



Implications of Labeling the Criminal Armed Group in Papua as a Terrorist Organization

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Abstract

Conflict and bloodshed continue in Papua, whether by governmental actors or the Criminal Armed Group. The Coordinating Ministry for Politics, Law, and Security declared the KKB in Papua a terrorist organisation in 2021 after classifying it as a separatist organisation. This study aims to look into what it means that the Papuan government called the KKB a "terrorist organisation." In this article, socio-legal research examines whether labelling the Papuan KKB as a terrorist group is legal and what that means. It also includes interviews with state security experts and Papua experts. The study's results showed that labelling the Papuan KKB as a terrorist group could make the security and human rights situation in Papua worse by fostering more violence and separating peace. The government's application of force may prolong the cycle of violence and human rights violations. The name does not comply with legal standards since it should have been established through a transparent judicial process rather than by the Coordinating Minister for Political, Legal, and Security Affairs. For sustainable conflict resolution in Papua New Guinea, a technique that incorporates broader participation and is founded on discussion is essential.

I. Introduction

The socio-political discourse of Indonesia is indeed characterised by violence, as evidenced by the conflict and violence that have occurred in Papua from colonial emancipation to the present (Taum, 2015). According to Muridan S. Widjojo. et al., Papua is a region characterised by intricate economic, political, and socio-cultural conflicts and competing powers (Widjojo, 2009). Incidents of conflict and violence that occur serially in Papua (such as arbitrary arrests,

torture, and shootings) are still occurring, conducted by both state apparatuses and Criminal Armed Groups (hereinafter referred to as *Kelompok Kriminal Bersenjata*, or KKB).

The Free Papua Organisation (hereinafter referred to as Organisasi Papua Merdeka, or OPM) is the primary entity to which the KKB label is applied in Papua. The labelling commenced in 2015-2016 during the tenure of Tito Karnavian as the Regional Police Chief of Papua (N. P. Putra, 2017). Wiranto as the Coordinating Minister for Politics, Law, and Security (Menko Polhukam), then changed the label in 2017 to Armed Separatist Criminal Group (hereinafter referred to as *Kelompok Kriminal Separatis Bersenjata* or KKSBB) (P. M. S. Putra, 2017). The addition of the word "separatist" indirectly legitimized the use of the military to face the group (Yoenus, 2021). The state has never explicitly disclosed the security situation in Papua during the events that transpired. Conversely, military deployment and involvement increased. The likelihood of conflict between civilians and the TNI, as well as the Police of the Republic of Indonesia (hereinafter referred to as Kepolisian Republik Indonesia, or Polri) in Papua, was elevated by this security-based approach.

On 29 April 2021, through Press Conference Number 72/SP/HM.01.02/POLHUKAM/4/2021, the Government determined the KKB in Papua to be a terrorist organization (Coordinating Ministry for Politics, Law, and Security, 2021). The KKB in Papua was deemed to have satisfied the requirements of Article 1, Paragraph 2 of Law Number 5 of 2018, which is why this label was assigned. Given the KKB's recent status change in Papua and the high frequency of violent acts that involve state apparatuses and the KKB, it is imperative to investigate the potential consequences of the "terrorist organisation" designation.

Numerous academics have researched the classification of the Papuan KKB as a terrorist organisation. Nevertheless, no research has specifically addressed the legality and implications of this designation as of the time of this study. Rather, prior research has concentrated on examining the Papuan KKB's actions within the context of Law Number 5 of 2018. Nainggolan et al. (2022) determined that the OPM's status should be upgraded from KKB to terrorist organisation, as it meets the criteria enumerated in Law Number 5 of 2018, which would facilitate more comprehensive law enforcement.. (Nainggolan dkk., 2022). Based on the findings of their research, Matilda et al. (2022) concluded that classifying the OPM as a terrorist organisation by Law Number 5 of 2018 was appropriate and could effectively address the OPM issue (Matildha dkk., 2022). The designation of the Papua KKB as a terrorist organisation is appropriate and meets the criteria specified in Law Number 5 of 2018, according to the most recent research conducted by Wirawan et al. (2024). However, the organisation's law enforcement organisation's must be conducted with great care (Wirawan dkk., 2024). Consequently, researchers believe that it is imperative to conduct a more thorough analysis to address the issues associated with the classification of the Papua KKB as a terrorist organisation.

