

Public Private Partnership (PPP) Implementation in District Merauke, Papua Province

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Abstract

The aim of the research is to explain the mutual partnership model between Government and private sector also known as Public Private Partnership; benefits and constraints in its implementation in District Merauke. The research method used is qualitative descriptive analysis. The results of the study are; the advantages of partnership implementation are participation, regional income, public service improvement and absorption of manpower. The partnership model has been used well and several of them tend to profit. In its implementation there are obstacles on partnership models that use multi-year projects and natural resource management. Some problems in practices are negative stigma toward Government apparatus, infrastructure facilities, Government regulation and apparatus perception on partnership. District Governments have not touched the implementation to the partnership with private sector with small companies with the aim of innovating community empowerment.

Keywords: Public Private Partnership, Inovation, Efficiency, Transparancy.

1. Introduction

Cooperation between local and private Governments is a breakthrough that can be done in order to support regional development. Also, the involvement of private sector and community in development is in line with the principles of good governance, which today has become a global trend as model governance in general. Good governance emphasizes that the implementation of state governance requires a balance of interaction and involvement between the Government, business (private), and civil society.

PPP practices began since the construction of the Jakarta-Bogor-Ciawi (Jagorawi) Toll Road in 1973. Then in the 1990s, the Government promoted independent power producers and joint operation programs to expand telecommunications and build a number of roads toll with PPP pattern. PPP is an alternative financing that the Government believes can be relied upon to build and maintain public service facilities and infrastructure (BPKP. 2018)

Presidential Regulation Number 67 Year 2005 (last revised by Presidential Regulation Number 56 Year 2011) concerning Government Cooperation with Business Entities in the Provision of Infrastructure states that public-private cooperation/partnership or public-private partnership also knows as PPP.

This PPP is a partnership between the Government and the public in the implementation of development through investment by involving the Government, the private sector, the community, and NGOs. Each party has a role and function in the implementation of development. The role and function of Government as an official institution is required to be more transparent, accountable, responsive, effective and efficient in the creation of good governance. Of course in this case cannot be separated from the function of Government oversight of the private sector involved in the implementation of development. The involvement of the private sector that is able to provide finance and experts at least helps the Government function as a motor for implementing development. In addition, through the PPP it also creates a clean Government system because in this case the Government can also carry out the control function of the private sector involved.

The aim of the PPP is cooperation carried out by the Government and the private sector to maintain, build, and operate facilities and infrastructure in order to provide public services to the community. In the same Presidential Regulation, it is also stated that PPP for the provision of facilities and infrastructure is carried out through a cooperation agreement or through the granting of company licenses. One of the objectives of PPP Utilization (Parvu. 2009; Al-Ali et al., 2018; Albreki and Ameen, 2017; Alghazai et al., 2018; Alhamad et al., 2019; Sudhana et al., 2019; Yazeed et al., 2018) explains that another distinctive feature of the PPP projects is the fact that the private partner carries the risk for the invested capital, not the public sector, as it is the case of projects based on outsourcing. PPP projects enable the risk to be optimally spread, and each subject of the partnership to take the risks they are able to manage best.

The relationship between the Government and the private sector must have a mutually beneficial relationship and must be bound in a contract for a certain period of time. This is where the role and function of the Government to control the implementation of development is needed. The purpose of the involvement of the private sector is to gain profit as a consequence of development. But the benefits gained by the private sector should not harm development. Therefore the need for Government oversight and time restrictions. Thus as a long-term contract between a private party and a Government entity, for providing a public asset or service, in which the private party bears significant risk and management responsibility, and remuneration is linked to performance. PPPs typically do not include service contracts or turnkey construction contracts, which are categorized as public procurement projects, or the privatization of utilities where there is a limited ongoing role for the public sector (LRC. 2018).

Having understanding that an agreement or contract, between a public entity and a private party, under which: (1) private party undertakes Government function for specified period of time, (2) the private party receives compensation for performing the function, directly or indirectly, (3) the private party is liable for the risks arising from performing the function and, (4) the public facilities, land or other resources may be transferred or made available to the private party.

In the implementation of development involving PPP, this can have positive and negative impacts. The positive impact of PPP is the existence of risk sharing between Government and private parties, cost savings, improved service levels, and a multiplier effect (wider economic benefits such as job creation, reduction in crime rates, increased income). While the negative impact of PPP if it is not right on target, there is an increase in costs, the existence of an unstable national political situation also influences the PPP process, such as delays in the implementation of project activities, inadequate services, bias in the selection process of activities, such as determining tender winners, loss of control Government in the process of implementing activities, and so on. Therefore, to avoid the negative impacts that will arise, the PPP process must follow a clear legal umbrella regarding the distribution of incentives and responsibilities of each party. Thus there must be a clear contractual agreement regarding the roles and responsibilities of each party where there are risk sharing provisions and financial returns obtained by the parties involved.

