Legal Position of Lex Specialis Derogat Legi Generali in the Implementation of Special Autonomy for Papua

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Abstract

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This magazine discusses the Legal Position of Lex Specialis Derogat Legi Generali within the Implementation of Special Autonomy within the Regions, with a focus on case research in Papua. This abstract presents a summary of the contents of the Journal, which includes history troubles, hassle system, goals, studies methods, effects of analysis, and conclusions.Background This journal illustrates the importance of special autonomy as a form of unique answer for regions with unique traits and troubles. The components of the hassle includes questions about the meaning of unique autonomy, the records of the implementation of special autonomy in Papua, in addition to the feature and scope of this unique autonomy.The reason of this magazine is to analyze the criminal role of Lex Specialis Derogat Legi Generali in the implementation of special autonomy, and to understand the function of unique and trendy laws and rules inside the context of unique autonomy.The studies technique used is literature observe by using amassing facts from diverse reliable assets together with laws, selections of the Constitutional Court, and related scientific journals.The effects of the evaluation screen that the principle of Lex Specialis Derogat Legi Generali is the important thing in resolving felony conflicts between special autonomy policies and national popular regulations. The application of Lex Specialis offers priority to important policies that observe in the region, as a result imparting extra authority according to the distinctiveness and desires of the place.Conclusion this journal emphasizes the significance of increasing felony attention in society to assist the implementation of unique autonomy. Improving the prison device and strengthening the judiciary are also important in order that unique autonomy can run well and provide most desirable benefits for the area people. Community collaboration and involvement also are critical elements within the achievement of unique autonomy, in order that the network feels they have an energetic role in development and choice-making in their region.

I. Introduction

Papua Province is one of the provinces in Indonesia which has unique traits within the context of nearby autonomy. Since its inception, Papua has been given the fame of a region with special autonomy based on Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua. It is hoped that this unique autonomy will offer an opportunity for the humans of Papua to be more active in managing the capability of the vicinity and making selections which might be local in nature in keeping with the man or woman and nearby know-how of Papua.

The Papua special autonomy policy has had a high-quality effect on development in Papua, one among which is growing the amount of funds allocated for development in Papua. The quantity of price range allocated for improvement in Papua has extended from 12 months to yr. In 2001, the amount of finances allotted for improvement in Papua amounted to Rp. 1.38 trillion . The amount of this fund accelerated to Rp. Five.Ninety trillion in 2020. This growth in the quantity of budget allocated for development in Papua has been used for numerous tendencies, inclusive of infrastructure, education, fitness and economic development .

Developments which have been finished in Papua using special autonomy budget: Construction of roads and bridges, Development of faculties and schools, Construction of hospitals and health facilities, Construction of conventional markets, Construction of irrigation, Development of plantations and agriculture, Development of small and medium industries, Increasing the quantity of price range allotted for improvement in Papua has had a high-quality effect on improvement in Papua.

The wonderful affects of enhancing the excellent of infrastructure, enhancing the nice of education, enhancing the great of fitness, enhancing the economic system, and growing the amount of allocated budget are anticipated to retain to improve the welfare of the people of Papua.

However, through the years, several issues have arisen regarding the implementation of special autonomy in Papua. One of the issues that is regularly within the spotlight is related to the criminal function of the principle "Lex Specialis Derogat Legi Generali" in the context of implementing unique autonomy in Papua. .

The precept of "Lex Specialis Derogat Legi Generali" is a criminal principle which states that special felony rules override extra preferred prison rules. That is, if there are special provisions inside the Papuan regional regulations that conflict with extra general provisions in the countrywide legal regulations, then the specific provisions within the local policies will apply. .

In relation to special autonomy in Papua, the question arises as to how the criminal function of the principle "Lex Specialis Derogat Legi Generali" regulates the relationship between Papua's special regional guidelines and general country wide prison rules. . Can this precept provide felony certainty and make sure that the implementation of special autonomy runs efficiently, or does it alternatively result in warfare and felony ambiguity in its

implementation? .