This investigation employs a socio-legal methodology. The socio-legal objective is to seamlessly integrate the knowledge, skills, and research experiences of two or more

disciplines to circumvent the theoretical and methodological constraints of the respective fields and establish a foundation for developing a novel analytical approach. The socio-legal research methodology is not intended to benefit social science but rather to benefit legal science, despite it employing social science. Legal research was conducted by reviewing relevant regulations. Subsequently, interviews were conducted with numerous specialists regarding the classification of the Papua KKB as a terrorist organisation. Interviews are a research method that is frequently employed in socio-legal research. The socio-legal context examines the law as a social institution. It highlights how it is negotiated and structured through daily interactions between the state and society, organisations and individuals, law enforcement and other government entities. This perspective is especially pertinent to comprehending the designation of the Papuan KKB as a terrorist organisation and its substantial adverse consequences on various fronts, such as legal, political, and human rights issues.

II. Main Factors Causing Conflict in Papua

The issues that exist in Papua have a long history, spanning from the decolonisation process under the Dutch to the New York Agreement in 1962, the Determination of Popular Opinion (also known as *Penentuan Pendapat Rakyat* or *Pepera*) in 1969, and the policies of the New Order Regime from 1967 to 1998. The New York Agreement was the catalyst for conflict, as the people of Papua were not involved in its implementation, despite their right to determine their destinies. Subsequently, *Pepera* was also rejected due to its demonstration of being conducted under threat, as evidenced by intimidation, prohibition of gathering and speaking, abductions, murders, and a variety of harmful military actions. The legal product was a precursor to Papuan protests that sought independence. On December 19, 1969, they requested that the United Nations (UN) revoke UN Resolution Number 2504, which had validated the results of the *Pepera* (Taum, 2015).

The collapse of the New Order regime was another catalyst for conflict in Papua. The Morning Star Flag was unfurled across Papua in an open declaration of independence. Additionally, on February 26, 1999, President Habibie invited a Team of 100 representing the Papuan populace to the Presidential Palace to deliberate on the country's progress following the New Order. Instead, the Team, under the leadership of Tom Beanal, submitted a request for Papua to be granted independence and independence from Indonesia. President Habibie did not respond to this request until seven months later when he proposed an accommodation through the expansion of the Irian Jaya Province (Nugroho & Sardini, 2019).

According to Widjojo et al. in their book “Papua Road Map: Negotiating the Past, Improving the Present, and Securing the Future” (2009), there are four sources of conflict in Papua (Widjojo, 2009). Initially, the construction of political identities and the history of integration in Papua are viewed as contradictory by Papuan and Indonesian nationalists. The Unitary State of the Republic of Indonesia (NKRI) is considered conclusive and uncontested by Indonesian nationalists. On the other hand, Papuan nationalists regard the integration of Papua into Indonesia as illegitimate, as the New

Guinea Raad constituted the state of Papua on 1 December 1961. The second issue is the extensive history of human rights violations and political violence in Papua, with a particular emphasis on those perpetrated by state actors and apparatuses. Separating oneself from the NKRI is a violation of the law, as the integrity of the NKRI is non-negotiable for Indonesian nationalists. As an endeavour to preserve the integrity of the NKRI, the use of military force and violence is therefore justified as a form of noble duty. Third, Papua's development policy has impeded the process of development. These are responsible for violence due to their emphasis on economic development, as well as the emerging socio-cultural implications of environmental destruction, land seizure, deforestation, and local cultural degradation. The Indigenous Papuans (Orang Asli Papua, or OAP) regard this circumstance as natural resource exploitation characterised by capitalist development. Fourth, the OAP perceive that they have been marginalised and discriminated against in both political and societal contexts. The ongoing rise in the number of migrants, through both transmigration and migration, is the cause of the sensation of political marginalisation. It is apprehensive that this will result in the cultural degradation of OAP, rendering them minorities in their own country and eroding their electoral power in general and regional elections. Such consequences were demonstrated during the New Order era when at least one OAP held political positions. At the same time, on a social level, OAP perceives that their artistic and cultural expressions are politicised as separatist statements (Widjojo, 2009).

