



Framing the Identity and Autonomy of Indigenous Peoples: A Critical Discourse Study of the Papua Special Autonomy Law on Indigenous Papuans

Henry Christophe Iwong, Prof. Dr. Anang Santoso, M.Pd. , Prof. Dr. Martutik, M.Pd.

Department of Indonesian Language and Literature Education, Faculty of Teacher Training and Education,
Cenderawasih University, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v12i8.6897>

Abstract

This study analyzes how the identity and autonomy of Indigenous Papuans (OAP) are discursively framed in Law Number 2 of 2021 concerning the Second Amendment to the Papua Special Autonomy Law. Using a Critical Discourse Study (SWK) approach based on Norman Fairclough's theory, this study explores the dimensions of the text, discourse practices, and social practices of the legal product. The results of the analysis show that although the legal text explicitly uses language that appears affirmative, such as "recognized" and "granted," its linguistic and narrative structures actually reproduce the asymmetrical power relations between the state and indigenous peoples. The special autonomy and identity of Indigenous Papuans are not positioned as natural rights, but as concessions that are limited by the state's legalistic framework. The process of making laws or regulations and the distribution of discourse are controlled by the state, with limited participation from local communities, so that the consumption of legal discourse received by the community is often multi-interpretable. At the level of social practice, this law represents the state's hegemonic strategy to organize the diversity of identities through administrative control. Finally, the recognition of identity and autonomy in the Papuan Special Autonomy Law is only symbolic rather than substantive, so it needs to be criticized and transformed for the sake of structural justice for Indigenous Papuans.

Keywords: *Critical Discourse Study; Papuan Special Autonomy; Identity; Indigenous Papuans; State Hegemony*

Introduction

Papua, or Papua Province, is one of the provinces in the Republic of Indonesia which is located in the easternmost part of the archipelago. Papua Province is also one of the provinces with abundant natural resources and has not been touched at all by outside investors. Natural Resources (SDA) and the diverse cultures owned by Papua Province have resulted in the state not being too concerned with its Human Resources but more concerned with SDA with the presence of the first company in Papua and also including the largest company in the world.

During 35 years of joining the Unitary State of the Republic of Indonesia (NKRI) the Papuan people felt that there was no recognition of their identity and collective rights by the State, so a massive

movement to separate themselves from the Republic of Indonesia emerged. In the movement of a fairly systematic struggle for secession from 1998 to 2000 with demands for secession from the Republic of Indonesia, the Government of the Republic of Indonesia's offer was born, called the Special Autonomy Law (OTSUS) for Papua Province.

Law Number 21/2001 on Special Autonomy (Otsus) for Papua Province was born as a form of agreement that aims to provide special treatment for Indigenous Papuans (OAP), in order to maintain the integrity of the Unitary State of the Republic of Indonesia. However, in its implementation, Otsus Papua is often criticized as a state project that fails to address the root causes of Papua's problems, including questions of identity, social justice, and recognition of indigenous peoples.

Furthermore, in the running of OTSUS in Papua since 2021, socially and historically, the running of OTSUS has not escaped the structural injustice experienced by the Papuan people. Although OTSUS is present as a form of affirmative Papuan rights, its implementation is still controlled by the central government so that the term “head off, tail on” has emerged, which means that OTSUS is given but still regulated by the central government. This situation shows that state power is reproduced through regulations that seem autonomous, but still maintain patterns of unequal relations.

The development gap and violations of OAP rights continue despite the large allocation of special autonomy funds. This situation prompted a policy revision through Law Number 2 of 2021 as the second amendment to the Papua Special Autonomy Law. This change marks an important moment in Papua's political landscape, as it not only revises the institutional structure and fiscal distribution, but also introduces new articles related to political affirmation and representation of OAP.

Therefore, there are several important questions that need to be answered. First, do these changes really strengthen the autonomy and identity of indigenous Papuans, or do they reproduce the logic of state power in a more disguised form? Second, is the recognition of the basic rights of indigenous Papuans offered in this law substantive or merely symbolic? Within this framework, it is important to examine how the identity of native Papuans is discursively framed in this legal text, as well as how power relations work through the mechanisms of legislation and representation.

This research will examine Law Number 2 of 2021 using a Critical Discourse Study approach to reveal how the identity and autonomy of indigenous peoples are ideologically framed, and the extent to which the state uses legal tools to shape narratives of nationhood and control over the Papua region.

Critical Discourse Studies (“CDS”) is an interdisciplinary approach that seeks to reveal how language is used to maintain, legitimize, or challenge power relations in society. It does not only study text linguistically, but also examines the social, political, and ideological context behind the production and consumption of the text. The use of this Critical Discourse Studies approach aims to see language not as a neutral medium, but as a battlefield of ideology and power. Norman Fairclough (1995) developed a three-dimensional analytical framework that became the methodological basis of SWK, namely:

1. Text Analysis: Examines linguistic aspects such as choice of diction, sentence structure, metaphor, and rhetorical style to reveal implied or hidden meanings;
2. Discourse Practice: Analyzes the process of production, distribution, and consumption of texts and how social actors are involved in the circulation of discourse;
3. Social Practices: Linking texts with social structures and dominant ideologies that underlie and influence discourse.

In the legal context, SWK highlights how legal texts, such as laws, are not neutral entities or merely regulative devices. Instead, law is a discursive practice laden with values and ideologies, which help reproduce and affirm state power. Van Dijk (1998) emphasizes that legal discourse is a top-down

form of elite communication, often ignoring the voices of subordinate groups, including indigenous peoples. Meanwhile, Sarat and Kearns (1993) argue that law is a “cultural narrative” that gives meaning to social life and identity, and becomes a means of legitimizing state authority.

Thus, analyzing the law through SWK's perspective allows us to uncover the power structures hidden behind the formulation and application of the law. This theater opens up space to see how the law not only regulates society, but also frames social reality in accordance with the interests of the dominant power. Law, SWK highlights how legal texts, such as laws, are not neutral entities or mere regulative devices. However, law is a discursive practice that is loaded with values and ideologies, which help reproduce and strengthen state power. Van Dijk (1998) said that legal discourse is a form of elite communication that is top-down, often ignoring the voices of subordinate groups, including indigenous peoples. Meanwhile, Sarat and Kearns (1993) argue that law is a “cultural narrative” that gives meaning to social life and identity, and becomes a means of legitimizing state authority.

Identity is not an essential and fixed entity, but a social construction formed through discursive practices, power relations and historical processes that are constantly negotiated (Hall, 1996). In indigenous communities, identity becomes a political battleground, not only for symbolic recognition, but also to assert collective rights, historical attachment to customary territories, and ways of life that are distinctive and different from the dominant system of the nation-state.

The concept of Indigenous Papuans as stipulated in Law Number 2 of 2021 concerning the Second Amendment to the Papua Special Autonomy Law represents the state's efforts to legally institutionalize identity. Within the framework of affirmation, the policy can be seen as a state effort to protect communities that have been excluded from access to social and political justice. But on the other hand, this kind of legal identity formulation holds the potential for co-optation, uniformity, and reduction of the complexity of Papua's socio-cultural diversity which includes hundreds of tribes, languages, and local value systems.

Critical literature on indigenous peoples warns that identity recognition without substantive autonomy and genuine space for participation risks turning indigenous identities into instruments of symbolic control by the state (Rutherford, 2003; Li, 2007). In other words, identity recognition can be paradoxical: on the one hand, it affirms existence, but on the other hand, it limits space for movement through administrative categories that are structured from the logic of the state, not from the aspirations of the indigenous community itself.

In the context of Papua, the discourse of Papuan identity cannot be separated from the history of internal colonialism, political conflict, and the state's efforts to form a stable social order through identity regulation. Therefore, it is important to analyze how this identity is framed, who defines it, and what interests work behind it.