It is in this context that it's miles very critical to jot down approximately the legal function of "Lex Specialis Derogat Legi Generali" within the implementation of Papua's special autonomy.

It is hoped that this paper will offer a clearer information of this felony principle and its effect on the implementation of unique autonomy in Papua. Furthermore, as guidelines and solutions that could help overcome demanding situations in the implementation of special autonomy in Papua so that the targets of granting special autonomy may be achieved properly.

Important troubles that stay polemic, which include the idea of the prison precept of "Lex Specialis Derogat Legi Generali"; What is the concept of special autonomy in Papua and how has it been carried out since the enactment of Law no. 21 of 2001 regarding Special Autonomy for Papua Province; What is the criminal function of the precept "Lex Specialis Derogat Legi Generali" within the felony system in Indonesia and the way is it associated with the implementation of special autonomy in Papua?

2. Research Method

In the criminal gadget, the idea of "Lex Specialis" refers to a precept which states that felony provisions which might be particular or specific for a particular scenario or object will triumph over or prioritize legal provisions which can be fashionable or extra wellknown in nature. This Lex Specialis precept has an vital function in resolving criminal conflicts when there are or extra felony provisions that apply to the same or comparable situations.

Furthermore, Lex Specialis applies while two or greater laws have the identical scope or overlap and govern comparable matters. In such conditions, the greater specific or particular legal provisions will apply to the exclusion or derogation of the more fashionable criminal provisions. The principle of Lex Specialis targets to avoid ambiguity and felony battle, in addition to to offer prison clarity and reality within the decision of sure instances.

The utility of the Lex Specialis precept is specifically applicable in diverse fields of law, such as criminal law, kingdom administrative law, and global regulation. In crook law, for instance, if there are two exclusive legal policies governing against the law, a more precise and targeted regulation concerning the crime might be implemented. In the context of Indonesian regulation, the Lex Specialis precept is also implemented as a guide in the interpretation and implementation of existing prison regulations. The application of this principle allows to ensure that precise and extra detailed criminal provisions have more potent criminal force and conquer greater standard or general criminal provisions in positive cases.

As one of the vital prison principles, an know-how of Lex Specialis has a critical function in keeping felony consistency and clarity within the criminal system in Indonesia as well as in various criminal systems around the

sector."Legi Generali" is a Latin term meaning "commonplace law" or "not unusual regulation." In the felony context, this term refers to felony rules which have a much wider scope or scope and are trendy in nature to modify positive conditions or gadgets without regard to the precise differences that can exist between them.

Legi Generaliare typically more abstract prison guidelines and provide a fundamental framework or commonly applicable felony principles. These criminal guidelines aren't too targeted or unique approximately certain conditions, but rather consciousness on ideas that follow broadly in a discipline or discipline of regulation.

An example of the Legi Generali inside the context of Indonesian regulation is the 1945 Constitution of the Republic of Indonesia (1945 Constitution). The 1945 Constitution is the very best primary regulation in Indonesia which regulates the shape of the country, the rights and obligations of residents, as well as the primary concepts governing the Indonesian nation administration as a whole. The 1945 Constitution does not specify unique regulations for every viable situation, however presents a binding simple framework for all existing criminal policies in Indonesia.

In the context of the use of the prison principle of Lex Specialis Derogat Legi Generali, Legi Generali is a greater wellknown felony regulation which can be defeated with the aid of a extra specific or special prison law (Lex Specialis) while there is a legal battle between the 2. In this example, the Legi Generali does no longer have the same powers because the Lex Specialis whilst there's an overlap or discrepancy between the two criminal rules.

The definition of Legi Generali is crucial for expertise the relationship among standard prison rules and precise felony regulations in the felony device, with a purpose to offer readability and legal truth within the interpretation and implementation of felony policies in Indonesia.The precept of Lex Specialis Derogat Legi Generali is a rule of prison interpretation which states that particular or unique legal rules will override or prioritize general or greater fashionable prison policies when there is overlap or struggle among the two. This precept targets to remedy ambiguity and keep away from legal conflicts in conditions in which there are or more laws that follow to the identical or similar instances.