Additionally, political historian Richard Chauvel concluded that at least four fundamental problems may be regarded as the sources of conflict in Papua (Hafiz & Pratama, 2021): (1) OAP disappointment that Papua became integrated into Indonesia; (2) the perceived rivalry by Papuan elites toward non-OAP officials, who have dominated governance since Dutch colonialism; (3) the differing perceptions of economic development and governance in Papua; and (4) the marginalization of OAP due to migration. These views serve as justifications for groups harbouring animosity towards the issue, leading to the forming of pro-Papua independence organisations. Furthermore, the KKB's illicit activities in Papua are motivated by a variety of factors in addition to revenge. The motivations may be financial or to fortify group networks by murdering and/or stealing weapons from TNI-Polri (Gloria, 2021).

The Papuan people have yet to discern any positive effects on their prosperity in the context of the special autonomy fund for Papua and its substantial allocation. The total amount of special autonomy funds distributed to Papua between 2002 and 2021 is IDR 138.65 trillion. Additionally, there are IDR 953 trillion in additional development funds. These consist of IDR 702.3 trillion in transfer funds to regions and localities and IDR 251.29 trillion in ministry/institution expenditures from 2005 to 2021. This situation implies that Papua has received over IDR 1000 trillion in funding, but these efforts have not been deemed beneficial in accelerating development in various sectors (Special Committee of the People's Representative Council of the Republic of Indonesia, 2021). Education, healthcare, and economy are the benchmarks for levels of success in development, as measured for the Human Development Index (HDI).

The KKB's separatist actions were also initiated by the fact that the Papuan people

perceived their region as being colonised by Indonesians. One example is the existence of Freeport, which is dominated by the interests of global capitalism. Indonesia is regarded as violating human rights by exploiting Papua's natural resources. Furthermore, the OAP believe that there are ethnic disparities between themselves and the majority of Indonesians. In light of this, several individuals believe that the most effective approach to resolving these issues is to propose a referendum (Act of Free Will). This circumstance posits that the special autonomy policy has failed to address the current disparity issues.

The cause for problems in Papua tends to be different when discussing terrorism. Criminal actions that are conducted by the KKB in Papua include taking hostages for ransom, struggles for weapons, and robberies, among others (KontraS, 2021). These are motivated out of a desire to separate from the NKRI, triggered by socio-economic and political disparity (Widjojo, 2009). Conflict and violence in Papua also occur because the two conflicting parties (Indonesian nationalists and Papuan nationalists) still utilize a binary perspective created by the colonial Dutch East Indies. Here, Indonesian nationalists consider that acts of separatism are a shared enemy that must be countered because NKRI is a fixed and unifying body. Meanwhile, Papuan nationalists maintain the view that pro-Papua means anti-Indonesia. Furthermore, at the practical level, the acts of violence conducted by security apparatuses triggered the development of separatist movements in Papua (Widjojo, 2009).

III. Cases of Violence in Papua

The perpetrators and victims of violent human rights conflicts in Papua predominantly involve two parties: actors from state apparatuses such as TNI-Polri and actors from the KKB in Papua or OPM. Violent actions conducted by the KKB in Papua or the OPM demanded separation from the NKRI, which led to many victims (B. M. Putra, 2021). Particularly since the Nduga incident of 2018, violence in Papua has continued to escalate, including torture, killings, and even arson. The victims of these conflicts are not only from TNI-Polri and the KKB in Papua, but also from civil society, including healthcare personnel.

Based on data from the Papua Task Force of Gadjah Mada University (GTP-UGM) in 2022 states that acts of violence in Papua from January 2010 to March 2022 were 2,118 fatalities, with details of 1,654 people injured, with the majority occurring due to gunshots to sharp weapons, while 464 other people died. The pattern of violence committed also varies, such as using firearms and sharp weapons, burning aeroplanes, houses, kiosks, and schools, looting, and rape (Gugus Tugas Papua Universitas Gadjah Mada, 2022).

