

**LAW ENFORCEMENT AGAINST ACTIONS OF TERRORISM AND
SEPARATISM OF THE INDEPENDENT PAPUA ORGANIZATION (OPM) IN
PAPUA IN MAINTAINING THE SECURITY STABILITY OF THE STATE OF
INDONESIA**

Iskandar¹,

STKIP Muhammadiyah Kuningan
iskandar@upmk.ac.id

Latifatul Qolbi²

UIN Sunan Gunung Djati Bandung

Abstract: The Free Papua Organization (OPM) is a separatist organization and terrorist group that has been going on since 1965 and wants the independence of the land of Papua. The OPM's actions have resulted in many civilian casualties, law enforcement officers, and the TNI. OPM crimes must be stopped immediately, and law enforcement must be carried out. This research is normative legal research, using a statutory, conceptual, and historical approach. The primary and secondary legal materials are primary and secondary. Based on the results of the study, it was found that the OPM action had been going on since 1965, which was accompanied by physical attacks; a form of dissatisfaction with the Indonesian government caused the actions of this separatist group. Efforts to prevent OPM's separatist attitude are the government revoking DOM operations, granting special autonomy, and allowing the raising of the morning flag and singing the song "Hai Tanah ku." In contrast, efforts to prevent terrorist acts include national preparedness, deradicalization, counter-radicalism, counter-radicalization, and strengthening law enforcement. Law enforcement against OPM terrorism is the same as law enforcement in general, namely in arrest, detention, investigation, prosecution, and imposition of sanctions. However, in acts of terrorism by the OPM, the TNI has an active role in investigating the actions taken by the OPM group.

Keywords: *Separatism; Terrorism; OPM; Law Enforcement.*

INTRODUCTION

After the Proclamation of Independence on 17 August 1945, the Government of the Republic of Indonesia controlled all areas previously occupied by the Kingdom of the Netherlands government, which was in line with the principle of *Uti Possidetis Juris*. The principle of *Uti Possidetis Juris* is the principle of determining the boundaries of a country based on previous colonial territories. In the Indonesian context, the borders after the Proclamation of Independence

followed the boundaries of the Dutch East Indies, which was part of the Kingdom of the Netherlands. The principle of *Uti Possidetis Juris* also emphasizes that the territorial limits of an independent country are determined based on the territorial boundaries of the previous colonial country. This principle refers to the concept that a new government that emerges from conditions of decolonization will inherit the territorial limits and administrative powers that its colonizers had when the country proclaimed its independence.¹

In its development, even though the Indonesian Government has declared its independence from the Royal Dutch Government and also confirmed the territory of the Unitary State of the Republic of Indonesia, there is still the issue of "rebellion" within the country, with the existence of the Free Papua Movement and the formation of the Free Papua Organization (OPM). The Free Papua Organization seeks to influence the world community's view of conditions in Papua to encourage support for efforts to "liberate" Papua from the Government of the Unitary State of the Republic of Indonesia (NKRI). OPM first carried out armed resistance on July 26 1965, led by Sergeant Major Permanes Ferry Awom, a former member of the Papuan volunteer battalion formed by the Dutch. The Free Papua Organization is given by the Indonesian Government to every organization, both domestically and abroad, led by Papuan sons and daughters, who carry out activities that lead to resistance efforts against the Government of the Republic of Indonesia and efforts to secede from the Unitary State of the Republic of Indonesia.

The OPM movement is a separatist movement according to public international law. The form of separatism carried out by the KKB was carried out through physical resistance using weapons, hostage taking, demonstrations, raising the West Papuan flag, and various acts of vandalism. OPM identifies itself through the flag (Morning Star), the national anthem "Hi Tanahku Papua", and national symbols. OPM also has factions that fight using weapons, carry out terror, and attack the public sector and foreigners/migrants in Papua. They are hierarchically coordinated local militants. In its development, Djopari believes that OPM is increasingly developing into an organization that wants to separate itself from the Republic of Indonesia and become a separatist movement.

However, in the actions carried out by the OPM group, Kiki Syahnakri stated that the presence and actions carried out by the GSB OPM could be categorized as an armed rebellion against the Republic of Indonesia and had fulfilled the requirements as a terrorist group.² The birth of OPM had a significant impact on the Indonesian Government. One of them affects friction between TNI officers and

¹ Rustandi Senjaya, "Pelanggaran HAM Yang Terjadi Di Papua Dan Poso," *Journal of Islamic and Law Studies* 6, no. 1 (2022): 76–87.

² Indriati Kusumawardhani and Arie Afriyansyah, "Freen Papuan Organization: Belligerent, Combatant, or Separatist?," *Atlantis Press* 130 (2020): 316.

police officers who are on duty in Papua. Since OPM was founded, it has carried out many militant activities to achieve its desires. Their actions resulted in a series of prolonged conflicts and caused many casualties.