3. Results and Discussion

A. Papua Special Autonomy Law

The Special Autonomy Law for the Province of Papua is a criminal regulation that offers wider authority and privileges to the Papua vicinity in regulating and dealing with government affairs, improvement, and the empowerment of the human beings of Papua.The formation of the Papua Special Autonomy Law was driven by way of the history of warfare and the

aspirations of the Papuan humans to gain wider autonomy rights and popularity of their standard rights and cultural variety. This Special Autonomy Law is a form of implementation of Article 77 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that Papua and West Papua might be granted unique autonomy.

The Special Autonomy Law for Papua Province has gone through several adjustments and revisions to accommodate changing situations and needs from the area people. In its implementation, this unique autonomy remains the focus of interest in efforts to improve the welfare and empowerment of the Papuan humans and reap harmonious and simply national integration.NLAgustina, & Wicaksana, AI (2020) in writing "The Role of Local Government within the Implementation of Special Autonomy for Papua", Journal of Social and Political Sciences, explains that the position of neighborhood authorities in imposing unique autonomy in Papua implements special rules that match the needs and regional traits. Agustina and Wicaksana (2020) spotlight that the implementation of special autonomy calls for a strong and effective nearby authorities role. Local governments have the responsibility to manipulate nearby budgets and sources wisely, and to make strategic decisions that have an effect at the progress and welfare of society. However, there are also more than a few of things that need attention together with finances constraints, lack of human useful resource ability, .

B. Papua Special Autonomy Implementation Regulations

Regulations for the implementation of the unique autonomy for Papua are guidelines or regulations issued to put in force and regulate in greater detail the provisions contained inside the Law on Special Autonomy for the Province of Papua.

C. Law Enforcement in Papua

Law enforcement in Papua, like in other elements of Indonesia, is a technique that includes the government, police, prosecutors, courts and different relevant companies to make sure compliance with law and justice inside the region.

D. Implementation Case Study in Papua

As a area with unique autonomy, the implementation of the Lex Specialis Derogat Legi Generali principle in Papua has numerous exciting case research to investigate. Following are some examples of implementation case research in Papua, mining Conflicts in Indigenous Territories: One of the applicable case studies is associated with mining conflicts in Papua's commonplace territories. This warfare includes big mining companies operating in customary regions and indigenous peoples who declare ownership of those lands and natural sources. In this example, the software of the Lex Specialis principle is essential in figuring out the utility of applicable law, both in phrases of mining permits,

protection of customary rights, as well as social and environmental affects.Utilization of Forest Resources:Another case take a look at relates to the utilization of woodland assets in Papua. This vicinity has abundant natural wealth, along with tropical rainforests that function because the lungs of the arena. Law enforcement in matters of unlawful logging, indigenous peoples' rights to forests, and environmental protection should do not forget the Lex Specialis principle to set up greater precise and precise guidelines.Law Enforcement in Remote Areas.Law Enforcement of Human Rights Violations.Social Conflict Resolution:Another case examine is related to social warfare decision in Papua. Law enforcement in this example have to discover the proper manner to remedy conflicts and reap peace, and involve the utility of the Lex Specialis precept in finding solutions that are appropriate to the specific conditions in the place.

According to Aditya (2020) the importance of the unique autonomy program in enhancing the welfare of the humans in Aceh, via the consequences of studies using information samples from numerous assets, along with statistical statistics, government reviews, and interviews with local communities, that the unique autonomy application has a strategic role in encouraging development areas and improve the welfare of the humans in Aceh. Through this application, neighborhood governments have extra authority to manipulate assets and budgets independently, so they can be greater conscious of network needs and aspirations.