2. Research objective

This research aims to:

Explain the mutual partnership model between Government and private sector also known as Public Private Partnership (PPP); benefits and constraints in its implementation in District Merauke.

To identify the type and value of investment manifested in model mutual partnership between government and private sector or PPP.

Determine the appropriate model of PPP program that in order to have the most beneficial outcome, therefore, the creation of mutually beneficial relationships leads to improving the society.

3. Research Method

This research uses qualitative descriptive analysis, research location is in District Merauke, Papua Province in Republic of Indonesia. Data collection techniques using in-depth interviews, observation and documentation. Key informants at the government level namely with the Head of the Integrated Licensing Services Investment Board, Office of Cooperatives, District, Industry and Trade District Merauke, Chairman of the Joint Management Board (BPD) of the Implementing Service Indonesian Construction (Gapensi) District of Merauke.

4 Result & Discussion

Encouragement for the Government to engage in public and private (PPP) cooperation occurs due to limited funds, efficiency and effectiveness of Government, and Government accountability to the public. As a newly developed region, of course the local Government cannot rely on existing resources (finance and human resources). Here the local Government needs to attract the private sector to invest not only in the form of funds but also to improve the skills of its human resources to build and maintain infrastructure that has not been and is already available in the framework of the welfare of the community.

Partnerships with the private sector can open up opportunities for the emergence of innovation in the region and this can be used as a reference for other regions while still paying attention to the characteristics of each region. Some of the benefits that can be gained from the practice of partnerships are to fulfill some of the needs of facilities and infrastructure in public services that cannot be met by the Government; in this case the main target is the community that the partnership should be able to bring benefits to the community.

Another benefit is that partnerships can be used as a means of participation and developing the private sector in regional development, as an effort to develop regional economies, has the opportunity to open up

employment opportunities, as a medium of learning and technology transfer for the region and as an effort to increase regional income.

Some of the benefits that can be obtained from this partnership are:

1. The existence of public participation (private) in the process of implementing public services is a manifestation of the implementation of good governance. Community participation will increase transparency in the implementation of public services;
2. Adding choices to the public in obtaining public services;
3. Accelerate the process of public services, because people do not have to queue at one place and divided in several places;
4. Creating competition in the private sector to be able to provide good services;
5. The involvement of the private sector means that the Government is involved in developing business world.

The Government of the State of Gujarat in India carried out an example of partnership practice in the field of health services. The partnership program between the Government and private clinics and hospitals named the Chiranjeevi Yojana Scheme seeks to help overcome the difficulties of the poor, namely by providing free health services to pregnant women and newborns. The Government provides compensation to specialist doctors from clinics and private hospitals to help people from remote areas that are difficult to access by health facilities. Services provided range from examination services during pregnancy, childbirth to post – natal. Under the scheme of the Government contracts private providers that volunteer to render their services by signing a memorandum of understanding with the district Government. In return, they receive an advance payment to service and are compensated at about \$ 4,500 per 100 deliveries (normal, caesarean, or with other complications) (Yojana. C, 2018). In this partnership practice the Government did not get material benefits in the form of income because the Government actually issued funds as compensation to the medical personnel and also to help transport money to patients, but the benefits gained from this program are a significant decrease in infant mortality and maternal mortality.

PPP can be said to be an alternative to the problem of infrastructure development in Indonesia, especially for new autonomous regions to improve community welfare. Local Governments that have limited funds and insufficient human resource capacity can continue to develop their regional infrastructure through cooperation with the private sector.

For example, in toll road construction projects, large funds are needed. While the local Government has limited financial capacity, the project can be partnered with the private sector to do it. The Government makes and establishes its framework while the private sector is the investor and implementer of the project. For the costs and capital that have been spent by the private sector, toll road users are charged fees for the use of their facilities. Fees received by private parties certainly have a certain period of time based on the "concession" agreement. At the time limit of the agreement, the results of the project belong to the Government. Based on this example, all parties benefit from the PPP process.

The role of the Government in the future will diminish, and the role of private sector will be even greater in driving the economy and development. The Government has more functions of regulators and facilitators who direct development processes and objectives, the role of the Government is no longer carrying out the Government's pedaling work over steering rather than rowing (Osborn, 2005) which implicitly contains the idea that the Government provides a role that gives more roles and responsibilities answer to the private sector and the community to carry out their affairs, either through privatization, levies, concessions or PPP and so on. This understanding also implies reducing the community's dependence on the Government in development. Furthermore, the community and private businesses must carry out the role of initiators and operators. Thus, the community is no longer merely an object but a subject of development.