Table 1. Perpetrators of Violence in Papua (January 2010 - March 2022)

Perpetrators	Total
Armed Criminal Group Papua	226
Citizens	69
Indonesian National Police	13
Indonesian National Army	22
Unknown Person	18
Total	348

Source: Secondary Legal Materials, 2025

Meanwhile, in terms of victims of violence that occurred in Papua, based on data from TGP-Papua, it is known as follows (Gugus Tugas Papua Universitas Gadjah Mada, 2022):

Table 2. Number of Victims of Violence in Papua (January 2010 - March 2022)

Perpetrators	Died	Wounded
Armed Criminal Group Papua	38	42
Citizens	320	1.433
Indonesian National Police	34	94
Indonesian National Army	72	85
Total	464	1.654

Source: Secondary Legal Materials, 2025

The community was the most frequent victim of violence in Papua from January 2010 to March 2022, as evidenced by Table 2. The list of those injured includes 1,433 individuals, and 320 individuals lost their lives. Additionally, the Indonesian National Army (72 individuals), the Armed Criminal Group Papua (38 individuals), and the Indonesian National Police (34 individuals) suffered the greatest number of fatalities. Subsequently, the Indonesian National Police (94), the Indonesian National Army (85), and the Armed Criminal Group Papua (42) recorded the greatest number of victims of violence who sustained injuries after the community.

Excessive actions from both parties will only further conflict and continue violence in Papua without end. Legal protection contains two elements, which are the existence of rule of law and the guarantee of human rights (Sugiarti & Wijayanti, 2020). These should be properly instated, and both parties must seek long-term strategic measures to immediately terminate violent conflict and attempt peace in Papua.

IV. Government Efforts to Overcome Conflict in Papua

To safeguard citizens within their jurisdiction from violations that originate from their own or any other state, the government is obligated and responsible for protecting

human rights. (Edon & Hidayat, 2021). This aligns with the stipulations of several legal texts in Indonesia, the first of which being Article 28I Paragraph (4) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). This stipulates, "Protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, primarily the government".

A second supporting text is found in Article 8 of Law Number 39 of Year 1999 on Human Rights, which states "Protection, advancement, enforcement, and fulfillment of human rights are primarily the responsibility of the government".

Finally, Law Number 39 of 1999 holds two supporting statements in its Articles. Article 71 states, "The Government has the requirement and responsibility to respect, protect, enforce, and advance human rights, other legal regulations, and international law regarding human rights that is accepted by the State of the Republic of Indonesia." Meanwhile, Article 72 asserts, "The requirement and responsibility of the Government as stated in Article 71 cover effective implementations of measures in the fields of law, politics, economy, society, culture, national security and defense, and others."

As stipulated in the above articles, the government (state) should take action to provide protection and enforcements, so that citizens do not experience or commit human rights violations. The government's actions as an effort to both prevent and overcome human rights violations are equally important. Preventive actions should degrade the level of human rights violations, while countermeasures should provide a sense of security, justice, and to reduce conflicts (Septika, 2016).

According to Carl V. Patton, "policy analysis is the process through which we identify and evaluate alternative policies or programs that are intended to lessen or resolve social, economic, or physical problems" (Patton, 2012). Based on this, regarding policies for Papua, the government must be able to identify problems and establish mutual understanding of the roots of problems in Papua. In doing so, resolution strategies for the conflict in Papua can be more easily formulated. Then, the government must also conduct evaluations of national policies for Papua in the fields of politics, security, society, and culture (Elisabeth, 2017).

In relation to resolution strategies, one effort that the government had conducted for Papua was the issuance of Law Number 45 of 1999 on the Formation of the Province of Central Irian Jaya, Province of West Irian Jaya, Regency of Paniai, Regency of Mimika, Regency of Puncak Jaya, and City of Sorong. The law was issued during President Habibie's tenure as a form of development, in response to the Papuan stakeholder desires to become independent from Indonesia. Then, during the tenure of President Abdurrahman Wahid (Gus Dur), the Province of Irian Jaya changed its name to Papua based on historical considerations (Nugroho & Sardini, 2019).

There is also Law Number 21 of Year 2001 on Special Autonomy for the Province of Papua, which was revised within Law Number 2 of Year 2021. This represents a compromise to decentralize the government due to uneven development in Indonesia. It also addresses remaining disparities between the central and regional governments, which carried over from the New Order regime, and led to horizontal conflict and national disintegration (Nugroho & Sardini, 2019). The recognition of a regional

government that is unique and special may grant Papua a greater degree of autonomy in determining its fate while still supporting regional autonomy. Cahyo Pamungkas investigated the government's strategies to resolve the ongoing conflict in Papua. He identified two resolution methods in this context. The first entails promoting economic development using infrastructure construction and allocating funds to various initiatives, including village development funds and special autonomy funds. Militias of nationalist ("red-and-white") task forces are established as part of the second method, which entails intelligence operations (C. Pamungkas, komunikasi pribadi, 2023).

