elections and Regional Head and Regional Deputy Head elections because it has the potential for minimising conflict between indigenous people and between Papuan tribes. The use of the noken system is also associated with the demographic and geographic conditions of Papua, due to the domicile of the scattered population and the mountainous natural conditions with steep valleys that pose a great deal of difficulty in transportation and communication. While the reasons for political aspects include the use of the noken system as a means of resolving conflicts (conflict resolution) between

tribal residents and tribal leaders, due to the Regional Head and Regional Deputy Head being elected with the principle of Election (Luber-Jurdil), the authority of the tribal chief will be reduced. Likewise, the noken system prevents conflicts between tribes caused by the implementation of the Election of the Regional Head and Regional Deputy Head.

In the perspective of democracy and the Election Law, the application of the system of voting in the Election of Regional Head and Regional Deputy Head is highly democratic because it is carried out through a process of deliberation, consensus, unity and representation, even though the implementation of the noken system is contrary to the principles of the legislation for the Election of Regional Heads and Regional Deputy Head the implementation of the noken system has fulfilled the will of the Indonesian constitution. This is due to the fact that in practice its implementation is in accordance with the Pancasila democracy as contained in the opening of the 1945 Constitution which implements the decision making process carried out through deliberation, consensus and representation. Besides, the noken system is also a manifestation of the implementation of legal pluralism as adopted by Indonesians.

The ideal legal construction that can accommodate the implementation of the noken system in the implementation of Regional Head and Regional Deputy Head Elections, is carried out with the following hierarchy. Firstly, the authority to elect a Regional Head and Regional Deputy Head is given to the Papua Provincial Government as the entity responsible for organising the election. This is based on the mandate of the Indonesian constitution (Article 18 paragraph 2 of the 1945 Constitution) which includes governing elections for Governors, Regents and Mayors within the scope of the Regional Government and is not within the scope of the General Election (Article 22E of the 1945 Constitution). In addition, the Special Autonomy Law Papua (Law No. 21/2001) also mandates that the Regional Head Election be determined by Perdasus, as stated in Article 11 paragraph (3) which states that the Procedures for the Election of Governors and Deputy Governors are stipulated by Perdasus in accordance with statutory regulations. Thus, there is a strong legal basis for the authority of the Election of Regional Head and Regional Deputy Head given to the Provincial and Regency / City Governments in Papua, with the Governor being responsible for organising the Election, DPRD, MRP and KPU and Provincial Bawaslu at the Provincial level and KPU and Supervisory Committee. Furthermore, regencies, regents and DPRD at the Regency / City level. Secondly, legal arrangements related to the noken system in the election of Regional Head and Regional Deputy Head are regulated through the Papua Special Autonomy Law, namely Law No. 21, 2001 concerning Special Autonomy for the Province of Papua; Special Regional Regulation of Papua (Perdasus); and Papua Province Election Commission (KPU) Regulations. This is based on the provisions of Article 4 paragraphs 1 and 2 of Law No. 21, 2001, relating to authority in all fields of government and special authority based on the Papua Special Autonomy Law. Thus, the Parliament and the President must revise the Papua Autonomy Law and accommodate the regulation of the noken system.

Thirdly, the Papua People's Assembly (MRP) as an institution for cultural representation of indigenous Papuans is responsible for the preparation of material content in legal arrangements for the adoption of the noken system in the Election of Regional Head and Regional Deputy Head which will be stipulated in the Special Regional Regulation (Perdasus) of Papua by the House of Representatives by the People of Papua (DPRP) and the Governor of Papua. This is based on Article 19 paragraph 1 of Law No. 21, 2001, which states that the Papua People's Assembly (MRP) consists of indigenous Papuans consisting of traditional representatives, religious representatives, and women's representatives and Article 20 paragraph 1 letter c which states that the MRP has the duty and authority to give consideration and approval to the Perdasus Draft submitted by the DPRP together with the Governor.