In 2021, three Papuan civilians died at the end of KKB weapons. Thursday morning, April 8 2021, KKB shot a civilian, Oktovianus Rayo, in Julukoma Village, Beoga District, Puncak Regency, Papua. The brutality of the KKB killed not only Oktovianus Rayo but also a teacher at SMPN 1 Julukoma, Beoga District, Puncak Regency, named Yonatan Randen, who was also killed. After killing two teachers, another civilian who died at the end of the KKB gun was a motorbike taxi driver, with two bullets lodged in his body. The list of victims who died as a result of the series of murders carried out by the KKB in Papua becomes longer when combined with the number of victims from the TNI/Polri. On Sunday, April 25 2021, the Head of the Papua State Intelligence Agency (Kabinda), Major General TNI Posthumous I Gusti Putu Danny Karya Nugraha, passed away.³

After reviewing several previous studies, several studies were found that examined the terrorist actions of the Free Papua Organization (OPM). The research includes Valerianus B. Jehanu and Adrianus AV Ramon's research on determining the terrorist status of armed groups in Papua. This research focuses on discussing the determination of the terrorist status of the Papuan KKB in the concept of a legal state based on Pancasila.⁴ Mukhtadi's research examines the government's strategy in handling the Papuan separatist movement and its implications for Indonesian defense diplomacy. The research does not discuss acts of terrorism or law enforcement; it only focuses on the government's preventive efforts against the separatist actions of the KKB group.⁵ Furthermore, Muhammad Hafiz and Surya Muki Pratama's research examined the Papuan KKB's determination as a terrorist group based on Terrorist Law and law enforcement regarding the KKB group's actions.⁶

This research aims to discover and analyze the separatist and terrorist actions of the Independent Papua Organization (OPM) as seen from the perspective of history in its movements. It also aims to understand the government's efforts to

³ Rudy Syamsir and Syaiful Rohman, "Strategi Dan Kebijakan Dalam Penegakan Keamanan, Hak Asasi Manusia Dan Pembangunan Di Papua," *Jurnal Studi Terorisme* 4, no. 1 (2022): 1-9.

⁴ Valerianus B. Jehanu and Adrianus A.V.Ramon, "Penetapan Status Teroris Kelompok Bersenjata Di Papua: Upaya Mencari Penyelesaian Komphrensif Demi Menjaga Persatuan Indonesia," *Jurnal Pembumian Pancasila* 1, no. 1 (2021): 65-81.

⁵ Mukhtadi, "Strategi Pemerintahan Dalam Penanganan Gerakan Separatis Papua Dan Implikasinya Terhadap Diplomasi Pertahanan Indonesia," *Jurnal Diplomasi Pertahanan* 7, no. 2 (2021): 85-94.

⁶ Muhammad Hafiz and Surya Muki Pratama, "Tinjauan Hukum Penetapan Kelompok Bersenjata Papua Sebagai Teroris Dalam Perspektif Hukum Pidana Nasional," *Jurnal Hukum Mimbar Justitia* 7, no. 1 (2021): 87-104.

prevent actions by the OPM group against state stability and security and to enforce the law against terrorist acts by the OPM Papua group.

This research is Normative Law research, which takes the form of a legal study discussing law enforcement against the Armed Separatist Movement and the Terrorism Acts of the Free Papua Organization (OPM). The approaches in this research are legislative, conceptual, and historical.⁷ This research uses primary, secondary, and other legal materials. Primary legal materials are statements with legal force determined by the branches of government power, including laws made by parliament, court decisions, and executive/administrative regulations.⁸ Secondary legal materials include a) legal books containing teachings or doctrines or treatises; b) periodic publications in the form of articles on legal reviews; c) narrative about the meaning of terms, concepts, and phrases in the form of a legal dictionary or legal encyclopedia. Legal materials were collected by library research and internet searching. The analysis technique for legal materials is carried out using four types of analysis: description by describing a legal event, comparison by comparing one opinion with another opinion, evaluating legal materials using various legal interpretations and constructions, and arguments made to answer existing problems. Study. c) narrative about the meaning of terms, concepts, and phrases in the form of a legal dictionary or legal encyclopedia.

DISCUSSION

Law Enforcement Theory

Law enforcement is enforcing or functioning legal norms as guidelines for behaviour in traffic or legal relations in social and state life. In society's view today, what is meant by law enforcement seems to only focus on the repressive actions of law enforcement officials in carrying out firm reactions to the prosecution of perpetrators of criminal acts. The meaning of law enforcement in this way is very narrow because the authority of law enforcement is only the responsibility of law enforcers. In a broad context, law enforcement is in the realm of action or real or factual behaviour that follows binding norms. However, the government is the security actor that maintains and restores order in social life.

