POLICY FORMULATION: CASE STUDY OF INDIGENOUS PEOPLE POLICY IN LUWU REGENCY

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ABSTRACT

This study aims to explain and analyze the phenomenon of indigenous people policy formulation with a participatory approach. This study uses a qualitative approach with a case study research strategy. The location of this study is in the North Luwu Regency. The determination of informants in the study was applied purposively. Data sources include primary and secondary data. Data collection techniques are done through observation, indepth interviews, and documentation. Data analysis consists of data reduction, data presentation, and drawing conclusions. The results showed that the policy formulation was running in accordance with the phenomenon of this study. In the first stage of problem formulation, the stakeholders involved identified issues related to indigenous peoples as a first step in the policy formulation process. Second, the policy agenda in which the public problem in this study is the recognition and protection of the rights of indigenous peoples. Third, the selection of alternative policies shows different interests. The regional government initially disagreed with this regulation. This certainly clashes with the wishes of the Luwu Regency DPRD who want the protection and recognition of the rights of indigenous peoples. Fourth, the stage of policy determination. The drafting of this regional regulation is stipulated to be regional regulation number 7 of 2018 concerning the recognition and protection of the rights of the Luwu Regency indigenous peoples. The actors in the formulation of policies indicate that private actors are not involved in the formulation of this policy. Likewise with the community as a target object which is only represented by the NGO AMAN. The main actors in the formulation of policies are the DPRD and the local government as policymakers.

Keywords: Public policy, Policy formulation, Indigenous people.

INTRODUCTION

In a democratic system of government, governance is managed based on broad public participation (Jones, 2007). Government policy is no longer decided behind the table by one or two or three officials who feel responsible in a field, but must be done through democratic procedures by involving many people, both directly and indirectly. Even now, the majority of votes in legislative bodies can no longer freely decide on their own in a closed room, without broad public support (Abidin, 2004).

Therefore, in the reform era, public participation has become increasingly important. Now the government can no longer ignore the public, community organizations (CSOs), universities, media and non-governmental organizations (NGOs), and political parties at every stage of the public policy process including the making of regional regulations.

Public policy is one of the studies that have a strategic role in governance, but it is often inseparable from various problems in policy formulation that will have an impact on ineffective policy output. Policy formulation as a part of the policy process has a very

fundamental role. Stages of policy formulation involving the process of identification, a set of policy alternatives to overcome various problems and clarify a set of solutions as preparation in determining the final policy (Sidney, 2007).

Policy formulation according to Sidney (2007) tries to answer various questions about plans in solving public problems, goals and priorities, options available to achieve goals, as well as advantages and disadvantages of each alternative policy set. Where in this stage all policy issues, proposals, and community demands are transformed into a number of government programs.

All policies to be made by the government and authorized policyholders should go through the ideal policy formulation stage in the hope that the policy objectives can be achieved. In the context of the formulation of regional regulation policies, proposals can come from the regional government as executives, or from the legislature, namely the Regional House of Representatives (DPRD), which then processes the formulation of local regulations until the stipulation becomes the duty of the DPRD by involving other stakeholders.

In the context of local government, various public problems are the main responsibility of the regional government and DPRD as the authorized stakeholders to resolve the issue. This also applies to the implementation in Luwu Regency where the problems of indigenous peoples are very urgent to be solved by giving birth to local regulation on the Recognition and Protection of the Rights of Indigenous Peoples in Luwu Regency. This regulation aims to accommodate and protect the various rights of indigenous peoples so that they can grow and develop, participate according to their dignity and human dignity and be free from discrimination and violence.

Indigenous peoples in Luwu Regency consist of various indigenous communities. The existence of indigenous communities in Luwu Regency based on the results of the identification and mapping of indigenous territories carried out by the AMAN (Alliance of Indigenous Peoples of the Archipelago) of the Tana Luwu region, there are 113 (one hundred and thirteen) indigenous communities.

Luwu Regency is one of the regencies in South Sulawesi Province that has a large indigenous population. The existence of this indigenous community has been generally recognized because it has a long history.