The Special Autonomy (Otsus) Policy for Papua was born in the context of historical and political pressure from the Papuan people over the long experience of marginalization, development injustice, and human rights violations since Papua's integration into the territory of Indonesia. Law Number 21 of 2001 became the state's formal response to these demands, which many people see as a form of compromise between local political aspirations and the interests of consolidating central power.

However, in practice, the implementation of Papua's Special Autonomy is often trapped in technocratic and procedural logic that does not touch the structural roots of the problems faced by Indigenous Papuans (OAP). This approach emphasizes budget distribution, physical development, and bureaucratic reform, but is minimal in providing substantive political space for the participation and control of indigenous communities over their own future.

The policy revision through Law No. 2 of 2021 brought significant changes in various aspects, including the addition of the Special Autonomy Fund allocation, the reorganization of the political recruitment system, and the acceleration of the expansion of administrative regions. Formally, this revision carries an affirmative narrative, such as the provision of OAP representation quotas in legislative institutions (DPRP/DPRK), as well as strengthening the role of the Papuan People's Assembly (MRP) as a cultural representation of Indigenous Papuans. These steps are packaged in the language of recognition of the identity and rights of indigenous peoples.

However, when analyzed through the lens of politics of recognition (Fraser, 2000), this kind of affirmative policy risks being trapped in a form of symbolic recognition without real redistribution of power. Fraser distinguishes between recognition as symbolic justice (cultural recognition) and distributive justice (redistribution of resources and power). In the Papuan context, symbolic reinforcement of OAP identity—for example through political quotas—does not necessarily guarantee structural justice if it is not followed by control over resources, customary land rights, and cultural and political self-determination.

Furthermore, the affirmative approach developed by the state can also be read through the framework of governmentality (Foucault, 1991), namely how the state regulates the population through legal instruments, bureaucracy, and administrative norms that appear neutral. In this logic, recognition of the identity of the Papuan Indigenous People is not merely a form of partisanship, but rather part of the government's strategy to regulate the population considered "different" so that it remains within the framework of national integration. As noted by Budiardjo and Lumenta (2007), affirmation of the OAP in Otsus is often a symbolic mechanism that encapsulates the country's political and economic integration projects in Papua.

Thus, it is important to criticize the forms of affirmation in Otsus not only from the normative side, but also from the aspect of its effectiveness in providing substantive autonomy. The fundamental question is not only "is the identity of the OAP recognized?", but also "to what extent do they have power over decision-making concerning their lives and territory?". Without fulfilling this element, affirmation becomes only an empty narrative that confirms the state's dominance over the territory that continues to produce inequality.

The main problems in this study can be formulated as follows "How is the identity and autonomy of Indigenous Papuans framed in Law Number 2 of 2021 concerning the Second Amendment to the Papua Special Autonomy Law?"

Research Method

This research uses a qualitative approach with Critical Discourse Studies (SWK) as the main analytical framework. This approach was chosen because it allows researchers to explore the ideological meanings and power relations hidden in legal texts, especially Law Number 2 of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Papua Special Autonomy. In the Critical Discourse Studies framework, language is seen not as a neutral communication tool, but as a social practice that is loaded with political, economic and power interests. For this reason, this research refers to the three-dimensional model of discourse analysis developed by Norman Fairclough, namely text analysis, discourse practices, and social practices.

The data used in this research is qualitative and obtained from written documents. The main data is the text of Law No. 2 of 2021, which is analyzed to reveal how the identity of Indigenous Papuans (OAP) and the concept of autonomy are discursively formulated in state legal instruments. Supporting data includes article-by-article explanations, Special Regional Regulations (Perdasus), Provincial Regional

Regulations (Perdasi), academic literature, policy reports, as well as news articles and statements by relevant public figures. The use of these diverse sources allows for a comprehensive mapping of the meaning and socio-political impact of the legal discourse shaped by these laws.

Data collection techniques were conducted through documentation studies. The documents reviewed include legislation products, derivative policies, as well as scientific publications and mass media that discuss the implementation of Special Autonomy in Papua. All documents were collected, categorized, and analyzed based on key themes such as the definition of Indigenous Papuans, institutional arrangements, affirmative provisions and regional expansion, as well as authority relations between the central and regional levels. This approach supports a critical reading of legal texts as a form of discourse articulation that influences social structures and dynamics.

Data analysis was conducted in three main stages. First, text analysis focused on linguistic aspects such as language structure, diction choices, legal metaphors, and affirmative narratives contained in key articles of the law. This stage aims to understand how representations of identity, rights, and social position of native Papuans are constructed in legal language. Second, discourse practice analysis evaluates the process of production, distribution and consumption of legal texts, by examining who the actors involved in legislation are, how texts are disseminated and how they are used in the socio-political realm. Third, social practice analysis places texts and discourse practices in the context of broader social structures, including the dynamics of power relations between central and local governments, processes of marginalization or empowerment of indigenous Papuans, and the role of law in reframing the identity of indigenous Papuans.

Overall, this methodological approach provides a comprehensive understanding of how legal language plays a role in shaping narratives of autonomy, political representation, and the social position of Indigenous Papuans within the framework of the Unitary State of the Republic of Indonesia. This approach also allows researchers to reveal the ideological function of legal texts and their impact on power relations in Papua.

Discussion

The results of the Critical Discourse Study research on the formation of identity and autonomy of Indigenous Papuans represented in the text of Law Number 2 of 2021 are discussed in three dimensions that form the methodological basis of Critical Discourse Studies, namely textual analysis, discourse practice analysis and social practice analysis. Furthermore, the discussion will start from the first dimension in the critical discourse study.

1. Textual Analysis

In the framework of Critical Discourse Analysis, Norman Fairclough positions textual analysis as an important component in understanding the relationship between language, power, and ideology. According to Fairclough (1995), text is not only a linguistic product, but also a form of social practice that reflects and shapes certain social relations. Therefore, textual analysis does not only focus on grammatical structures or vocabulary alone, but also on how these elements contribute to framing social and ideological realities.

According to Fairclough, critical discourse analysis includes three main dimensions, namely text (linguistic analysis), discursive practice (the process of discourse production and consumption), and social practice (the social conditions surrounding the discourse). The first perspective, namely text analysis, involves the study of linguistic features such as choice of diction, sentence structure, metaphor, modality, and style of language used in a particular text. This analysis aims to reveal how language structures are

used to maintain, reproduce, or even challenge power relations and dominant ideologies in society (Fairclough, 1992).

Furthermore, text analysis according to Fairclough is not neutral, but rather critical and ideological, because it tries to read deeply how meaning is formed and utilized in a complex social context. As he emphasized, "discourse is a form of social practice" (Fairclough, 1992, p. 63), meaning that discourse cannot be separated from the social structure that produces it or from its impact on the formation of social and political consciousness. This text analysis is often applied in media studies, public policy, education, and legal discourse, to uncover how language is used to frame strategic issues, such as identity, power, and justice.

The construction of linguistic structures, vocabulary, metaphors, and discourse strategies in the text of the law in the formation of the identity of the Papuan Indigenous People and the concept of autonomy is formulated discursively as can be seen in the following excerpt from Article 1 paragraphs 1, 8, 17, 18, 19, 20, 21 and 22.

Kutipan Pasal 1 ayat 2,

"Otonomi Khusus adalah kewenangan khusus yang diakui dan diberikan kepada Provinsi Papua untuk mengatur dan mengurus kepentingan masyarakat setempat menurut prakarsa sendiri berdasarkan aspirasi dan hak dasar masyarakat Papua."

Quote from Article 1 paragraph 2,

"Special Autonomy is a special authority recognized and given to the Papua Province to regulate and manage the interests of the local community according to its own initiative based on the aspirations and basic rights of the Papuan people.

Article 1 paragraph (2) of the Special Autonomy Law No. 2 of 2021 uses a form of language that appears to be empowerment but contains a hidden dominant power relationship. The choice of diction such as "special authority", "recognized and granted" emphasizes that autonomy is not a natural right of the Papuan people, but rather a gift from the central state.