Fourthly, the implementation of the Election of Regional Head and Regional Deputy Head is held by the Provincial Election Commission (KPU) of Papua Province and Regency / City Election Commission (KPU), which is responsible to the Papuan People's Representative Council (DPRP); and the Governor of the Papua Province, as well as the Papua People's Assembly (MRP). Instead, in the Regency and City level, the Regency / City KPU is responsible to the Regency / City DPRD and Regent / Mayor. This is based on the provisions of Article 1 numbers 8 and 9 of Law Number 1, 2015 as amended by Law Number 8, 2015 concerning Amendments to Law Number 1, 2015, concerning the Election of Governor, Regent and Mayor as amended by Law Number 10, 2016 and Article 6 paragraph 1,2 and 3 of Law Number 8, 2016, as amended by Law Number 10, 2016.:

Finally, supervision of the election of Regional Head and Regional Deputy Head using the noken system in Papua is carried out by the Election Supervisory Board of the Province of Papua in charge of overseeing the implementation of Regional Head Elections in the Province, Regency / City Supervisory Committee in charge of overseeing the implementation of Regional Head Elections in Regency / City areas; Regency / Regency Supervisory Committees formed by District Supervisory Committees tasked with overseeing the holding of elections in the sub-district area, and Field Supervisors formed by District Supervisory Panels to oversee the holding of elections in the village / kelurahan. This is based on the provisions of Article 1 number 16-19 of Law Number 1, 2015.

In connection with the regulation of the noken system in the implementation of the Regional Head and Regional Deputy Head Election, it is expected that the DPR, Government, Governor, DPRP, MRP, and KPU have good will (political will) in conducting good governance in order to establish a law for the regulation of the noken system in the Special Autonomy Act, Perdasus, and KPU Decree in Papua Province based on legal pluralism and local wisdom, which is based on the legal basis of the Decision of the Constitutional Court Number: 47-81 / PHPU.A-VII / 2009, July 9, 2009, by inviting or involving various elements in Papuan society (traditional leaders, religious leaders, and community leaders) in Papua.





The House of Representatives and the President carried out a revision of Law Number 21, 2001 concerning Papua's Special Autonomy, particularly those related to the implementation of the Noken system in the Election of Regional Head and Regional Deputy Head. Thus, it can become the basis for the making of Perdasus related to the procedures for electing governors and deputy governors, as mandated by Article 11 paragraph 3 of Law No. 21, 2001, concerning Special Autonomy for the Province of Papua.

Papuan Provincial Government, DPRP and MRP are expected to be able to implement Article 43 of Law No. 21, 2001, regarding Special Autonomy for the Province of Papua, concerning the protection of the rights of indigenous Papuans and asserting the noken system as cultural values that are still alive and thriving in indigenous peoples who live in the central mountains of Papua and have local wisdom, which must be protected and fight for accommodation in the Papua Special Autonomy Law. The General Election Commission (KPU) as an institution that has the authority to hold General Election and Election of Regional Head and Regional Deputy Head, is expected to revise Article 32 of PKPU No 10, 2017, and replace the new PKPU by delegating to the Election Commission (KPU) of the Papua Province.

### **Implication**

Providing a place for local norms based on customary traditions that are still alive and developing in indigenous peoples related to voting in the stages of the General Election and Regional Election in the Papua Special Autonomy Law, can not only minimise problems in implementation of elections and Pilkada in Papua, but will be able to give pride and existence to indigenous peoples in Papua, because there is recognition from the state or government of customary norms in the Special Autonomy Law about the election of regional heads and the deputy regional head giving place to the implementation of the law of pluralism in Indonesia.

The regulation of the noken system in the Papua Special Autonomy Law provides a good precedent for the implementation of the People's Sovereignty and the implementation of the democratic process through the Election of Regional Head and Regional Deputy Head of a country that has heterogeneity of population such as Indonesia. Therefore, the regional head and deputy head election precedent can be followed by dealing with the same problems in other regions or countries. With the legal arrangement of the noken system in the implementation of the election of Regional Head and Regional Deputy Head through the Special Autonomy Law, Perdasus, Papua Election Commission Decree, the potential for conflicts that occur amongst indigenous peoples can be avoided, and the cultural values of the indigenous Papuan people can be maintained in accordance with developments.