The uniqueness of these various indigenous communities lies in the behavior and daily lives of the people who continue to uphold the noble values and traditional beliefs of Luwu Regency. They are legal subjects and have lived for generations in the region, are bound to cultural identity and ancestral origins, there is a strong relationship with land, territories and natural resources in their customary territories and value systems that determine social, economic, politics and law.

One positive fact of maintaining this noble value in indigenous peoples is its ability to conserve forests and surrounding natural resources such as the sea and water. Forests are an important instrument for local people both for domestic needs and ritual activities.

In the view of the Luwu Regency indigenous people, customary land is like their biological mother so that this is believed by the wider community as a factor in preserving the forest. The initiation of Luwu's indigenous community policy formulation by the local government

of Luwu Regency involving the NGO Indigenous Peoples of the Archipelago (AMAN) and local customary stakeholders is an effort to give birth to participatory policies and aims so that indigenous peoples receive legality or legal recognition by the state of their rights. like customary land. The main reason for indigenous peoples to find a way for the state to recognize the existence and rights of their communities is because of the potential threat of third parties (the state and the company or the community itself) that could have taken over their control of the control of customary land. Local governments involve other stakeholders (NGOs and elements of adat stakeholders) in the formulation of indigenous peoples' policies because of their limited information/knowledge about indigenous peoples. Resource sharing is intended to achieve an efficient policy formulation. Indigenous people's policies can be categorized as an empowerment policy because this policy will give power to the indigenous community in Luwu Regency with regard to their territories and customary forests.

In general, this research aims to explain and analyze the phenomenon of indigenous people policy formulation with a participatory approach. Whereas specifically, the purpose of this research is to explain and analyze the process/stages of indigenous peoples 'policy formulation and the role of the community in the process of formulating indigenous peoples' policies in Luwu Regency, South Sulawesi Province.

LITERATURE REVIEW

Public Policy

The definition of public policy was put forward by several experts. Dye (2007) gives the definition "Public policy is whatever the government chooses to do or not to do". more or less means that public policy is whatever the government's choice to do or not do something. Of course, the emphasis of this definition is the choice or decision of the government to do or not do something, do or cancel something after carrying out a policy analysis process to formulate the policy.

Kolb (1978) argues that public policy has two main objectives, namely: first, to distribute national resources, which include redistribution and absorption of national resources. Policy is essentially a form of decision making made by institutions that have certain authorities. As defined by Easton (1953) that policy is "authoritative allocation through political processes, the values of groups or individuals in society". Parsons (1995) argues that policy is a set of actions or plans that contain political objectives. According to him, the word policy implies policy as a rationale, a manifestation of judgment. This means that a policy is an attempt to define and establish a rational basis for doing or not doing an action. Policy (policy) is a collection of decisions taken by an actor or political group, in an effort to choose goals and ways to achieve those goals.

Public Policy Formulation

In the tradition of the stage model in the public policy process, policy formulation is part of the pre-decision stage of decision making (Fischer & Miller, 2017). In this approach, policy formulation is inherent in the model stage of the policy process which assumes that participants in the policy process have identified and defined policy problems and moved into the policy agenda.

The ideal formulation of public policy is a formulation of public policy-oriented towards implementation and evaluation. Often policymakers assume that the ideal policy formulation is a conceptual description loaded with ideal and normative messages but still based on reality. When in fact the ideal formulation of public policy is a description of the maturity of

reading reality as well as alternative solutions that are feasible to reality. Although in the end, the resulting description is not entirely precise with the normative ideal, it is not a problem as long as the description of the base of public policy is precise with the reality of the existing policy problems in the field.

The process of formulating a public policy involves a variety of complex activities. Understanding of the policy formulation process by experts is seen as important in efforts to make an assessment of public policy. To help do this, the experts then develop a number of frameworks to understand the policy process (often referred to as the policy cycle). A number of experts who developed this understanding framework include Dye (2007) and Anderson & Hughes (2000). According to Dye, how policy is made can be known by considering a number of activities or processes that occur in the political system. The series of stages in policy formulation according to Dunn (2007) are the formulation of the problem, the policy agenda, the selection of alternative policies and the determination of policies.