Sentences are structured in a complex structure that hides the main actor (the central government) behind a seemingly neutral definition, creating the impression that power is present consensual and natural. Phrases such as "regulating and managing", and "according to their own initiative based on the aspirations and basic rights of the Papuan people" are used as inclusive rhetoric that gives the illusion of participation, while remaining limited within the state's administrative framework.

Viewed from an ideological perspective, this reflects a hegemonic discourse that Fairclough believes serves to maintain dominance through language: the state appears to accommodate local aspirations, but still controls its boundaries. It can be concluded that this text not only defines Special Autonomy legally, but also reproduces the structure of asymmetrical power relations through subtle linguistic representations.

Furthermore, in article 1 paragraph 8, the construction of discourse contained in this article can be traced.

Kutipan Pasal 1 Ayat 8

"Majelis Rakyat Papua yang selanjutnya disingkat MRP adalah representasi kultural Orang Asli Papua, yang memiliki wewenang tertentu dalam rangka perlindungan hak-hak Orang Asli Papua"

dengan berlandaskan pada penghormatan terhadap adat dan budaya, pemberdayaan perempuan, dan pemantapan kerukunan hidup beragama."

Quote from Article 1 Paragraph 8

"The Papuan People's Assembly, hereinafter abbreviated as MRP, is a cultural representation of the Papuan Indigenous People, which has certain authorities in the context of protecting the rights of the Papuan Indigenous People based on respect for customs and culture, empowerment of women, and strengthening of religious harmony."

Article 1 Paragraph 8 of the Papua Special Autonomy Law displays a discourse construction that appears neutral and normative, but through Norman Fairclough's critical discourse analysis approach, this text actually reveals hidden power relations. The use of diction in this article which reads "cultural representation" indicates the limitation of the role and function of the Papuan People's Assembly (MRP) only in the cultural realm, not politics or law, then the phrase "certain authorities" is ambiguous and indicates a systemic limitation of power. The broad and legal sentence structure disguises the subordinate position of the MRP in relations with the state.

There is no direct metaphor, but phrases such as "strengthening religious harmony" contain metaphors of social harmony that enforce stability and eliminate potential criticism. The normative rhetorical style with a tripartite pattern ("custom and culture", "women's empowerment", and "religious harmony") creates the illusion of balance and inclusiveness.

In discursive practice, this discourse is produced by the state and consumed by the Papuan public in the context of unequal power relations and a history of conflict. From an ideological perspective, this article reflects the state's efforts to perpetuate national integration and control the cultural expression of Indigenous Papuans through institutions whose space for movement is limited. It can be concluded that the language of the law in this article functions as a hegemonic tool that frames the protection of OAP rights symbolically, but does not guarantee their true empowerment.

The following is a discussion of the formation of the identity and autonomy of Indigenous Papuans represented in the text of Law Number 2 of 2021 in Article 1 paragraph 17.

Kutipan Pasal 1 Ayat 17

"Adat adalah kebiasaan yang diakui, dipatuhi, dilembagakan, dan dipertahankan oleh masyarakat adat setempat secara turun-temurun."

Quote from Article 1 Paragraph 17

"Customs are habits that are recognized, adhered to, institutionalized, and maintained by local indigenous communities from generation to generation."

Article 1 Paragraph 17 of the Papua Special Autonomy Law shows how the state frames custom not as an autonomous and dynamic living system, but as a symbolic entity that needs to be recognized, institutionalized, and maintained within the framework of state law. Diction such as "custom" contains deep cultural meaning—implying the laws, values, and social order of Papuan indigenous people—but its use in this sentence is actually dwarfed into a formal object whose legitimacy and sustainability depend on external recognition, namely the state. Passive verbs such as "recognized," "obeyed," "institutionalized," and "maintained" suggest that custom is a static, undeveloped structure, and not the result of creativity or negotiation by the indigenous people themselves.

The definitional sentence structure ("Custom is...") reinforces the impression of objectivity, whereas it actually positions the state as the party authorized to legally determine the limits of the meaning of custom. There is no explicit metaphor, but the rhetorical strategy used shows normative repetition to strengthen the authority of state discourse. The implication is that the state creates the illusion of recognition and respect for custom, whereas ideologically it continues to implement the logic of internal colonialism, where local culture is only accommodated to the extent that it does not disrupt the dominant power structure. Thus, this article is an example of how seemingly neutral legal language is actually laden with mechanisms of symbolic domination over indigenous communities.

Furthermore, the discussion on the formation of the identity and autonomy of Indigenous Papuans is represented in the text of Law Number 2 of 2021, Article 1 paragraph 18 as follows,

Kutipan Pasal 1 Ayat 18

"Masyarakat Adat adalah warga masyarakat asli Papua yang hidup dalam wilayah dan terikat serta tunduk kepada adat tertentu dengan rasa solidaritas yang tinggi di antara para anggotanya."

Quote from Article 1 Paragraph 18

"Indigenous Peoples are the indigenous Papuan people who live in a territory and are bound and subject to certain customs with a high sense of solidarity among its members."

Article 1 Paragraph 18 of the Special Autonomy Law above uses word choices such as "Indigenous Peoples" and "indigenous Papuan citizens" which emphasize the local cultural identity of Papua, but are still framed in the logic of state law, not internal sovereignty. The diction "bound and subject to certain customs" shows a vertical and subordinate relationship between individuals and the customary system, while the phrase "with a high sense of solidarity" gives an idealistic harmonious nuance, while at the same time obscuring the potential for internal conflict. The arrangement of declarative sentences with subordinate clauses emphasizes the definition that indigenous peoples are objects defined from the outside, not by the community itself.

The legal-formal and euphemistic rhetorical style uses positive framing to create a romantic image of indigenous peoples who are obedient and stable, in accordance with the narrative of the state as the controller. In this article, the ideology is clear, namely that recognition of indigenous peoples is limited and conditional, only accommodating groups that meet state criteria, thus creating a "domestication of local culture". With normative language and hierarchical structure, this text confirms state control over the identity of indigenous peoples and weakens the possibility of resistance or alternative interpretations from within the community itself.

Kutipan Pasal 1 Ayat 19

"Hukum Adat adalah aturan atau norma tidak tertulis yang hidup dalam masyarakat hukum adat yang mengatur, mengikat dan dipertahankan, serta mempunyai sanksi."

Quote from Article 1 Paragraph 19

"Customary Law is an unwritten rule or norm that exists in a customary law society that regulates, binds and is maintained, and has sanctions."

Article 1 Paragraph 19 of the Special Autonomy Law describes the state's recognition of customary law with a choice of diction that emphasizes the power of customary law through the verbs "regulate,

bind, and maintain" and the term "sanctions," but still places it as "unwritten" which marks the limitations of its legality compared to state law. The sentence structure of this formal definition limits the legal meaning of customary law, setting aside interpretations from indigenous communities themselves. The metaphor in the quote from Article 1 paragraph 19 which reads "living in society" implies that customary law is dynamic and contextual, but also emphasizes its subordinate position to written state law.

The use of tripartite rhetorical style strengthens the legitimacy of customary law while confining it within a state-controlled normative framework. The ideology contained in this text reflects the state's strategy of co-optation that recognizes customary law symbolically, but maintains the supremacy of formal law through written and unwritten hierarchies. Thus, the legal language in this article is not merely descriptively neutral, but a tool of symbolic domination that maintains the state's monopoly over the regulation of social norms in Papua.

Kutipan Pasal 1 Ayat 20

"Masyarakat Hukum Adat adalah warga masyarakat asli Papua yang sejak kelahirannya hidup dalam wilayah tertentu dan terikat serta tunduk kepada hukum adat tertentu dengan rasa solidaritas yang tinggi di antara para anggotanya."

Quote from Article 1 Paragraph 20

"Customary Law Communities are indigenous Papuan citizens who have lived in a certain area since birth and are bound and subject to certain customary laws with a high sense of solidarity among its members."