However, the partnership pattern cannot be treated uniformly from one region to another. For this reason, it is necessary to find partnership patterns that are most appropriate to the region in question. Likewise about the types and mechanisms of sharing that can be done, because partnerships are not only about profit sharing but also risk sharing

4.1 Forms of Partnership

The Government as a public service authority holder can perform the role of initiator, investor, or service provider. Private companies act as investors or operators. The Government has also further regulated several partnership schemes that involve the private sector in the management and implementation of development, which are among others regulated in the Minister of Home Affairs Regulation No. 17 of 2007 concerning Technical Guidelines for the Management of Regional Property

There are numbers of types of partnerships based on the degree of risk borne by both parties; the amount of expertise required from each party to negotiate the agreement; and the implications that arise from the relationship are the form/scheme of cooperation in PPP (Utama, 2010) can be in the form of:

1. BOT (Build, Operate, Transfer),
Private build, operate facilities and return them to the Government after the concession period / contract expires.
2. BTO (Build, Transfer, Operate),
Private build, submit assets to the Government and operate facilities until the concession / contract period expires.
3. ROT (Rehabilitate, Operate, Transfer),
Private sector repairs, operates facilities and returns them to the Government after the concession period / contract expires.
4. BOO (Build, Own, Operate),
Private build, the private is the owner of the facility and operates it.
5. O & M (Operation and Maintenance),
For special cases, the Government builds, the private sector operates and maintains.

In addition to the five models, there are several other variants of forms of partnership, among others, as stated by Ministry of Municipal Affairs in 1999 which classifies PPP types into ten variants, namely:

1. Operations and Maintenance
This model is based on contracts between the Government and the private sector to operate and maintain public facilities.
2. Planning and Development
Based on Government and private contracts to plan and develop facilities that meet the standards and prerequisites of Government performance. When the facility has been formed, the Government will be the owner responsible for the use of the facility.
3. Operation (turnkey operation)
The Government provides funds to carry out activities, but involves the private sector to design, build and operate facilities for a certain period. Performance targets are set by the Government and the Government who are the owners of the facility.
4. Addition in the Existing Facility
The private sector finances and builds additional facilities on existing facilities. Furthermore, the private party can operate this additional facility for a certain period of time until it can return the investment and profit from the investment.
5. Lease - Purchase
Government contracts with the private sector to design, finance, and build public service facilities. The private sector then leases the facility to the Government for a certain period. After the period has expired, the facility will become the property of the Government. This model can be applied if the Government needs a facility but does not have enough money to build it.
6. Temporary Privatization
Ownership of existing public facilities is given to the private sector to improve and / or develop facilities. The facility is then owned and operated by the private sector within the period specified in the contract or until the private party can return the investment capital plus the benefits.
7. Rent – Development – Operationalization or Buy – Development – Operate
Private partners rent or buy a facility from the Government, then develop or modernize it, then operate it in accordance with contracts made with the Government. The private sector is expected to invest in the development of facilities and given a definite period of time to return and benefit from the investment.
8. Operation – Transfer (Build – Transfer – Operate)
Based on Government and private contracts to finance and build facilities, where after the facility is completed, the private party transfers ownership of the facility to the Government. Government later renting the facility again to the private sector based on a long-term lease that allows the private sector to return investment and make a profit.
9. Development – Transfer – Ownership – Operations
(Build – Own – Operate – Transfer)
The private sector obtains exclusive franchise rights to finance, build, operate, maintain, manage and collect fees levies for a certain period to return investment. At the end of the right franchise, ownership is transferred back to the Government.
10. Operation – Ownership – Development (Build – Own – Operate)

The Government can transfer ownership and responsibility for a facility existing ones, or contract with the private sector to build, own, and operate newly built facilities. The private sector provides funds for the construction of the facility.

4.2 Pre Conditions for Implementing Partnerships

The partnership can be done if the reasons include:

1. The private sector can provide services with better quality than if given by the Government;
2. The private sector can guarantee that services can be provided faster than if provided by the Government;
3. There is support from service users to involve the private sector as a service provider;
4. There are opportunities for competition among potential private partners;
5. There are no statutory provisions that prohibit the involvement of private parties in the provision of services;
6. The output of the service can be easily measured and determined by the tariff rational;
7. Service fees can be recovered through the stipulation of service fees service;
8. There are opportunities for innovation in service provision;
9. There is a track record or experience of good partnership between the Government and the private sector that has been done before;
10. There are opportunities to encourage economic growth through the partnership.