1. Formulation of the problem

Understanding the problem can help find hidden assumptions, diagnose their causes, map out possible goals, integrate conflicting views and design new policy opportunities. Dunn, (2003) states that problem formulation can be seen as a process with different but interdependent stages, namely problem search, problem specification, and problem recognition

2. Policy Agenda

At this stage, each actor seeks or strives so that his interests are accommodated on the policy agenda before the interests are identified in advance and determined by the actors and their interests. Previously, problems had the potential to be included in the policy agenda, these problems would compete with other issues which would eventually enter the policy agenda.

3. Selection of Alternative Policies for Problem Solving

at this stage policymakers will deal with alternative policy choices to solve the problem. the formulation of policy proposals (policy proposals) is the activity of compiling and developing a series of actions that need to solve a problem. The process in this activity includes: first; identifying alternatives; second, defining and formulating alternatives; third, assess each available alternative, and choose the alternative that is satisfactory or most likely to be implemented.

At this stage policymakers will be confronted with a battle of interests between various actors, each actor being offered alternatives and at this stage, it is very important to know what alternatives are offered by each actor. In this condition, policy choices will be based on compromises and negotiations that occur between actors with an interest in making the policy.

4. Determination of Policy

The policy ratification process is a process of joint adjustment and acceptance of recognized principles and accepted standards. In the policy approval process, there are activities carried out. Furthermore, citing the opinion of Anderson (2000), Islamy (2003) confirms that the policy ratification process begins with the following activities; (a) Persuasion, namely efforts to convince others of something of truth or one's position and they want to accept it as their own; (b) Bargaining, a process in which two or more people have the power or authority to regulate/adjust at least the goals that they disagree in order to formulate a series of actions that are mutually acceptable but not ideal for them. bargaining includes agreements (negotiations); give and take (take and give); and compromise (compromise). At this stage, we can know that the actors struggle so that alternatives are accepted and interaction with other actors also occurs which gives rise to persuasion, and bargaining.

Actor in Policy Formulation

The study of policymakers is important. Actors are determinants of policy content and color dynamics of the stages of the policy process. If the type of policy influences the level of difficulty that can occur in the process of policy formulation, the implementing actors and relations between actors directly influence the success of the policy formulation process.

Policy formulation in practice will involve a variety of actors, both those from state and non-state actors or those referred to by Anderson as official policy-makers and non-governmental participants. Actors involved in the formulation also have different roles from the evaluation of policy designs. Actors in the formulation are individuals or groups who have an interest in the policies made and come from various circles. In the formulation at least, stakeholders can come from the legislative, executive or interest groups. All three are in the same interest in decision making while in evaluating the draft policy, the actors are involved in the executive but come from different levels of government. While Moore (1995) in general, actors involved in the formulation of public policy, namely, public actors, private actors, and civil society actors. These three actors are very instrumental in the process of public policymaking.

Methods

This study uses a qualitative approach in which the research conducted is descriptive in nature to find out or describe the reality of the events under study making it easier for writers to get objective data in order to know and understand the phenomenon of indigenous peoples' policy formulation with a participatory approach in Luwu Regency.

The research strategy used is a case study. The use of case studies aims to obtain comprehensive explanations related to various aspects of a person, group, organization, program or condition of the community that is meticulously examined as deeply as possible within a certain period of time. In a case study, there are three types of research, namely explorative, descriptive and explanative types (Dua et al., 2008). The type of research used is descriptive and explanative types.

The determination of informants in the study was applied purposively, those who were considered to be competent and had information relating to the formulation of indigenous peoples' policies with a participatory approach that included the Chairman of the Luwu Regency DPRD, the Special Committee on the Regional Regulation Ranperda, Head of Culture, Indigenous Leaders, NGOs of the Indigenous Peoples of the Archipelago (AMAN), Village Head, and Indigenous Peoples.

Data from the research results were obtained through 2 data sources, primary and secondary data. To collect primary data and secondary data researchers used several data collection techniques, observation, in-depth interviews, and documentation. Data analysis techniques Miles & Huberrman (1992) assume that the analysis consists of three activities that occur simultaneously: data reduction, data presentation, and drawing conclusions/verification.