Article 1 Paragraph 20 uses diction choices such as "Customary Law Community" which combines social and legal aspects, but is still limited by the word "customary" without touching on political or sovereignty aspects. The prepositional phrase in this article and paragraph which reads "since its birth" gives the impression of a natural and unchanging identity, while "bound and subject" emphasizes the subordination of individuals to the customary system which is considered homogeneous and obedient. The sentence structure of the legal definition with a subordinate clause describes indigenous peoples as objects defined by the state without a voice from within the community itself.

The biological metaphor "since birth" and the idealistic rhetorical style of "high solidarity" create a romantic narrative that closes off the potential for conflict and social dynamics. Ideologically, this text represents indigenous legal communities as static and obedient entities whose recognition is limited by state standards, thus affirming the symbolic dominance of the state and weakening the political space or sovereignty of indigenous communities. In Fairclough's framework, this text is a hegemonic tool that monopolizes the definition of indigenous legal communities and subjugates them to a system of power that has been determined from outside.

Kutipan Pasal 1 Ayat 21

"Hak Ulayat adalah hak persekutuan yang dimiliki oleh masyarakat hukum adat tertentu atas suatu wilayah tertentu yang merupakan lingkungan hidup para warganya, yang meliputi hak untuk memanfaatkan tanah, hutan, dan air serta isinya sesuai dengan peraturan perundang-undangan."

Quote from Article 1 Paragraph 21

"Customary Rights are the rights of association held by a certain customary law community over a certain area which is the living environment of its citizens, which includes the right to utilize land, forests, and water and their contents in accordance with statutory regulations."

Article 1 Paragraph 21 uses diction such as “association rights” which emphasizes the collective-communal nature of customary rights, but at the same time limits recognition to “certain customary law communities” and “certain areas” recognized by the state, opening up space for exclusion. The word “utilize” emphasizes a utilitarian approach to resources, not full sovereignty, while the phrase “in accordance with laws and regulations” emphasizes the dominance of state law over customary rights. The complex and tiered sentence structure of the legal definition shows that recognition of customary rights depends on many prerequisites set by the state, so that state control over the criteria and limitations is maintained.

The metaphorical form of “environment” in the above article and verse quotes, describes the region as an organic space, but is framed technocratically and legally without emotional expression, creating legal legitimacy that actually limits the space for customary rights. Viewed from an ideological perspective, this text emphasizes asymmetrical power relations, where indigenous peoples are positioned as passive recipients of rights regulated and limited by the state. In Norman Fairclough's framework, this article is a form of discursive domination that uses seemingly neutral legal language to strengthen state control over customary land and resources, while disguising the state's monopoly on interpretation and distribution of rights.

Kutipan Pasal 1 Ayat 22

"Orang Asli Papua adalah orang yang berasal dari rumpun ras Melanesia yang terdiri atas suku-suku asli di Provinsi Papua dan/atau orang yang diterima dan diakui sebagai Orang Asli Papua oleh Masyarakat Adat Papua."

Quote from Article 1 Paragraph 22

"Indigenous Papuans are people who come from the Melanesian racial group consisting of indigenous tribes in Papua Province and/or people who are accepted and recognized as Indigenous Papuans by the Papuan Indigenous Community."

In the quoted data of Article 1 Paragraph 22, diction such as "Indigenous Papuans" is used, which contains the weight of cultural and political identity and at the same time becomes an instrument of exclusion through state criteria. The term "Melanesian racial group" emphasizes biological and naturalized identity, not as a flexible social construction. The attributive noun phrase "indigenous tribes" is used to acknowledge internal diversity but remains limited by the framework of administrative authenticity, while "accepted and recognized" indicates a normative and subordinate recognition mechanism under the authority of indigenous peoples who are also institutionalized in the state system. The complex sentence structure and controlled ambiguity open up opportunities for inclusion through customary recognition, but maintain ethnic-biological boundaries that can be used for political exclusion.

The biological metaphor and rhetorical style of recognition reinforce the legitimacy of identity as genetic destiny while simultaneously concealing the hierarchy of recognition that limits who is considered indigenous. The ideology contained in this text is that the state objectifies the identity of Indigenous Papuans in a legal form that can be verified and controlled, so that even though it appears affirmative, this article is a form of ideological power that maintains state control over the definition of identity and political access and resources. In Norman Fairclough's perspective, this text reflects the hegemony of discourse that constructs Papuan identity in a conditioned manner within the framework of Special Autonomy.

2. Aspects of Discourse Practice

In this discussion, the Critical Discourse Studies approach developed by Norman Fairclough is used to show the dimensions of discourse practice referring to the process of production, distribution, and consumption of discourse in certain institutional and social contexts. Discussion of Discourse practice is a stage of analysis that examines how legal texts are produced and used by a person or institution and how the text interacts with other discourses. Fairclough (1992) emphasizes that the analysis of discourse practice includes two important concepts, namely intertextuality and interdiscursivity.

Intertextuality refers to how a text is formed from elements of other previous texts, while interdiscursivity refers to the way different types of discourses—such as legal, media, political, or scientific discourses—mix in one text or communication practice. By analyzing discourse practices, researchers can trace how certain ideologies are incorporated into the text and how the choice of discourses used or omitted forms power relations. This process is very important because, as emphasized by Fairclough, discourse not only reflects the social world, but also shapes and changes it (Fairclough, 1995).

Therefore, the discussion of the discourse practices of the Papua Special Autonomy Law aims to reveal the hidden social dynamics in the communication process, including how media institutions, government, or educational institutions produce and control meaning in society through the language of the law in articles and verses and the Papua Special Autonomy Law.

Kutipan Pasal 1 ayat 2,

“Otonomi Khusus adalah kewenangan khusus yang diakui dan diberikan kepada Provinsi Papua untuk mengatur dan mengurus kepentingan masyarakat setempat menurut prakarsa sendiri berdasarkan aspirasi dan hak dasar masyarakat Papua.

Quote from Article 1 paragraph 2,

“Special Autonomy is a special authority recognized and given to the Papua Province to regulate and manage the interests of the local community according to its own initiative based on the aspirations and basic rights of the Papuan people.

In Norman Fairclough's analysis of discourse practices, Article 1 paragraph (2) of the Papua Special Autonomy Law states that "Special Autonomy is a special authority recognized and given to the Papua Province to regulate and manage the interests of the local community according to its own initiative based on the aspirations and basic rights of the Papuan people", which shows the dynamics of power in the process of creating, disseminating, and consuming discourse. State actors, especially the central government such as the Ministry of Home Affairs, the Indonesian House of Representatives, and national legal institutions, have full control over the process of creating and ratifying this law. Although limited consultations were carried out with several local Papuan actors, their role was more as a complement than as a determinant of the direction of regulation. This shows the existence of an imbalance in representation in the legislative process, where the voice of the Papuan people is not really the main driver, even though the text mentions "their own initiative" and "the aspirations of the Papuan people".

In addition, the distribution of the text of this law is more concentrated on formal state channels, such as publication on the official government website and publication in national and local mass media. However, this distribution may not reach all Papuans, especially those living in remote villages, where access to legal information and legal literacy is very limited. Even when this text reaches the community, the rigid and abstract legal language makes its interpretation dependent on the role of intermediaries, such

as traditional leaders, churches, NGOs, or local media. In terms of consumption, there is a clear inequality: local elites, regional bureaucracies, and Papuan intellectuals may see this article as an opportunity to expand the space for participation and recognition of identity, but indigenous peoples at the grassroots often see it as a symbol of empty promises, especially when their aspirations about land, culture, and the right to life have not been truly accommodated in real policies.

However, the dominant actor in the overall practice of this discourse remains the state, which through legislation and other legal instruments controls the direction of the implementation of Special Autonomy. Papuan figures integrated into the formal structure are often in an ambiguous position—on the one hand representing the Papuan people, but on the other hand tied to the state agenda. Papuan civil society, including traditional and church figures, are more active in the post-legislation space, through symbolic forms of resistance and reinterpretation of the meaning of “self-initiative” as a form of the right to self-determination. Although this article textually contains an inclusive narrative and recognition of the rights of the Papuan people, in the practice of discourse it more reflects the dominance of the state and the hegemonic process that disguises the imbalance of power behind the formal language of the law. Article 2 paragraph 1 is interpreted by Indigenous Papuans as an important form of symbolic resistance to the dominance of state discourse.