Al Araf shares the same view as Pamungkas in regards to government strategies to resolve conflict in Papua. Al Araf believes that the strategy can be summarized into two ways: first, an economic and developmental approach; and second, a security approach through the securitization of Papua (A. Araf, komunikasi pribadi, 2023).

In addition to these approaches, other types have also been attempted, such as a dialog approach, via developmental communication between the government and people of Papua (Widjojo, 2009). From the leaderships of President Megawati up to President Susilo Bambang Yudhoyono (SBY), the dialog approach was conducted in similar fashion to the resolution of the conflict in Aceh. Yet, the characteristics of the conflict in Aceh differ from Papua, and thus resolutions cannot be made in the same way (Elisabeth, 2017). Additionally, the dialog approach has remained in its discursive form, and never been actualized. Yet, it is considered an ideal option to stop ongoing conflict in Papua.

Stuart Rees posits that dialogue is not a "question-and-answer session" but a process encompassing four components: respect, authentic interest, active listening, and practical questioning. Like Rees, John Barr also emphasised that ethics and morals in dialogue are not predicated on visions of "good and bad" but rather on the respect and comprehension that the people of Papua are the same as all other humans. Jason Field posits that individuals must be physically present and collaborate with the local community to engage in a dialogue in Papua (Widjojo, 2009). In the context of defining "dialog", Helen Barnas stated in the 2005 Human Development Report entitled "Conflict, Inequality and Dialogue for Conflict Resolution in Latin America: The Cases of Argentina, Bolivia and Venezuela":

"...democratic dialogue as a 'cross-institutional, multi-stakeholder process that addresses complex social problems not being adequately addressed by existing institutions. The dialogue is open and inclusive, encouraging participants to talk with and listen to one another in an effort to build trust, enable consensus, and produce concrete results. Dialogue is democratic when it promotes broad inclusion and participation, and when it emphasizes the promotion of democracy and democratic development'. [...] The value of dialogue lies in the balance it seeks between relationship-building and problem-solving and the virtuous dynamic it can generate as a result. Dialogue processes are designed to help build the relationships required to reach sustainable solutions" (Barnes, 2005).

With the election of President Joko Widodo (Jokowi), there was renewed hope that

conflicts could be resolved through the dialog approach with all the people of Papua, including separatists who wish to become independent from the NKRI (Nugroho & Sardini, 2019). The dialog approach was expected to elevate the dignity of the people of Papua. As the issue in Papua is highly complex and involves many groups, the dialog approach must be conducted with strategic consideration to elements of society present in Papua (Nugroho & Sardini, 2019). History has demonstrated that dialog is not far removed from the experience of Indonesia in resolving conflicts (Elisabeth, 2017).

In addition to dialogue, President Jokowi also implemented three "sea toll" routes in Sorong, Jayapura, and Merauke to enhance the prosperity of the people of East Indonesia. The underlying premise was that they may decrease the money allocated to infrastructure construction in East Indonesia. The development of Special Economic Zones (SEZ) in Indonesia, including in Papua, was another initiative. Merauke and Sorong initiated SEZs, the industrial complex at Teluk Bintuni and the tourist region of Raja Ampat. In addition, the Trans-Papua road was utilised as a primary focus to expedite the execution of national strategic projects (Nugroho & Sardini, 2019).

As previously mentioned, numerous initiatives were implemented to mitigate the escalating conflict; however, violent incidents and conflicts persist in Papua. Additionally, there are still numerous organisations that are dissatisfied and take measures to distance themselves from the NKRI. The conflict and violence are inextricably linked to the government's security strategy in Papua, which is by the provisions of Article 4 Paragraph (1) of Law Number 2 of 2021:

"The authority of the Province of Papua covers authority in all fields of governance, except authority in the fields of international politics, security and defense, monetary and fiscal, religion, and justice as well as certain authority in other fields that are established in accordance with the stipulations of legal regulations."