As Muladi states, law enforcement is an action to uphold the norms, rules, and values contained therein. Therefore, law enforcement officers, as state instruments that uphold justice, must understand the basis for forming a law and what values are included in it so that what the law aspires to can be realized as it should be. Jimly

⁷ Muhaimin, *Metode Penelitian Hukum* (Nusa Tenggara Barat: Mataram University Press, 2020).

⁸ Bambang Sunggono, *Metode Penelitian Hukum* (Jakarta: Rajawali Press, 2016).

Asshdiqie stated that law enforcement officials try to realize legal norms in real terms to become traffic in national and state relations.⁹

Viewed from the subject's perspective, law enforcement can be carried out by broad subjects and subjects in a limited or narrow sense. In a broad sense, law enforcement involves all legal subjects in every legal relationship. Every person who applies normative rules or does something or does not do something based on applicable legal norms is carrying out or enforcing those rules. From a subject perspective, law enforcement is only defined as the efforts of certain law enforcement officials to ensure that a legal rule operates as it should.¹⁰

Lawrence M. Friedman is of the view that whether a law is effective or not is influenced by:

- a. Legal substance. Friedman stated that legal substance is the most important component in law enforcement because it is the basis for law enforcers' implementation of the law. An action can be prosecuted if regulations regulate it in statutory or other written regulations.
- b. Legal structure. Apart from the substance of the law, whether the law is implemented or not cannot be separated from the legal structure or law enforcement. If not implemented, the law will only become a dead letter in the state gazette. The Criminal Procedure Code states that law enforcement includes Police, Prosecutor's Office, Courts, and Prisons. Statutory regulations have regulated the authority of each of these institutions. Law enforcement is the most important element in upholding the law. Suppose law enforcement upholds the values of justice, competence, and credibility. In that case, no matter how bad a rule is, it will be good, but if the law enforcer is corrupt and has low morality, then no matter how good the product is, the law will become bad in the hands of law enforcers with low morals. Therefore, law enforcement is a milestone in achieving legal ideals.
- c. Legal culture: Friedman views legal culture as social views on the aims and functions of a law. Legal culture is very closely related to the operation of the law because the higher the public's awareness of the law, the better a legal culture will be created. Legal culture is an indicator of the functioning of the law.¹¹

However, law enforcement's success depends not only on the fulfilment of these three components but also on the synchronization of all components. Harmony and

⁹ Slamet Tri Wahyudi, "Problematika Penerapan Pidana Mati Dalam Konteks Penegakan Hukum Di Indonesia," *Jurnal Hukum Dan Peradilan* 1, no. 2 (2016): 211-12.

¹⁰ H.A Malthuf Siroj and Ismail Marzuki, "Penegakan Hukum Pregresif: Upaya Mewujudkan Keadilan Substantif," *Hakam* 1, no. 2 (2017): 237-60.

¹¹ Tri Wahyudi, "Problematika Penerapan Pidana Mati Dalam Konteks Penegakan Hukum Di Indonesia."

integration must exist in the criminal justice system; as Muladi states, an integrated criminal justice system is synchronization and harmony between legal structures, legal substance, and legal culture.¹²

History of the Movement of the Free Papua Organization

The Free Papua Organization (OPM) was formed out of dissatisfaction after determining the Popular Opinion Determination (PEPERA) results in 1969. They considered the results to be invalid or not by their wishes. This is reinforced by the results of the voting that was carried out. Only 1,025 Papuans voted, and the population was 809 thousand. This action violates what is mandated in the 1962 New York agreement regarding the one-person, one-vote mechanism. Indonesia is considered to have violated and not followed the rules. As a result of the above events, in early 1965, the OPM group started an attack on the Kebar incident, namely Johannes Djambuan's troops attacked the Prasetya Pledge activities, which resulted in 3 people being killed and 9 weapons being lost. Apart from that, the attack on Yonif 641 Cenderawasih I in Arfai began the emergence of the OPM group. As a result of this incident, 3 TNI members died, and as many as 30 people from the OPM died. The last time in 1977-1978, OPM attacked military posts again. Then, the OPM changed its strategy by taking one of the Arso sub-district heads, Billy W., hostage. In 1987, the OPM again took 5 civilians hostage for a ransom of 2 billion rupiah. Moreover, in 1995-1996, the OPM group again took hostage 3 researchers from Paniai, 12 residents, and 10 researchers from Paniai.¹³

OPM's radical actions subsided when a meeting between the 3rd President of the Republic of Indonesia, BJ Habibie, involved 100 Papuan figures, including from the OPM group, Theys Hiyo Eluay. However, peace efforts involving Papuan leaders were challenging, did not produce results, and continued in 2000. Then, during the leadership of Indonesia's 4th president, Abdurrahman Wahid, in commemoration of Papua's 38th independence, they were permitted to fly the Papuan flag and song "Hi Tanahku" side by side with the Indonesian flag and the Indonesian national anthem. This incident was a factor that prompted the holding of the Second Papua Mubes and the Papua Congress in 2000. After the Papua Mubes and II Papua Mubes were held, the intensity of attacks carried out by the OPM decreased. The absence of data regarding violent attacks by OPM in various regions of Papua reinforces this fact.¹⁴

¹² Sri Mulyani, "Penyelesaian Perkara Tindak Pidana Ringan Menurut Undang-Undang Dalam Perspektif Restoratif Justice (Adjudication of Misdemeanor Based on Legislation in Current Perspectives)," *De Jure: Jurnal Penelitian Hukum* 16, no. 03 (2016): 342.