Kutipan Pasal 1 Ayat 8:

"Majelis Rakyat Papua yang selanjutnya disingkat MRP adalah representasi kultural Orang Asli Papua, yang memiliki wewenang tertentu dalam rangka perlindungan hak-hak Orang Asli Papua dengan berlandaskan pada penghormatan terhadap adat dan budaya, pemberdayaan perempuan, dan pemantapan kerukunan hidup beragama.

Excerpt from Article 1 Paragraph 8:

"The Papuan People's Assembly, hereinafter referred to as MRP, is the cultural representation of Indigenous Papuans, which has certain authorities in the context of protecting the rights of Indigenous Papuans based on respect for customs and culture, women's empowerment, and the strengthening of religious harmony.

In the perspective of Norman Fairclough's discourse practice, the definition of the Papuan People's Assembly (MRP) as a cultural representation of the Papuan Indigenous People (OAP) reflects how power works in the production, distribution, and consumption of legal texts. Although textually the MRP is given legitimacy as a protector of the rights of the OAP based on local customs, culture, and values, its production process remains controlled by state actors such as the Indonesian House of Representatives and related ministries. The participation of the Papuan people, especially from the customary base, tends to be symbolic in the formulation of this regulation. The state is present as a ruling actor that builds the meaning of cultural representation within the boundaries of the formal government system. Meanwhile, the distribution of discourse on the MRP takes place through legal channels and the media, but does not fully reach the grassroots community, which is limited in terms of access to information and understanding of the national legal system.

The discourse of the Papuan People's Assembly that is consumed also takes place in various ways. The state sees the Papuan People's Assembly as a tool for political stabilization and minimal recognition of local identity within the framework of the Republic of Indonesia, while some Papuans, especially intellectuals and activists, appreciate its existence but also criticize its limited authority. At the indigenous community level, understanding of the MRP is still limited and distant, and is often considered ineffective in directly fighting for their interests. Therefore, although the MRP is legally said to represent the cultural interests of the OAP, in practice it is often trapped in a symbolic position without substantial political power. This problem shows that the discourse on recognition of cultural representation in the Special

Autonomy Law is still within the hegemony of the state narrative, and has not fully provided space for the articulation of authentic cultural autonomy from the indigenous Papuan community.

Kutipan Pasal 1 Ayat 17

“Adat adalah kebiasaan yang diakui, dipatuhi, dilembagakan, dan dipertahankan oleh masyarakat adat setempat secara turun-temurun.”

Article 1 Paragraph 17 quote

"Tradition is a custom that is recognized, obeyed, institutionalized, and maintained by the local indigenous community for generations."

Within the framework of Norman Fairclough's discourse practice analysis, the definition of "custom" in Article 1 Paragraph 17 shows how the state constructs and formalizes a concept that naturally grows from indigenous communities. The production process is dominated by state actors, especially the Indonesian House of Representatives and related ministries, who formulate this definition in a formal legal space with the aim of accommodating the existence of indigenous communities in the national legal system. Although the contents of this article appear to acknowledge and give place to local values that live in Papuan indigenous communities, the drafting process is not based on in-depth consultation or active involvement of the indigenous communities themselves. This means that the definition of "custom" here is a top-down construction that is formed in accordance with the framework of state interests, not as a result of direct articulation of meaning from Papuan indigenous communities. This shows an imbalance in the power relations between the state which is present as the creator of the discourse and indigenous communities only as the objects of the discourse.

The distribution of these legal texts takes place formally through state instruments such as the State Gazette, government media, and socialization by bureaucratic institutions. However, the distribution of the meaning of the term "custom" that has been formalized does not fully reach or align with the local understanding of the Papuan people. In many indigenous communities, the understanding of custom is not only limited to "recognized and institutionalized" habits, but rather an integral part of the life system that contains spiritual, ecological, and historical values. When practicing discourse consumption, Papuan people understand and practice custom only based on hereditary experiences and relationships within the community, not through the legal framework of the state.

Kutipan Pasal 1 Ayat 18

“Masyarakat Adat adalah warga masyarakat asli Papua yang hidup dalam wilayah dan terikat serta tunduk kepada adat tertentu dengan rasa solidaritas yang tinggi di antara para anggotanya.”

Quote from Article 1 Paragraph 18

“Indigenous Peoples are the indigenous Papuan people who live in a territory and are bound and subject to certain customs with a high sense of solidarity among its members.”

Based on Norman Fairclough's Critical Discourse Study View, Article 1 Paragraph 18 is a form of legal articulation of the identity of the Papuan indigenous people, but it also shows how power works through the process of production, distribution, and consumption of meaning that is institutionalized in legal texts. The process of producing this definition is under the full control of state actors, such as the Indonesian House of Representatives, the Ministry of Home Affairs, and the legislative drafting institutions that formulate the identity of the Papuan indigenous people into the state's normative framework. Although textually this article appears to acknowledge the existence of indigenous peoples,

the formulation still comes from outside the indigenous community itself and does not represent the socio-cultural complexity that exists in the field. In this case, the state becomes the dominant actor that frames the identity of indigenous peoples within the boundaries that can be administered, namely as citizens who are "bound and subject to certain customs" and have "high solidarity" - phrases that ignore the diversity of internal dynamics of the Papuan indigenous people and the history of unequal power relations between the state and indigenous communities.

This legal text is disseminated through official state channels such as state news, government media, and legal socialization channels through local governments or educational institutions. However, the delivery of this meaning often does not reach the Papuan indigenous people who live in an informal social system, with values and knowledge structures that differ from the national legal system. The awareness of indigenous peoples about their identity is much broader and more practical—they define themselves based on genealogical ties, spirituality, relationships with ancestral lands, and customary structures that do not always fit rigid legal definitions. In the practice of consuming discourse, Papuans can accept this formal recognition as an important legal step, but many also interpret this article as a form of limiting the meaning of this complex cultural identity to merely an administrative category. Although Article 1 paragraph 18 of the Papuan Special Autonomy Law formally appears to involve the Papuan people, these articles and paragraphs still reflect the hegemonic logic of the state that tries to subdue the meaning of "indigenous peoples" into the formal legal structure of a discourse practice that subtly perpetuates control over local identities.

Kutipan Pasal 1 Ayat 19

"Hukum Adat adalah aturan atau norma tidak tertulis yang hidup dalam masyarakat hukum adat yang mengatur, mengikat dan dipertahankan, serta mempunyai sanksi."

Quote from Article 1 Paragraph 19

"Customary Law is an unwritten rule or norm that exists in a customary law society that regulates, binds and is maintained, and has sanctions."

Within the framework of Norman Fairclough's discourse practice, Article 1 Paragraph 19 is a form of state articulation of the existence of customary law in Papua, which emphasizes that unwritten norms that develop in customary law communities are recognized as legitimate regulatory systems. However, the process of producing this legal text is carried out by state actors such as the Indonesian House of Representatives, the Ministry of Home Affairs, and national law drafters, who work within a modern and positivistic legal framework. Customary law, which naturally grows from the dynamics of local communities, is instead defined "from the outside" in a formal legal form, which in practice can simplify or even reduce the meaning and social function of customary law itself. The state, as the dominant actor in the legislative process, produces this definition not through direct participation of customary communities, but rather based on technocratic interpretations of local traditions. Legal and formal state instruments, such as the State Gazette and government publications, as well as bureaucratic institutions that provide legal training, function to disseminate customary law discourse.