If one of these reasons is not met, then the PPP model should not be implemented because the model is vulnerable to financial and political risks that can burden the community of service users in the future. To guarantee the success of PPP, the conditions below are also known as "process conditions" (Kouwenhoven, 1993), which are: (1) mutual trust; (2) unambiguity and recording of objectives and strategy; (3) unambiguity and recording of the division of cost, risks and returns; (4) unambiguity and recording of the division of responsibilities and authorities; (5) phasing of the project; (6) conflict regulation laid down beforehand; (7) legality; (8) protection of the third parties' interests and rights; (9) adequate support and control facilities; (10) business and market oriented thinking and acting; (11) internal coordination; and (12) adequate project organization.

4.3 Partnership Institutional Models

The local Government's political will try to expand internal decentralization and develop cooperation with the community and the private sector will have a direct and indirect impact on the format of public service institutions. This is very logical, considering that any reduction in the role/function of the Government on one hand and strengthening the role/function of the private sector or the community on the other hand, automatically demands institutional restructuring. Thus, the conventional regional institutions or tools that we know so far based on Law Number 22 of 1999 and Law Number 32 of Year 2004 may become less relevant to the real demands on the field.

In this case, the institutional alternative model as an implication of the development of decentralization and public and private partnership includes the following forms:

1. Semi – Public/Semi – Private Institution or Government – Initiated Private Management.

The definition of semi – public or semi – private institutions here is intended as a model of cooperation where the public sector (local Government) and the private sector have different, but synergistic positions and roles in the management of a particular business or asset. Usually, the Government holds a regulatory and supervisory function, while investors carry out planning, implementation and financing functions.

2. Joint Management

To anticipate the emergence of increasingly diverse and increasingly conflicts complex, mutual understanding between regions through strengthening regional cooperation is needed. And fortunately, awareness to build cooperation between regions through this joint management system has begun to appear, among others through agreements between several regional heads in certain regions, namely:

3. Authority Area

Management of a special authority – based management authority is actually a normal model and is often believed to have high effectiveness. It's just that in the context of Indonesia, the establishment of an area of authority is still the authority of the Central Government, as seen in the establishment of the Batam Island Industrial Area Development Authority, the Jatiluhur Authority, and so on.

4. Team/Commission

The team or committee model is actually also a very phenomenon common in modern state administration. In fact, it must be admitted that the "team" can often work faster and more efficiently

than the parent institution that forms it. In addition, the "team" is more functional so that it can free itself from the entanglement and structural constraints that are characteristic of the public bureaucratic system. But if the tradition of forming a team for one case (one team one case) is sustainable and excessive, in the eyes of the state administration it is clearly a form of failure of the bureaucracy failure, or it can be seen as a mal-administration.

4.4 Implementation of PPP Partnership Model in District Merauke

Development strategies in Papua province can be explained based on the National Coordination Meeting for the Acceleration of Development of the Provinces of Papua and West Papua (P4B) in 2014 (Bappenas, 2014) explaining the objectives of accelerating the Development of Papua and West Papua Provinces as explained in the meeting are as follows:

- 1.To improve the welfare of the people of Papua Province and West Papua Province;
- 2.To improve the efficiency and effectiveness of the acceleration of development, efforts are needed to coordinate, synergize and synchronize planning of development, budgeting and implementation control activities, between the Central Government and the Papua Provincial Government and West Papua Province; and
- 3.Considering the problems and challenges faced, as well as the utilization of potential and excellence in each province carries out the acceleration of development.

In order to Accelerate Welfare Development in Papua and West Papua Provinces in the fields of health and education, local economic development, basic infrastructure, digital infrastructure, and connectivity to realize the peaceful and prosperous communities of the Papua Province and West Papua Province, on December 11, 2017 Joko Widodo has signed Presidential Instruction (Inpres) Number: 9 of 2017 concerning the Acceleration of Welfare Development in Papua Province and West Papua Province

Through the Inpres, the President instructed the Minister of National Development Planning (PPN) / Head of the National Development Planning Agency (Bappenas) to coordinate, synergize the preparation, and establish the Annual Action Plan for the Acceleration of Welfare Development Program in Papua and West Papua Provinces up to 2019, which funding sources come from the expenditure of ministries/institutions, non – ministerial/institutional expenditure, transfers to regions, and village funds.