## REFERENCES

- Abdul. 2016. *Teori Negara Hukum Modern*, Bandung: Pustaka Setia, Cetakan Pertama.
- Abdussalam, 2011, *Politik Hukum*, Jakarta: PTIK Press.
- Afrizal, 2015, *Metode Penelitian Kualitatif, Sebuah Upaya Mendukung Penggunaan Penelitian Kualitatif Dalam Berbagai Disiplin Ilmu*, Jakarta: RajaGrafindo Persada, Cetakanke-2.
- Aminah,Siti, 2014, *Kuasa Negara Pada Ranah Politik Lokal*, Jakarta: Kencana, Cetakan I.
- Agustino Leo, 2009, *Pilkada Dan Dinamika Politik Lokal*, Yogyakarta: Pustaka Pelajar, Cetakan I.
- Al Atok, A.Rosyid. 2017. *Konsep Pembentukan Peraturan Perundang-Undangan*, Malang: Setara Press.
- Bashori.M, 2005, *Pembaharuan Konstitusi Yang Partisipatif*, Jakarta: Pusat Studi Pengembangan Kawasan (PSPK).
- Boelaars,Jan.1986, *Manusia Irian Dahulu, Sekarang dan Masa Depan*, Jakarta: Gramedia Pustaka Utama.
- Budiardjo,Miriam.2008. *Dasar-Dasar Ilmu Politik*, Jakarta: Gramedia Pustaka Utama, Edisi Revisi, Cetakan Pertama.
- Muhammad, Bushar. 2013. *Asas-Asas Hukum Adat Suatu Pengantar*, Jakarta: Balai Pustaka, Cetakan Keempat belas.
- Chalik,Abdul, 2017, *Pertarungan Elite Dalam Politik Lokal*, Yogyakarta: Pustaka Pelajar, Cetakan Pertama.
- Deni, Deden Hendri. 2016. *Argumentasi Kebijakan Uji Publik Calon Kepala Daerah*. Depok: Pustaka Kemang.
- Dworkin Ronald,1986, *Law's Empire, United State of America*: The Belknap Press of Harvard University Press Cambridge, Massachusetts London, England.
- Effendi Sosfian dan Tukiran,2012, *Metode Penelitian Survey, Edisi Revisi 2012*, Jakarta: LP3ES, Cetakan Ke Tiga puluh.
- Ell,Pieter, Theo Kossay, Rahman Ramli, Harry Maturbongs, Maksilianus Mena, dan Marsel Kepata., 2013.*Sistem Noken Demokratisakah*, Jakarta : Dian Rakyat.



- Erwin Muhamad, 2016, *Filsafat Hukum Refleksi Kritis Terhadap Hukum dan Hukum Indonesia (Dalam Dimensi Ide dan Aplikasi)*, Jakarta: Raja Grafindo Persada, Edisi Revisi, Cetakan ke-5.
- Faisal, King Sulaiman, 2017, *Politik Hukum Indonesia*, Yogyakarta, Thafa Media, Cetakan I.
- Fatwa.A.M. 2009. *Potret Konstitusi Pasca Amandemen UUD 1945*. Jakarta: Kompas.
- Fuady, Munir. 2010. *Konsep Negara Demokrasi*, Bandung: Refika, Cetakan Pertama.
- Fajar, Mukti ND dan Yulianto Achmad. 2017. *Dualisme Penelitian Hukum Normatif & Empiris*, Yogyakarta: Pustaka Pelajar, Cetakan IV.
- Faisal, King Sulaiman. 2017. *Teori dan Hukum Konstitusi*. Bandung: Nusa Media.
- Finnis John, 2011, *Natural Law & Natural Rights*, Oxford university Press, Second Edition.
- Gadjong, Agus Salim Andi, 2007, *Pemerintahan Daerah, Kajian Politik dan Hukum*, Bogor: Ghalia Indonesia, Cetakan Pertama.
- Hapsah, Siti Isfardiyana. 2018. *Hukum Adat*, Yogyakarta: UII Press Yogyakarta, Cetakan Pertama.
- Hadikusumo, Hilman, 1986, *Antropologi Hukum Indonesia*, Bandung: Alumni, Cet-1.
- Hamid, M. Gaffar, Janedjri. 2013. *Demokrasi Dan Pemilu di Indonesia*, Jakarta:
- Irtanto, 2014, *Dinamika Politik Lokal Era Otonomi Daerah*, Yogyakarta: Pustaka Pelajar, Cetakan Kedua.
- Isra Saldi, 2017, *Pemilu Dan Pemulihan Daulat Rakyat*, Jakarta: Themis Publishing.
- Ishak, 2016, *Dasar-Dasar Ilmu Hukum*, Jakarta: Sinar Grafika Offset, Cetakan pertama.
- John, Emeritus Gilissen dan Emeritus Frits Gorle. 2011. *Sejarah Hukum Suatu Pengantar*, Bandung: Refika Aditama, Cetakan Kelima.
- J.L. Kriekhof, Valerine, dkk. 2000. “*Metode Penelitian Hukum (Seri Buku Ajar)*,” Depok: Buku A, Fakultas Hukum Universitas Indonesia.
- Jurdi, Fajlurrahman. 2018. *Pengantar Hukum Pemilihan Umum*, Jakarta: Kencana, Cetakan ke-1.