In fact, the meaning of this institutionalized customary law has not fully met or is in accordance with the way the Papuan Indigenous People understand and apply it. Customary law in many areas of Papua is not only rules, spiritual values, relationships with the universe, and local power structures based on clans or marga. When the state defines customary law as a system that "regulates and has sanctions," the state continues to emphasize the aspects of control and obedience and the state tends to ignore the relational aspects and cultural values that are integrated into the Papuan Indigenous People's customary law. In the practice of consuming discourse, indigenous people accept the recognition of customary law as an important step, but also realize that state recognition is limited and normative. Based on the

explanation above, although this article opens up space for the legality of customary law, the state still maintains a hegemonic position in defining and regulating the living space of local law, thus limiting the full autonomy of the Papuan Indigenous People in maintaining their own legal system.

Kutipan Pasal 1 Ayat 20:

“Masyarakat Hukum Adat adalah warga masyarakat asli Papua yang sejak kelahirannya hidup dalam wilayah tertentu dan terikat serta tunduk kepada hukum adat tertentu dengan rasa solidaritas yang tinggi di antara para anggotanya.”

Quote from Article 1 Paragraph 20:

“Customary Law Communities are indigenous Papuan citizens who have lived in a certain area since birth and are bound and subject to certain customary laws with a high sense of solidarity among its members.”

Article 1, Paragraph 20, shows how the state constructs the meaning of "customary law community" through legal language that is framed formally and institutionally. This is shown in the context of discourse practices. State actors such as the Indonesian House of Representatives, the Ministry of Home Affairs, and the National Legislation Body carry out this discourse process, which has the authority to create legal definitions. However, this process does not really involve the Papuan customary law community, so that the meaning produced is higher and reflects the state's perception of the identity of the indigenous community. The state only establishes the customary law of the Papuan Indigenous People with a normative framework that emphasizes territorial ties and compliance with certain customary laws, without considering the dynamics of a more complex and contextual society. In this case, the state is responsible for monitoring and determining the legal boundaries set for the lives of Papuans.

The distribution of this discourse takes place through official state media—such as statute books, regional government socialization, and formal institutions such as the Papuan People's Assembly (MRP) and the DPRP. However, the community's understanding and experience of customary law itself is often not in line with the dissemination of this meaning. For Papuan indigenous people, identity as part of an indigenous community is not only determined by place of birth and legal ties, but also by spiritual, genealogical, and cosmic relational dimensions that are not fully captured by the state's definition. Some Papuans see this article as formal recognition of their existence in the practice of consuming discourse, but many see it as a limitation on a broader collective identity. This legal definition tends to reduce customary law communities to administrative categories subject to state supervision, rather than as autonomous entities with their own value systems and social arrangements. Therefore, the official state statement in article 1 paragraph 20 shows the meaning of power that regulates how indigenous peoples are understood, recognized, and limited within the formal legal framework of the state.

Kutipan Pasal 1 Ayat 21

“Hak Ulayat adalah hak persekutuan yang dipunyai oleh masyarakat hukum adat tertentu atas suatu wilayah tertentu yang merupakan lingkungan hidup para warganya, yang meliputi hak untuk memanfaatkan tanah, hutan, dan air serta isinya sesuai dengan peraturan perundang-undangan.”

Quote from Article 1 Paragraph 21

“Customary Rights are the rights of association held by a certain customary law community over a certain area which is the living environment of its citizens, which includes the right to utilize land, forests, and water and their contents in accordance with statutory regulations.”

In the practice of discourse according to Fairclough, Article 1 Paragraph 21 is a form of state articulation of the concept of "customary rights" that exist in the Papuan customary law community. The process of producing this text is controlled by dominant state actors such as the Indonesian House of Representatives, the central government (especially the Ministry of Home Affairs and the Ministry of ATR/BPN), and a team of national legal and legislative experts. Although Article 1 Paragraph 21 appears to provide recognition of the rights of indigenous groups to land and natural resources, the formulation remains within the limits of state control, namely "in accordance with laws and regulations." This problem shows that recognition of customary rights is not absolute recognition, but remains subject to and obedient to the formal legal norms of the state. The state acts as a producer of meaning that formalizes the living space of indigenous peoples within an administrative and legal framework that can be monitored, regulated, and - in certain contexts - limited by broader national policies.

The text of Article 1 paragraph 21 is disseminated through official channels such as state gazettes, implementing regulations, and socialization carried out by central and regional government bureaucratic institutions. However, in the context of Papua, the meaning of the above-mentioned article is often communicated unilaterally and without engaging in discussions with indigenous peoples, who are the legitimate owners of the territory. Indigenous Papuans interpret customary rights not only as the right to utilize resources, but also as a cultural and spiritual identity that binds them as people who own customary territories. When customary rights are positioned as something that is "recognized as long as it is in accordance with laws and regulations," the state symbolically places itself above the customary law system. The impact is that, although this legal text seems to allow for the recognition of collective rights, it also functions as a hegemonic tool to control and subdue the sovereignty of indigenous peoples over their own territories. Many times, Papuans see this article in different ways. They consider it an important legal recognition, but they also suspect that the statement opens the door for the state and corporations to control customary land through regulations and permits that do not fully involve the consent of indigenous peoples.

Kutipan Pasal 1 Ayat 22

"Orang Asli Papua adalah orang yang berasal dari rumpun ras Melanesia yang terdiri atas suku-suku asli di Provinsi Papua dan/atau orang yang diterima dan diakui sebagai Orang Asli Papua oleh Masyarakat Adat Papua."

Quote from Article 1 Paragraph 22

"Indigenous Papuans are people who come from the Melanesian racial group consisting of indigenous tribes in Papua Province and/or people who are accepted and recognized as Indigenous Papuans by the Papuan Indigenous Community."

Through the dimension of discourse practice, the definition of "Indigenous Papuans" in the Special Autonomy Law is the result of a process of meaning production carried out by the state through formal legislative mechanisms. The dominant actors in the production of this discourse are the central government (through the relevant ministries), the Indonesian House of Representatives, and some local political elites involved in the process of revising the Papua Special Autonomy Law. This definition shows the state's efforts to standardize the identity of "Indigenous Papuans" within the framework of administrative law. The emphasis on the "Melanesian racial group" and "indigenous tribes" reflects the biological and cultural constructions used by the state to limit who is entitled to obtain a certain legal status. On the other hand, the addition of the clause "and/or people accepted and recognized by the Papuan Indigenous Community" seems to provide participatory space for indigenous communities in determining membership, but on the other hand, this issue also opens up space for debate, because the criteria are not explained in detail and can lead to ambiguity and potential political manipulation.

The distribution of discourse on the identity of Indigenous Papuans takes place through legal documents, regional government socialization, and interpretation in bureaucratic practices, for example in the implementation of policy affirmations, education quotas, and ASN recruitment. However, in the consumption of discourse, Papuan society responds to this definition in various ways. For most indigenous people, identity as an Indigenous Papuan is not solely determined by racial or legal-formal categories, but is also closely related to ancestral relationships, customary land, and roles in the community. Therefore, this definition set by the state can be seen as a form of complex identity reduction into legal criteria that can be used by political elites for certain interests. In this legal text, the state continues to play a hegemonic role in determining the legal authority of identity, while Papuan society continues to negotiate and negotiate their identity outside the framework standardized by law. So, this definition is not only a legal product, but also an arena for power discourse, where the state tries to regulate who has the right to be called "indigenous" in a region rich in diversity and history of resistance.

3. Aspects of Social Practice

Based on the perspective of critical discourse studies created by Norman Fairclough, social practice analysis is the third and broadest stage of discourse analysis, after the dimensions of text and discourse practice. This aspect focuses on the broader social, political, economic, and cultural situations that shape and are shaped by discourse. Fairclough (1992) views discourse as a form of social practice that cannot be separated from the social structure that surrounds it. Therefore, social practice analysis aims to examine how discourse reflects, legitimizes, strengthens, or even challenges existing social systems and power relations.