The implementation of unique autonomy in Aceh has had a high-quality effect on the welfare of the local people. The life of energetic involvement of the network in the development manner and selection making has improved network participation within the control and usage of regional resources.Furthermore, Aditya (2020), with an evaluation of statistics from empirical findings, increasing humans's access to public offerings, enhancing infrastructure, as well as increasing employment opportunities and empowering the community's financial system have made a tremendous contribution to the unique autonomy program in improving humans's welfare in Aceh.

However, consistent with Aditya (2020), the challenges and boundaries faced in implementing the unique autonomy program in Aceh need to be regular with the implementation of Special Autonomy in order that it is capable to triumph over these various boundaries, which includes optimizing the use of the finances, growing the capacity of neighborhood governments, and strengthening collaboration among the authorities and public.Aditya (2020) emphasized that the unique autonomy application performs an important role in enhancing the welfare of the human beings in Aceh. With the implementation of this software in an powerful and sustainable way, it's miles was hoping that the potential of the regions can be higher applied, and that the people can experience real benefits from unique autonomy in enhancing their

nice of life.

A. Nurdin, (2022). Horizontal Conflict inside the Implementation of Aceh's Special Autonomy. Journal of Conflict and Peace Studies ,examines the existence of horizontal conflicts that stand up within the context of the implementation of special autonomy in Aceh. Nurdin (2022) investigates the elements that purpose horizontal conflict, inclusive of differences in ethnicity, religion, and way of life in the location.In his explanation, Nurdin (2020) highlighted the significance of know-how the dynamics of horizontal war as a severe mission within the implementation of special autonomy in Aceh. This horizontal warfare can disrupt local balance and peace, in addition to preclude progress and sustainable improvement.

Nurdin (2020) provides an in-intensity analysis of the numerous sorts of horizontal war that came about in Aceh that need to be strengthened through talk and reconciliation between exclusive organizations of humans.Thus, speak and reconciliation provide essential insights for coverage makers and selection makers in overcoming horizontal war demanding situations within the implementation of special autonomy in Aceh. These efforts are anticipated to create a more harmonious environment and aid the implementation of sustainable special autonomy for nearby progress and the welfare of the area people .

According to MK Anwar, (2019), in his writing "Special Autonomy of Aceh in an Economic and Social Perspective", within the Journal of Scientific Studies, emphasized that Aceh's special autonomy from the financial and social attitude of the human beings in Aceh has supplied an possibility for nearby governments to manage assets and finances extra independently. This is anticipated to boom regional monetary growth, create jobs, and improve people's welfare. More specially the leading zone (or superior region) in public services, schooling and health, in addition to increased network participation within the development technique.

4. Conclusion

In implementing special autonomy in Papua, there are several factors that need to be considered holistically so that special autonomy can work effectively and provide optimal benefits for the people of Papua.Special Autonomy as a Special Solution for regions with different characteristics and problems. Recognition of cultural identity, history of struggle, geographical conditions, and wealth of natural resources is an important basis for granting special autonomy.Raising Legal Awareness is a strong foundation in the implementation of special autonomy. Legal education, simplification of regulations, and dissemination of special autonomy policies will help people understand their rights and obligations and feel actively involved in the

implementation of special autonomy.Improving the legal system and strengthening the judiciary are important to provide a strong legal basis for the implementation of special autonomy. Harmonizing legal regulations, providing legal assistance, and increasing the accountability of law enforcement officials will create a more just and effective legal system.

Community Collaboration and Involvement are key factors in the success of special autonomy. Involving the community in the decision-making process, community empowerment, and information transparency will increase the community's active participation in the implementation of special autonomy. The synergy between the Central and Regional Governments is important in the implementation of special autonomy. Harmonious coordination and mutual support will facilitate the implementation of special autonomy and prevent potential conflicts.Implementation of special autonomy as a complex and multidimensional effort. Paying attention to social, political, legal, cultural, economic factors, as well as community involvement and synergy between parties will be the key to achieving the success of special autonomy. By prioritizing the interests and aspirations of the local community, special autonomy is expected to be able to create a government that is more responsive, just and sustainable for regional progress and the welfare of the people of Papua.

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