- Labolo, Muhadam, dan Teguh Ilham, 2015, *Partai Politik dan Sistem Pemilihan Umum Di Indonesia*, Jakarta: Raja Grafindo Persada, Cetakan ke-1.
- Liliweri, Alo, 2014, *Pengantar Studi Kebudayaan*, Bandung: Nusa Media.
- Lubis Solly, 2014, *Politik Hukum Dan Kebijakan Publik*, Bandung: Mandar Maju, Cetakan Ke-I.
- Lutfi, Mustafa, 2010, *Hukum Sengketa Pemilukada Di Indonesia, Gagasan Perluasan Kewenangan Konstitusional Mahkamah Konstitusi*, Yogyakarta: UII Press, Cetakan Pertama.
- Macaulay Stewart, Lawrence M. Friedman, dan Elizabeth Mertz, 2007, *Law in Action, A Socio Legal Reader*, Wisconsin: Foundation Press.
- Mahmud, Peter Marzuki. 2014. *Penelitian Hukum Edisi Revisi*, Jakarta: Prenamedia Group, Cetakan Ke Sembilan.
- Mansai, Abner, Amirudin Alrahab, Angel Flassy, Anton Raharusun, Dominggus A Mampiooper, Dominikus Serabut, Frans Maniagasi, Gabriel Manigasi, Indri Qurani Jamillah, Isak Matarihi, Jeremias Omona, dan Neles Tebay. 2008. *MRP Kitong Pu Honai*, Jayapura: Foker LSM Papua, Cetakan Pertama.
- Mansoben, Johszua, *Sistem Politik Tradisiondi Irian Jaya*, Jakarta: LIPI-RUL, 1995.
- Marijan, Kacung, 2012, *Sistem Politik Indonesia Konsolidasi Demokrasi Pasca Orde Baru*, Jakarta: Kencana Prenada Media Group, Cetakan Ketiga.
- Nobles Richard and David Schiff, 2013, *Legal Theory Today Observing Law Through Systems Theory*, Oxford: Hart Publishing.
- Nurtjahjo, Hendra dan Fokky Fuad. 2010. *Legal Standing Kesatuan Masyarakat Hukum Adat dalam Berperkara di Mahkamah Konstitusi*. Jakarta: Salemba Humanika.
- Nurhaini, Elisabeth Butarbutar, 2018. *Metode Penelitian Hukum, Langkah-Langkah Untuk Menemukan Kebenaran Dalam Ilmu hukum*, Bandung: Refika Aditama, Cetakan Kesatu.
- Purnama Eddy, 2007, *Negara Kedaulatan Rakyat Analisis Terhadap Sistem Pemerintahan Indonesia dan Perbandingan dengan Negara Lain*, Bandung, Nusamedia.
- Qodir, Zuly, 2016, *Teori Dan Praktek Politik Di Indonesia, Memahami Partai, Pemilu Dan Kejahatan Politik Pasca Orde Baru*, Yogyakarta: Pustaka Pelajar, Cetakan I.