¹³ Delvia Ananda Kaisupy and Skolastika Genapang Maing, "Proses Negosiasi Konflik Papua: Dialog Jakarta-Papua," *Jurnal Ilmu Sosial Dan Humaniora* 10, no. 01 (2021): 82-98.

¹⁴ Hafiz and Muki Pratama, "Tinjauan Hukum Penetapan Kelompok Bersenjata Papua Sebagai Teroris Dalam Perspektif Hukum Pidana Nasional."

The Indonesian Government's Efforts to Prevent Separatist Attitudes of the Papuan OPM Group

Since the founding of the Free Papua Organization (OPM) in 1965, there have been many movements to fight for Papuan independence or rebellions aimed at separating themselves from the Unitary State of the Republic of Indonesia (NKRI). The government also recognizes the existence of the Free Papua Organization (OPM) as an organization or rebellion movement against the Government. If this rebellion continues and is not immediately suppressed, they will control and occupy a large area and establish their government; then, in international legal literature, the rebellion can be recognized as Belligerent. A Belligerent is a group of rebels who have reached a stronger and more established level, both politically, organizationally, and militarily, to emerge as an independent political unit.

The 1998 reform opened up opportunities for Indonesia to build democracy. Reform has also opened up new bankruptcy in resolving the conflict in Papua through the latest techniques. It is hoped that battle decisions can be reached without force but not with military security techniques. All Presidents were elected during the Reformation period. Namely, President BJ Habibie, President Abdurrahman Wahid, President Megawati Soekarno Putri, President Susilo Bambang Yudhoyono, and President Joko Widodo tried to apply humanist persuasive techniques in efforts to resolve the conflict in Papua. Several regulations can be categorized as using humanist persuasive techniques, including:

- a. They are revoking the popularity of Military Emergency Operations (DOM) among President BJ Habibie's generation.
- b. On 25 December 2000, he changed the name of Irian Jaya Province to Papua Province. When Abdurrahman Wahid became president in late 1999, by changing the province's name to Papua, he adopted a more accommodating and culturally sensitive approach to the issue of ethnic conflict and separatist demands. The President also supports issuing the Papua Special Autonomy Bill to maintain good relations with the provincial elite. After many debates at the end of 2001, the national parliament finally passed Law No. 21 of 2001 concerning Special Autonomy for Papua.¹⁵
- c. Professional apology from the Government for violations of Human Rights (HAM), which are addressed with the help of the use
- d. They are enabling the implementation of the Papuan Congress and raising the Morning Star Flag among President Abdurrahman Wahid's generation.
- e. It has been given Special Autonomy popularity since the passing of Law No. 21 of 2001 concerning Special Autonomy for Papua Province (UU No. 21 of

¹⁵ Bhakti, "Bahaya Implementasi Dan Taktik Pembagian Aturan Di Papua," *Jurnal Nasionalisme Dan Politik Etnis* 20, no. 2 (2014): 175–99.

2001). Special Autonomy for Papua is a solution to Papua's past, present and future problems, which are multidimensional. Therefore, the Papua Special Autonomy Law is a formal legal basis for the state to grant special authority to the government and people of Papua and West Papua, as well as providing various sources of funding for Papua. This is regulated in Articles 34-36 of the Papua Special Autonomy Law. Papua Special Autonomy allows the government and people of Papua and West Papua to inspire this process. Various fields, both physical and non-physical, by improving the quality of government administration and public services.¹⁶

Various groups have considered Special Autonomy as an important key point in determining the political status of the government and Papua people. As is known, through Law Number 21 of 2001 concerning Special Autonomy, Papua is given the authority to regulate its government based on statutory regulations. With special autonomy, the central government wants the separatist movement to stop its activities immediately, and Papua remains part of the Unitary State of the Republic of Indonesia (NKRI). The next implication is that peace in Papua will continue to be maintained without any political turmoil for independence. The Papua Special Autonomy Law also gives the provincial government the authority to make decisions in all sectors except foreign affairs, defense, monetary and fiscal policy, religion, and justice, as well as the share of revenue originating from Papua is much higher than that applicable to other provinces.¹⁷

- f. They issued Presidential Instruction Number 1 of 2003 concerning the Expansion of Land in Papua Province. The implementation of special autonomy in Papua and West Papua (Ots Papua) is based on Law Number 21 of 2001 in conjunction with Law Number 35 of 2008. The Papuan people and the central government have been implementing this since 1962. To contain multifaceted disputes through political compromise, the government generally does not side with the Papuan people. It is ready to change various past policies and development approaches that have impacted the marginalization and backwardness of the Papuan people.