The above stipulation legitimizes the central government to conduct interventions through the security approach, and sending state apparatuses to Papua. According to a report by KontraS (2021), the government had deployed apparatuses, whether TNI soldiers or Polri officers, 39 times since the beginning of 2020 (KontraS, 2021). Of these troop deployments, the state has never explained the accountability, transparency, and effectiveness of troop deployment in Papua.

As per this report, efforts had been conducted to support data on the deployment of state apparatuses to Papua. KontraS submitted a request for Public Information Openness (KIP) to the Headquarters of the Police of the Republic of Indonesia (Mabes Polri), Headquarters of the Indonesian Military (Mabes TNI), and the President through the Ministry of the State Secretariat (Kemensetneg). Officers were deployed through Operation Nemangkawi to deal with KKB in Papua, starting from 1 January 2021 to 25 January 2022. Operation Nemangkawi was a joint operation carried out by the TNI and Polri to overcome the rebellion of the KKB. Those deployed in the operation amounted to 1,128 people, with 235 being TNI personnel and 893 being from Polri (KontraS, 2021).

Then, on 25 January 2022, Operation Damai Cartensz began its operation as a replacement for Operation Nemangkawi (Batubara, 2022). The Operasi Damai Cartenz

Pattern aimed to make Papua a security area to be prioritized. Conceptually, Operasi Damai Cartenz would prioritize preventive and persuasive actions. The security approach would prioritize three lines or functions, namely: 1) the intelligence line as a security detector; 2) the line on the function of community development or *Binmas*; and 3) the function of public relations (Nurhanisah, 2022). The number of officers assigned to this operation was 1,925 personnel, with 1,824 from the National Police (528 from the Papua Regional Police and 1,296 from the National Police Headquarters) and 101 from the TNI (Batubara, 2022).

The deployment of apparatuses, particularly TNI in Papua, causes its own set of problems. The reason is that the President holds the authority and responsibility to deploy TNI forces as a Non-War Military Operation (OMSP), while considering the People's Representative Council (DPR). This is affirmed by Law Number 34 of 2004 and Presidential Regulation Number 7 of 2008, both of which confirm that the deployment of TNI forces in an OMSP must be based on a presidential decree. However, the administrative process to involve the TNI through DPR approval and a Presidential decree has not been clearly outlined. This becomes a cause for poor supervision and evaluation of troop deployment.

With the involvement of the military and the police to manage conflict in Papua, the government also indirectly propagandizes to the people that the only appropriate measure to handle the KKB is through violence (KontraS, 2021). Conflict, violence, and human rights violations in Papua continue to occur, and the patterns of violence persist, as caused by militarized securitization. These materialize in sweepings of residences, arson, intimidating behaviors, arbitrary arrest and detainment, torture, shootings, excessive usage of strength (firearms), and violent dispersion of peaceful acts. Yet, it is the people of Papua who are labeled as troublemakers, and thus deemed appropriate to be criminalized (KontraS, 2021).

One example is the right and freedom to gather, declare opinions, and form unions. Actions that may be called brutal or excessively forceful were demonstrated during the siege of a Papuan dormitory in Surabaya, where racist expressions were uttered. This clearly infringes on Indonesia's commitments to Article 28E Paragraph (3) of the 1945 Constitution, the International Covenant on Civil and Political Rights, Law Number 39 of 1999, and Law Number 40 of 2008 on Eliminating Racial and Ethnic Discrimination (KontraS, 2021).

The government should be able to formulate an ideal end to conflict and violence in Papua by addressing the roots of the problem, which can accommodate a preventive or soft approach instead of one that is repressive in nature. Repressive action toward the KKB in Papua contradicts currently applicable legal regulations, and are harmful to human rights itself. The state that should be responsible for, respect, protect, uphold, and advance human rights, instead of committing human rights violations themselves.

The government has the option to prioritize a soft approach through dialog for the short and long term, to create prosperity, ideological enlightenment, and peace—or a hard approach, conducted with the law enforcement. Polri has the authority to employ law enforcement toward the KKB in Papua upon violating the law, as noted in Article 2

of Law Number 2 of 2002 on the National Police of the Republic of Indonesia:

“The function of the police is one of the functions of state governance in the field of maintaining public security and order, law enforcement, safety, protection, and public service.” In relation to the above, Article 4 of Law Number 2 of 2002 states that: “The National Police of the Republic of Indonesia has the objective to realize domestic security that covers the maintenance of public security and order, orderliness and enforcement of the law, organization of safety, protection, and public service, and the upholding of peace in society by holding human rights in high regard.”