- Rasyidin,Utang dan Dedi Supriyadi. 2014. *Pengantar Hukum Indonesia dari Tradisi ke Konstitusi*, Bandung: Pustaka Setia, Cetakan Pertama.
- Rasjidi, Lili dan Thania Rasjidi. 2018. *Pengantar Filsafat Hukum*, Bandung: Mandar Maju, Cetakan ke Satu.
- Rasjidi,Lili dan Liza Sonia Rasjidi, 2016, *Dasar-Dasar Filsafat dan Teori hukum*, Bandung: Citra Aditya Bakti, Cetakan ke-12.
- Roach Sharyn L Anleu, 2010, *Law and Social Change*, London: SAGE Publications Inc, Second Edition Published.
- Rosyidi, Muchtar, 2006, *Penuntun Perundang-Undangan Negara Republik Indonesia*, Jakarta: Gramedia Pustaka Utama.
- Salim HS dan Erlies Septiana Nurbani, 2014, *Penerapan Teori hukum Pada Penelitian Tesis Dan Disertasi*, Jakarta RajaGrafindo Persana, Cetakan ke-3.
- Salman,OtjeSoemadiningrat, 2015, *Konseptualisasi Hukum Adat Kontemporer*, Bandung: Alumni, Cetakan Kedua.
- Samosir,Djamat.2014. *Hukum Adat Indonesia, Eksistensi Dalam Dinamika Perkembangan Hukum Di Indonesia*, Bandung: Nuansa Aulia, Cetakan Kedua.
- Sanders Joseph and V.Lee Hamilton, 2001, *Handbook of Justice Research In Law*, New York, Boston, Dordrecht, London, Moscow: Kluwer Academic Publishers.
- Sangaji Mamang Etta, Sopiah, 2010, *Metodologi Penelitian, Pendekatan Praktis Dalam Penelitian, Perumusan Masalah, Metode Penelitian, Penulisan Laporan Penelitian*, Yogyakarta: Andi Offset.
- Suwartono, 2014, *Dasar-Dasar Metodologi Penelitian*, Yogyakarta, Andi Offset.
- Tamanaha Brian Z, *Beyond the Formalist Realist Divide, The role of Politics in Judging*, New Jersey:Princeton University Press.
- Tamanaha Brian Z,1997, *Realistic Socio Legal Theory, Pragmatism and A Social Theory of Law*, Oxford New York: Oxford University Press.
- Taher Ali Parasong, 2014, *Mencegah Runtuhnya Negara Hukum*, Jakarta: Grafindo Books Media, Cetakan I.
- Tabuni,Nenu.2018.*Demokrasi Tanpa Bercah Darah, Pesan Damai Pilkada Perdana Intan Jaya*, Jakarta: Kandil Semesta, Cetakan kedua.



Tanya, Bernard L; Theodorus Yosep Parera; dan Samuel F. Lena, 2015, *Pancasila Bingkai Hukum Indonesia*, Yogyakarta: Genta Publishing, Cetakan Pertama.

T.O. Ihromi. 2017. *Pokok-Pokok Antropologi Budaya*, Jakarta: Yayasan Pustaka Obor

### **Perundang-undangan**

Undang-Undang Dasar 1945, (Hasil Amandemen).

Undang- Undang Nomor 1 Tahun 2015 Tentang Penetapan Perpu Nomor 1 Tahun 2014 Tentang Pemilihan Gubernur, Bupati, dan Walikota menjadi Undang-Undang.

Undang-Undang Nomor 8 Tahun 2015 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 2015 Tentang Penetapan Perpu Undang-Undang Nomor 1 Tahun 2014 Tentang Pemilihan Gubernur, Bupati, dan Walikota Menjadi Undang-Undang.

Undang-Undang Nomor 10 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 1 Tahun 2015 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2014 Tentang Pemilihan Gubernur, Bupati, Dan Walikota menjadi Undang-Undang.

Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintah Daerah

Undang-Undang Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua

Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum

Undang-Undang Nomor 15 Tahun 2011 Tentang Penyelenggara Pemilihan Umum