RESULTS

The process of Indigenous Peoples policy formulation in Luwu Regency was analyzed by the approach proposed by Dunn (2007) covering 4 stages. The first is the formulation of the problem, the second is the policy agenda, the third is the selection of alternative policies for problem-solving, the fourth is the policy determination stage.

Formulation of the problem

Problem formulation is the initial stage in policy formulation, this stage aims to knit a set of alternative policies to overcome a problem and narrow down the set of solutions in preparation for determining the final policy. At this stage, policymakers must develop goals and tools to solve problems and balance alternatives so that they can make specific policy recommendations for future policy implementation (Wegrich & Jann, 2006).

The formulation of problems in the formulation of indigenous peoples' policies in the Luwu Regency covers a variety of problems that have developed in indigenous peoples so far. The following are various problems experienced by indigenous peoples according to the views of the actors (stakeholders) involved in policy formulation in Luwu Regency. Based on the results of the study identified problems experienced by indigenous peoples in Luwu Regency. These problems include the recognition and legal protection of indigenous peoples' rights to existing land and natural resources. This is due to the fact that indigenous peoples and their customary land rights are the most marginalized group in their efforts to use natural resources. The results of data collection show that another problem is the overlapping of various sectoral laws and regulations followed by a centralized development program that has placed the fate of indigenous peoples at the tip of officials' pens when signing various Decrees and Businesses Permits for investors entering into customary territories. to dredge the natural wealth inherited by their yields. Various cases of appropriation of indigenous peoples' rights often occur, such as natural resource exploration (SDA) by companies (private) on customary land. As in the case of residents accused of entering the control of State forests and taking wood, while the land is an area that is managed for generations and is a source of life. These cases also show the insensitivity of law enforcement to the law that develops in the community. Criminalization is not easy because people enter the forest area to collect the forest products which are the source of their livelihood (plant life), not for exploitation like big companies. Respect for indigenous and tribal peoples should not only be related to customary institutions and customs but also concerns the right to access natural resources for their survival.

Not only that but conflicts between indigenous communities are also prone to occur. Indigenous peoples' rights and access to land, territories and natural resources that are still vague because they have never been clearly identified, inventoried and mapped by the District Government.

Policy Agenda

The policy agenda is an important stage in the public policy-making process. This process will determine whether the problem will be considered as a problem by the government or not. Not all public issues will be included in the policy agenda. Only certain problems are included in the policy agenda. A problem with a large impact has the potential to become a public problem so that it is included in the policy agenda. The process of compiling a policy agenda according to Anderson (2000) systematically consists of private problems, public problems, issues, and government agendas.

Based on the results of research on the policies of indigenous peoples in Luwu Regency through Regional Regulations on the Recognition and Protection of the Rights of Indigenous Peoples shows that the main problem that has widespread impact on the community which is the main issue on the agenda-setting is the issue of recognition and protection of the rights of indigenous peoples. If it is not resolved immediately it can disrupt the stability of the lives of

indigenous peoples, especially the number of indigenous peoples in Luwu Regency is quite large given the long history of Tana Luwu.

As with what was stated by Dunn (2003) at the stage of the policy agenda, that in this phase the government tried to compile a number of important agendas that needed to be discussed and subsequently became the main material for public policy formulation. Based on observations in the field, that the preparation of the policy agenda is appropriate and in accordance with the phenomenon of public problems that occur. The phenomenon of the problem was realized by the Luwu Regency DPRD so that it became the initiator in giving birth to the regulation. In addition, the insistence from the NGO Indigenous Peoples of the Archipelago (AMAN) and the many demands from indigenous peoples themselves.

Based on the findings, the case study on the formulation of indigenous peoples 'policies, in this case, the formulation of customary regulations on the recognition and protection of indigenous peoples' rights in Luwu Regency shows that the problem of recognition and protection of customary rights becomes an urgent public problem to be resolved. The culture of the Luwu Regency people who cannot be separated from their customary communities encourages this regional regulation to be made. As the agenda-setting process that a problem must be a public problem is clearly described in this research.