Implementing Special Autonomy for Papua Province, as regulated in Law Number 21 of 2001, has acted as a sedative for the Papuan people. For almost 27 years, the Papuan people have lived under pressure from the central government to use a security approach to maintain the integrity of this area, which is rich in natural resources. During President Abdurrahman Wahid's administration, a draft of the Special Autonomy Law for Papua was prepared. During President Megawati's term,

¹⁶ Salsabila Rahadatul' Aisy et al., "Hukum Pidana Adat Di Indonesia Timur: Otonomi Khusus Provinsi Papua," *Borobudur Law Review* 3, no. 2 (2021): 148-60.

¹⁷ Diana Indramaya, "Eksistensi Undang-Undang Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua," *De Jure: Jurnal Penelitian Hukum* 19, no. 10 (2019): 517-38.

the law was passed, although implementation in the field still needed to be improved.

Making Papua more civilized and dignified is not easy and requires much effort. All parties must try to be more serious in carrying out their duties and commitments to monitor and evaluate improvements. The Puan community must receive extra attention from all parties. Among the strategic steps taken are:

- a. Establishing change with the aim of justice and prosperity.
- b. Prioritize and accelerate improving the quality of life of Human Resources (HR).
- c. Providing opportunities and places for the Papuan people to participate, both in the Papua region itself and in Indonesia's homeland, and giving full trust to the Papuan people to organize and manage their interests and develop their potential.
- d. We are expanding and strengthening networks from various groups within and outside the country.
- e. Many Papuans involve the Papuan people in making important decisions or policies they will accept.
- f. It is forming a body that will link the interests of all elements that will play a role in Papua.
- g. I am balancing legal policies for the Papuan people and the existing Papuan government apparatus.
- h. Protection of Human Rights (HAM) is prioritized, implemented correctly, and provided in social, economic, political and cultural rights.
- i. Recognize and respect existing customary rights and the freedom to exercise and express these rights according to existing laws and regulations.
- j. Able to create social engagement for all groups and elements in Papua, both between the Papuan people and between Papuan people and non-Papuan people.¹⁸

Efforts to prevent and minimize acts of terrorism by the Free Papuan Organization (OPM) include 1) national preparedness, 2) deradicalization, and 3) counterradicalization. BNPT, as the leading sector, designed deradicalization as a form of prevention through four approaches: first, re-education; second, rehabilitation; fourth, resocialization; and reintegration. These four approaches are actualized in humanitarian approaches, nationalism, economic empowerment, education, and psychological counseling for perpetrators and their families. Counter-narrative and counter-propaganda programs through social media are several other forms of counter-radicalism that break the chain of radicalism. According to the ICG, deradicalization programs can be aimed at strengthening

¹⁸ Abdul Hadi, "Dinamika Etnonasionalisme Dan Resolusi Konflik Di Papua," *Muharrrik: Jurnal Dakwah Dan Sosial* 4, no. 2 (2021): 280.

"moderate" institutions—an approach fraught with pitfalls—or addressing social and economic grievances in regions where marginalization and discrimination have driven extremism. Most deradicalization programs start in prisons and are largely carried out by the police. The main goal is to cure and reduce radical and extremist thinking among terrorist prisoners so that they will live a normal life after they are released from detention.

Apart from that, the Government is also trying to strengthen law enforcement institutions. The first institution that must be strengthened to paralyze terrorist networks is the Indonesian National Police (POLRI). As stated in Law 2 of 2002 concerning the National Police of the Republic of Indonesia, the police are defined as fostering security and public order, law enforcement, protection, protection and service to the community. It establishes that the police are a national force under presidential control and details arrest, search, and seizure powers.

The second institution is the intelligence agency. Indonesia has three large intelligence agencies: the National Intelligence Agency (BIN), the TNI Strategic Intelligence Agency (Bais), Polri intelligence, and intelligence elements in the Ministry of Justice, Ministry of Finance, and anti-money laundering agencies. However, these agencies operate independently of each other and do not function as a classic "intelligence community."