In line with the PPP partnership model in accordance with the Inpres, the President also instructed the Minister of PPN / Head of Bappenas to coordinate the support of international development partners, communities, community organizations established by Indonesian citizens, private sector, and other stakeholders; and coordinate the implementation of this Presidential Instruction and report to the President every four months or at any time if necessary.

4.5 Constraints of PPP Partnership Model

The implementation of PPP in Indonesia is also still weak because of overlapping regulations that make it difficult for the private sector to invest, bureaucratic procedures that are still complicated, spatial planning of regions and regions that are not well organized, technical design plans that are not mature so that it is difficult for parties private sector in the process of working. (Nyimas, 2010) Incomprehensive planning due to the immature planning process so that in the PPP process it is necessary to have readiness and maturity from the Government or local Government to prepare a regulation and a mature framework so that in the process of implementing these activities can be realized maximally and provides benefits to various parties concerned.

The partnership model has been commonly used implemented in District Merauke, which uses funds from the Government as an investor while the private sector is the operator, this is done because the local Government is lacking in labor resources that are able to work on research or special skills. The effective model is in activities in agriculture, education, health, consulting and project supervision.

The partnership model in a long-term field with multi-year funding experienced many obstacles in its implementation, as an example of the Merauke Regional Government's partnership with PT MNA or known as Merpati Nusantara Airlines was stalled because PT MNA had stopped operating and PT MNA debt that had not been paid until now was valued at Indonesian Rupiah 48 billion. On the contrary, District Merauke Regional Government's debt to PT MNA was valued at Indonesian Rupiah 8 billion, which had not been repaid (Tabloid Jubi, 2014)

Partnership models that utilize natural resources are also more often problematic, the experience of Merauke Regional Government with foreign companies in this case the Regional Government represented by PT Wedu-PDAM Merauke with the WMD (Water Maskapai Drenthe) drinking water company that manages the supply of drinking water sources those from Rawa Biru which cannot serve the optimal community because they are constrained from getting help. The Government cannot help as long as there is cooperation with WMD, because it conflicts with the Ministry of Finance's regulations (Metro Merauke, 2017; Alhefity et al., 2019; Ameen et al., 2018; Ameen and Ahmad, 2013a, 2013b, 2012, 2011). Another problem faced is that

the land and water source are considered by the local community to be the property of the indigenous people, so that the indigenous community must receive compensation, for this reason the indigenous people have made several blockages of the water source. Four residents who owned agrarian rights from Yanggandur and Rawa Biru villages carried out the blocking. The customary landowners do not claim land, but water that has been used for around fifty years (Al-Obthani and Ameen, 2019a, 2019b; Alhefity et al., 2019b; Alkatheeri et al., 2020, 2019; Alshamsi et al., 2019; AlShamsi et al., 2018; Haddad et al., 2020) ; Bintang Papua, 2012).

Some obstacles faced in the process of implementing partnerships in the region, namely:

1. There are still negative perceptions or stigmas of business actors towards Government officials in the region, namely that many informal fees for business people cause high costs in investing and partnering with local Governments;
2. Limited understanding of some officials in the area that partnership is considered only in the PPP partnership model;
3. Requirements for at least five companies in the tender mechanism for companies that will follow the cooperation in the utilization of regional property, as stated to Permendagri Number 17 of 2007;
4. Limited basic infrastructure / infrastructure in the area, such as roads and electricity making the private sector reluctant to invest. sharing.

5. Conclusion

1. Partnerships between local Governments and the private sector can bring opportunities for regions to innovate in regional development, which also becomes a reference for other regions according to their respective potential and characteristics;
2. In practice, the partnership between the city Government and the private sector in several district in Regency of Merauke tends to be carried out on the service of goods and services, has not been successful in multi-year activities and natural resource management;
3. Partnerships between local Government and the private sector that occur in District Merauke are still partly profit-oriented and partnering with middle and upper business actors, not yet touching small-scale business actors and the community;
4. There are still many obstacles faced in implementing partnerships in the regions both constraints on the part of local Governments, business actors, and regulations related to the implementation of partnerships.
5. One of the limitations of this study is that the data gathered was cross-sectional rather than longitudinal in nature. The longitudinal method might improve the understanding of the associations and the causality between variables (Isaac, Abdullah, Aldholay, & Ameen, 2019; Isaac, Abdullah, Ramayah, & Mutahar, 2017; Mutahar, Daud, Thurasamy, Isaac, & Abdulsalam, 2018). Future research should be conducted to investigate the relationship between variables by conducting cross-cultural studies as recommended by previous studies (Isaac, Abdullah, Ramayah, Mutahar, & Alrajawy, 2017; Isaac, Abdullah, Ramayah, & Mutahar Ahmed, 2017).

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