Selection of alternative policies

The selection of alternative policies is the third stage after public problems are well defined and policymakers agree to put the problem on the policy agenda, then the next step is to make a solution to the problem. Here policymakers will deal with policy alternatives that can be taken to solve the problem. At this stage, policymakers will be confronted with a conflict of interests between the various actors involved in policy formulation.

Based on the results of research on the formulation of indigenous peoples' policies through regional regulations on the recognition and protection of the rights of indigenous peoples in Luwu Regency, shows that there are differences of opinion among stakeholders of the policymakers, in this case, the Luwu Regency DPRD and the Luwu Regency Government. This is indicated by the fact that of the various alternatives owned by the DPRD, they prefer policy alternatives in the form of regional regulations on the recognition and protection of indigenous peoples. Meanwhile, the Luwu regency government tends to disagree with the selection of alternatives in this case. The regional government is of the opinion that the policy in the form of the local regulation can cause various problems later.

The disagreement between the two policy-makers led to the formulation of this regulation as an alternative chosen in solving the problems of indigenous peoples through a fairly long process. This can be seen where the regulation was proposed in 2015 but was approved and enacted in 2018 due to a disagreement and negotiation between the DPRD and the Luwu Regency Government. The Luwu Regency DPRD supports and chooses the local regulation as the best alternative, while the local government thinks otherwise. The existence of a tug of war of interests causes the preparation of these regulations to require up to 3 years.

Based on the findings, the process of selecting alternative policies in the formulation of indigenous peoples' policies is quite long. There are indications of interest factors owned by stakeholders in this case the regional government colors the process of policy formulation. The research findings indicate an indication of the interests of local governments indicated in their desire to use and manage customary lands that have the potential of natural resources

such as gold, iron ore and other resources as sources of regional income. The government's wish could not be fulfilled when the regional regulation on the recognition and protection of the rights of indigenous peoples in Luwu Regency was agreed and determined, because in this regional regulation also regulates the ownership and protection of customary land by indigenous peoples. Meanwhile, on the other hand, there was anxiousness by indigenous peoples towards the potential and threats to the exploitation of their customary lands when this regulation was not stipulated.

Other findings show that there are indications of conflicts of interest between stakeholders in the formulation of indigenous peoples' policies. In the view of the Luwu Regency government, their disagreement with the local regulation is more due to the fear of potential problems that could result if alternative policies in the form of regional regulations governing the recognition and protection of the rights of indigenous peoples are approved.

Determination of Policy

At the last stage in the process of policy formulation as in the theory of policy formulation according to Dunn (2007) is the establishment and approval of policies. The stages of determining and ratifying policies need to be carried out so that a policy that has been chosen at the alternative policy selection stage will later have legal standing and cannot be sued and in accordance with applicable statutory procedures.

Determination of policy in the phenomenon of policy formulation through regional regulations on the recognition and protection of the rights of indigenous peoples in Luwu Regency shows that after going through a long process of nearly 3 years from being proposed in 2015 to stipulation in 2018, it was carried out through various discussion activities through work meetings commissions with executives as well as faction meetings, then hearings with several relevant stakeholders, as well as drafting local draft regulations, then the Regional Legislative Body (Balegda) submits the finalization of the draft in the Plenary Session for later to be adopted and ratified into a Regional Regulation by DPRD and Luwu Regency Government.

Determination of indigenous peoples' policies through regional regulation number 7 of 2018 regarding the recognition and protection of the rights of indigenous peoples in Luwu Regency is the result of the hard work of various stakeholders. This regulation is an initiative of the Luwu Regency DPRD by considering the various aspirations of indigenous peoples who feel their rights should be protected and widely recognized and have a clear legal basis.

Based on this statement, in general, the indigenous people in Luwu Regency appreciated the efforts of the Luwu Regency DPRD to enact this regulation. With this regulation, it will become the basis for regulating the lives of indigenous peoples with their various rights. Issues such as the emergence of a new indigenous community, an Indigenous Community Committee will be formed which is tasked with assisting indigenous peoples to identify, verify and validate, resolve objections and provide recommendations for the determination of indigenous peoples by the Regent.