The third institution is the TNI, which acts as a supporting agency. Defense Ministry officials acknowledged that the TNI must play a supporting role in countering terrorism, with the main role played by the POLRI. However, senior military officials argue that the TNI's Territorial Command system, which places a non-commissioned officer in every village across the archipelago, provides a national counter-terrorism asset that must be mobilized to obtain actionable intelligence. The police are skilled at investigating incidents after they occur. Still, only the TNI, with its extensive network of deployed personnel, can successfully infiltrate terrorist groups, learn their plans and prevent terror incidents before they occur. In Indonesia's experience, however, the POLRI plays the primary role in counter-terrorism but reserves a supporting role for the military "in areas such as providing land and sea assault teams, maritime security, aerospace security."¹⁹

Law Enforcement Against the Separatist and Terrorist Actions of the OPM Papua Group

Terrorist crimes have very different characteristics from crimes in general. Acts of terrorism are carried out systematically, planned, neat, well-trained, secret, organized, and involve many individuals, and have symbolic motives to influence policy and political behavior in ways outside the normal. Paul Wilkinson, as

¹⁹ Ali Muhammad, "Strategi Indonesia Melawan Terorisme," *Jurnal Pemerintahan Dan Politik* 5, no. 2 (2014): 190-97.

mentioned by Bijah Subianto, that there are several characteristics of terrorism, namely: coercive intimidation, using systematic killing and destruction, victims as a means of creating psychological warfare with a fairly clear message of action, the perpetrators are mostly motivated by upholding justice.²⁰

The government and law enforcement officials are obliged to protect, regulate, and fulfill human rights as regulated in the human rights law in articles 71 and 72. This responsibility cannot be reduced for any reason, whether for political, economic, or cultural reasons. If organized crime occurs, the state must immediately act to stop it. Stopping is one of the efforts in the field of law enforcement. Laws can be implemented through judicial institutions in Indonesia. As is known, the KKB has committed acts of violence by killing civilians and government officials, destroying and burning public facilities. Because the methods were similar to acts of terrorism, this group was finally called the Armed Terrorism Group (KTB).

The KKB is considered a terrorist group because it has fulfilled the elements as stipulated in Law Number 8 of 2018 concerning the eradication of criminal acts of terrorism, namely actions in the form of threats of violence or using violence, which causes an atmosphere of terror or fear of people at large or causes victims. Mass in nature means depriving other people of their freedom, property, or lives, and it also causes damage to vital strategic objects or public or international facilities. Meanwhile, Mahfud MD said in CNN Indonesia that every person or organization that commits massive violence is considered a terrorist.²¹

As a terrorist group, the security forces of the Indonesian National Army (TNI) and the Indonesian National Police (POLRI) have carried out repressive actions with armed contact to uphold law and sovereignty, especially in response to the actions of armed separatist groups. However, some believe that the authorities' harsh actions will lead to human rights violations.

Acts of terrorism have a direct impact on several human rights, in particular, the rights to life, liberty, and physical integrity. The actions of the KKB group have fulfilled the elements of terrorism according to Law Number 5 of 2018 concerning Criminal Acts of Terrorism because the KKB's actions were very heinous, which not only targeted TNI-Polri officers but also targeted civilian groups that were out of context and had no conflict with the KKB. Violent actions by the KKB can shake the government and weaken civil society. These actions can damage peace and security and hinder the country's stability.

The National Police's response to overcoming threats from both within and outside the country is to increase national resilience through the geostrategic

²⁰ I Ketut Widhiarto and Hieronymus Soerjatinsanta, "Penegakan Hukum Tindak Pidana Terorisme Melalui Pendekatan Humanis Berdasarkan Pancasila," *Penelitian Ilmu Sosial Dan Humaniora* 3, no. 2 (2021): 361.

²¹ Rusman, "Pemerintah Tetapkan OPM Sebagai Organisasi Teroris," CNN Nasional Indonesia, 2021.

objectives of the Indonesian state. This can be realized by participating with international organizations to build and improve regional security, resilience, and integrity. Indonesia's geostrategy conception is necessary to learn and maintain national integration in a sustainable society that is very diverse and heterogeneous. By referring to the Preamble to the 1945 Constitution, Indonesia's geostrategy is formulated in the form of national resilience. Therefore, strengthening national resilience is important here to overcome the various threats in the Unitary State of the Republic of Indonesia.

Article 6 of Law Number 5 of 2018 formulates the element of violence as one of the elements of a criminal act of terrorism. Violence is a form of prohibited action. Materially, the element of violence in criminal acts of terrorism is defined as all acts of abuse of physical force with or without using methods that are against the law and endanger people's bodies, souls and freedom, including making people faint, or helpless. The crime of terrorism is a crime prohibited by the Terrorism Law. In short, Moeljatno defines criminal acts as actions prohibited by law and punishable by criminal penalties if anyone violates this prohibition. Meanwhile, the meaning of the word 'act' in the phrase 'criminal act', according to Noyon and Langemeijr, is that the act in question can be positive and negative. Positive action means doing something, while negative action means not doing something.²²

Law Number 5 of 2018 accommodates law enforcement of criminal acts of terrorism in Indonesia, which has previously undergone several revisions regarding regulatory material regarding eradicating criminal acts of terrorism. To provide a stronger legal basis to guarantee legal protection and certainty in the prevention and eradication of criminal acts of terrorism, as well as to meet the legal needs and development of society, changes need to be made proportionally while maintaining a balance between the needs of law enforcement, protection of human rights, and socio-political coordination in Indonesia.