The third stage of study in the dimensions developed by Fairclough explores the relationship between discourse and larger social structures, such as dominant ideology, hegemony, social inequality, and the process of social change. Fairclough (1995) states that through discourse, power can be exercised subtly and hiddenly through the mechanism of naturalization of meaning, namely when certain ideological representations are considered as something "normal" or "natural".

Therefore, the analysis of social practices is important to understand the role of discourse in maintaining or disrupting the status quo, as well as how social agents use discourse to participate in ideological struggles and social transformation. Therefore, this aspect provides an opportunity for a critical analysis of the social function of legal discourse in the social order, including in the context of colonization, economy, neoliberalism, and various other forms of structural domination.

Pasal 1 ayat 2,

"Otonomi Khusus adalah kewenangan khusus yang diakui dan diberikan kepada Provinsi Papua untuk mengatur dan mengurus kepentingan masyarakat setempat menurut prakarsa sendiri berdasarkan aspirasi dan hak dasar masyarakat Papua"

Article 1 paragraph 2,

"Special Autonomy is a special authority recognized and given to the Papua Province to regulate and manage the interests of the local community according to its own initiative based on the aspirations and basic rights of the Papuan people.

Article 1 paragraph 2 of the Papua Special Autonomy Law is a legal discourse produced by the state to provide legitimacy for special authority to the Papua Province in regulating the interests of local communities. This discourse emerged in the context of a complex social structure, where the ideology of Indonesian nationalism seeks to maintain the unity of the state while accommodating local demands through autonomy mechanisms. The distribution of this discourse through official documents and the

media serves to affirm recognition of the basic rights of the Papuan people while maintaining central control. However, in practice, the consumption of this discourse varies; the Papuan people see it as a recognition of aspirations and independence, while the central government uses it as an instrument of political integration. Thus, the text reflects an ideological compromise between the recognition of customary rights and state domination, while also being part of ongoing socio-political negotiations in Papua.

Kutipan Pasal 1 Ayat 8

"Majelis Rakyat Papua yang selanjutnya disingkat MRP adalah representasi kultural Orang Asli Papua, yang memiliki wewenang tertentu dalam rangka pelindungan hak-hak Orang Asli Papua dengan berlandaskan pada penghormatan terhadap adat dan budaya, pemberdayaan perempuan, dan pemantapan kerukunan hidup beragama."

Article 1 Paragraph 8

"The Papuan People's Assembly, hereinafter abbreviated as MRP, is a cultural representation of the Papuan Indigenous People, which has certain authorities in the context of protecting the rights of the Papuan Indigenous People based on respect for customs and culture, empowerment of women, and strengthening harmony in religious life.

Article 1 Paragraph 8 of the Papua Special Autonomy Law forms a discourse on the Papuan People's Assembly (MRP) as a cultural representation of the Papuan Indigenous People (OAP), which is given limited authority to protect the rights of Papuan Indigenous People regarding customs, culture, women's empowerment, and religious harmony. From the perspective of Norman Fairclough's discourse practice, this text is produced by the state in a socio-political context that demands recognition of Papuan cultural identity, but remains within the framework of the Republic of Indonesia. Its distribution through legal documents and the media presents the MRP as a symbol of the state's recognition of cultural, gender, and religious pluralism, which also functions as a legitimation strategy for the implementation of Special Autonomy.

In consumption practices, this text is received in various ways: indigenous people see it as a form of recognition, but question its effectiveness; gender activists appreciate the inclusion of women but demand real implementation; while the government uses it as an instrument of stability. Thus, this discourse is influenced by the ideology of inclusive nationalism and state-controlled cultural development, and reflects the negotiation of power between local customary structures and the modern bureaucratic system.

Kutipan Pasal 1 Ayat 17

"Adat adalah kebiasaan yang diakui, dipatuhi, dilembagakan, dan dipertahankan oleh masyarakat adat setempat secara turun-temurun."

Quote from Article 1 Paragraph 17

"Customs are habits that are recognized, adhered to, institutionalized, and maintained by local indigenous communities from generation to generation."

Article 1 Paragraph 17 of the Papua Special Autonomy Law forms a discourse that customs are customs that can be said to be legitimate if they are recognized, obeyed, and institutionalized by indigenous peoples from generation to generation. In the framework of discourse practices according to Norman Fairclough, this text is produced by the state in the context of a social structure that places

indigenous peoples in a subordinate position to the national legal system. Although it appears to recognize the existence of local culture, this discourse is framed by a legalistic ideology that demands that customs submit to formal state procedures. Its distribution through legal documents and public policies shows the state's efforts to integrate customs into a controlled legal system. In consumption practices, indigenous peoples welcome this recognition as a form of legitimacy, but are concerned about the institutionalization of customs that actually limit local dynamics and authority. Meanwhile, the state uses this definition to filter forms of customs that are considered in accordance with the logic of development and national law. Thus, this discourse reflects the tension between symbolic recognition of customs and the ideological dominance of the modern state that still holds the power to define and regulate local culture.

Kutipan Pasal 1 Ayat 18

“Masyarakat Adat adalah warga masyarakat asli Papua yang hidup dalam wilayah dan terikat serta tunduk kepada adat tertentu dengan rasa solidaritas yang tinggi di antara para anggotanya.”

Quote from Article 1 Paragraph 18

“Indigenous Communities are indigenous Papuan citizens who live in a territory and are bound and subject to certain customs with a high sense of solidarity among its members.”

Article 1 Paragraph 18 of the Papua Special Autonomy Law forms a discourse that indigenous peoples are native Papuans who live in customary areas, are bound by certain customary norms, and have high social solidarity. Based on the discourse practice scheme developed by Norman Fairclough, this legal text was produced by the state in a socio-political situation that demanded recognition of the cultural identity of the Papuan Indigenous People (OAP), but remained within the boundaries of the legal definition controlled by the state. The distribution of this discourse through legal instruments and policies makes it an instrument of classification—determining who is officially recognized as an indigenous person and entitled to certain protections or rights. In consumption practices, indigenous peoples see it as a form of recognition, but are also aware of the simplification of their identity by formal legal logic. The articles and verses of this law are framed by the ideology of integrative nationalism and the rationality of state law, which seeks to accommodate cultural diversity in the modern legal system, but still maintains control over the recognition, distribution of rights, and political representation of indigenous Papuans.

Kutipan Pasal 1 Ayat 19

“Hukum Adat adalah aturan atau norma tidak tertulis yang hidup dalam masyarakat hukum adat yang mengatur, mengikat dan dipertahankan, serta mempunyai sanksi.”

Quote from Article 1 Paragraph 19

"Customary law is an unwritten rule or norm that exists in a customary law society that regulates, binds and is maintained, and has sanctions."

Article 1 Paragraph 19 of the Papua Special Autonomy Law defines customary law as an unwritten rule that is alive, binding, and maintained by the customary law community, and has sanctions. Based on the perspective of discourse practice developed by Norman Fairclough, this text was produced in a socio-political situation where the state attempted to respond to demands for recognition of the Papuan customary law system, but remained within the limits of the state's formal legal logic. Its distribution through legal instruments makes this discourse a legal classification tool, where only customary law that meets formal criteria—including sanctions—can be legally recognized. In consumption practices, indigenous people interpret it as a form of recognition, but are concerned that this standardization will

actually reduce the flexibility, dynamism, and local meaning of customary law which has so far been contextual and consensus-based. This discourse is framed by the state's legalistic ideology that makes law a tool for regulating and controlling society, where recognition of customary law cannot be separated from efforts to adjust to the state's legal structure. So, what appears to be recognition of local wisdom is actually a form of symbolic conquest by the state's dominant ideology.

Pasal 1 Ayat 20:

"Masyarakat Hukum Adat adalah warga masyarakat asli Papua yang sejak kelahirannya hidup dalam wilayah tertentu dan terikat serta tunduk kepada hukum adat tertentu dengan rasa solidaritas yang tinggi di antara para anggotanya."

Article 1 Paragraph 20:

"Customary Law Communities are indigenous Papuan citizens who have lived in a certain area since birth and are bound and subject to certain customary laws with a high sense of solidarity among its members."