Then, there will be a mapping of customary territories based on the history of the origin and governance of an existing area in accordance with the knowledge system and practices that apply in indigenous peoples. The mapping of indigenous territories is very important to avoid conflicts over indigenous territories between indigenous communities. This regulation also stipulates that an independent body will be formed, namely the Indigenous Peoples

Commission (KMA) whose role is to connect the Regional Work Unit (SKPD) in carrying out and succeeding the development program in the territory of the indigenous people of Luwu Regency.

To resolve disputes related to indigenous peoples that touch the realm of criminal and civil law, the resolution will be carried out based on the applicable legal rules. However, prioritizing alternatives to settling disputes for indigenous peoples outside the court is carried out through consultation, negotiation, and mediation. This Perda also accommodates the existence of dispute resolution mechanisms carried out by adat institutions for violations of adat law. Likewise, there will be representatives of indigenous peoples who consist of representatives of indigenous peoples in various decision-making forums and forums for dispute resolution.

The Role of Actors in the Formulation of Indigenous Peoples Policy

Actors in policy formulation, according to Moore (1995), are generally involved in the formulation of public policies, namely government actors, private actors, and the community (civil society). These three actors are very instrumental in the process of public policy-making.

The actors identified in the phenomenon of policy formulation through regional regulations concerning the recognition and protection of the rights of indigenous peoples in Luwu Regency are the government and the community (civil society) in this case the NGO AMAN.

Research findings indicate the identification of actors and the roles they have in policy formulation. First, the DPRD as an actor from the state element plays a role in making regulations or policies as the legislative function they have. Proposed regional regulations as applicable regulations, can be proposed by the regional government and DPRD.

In this study, the research findings show that regional regulation number 7 of 2018 regarding the recognition and protection of the rights of indigenous peoples in Luwu Regency is a regional regulation by the DPRD. This institution initiated and achieved acceleration in the birth of this regional regulation based on the aspirations of the NGO AMAN and indigenous peoples. As the legislative function is owned by the DPRD, they contribute greatly and play an active role in policy formulation. The active involvement of the DPRD is demonstrated through the implementation of various stages of the preparation of the perda, including various forums which must be carried out in the process of drafting this regional regulation.

The Luwu Regency government was also involved in the formulation of this regional regulation, but initially, they tended to disagree with this regulation because it was considered to have the potential to cause problems when approved. But in the process, the regional government finally agreed with the proposed DPRD initiative. The involvement of regional governments in the drafting of local regulations is demonstrated by the presence of regional government delegates, in this case, the head of the cultural sector in various forums for meetings with other stakeholders.

The policy formulation process, in this case, the formulation of adat regulations, does not involve private actors. This is because the private sector was not involved in the drafting of this regulation because it was deemed not the domain of the private party, so they were not involved in the process of drafting the regulation on the recognition and protection of the rights of indigenous peoples. Unlike the private sector, as one of the important actors in

encouraging and voicing the aspirations of indigenous peoples, the Non-Governmental Organization (NGO) AMAN actually actively participated in the process of drafting this regulation. Various input and suggestions from AMAN to policymakers namely DPRD and Local Government are accommodated in this regulation. Indigenous peoples as the target object of this regulation are in fact not involved in the process. Based on the search of the minutes of the various forums for the preparation of this regulation, there were absolutely no community representatives such as village heads or community leaders other than the involvement of AMAN.

CONCLUSION

The policy formulation in this study has proceeded in accordance with the phenomenon of this study. At the stage of problem formulation, the stakeholders involved identify issues related to indigenous peoples as a first step in the policy formulation process. Then the policy agenda where the public problem in this study is the recognition and protection of the rights of indigenous peoples. The selection of alternative policies shows different interests. The regional government initially disagreed with this regulation. This certainly clashes with the wishes of the Luwu Regency DPRD who want the protection and recognition of the rights of indigenous peoples. At the policy determination stage. The drafting of this regional regulation is stipulated to be regional regulation number 7 of 2018 concerning the recognition and protection of the rights of indigenous peoples. Actors in policy formulation indicate that private actors are not involved in the formulation of this policy. Likewise with the community as a target object which is only represented by the NGO AMAN as a representative of the community element. The main actors in the formulation of policies are the DPRD and the local government as policymakers.

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