Determining the crime of terrorism as a criminal offence is an example of handling terrorism that prioritizes the principle of respect for human rights. In the case of the Papuan KKB, the terrorism carried out by the KKB is a form of political crime. So, even though the motivation for the activity is political, the activity itself is a form of crime. Handling KKB in Papua must focus on fair law enforcement. This is because any form of detention that does not comply with procedures risks justifying unlawful actions and increasing support or sympathy for extreme views. One procedure that is prone to be called a human rights violation is the length of time for the arrest and detention of terrorism suspects. Therefore, law enforcement in cases of criminal acts of terrorism by the KKB, in this case, the National Police, illustrates that even though these criminal acts of terrorism are classified as

²² Fitri Wahyuni, *Dasar-Dasar Hukum Pidana Di Indonesia* (Tangerang Selatan: PT Nusantara Persada Utama, 2017).

extraordinary crimes, the professionalism of officers in handling criminal acts of terrorism is still prioritized. In principle, handling criminal acts of terrorism must prioritize the principle of caution and respect for human rights by the mandate of Pancasila, the 1945 Constitution and legal legitimacy. This assumption is based on the importance of maintaining public trust and support for every government action in dealing with terrorism, especially regarding the KKB in Papua.²³

Law enforcement efforts in court are organized into four mechanisms: first, the arrest process, which is the responsibility of the TNI-Polri to arrest members and those involved with the KKB; second, the detention process; third, the research process; fourth, the investigation process; and finally, the prosecution, which is then continued with the imposition of sentences against members and those involved in the KKB.²⁴

However, the two institutions most responsible for enforcing the law of the OPM terrorist organization are the Police Institution; this refers to Law Number 2 of 2002 concerning the Indonesian National Police, especially in Chapter III concerning the duties and authority of the National Police. In the first point (a) of Article 13, it is stated that the main task of the National Police is to maintain security and public order. The security and order referred to here is a dynamic condition of society that is one of the prerequisites for implementing the national development process to achieve national goals. This, of course, is marked by ensuring security, order and upholding the law, as well as the establishment of peace, which contains the ability to foster and develop the potential and strength of society in warding off, preventing and overcoming all forms of law violations and other forms of disturbance that can disturb society. However, to eradicate OPM actions, the TNI is at the forefront of preventing acts of terrorism in Papua because, basically, the TNI has the main task of managing national defense and maintaining the stability and security of the country.²⁵

CONCLUSION

The Free Papua Organization (OPM) is an organization that was formed a long time ago by the Papuan people as a form of dissatisfaction with the Indonesian government. Rebellions by the OPM group have occurred since 1965 until now. However, since the granting of special autonomy to the Papuan people, the raising of the Kejora flag after the red and white flag, and the singing of the song "Hi Tanahku", the attitude of physical attacks and the spirit of independence carried out

²³ Made Pasek Saradahtam, Rio Andhika, and Wildhan Indra, "Ancaman Dan Penanggulangan Kejahatan Terorisme Terhadap Kelompok Bersenjata Di Papua," *Jurnal Penelitian Dan Pengetahuan Inovasi* 1, no. 6 (2021): 137.

²⁴ Ananda Kaisupy and Genapang Maing, "Proses Negosiasi Konflik Papua: Dialog Jakarta-Papua."

²⁵ Irfan S.P Marpaung, "Peran Kepolisian Daerah Jawa Tengah Dalam Penanggulangan ISIS Di Jawa Tengah," *Politika* 6, no. 1 (2015).

by the OPM group has decreased, coupled with the increasing number of Papuan people who have occupied important positions in government. Until now, the Indonesian government has made various efforts to prevent the separatist attitude of the OPM group; these efforts include removing DOM from Papua's land and changing the province's name from Irian Jaya to Papua Province. The Indonesian government also granted special autonomy to the province of Papua and allowed it to fly the Kejora flag and sing the song "O my land". While efforts to prevent acts of terrorism by the OPM group are continuing, the Indonesian government is making efforts in the form of national preparedness, de-radicalization and counter-radicalization, as well as strengthening law enforcement. As for law enforcement against perpetrators of acts of terrorism by the OPM group, it refers to Law Number 5 of 2018 and the Criminal Procedure Code regarding criminal acts of terrorism. Law enforcement against terrorist groups is the same as law enforcement in general, namely in arrest, detention, investigation, prosecution and imposition of sanctions. In enforcing the law against the OPM group, the TNI plays an active role in law enforcement.