Article 1 Paragraph 20 of the Papua Special Autonomy Law defines customary law communities as indigenous Papuans who have lived in a certain area since birth and are bound by customary law with high solidarity. In Norman Fairclough's analysis of discourse practices, this article was produced in a socio-political context in which the state attempted to respond to demands for recognition of Papuan customary identity, but still with a legal-formal approach that allows for administrative control. The distribution of this discourse through legal instruments makes it a legal classification tool, which determines which communities are worthy of recognition and given access to certain rights. The consumption of this discourse by indigenous communities legitimizes their existence, but also raises concerns about the simplification of complex and diverse identities. This discourse illustrates the dominant ideology of the state which is integrative and bureaucratic, in which recognition of customs is carried out as far as it can be institutionalized and controlled in the national legal system. So, although it contains elements of recognition of indigenous communities, this article also has the potential for exceptions to forms of indigenous communities that do not comply with the formal definition of the state.

Kutipan Pasal 1 Ayat 21:

"Hak Ulayat adalah hak persekutuan yang dipunyai oleh masyarakat hukum adat tertentu atas suatu wilayah tertentu yang merupakan lingkungan hidup para warganya, yang meliputi hak untuk memanfaatkan tanah, hutan, dan air serta isinya sesuai dengan peraturan perundang-undangan."

Quote from Article 1 Paragraph 21:

"Customary rights are the rights of association held by a particular customary law community over a certain area which is the living environment of its citizens, which includes the right to utilize land, forests, and water and their contents in accordance with statutory regulations."

Article 1 Paragraph 21 of the Papua Special Autonomy Law recognizes customary rights as the collective rights of indigenous peoples over the territory and natural resources that constitute their living environment. However, this recognition is framed in the context of national law which emphasizes that the use of these rights must be in accordance with laws and regulations. In the perspective of Norman Fairclough's discourse practice, this text is produced by the state as an effort to respond to the demands of indigenous peoples while maintaining control over natural resources through formal legal mechanisms. The distribution of this discourse functions as a tool of state legitimacy in regulating and limiting the independence of indigenous peoples in managing their territories. Based on the perspective of discourse consumption, indigenous peoples appreciate this recognition, but feel real restrictions on their rights,

while the state and corporations utilize these legal rules to legally manage resources. Thus, this discourse reflects the tension between the recognition of customary rights and the dominance of the state's legal-formal ideology in controlling natural resources in Papua.

Kutipan Pasal 1 Ayat 22

"Orang Asli Papua adalah orang yang berasal dari rumpun ras Melanesia yang terdiri atas suku-suku asli di Provinsi Papua dan/atau orang yang diterima dan diakui sebagai Orang Asli Papua oleh Masyarakat Adat Papua."

Quote from Article 1 Paragraph 22

"Indigenous Papuans are people who come from the Melanesian racial group consisting of indigenous tribes in Papua Province and/or people who are accepted and recognized as Indigenous Papuans by the Papuan Indigenous Community."

Article 1 Paragraph 22 of the Papua Special Autonomy Law defines Indigenous Papuans as those who come from the Melanesian racial group or who are socially recognized by the Papuan indigenous community. From the perspective of Norman Fairclough's discourse practice, this definition is produced in the context of the state's efforts to accommodate the diversity of Papuan community identities by combining biological aspects and social recognition. The distribution of this discourse functions as a legal and social basis for granting special rights to the group, while also affirming the boundaries of membership that can be inclusive or exclusive. In consumption, indigenous communities see it as an important recognition, while the state uses this definition to manage affirmative and administrative policies, which reflect the dominant ideology of identity politics and the state's administrative control over social diversity in Papua.

Conclusion

The study findings show that Law Number 2 of 2021 concerning Special Autonomy for Papua textually, in discourse practice, and in social practice, frames the identity and autonomy of Indigenous Papuans (OAP) within a framework that is predominantly controlled by the state. Textually, the legal language in key articles appears affirmative and recognizes the rights of Indigenous Papuans, but ideologically it continues to reproduce the asymmetrical power relations between the state and indigenous peoples. The use of word choices such as "granted", "recognized", and "in accordance with laws and regulations" emphasizes that autonomy and identity are not inherent rights, but rather concessions from the state that are limited and can be controlled.

In terms of discourse practice, the process of legal production and distribution is dominated by state actors with limited participation from the Papuan community. The discourse produced and disseminated reflects more on the interests of national integration than on the actual implementation of the identity and aspirations of the indigenous Papuan community. As a result, the consumption of this discourse at the grassroots level is often ambivalent: on the one hand it is accepted as a form of recognition, but on the other hand it is understood as a symbol of domination that narrows the space for true participation.

From the aspect of social practice, this law was born in the context of long-standing internal colonial power relations, where the state attempted to organize the diversity of local identities into a standardized legal framework. Instead of expanding the space for indigenous peoples' sovereignty, the formulation of OAP identity in the Special Autonomy Law actually risks reducing the complexity of Papua's socio-culture into an administrative category that can be controlled bureaucratically.

Thus, the recognition of identity and autonomy in the Papuan Special Autonomy Law tends to be symbolic rather than substantive. This law reflects the state's strategy in managing diversity and political tensions through legalistic mechanisms that maintain control rather than distributing power fairly to indigenous peoples. Therefore, it is important to continue to criticize and encourage the transformation of the legal paradigm in order to truly open up space for participation, sovereignty, and structural justice for indigenous Papuans.

Reference

- Aspinall, E., & Berger, M. T. (2001). The break-up of Indonesia? Nationalisms after decolonisation and the limits of the nation-state in post-cold war Southeast Asia. *Third World Quarterly*, 22(6), 1003–1024. <https://doi.org/10.1080/01436590120099732>
- Bacalzo, D. (2021). Framing indigeneity in the Indonesian borderlands: Ethnicity and autonomy in West Kalimantan. *The Asia Pacific Journal of Anthropology*, 22(2), 119–136. <https://doi.org/10.1080/14442213.2021.1883515>
- Budiardjo, C., & Liem, S. (1988). *The war against East Timor*. Zed Books.
- Fairclough, N. (1995). *Critical discourse analysis: The critical study of language*. Longman.
- Fairclough, N. (2003). *Analysing discourse: Textual analysis for social research*. Routledge.
- Foucault, M. (1978). *The history of sexuality: Volume 1: An introduction* (R. Hurley, Trans.). Pantheon Books.
- Hall, S. (1997). *Representation: Cultural representations and signifying practices*. Sage.
- Indrawan, M. (2021). Reformasi hukum dan hak masyarakat adat di era otonomi khusus Papua. *Jurnal HAM*, 12(2), 201–217. <https://doi.org/10.30641/ham.2021.12.201-217>
- Law of the Republic of Indonesia Number 2 of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for the Papua Province. (2021). *State Gazette of the Republic of Indonesia Year 2021 Number 191*.
- Mayr, A. (2008). *Language and power: An introduction to institutional discourse*. Continuum.
- Mietzner, M. (2010). Indonesia's direct elections: Empowering the electorate or entrenching the New Order oligarchy? In E. Aspinall & M. Mietzner (Eds.), *Problems of democratisation in Indonesia: Elections, institutions and society* (pp. 173–191). ISEAS–Yusof Ishak Institute.
- Molek, E. D. (2022). Konstruksi wacana tentang Otonomi Khusus Papua dalam media massa daring nasional. *Jurnal Komunikasi Indonesia*, 11(1), 53–69. <https://doi.org/10.25008/jki.v11i1.702>
- Syahputra, I. (2019). *Membingkai Papua: Wacana media dan politik identitas di Indonesia*. Obor Indonesia.
- Van Dijk, T. A. (1993). Principles of critical discourse analysis. *Discourse & Society*, 4(2), 249–283. <https://doi.org/10.1177/0957926593004002006>
- Van Dijk, T. A. (1998). *Ideology: A multidisciplinary approach*. Sage.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).