REFERENCES

- Ananda Kaisupy, Delvia, and Skolastika Genapang Maing. "Proses Negosiasi Konflik Papua: Dialog Jakarta-Papua." *Jurnal Ilmu Sosial Dan Humaniora* 10, no. 01 (2021): 82-98.
- B. Jehanu, Valerianus, and Adrianus A.V.Ramon. "Penetapan Status Teroris Kelompok Bersenjata Di Papua: Upaya Mencari Penyelesaian Komphrensif Demi Menjaga Persatuan Indonesia." *Jurnal Pembumian Pancasila* 1, no. 1 (2021): 65-81.
- Bhakti. "Bahaya Implementasi Dan Taktik Pembagian Aturan Di Papua." *Jurnal Nasionalisme Dan Politik Etnis* 20, no. 2 (2014): 175-99.
- Hadi, Abdul. "Dinamika Etnonasionalisme Dan Resolusi Konflik Di Papua." *Muharrrik: Jurnal Dakwah Dan Sosial* 4, no. 2 (2021): 280.
- Hafiz, Muhammad, and Surya Muki Pratama. "Tinjauan Hukum Penetapan Kelompok Bersenjata Papua Sebagai Teroris Dalam Perspektif Hukum Pidana Nasional." *Jurnal Hukum Mimbar Justitia* 7, no. 1 (2021): 87-104.
- Indramaya, Diana. "Eksistensi Undang-Undang Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua." *De Jure: Jurnal Penelitian Hukum* 19, no. 10 (2019): 517-38.
- Ketut Widhiarto, I, and Hieronymus Soerjatisnanta. "Penegakan Hukum Tindak Pidana Terorisme Melalui Pendekatan Humanis Berdasarkan Pancasila." *Penelitian Ilmu Sosial Dan Humaniora* 3, no. 2 (2021): 361.
- Kusumawardhani, Indriati, and Arie Afriyansyah. "Freen Papuan Organization:

- Belligerent, Combatant, or Separatist?" *Atlantis Press* 130 (2020): 316.
- Malthuf Siroj, H.A, and Ismail Marzuki. "Penegakan Hukum Pregresif: Upaya Mewujudkan Keadilan Substantif." *Hakam* 1, no. 2 (2017): 237-60.
- Muhaimin. *Metode Penelitian Hukum*. Nusa Tenggara Barat: Mataram University Press, 2020.
- Muhammad, Ali. "Strategi Indonesia Melawan Terorisme." *Jurnal Pemerintahan Dan Politik* 5, no. 2 (2014): 190-97.
- Mukhtadi. "Strategi Pemerintahan Dalam Penanganan Gerakan Separatis Papua Dan Implikasinya Terhadap Diplomasi Pertahanan Indonesia." *Jurnal Diplomasi Pertahanan* 7, no. 2 (2021): 85-94.
- Mulyani, Sri. "Penyelesaian Perkara Tindak Pidana Ringan Menurut Undang-Undang Dalam Perspektif Restoratif Justice (Adjudication of Misdemeanor Based on Legislation in Current Perspectives)." *De Jure: Jurnal Penelitian Hukum* 16, no. 03 (2016): 342.
- Pasek Saradahtam, Made, Rio Andhika, and Wildhan Indra. "Ancaman Dan Penanggulangan Kejahatan Terorisme Terhadap Kelompok Bersenjata Di Papua." *Jurnal Penelitian Dan Pengetahun Inovasi* 1, no. 6 (2021): 137.
- Rahadatul' Aisy, Salsabila, Hary Abdul Hakim, Johny Krisnan, Try Hardyanthi, and Mutia Qori Dewi Masithoh. "Hukum Pidana Adat Di Indonesia Timur: Otonomi Khusus Provinsi Papua." *Borobudur Law Review* 3, no. 2 (2021): 148-60.
- Rusman. "Pemerintah Tetapkan OPM Sebagai Organisasi Teroris." CNN Nasional Indonesia, 2021.
- S.P Marpaung, Irfan. "Peran Kepolisian Daerah Jawa Tengah Dalam Penanggulangan ISIS Di Jawa Tengah." *Politika* 6, no. 1 (2015).
- Senjaya, Rustandi. "Pelanggaran HAM Yang Terjadi Di Papua Dan Poso." *Journal of Islamic and Law Studies* 6, no. 1 (2022): 76-87.
- Sunggono, Bambang. *Metode Penelitian Hukum*. Jakarta: Rajawali Press, 2016.
- Syamsir, Rudy, and Syaiful Rohman. "Strategi Dan Kebijakan Dalam Penegakan Keamanan, Hak Asasi Manusia Dan Pembangunan Di Papua." *Jurnal Studi Terorisme* 4, no. 1 (2022): 1-9.
- Tri Wahyudi, Slamet. "Problematika Penerapan Pidana Mati Dalam Konteks Penegakan Hukum Di Indonesia." *Jurnal Hukum Dan Peradilan* 1, no. 2 (2016): 211-12.
- Wahyuni, Fitri. *Dasar-Dasar Hukum Pidana Di Indonesia*. Tangerang Selatan: PT Nusantara Persada Utama, 2017.