Although the actions of police officers are protected by the law, this authority cannot degrade the innate rights that are attached to a person, which in this case is the KKB in Papua as people. If TNI or Polri actions are deemed as “brutal excessive force” or “extrajudicial killing”, and do not honor the presumption of innocence principle, then the actions of the state apparatuses violate human rights.

As the primary actor, it is appropriate for the state to make efforts to stop violence in Papua. In order to put an end to violent actions conducted by the KKB, as a state with rule of law (*vide* Article 1 Paragraph (3) of the 1945 Constitution), it is proper to minimize actions that may incite human rights violations and complicate conflict. One form of law enforcement to stop violent actions of the KKB may be conducted through court institutions present in Indonesia. As a judicial function mandated by the Constitution, courts possess the role to uphold justice through trials and applying national legal norms (Supriyanto, 2014).

The court has the task of putting to trial the problems of the KKB in Papua, as regulated in Law Number 26 of Year 2000 on the Court of Human Rights. The existence of the Court of Human Rights by law demonstrates that Indonesia is willing and able to enforce the law and put to trial perpetrators of severe human rights violations, which may be categorized as genocide and crimes against humanity. Law enforcement efforts through the Court of Human Rights involve several mechanisms such as the processes of arrest, detainment, inquiry, investigation, prosecution, and sentencing perpetrators of human rights violations.

V. Implications of Labeling The Criminal Armed Group in Papua as A Terrorist Organization

The government has been compelled to categorise the violent actions of groups in Papua as terrorist crimes as a result of the numerous attacks perpetrated by the KKB against law enforcement apparatuses designated to the region. (Effendi & Panjaitan, 2021). Mahfud MD, the Coordinating Minister for Politics, Law, and Security, declared in Press Conference Number 72/SP/HM.01.02/POLHUKAM/4/2021 on April 29, 2021, that organisations and individuals in Papua who perpetrate significant violence are to be classified as terrorists (Coordinating Ministry for Politics, Law, and Security, 2021). Acts committed by the KKB in Papua, which contain violence and cause fear, are considered to fulfil the elements of the crime of terrorism as stated in Article 1, Paragraph 2 of Law Number 5 of 2018: “Terrorism is an action that utilizes violence or threats of violence that cause a situation of terror or widespread fear, which may lead

to victims to a massive number, and/or results in damage or destruction toward vital objects that are strategic, the environment, public facilities, or international facilities with the motives of ideology, politics, or security disruptions."

The government stated that this determination was a consequence of the frequent killings and large-scale violence caused by KKB in Papua (Yahya, 2021). This was especially after two particular incidents: the shooting of TNI Major General I Gusti Putu Danny Karya Nugraha (Chief of the National Intelligence Agency, Papua Region) on 25 April 2021 (Amindoni, 2021); and the shootout between joint apparatuses and the KKB in Makki Village, which caused the death of Bharada Komang (a Polri Mobile Brigadier) on 27 April 2021 (Mudumi, 2021).

The KKB in Papua was previously determined as criminal against state security, as regulated in Article 106 and Article 108 Paragraph (1) number 1 of the Criminal Code (hereinafter referred to *KUHP*): Article 106 of the *KUHP* "Treason with the intention that all or part of the territory of the state falls into the hands of the enemy or separates part of the territory of the state, is punishable by life imprisonment or a maximum temporary imprisonment of twenty years."

In his book, *"Kitab Undang-Undang Hukum Pidana (KUHP) serta Komentar-Komentarnya Lengkap Pasal demi Pasal (The Book of the Criminal Code (KUHP) and its Complete Commentaries Article by Article)"*, The term "separates part of the territory of the state" refers to the act of transforming a specific portion of a region into a sovereign state (separatism), as explained by R. Soesilo. (R. Soesilo, 1995). This is in accordance with the aspirations of the KKB in Papua, which is to separate themselves from the *NKRI* and establish their own state. Article 108 Paragraph (1) Number 1 of the *KUHP* "Whoever is guilty of rebellion, is threatened with a maximum imprisonment of fifteen years: (1) people who oppose the Indonesian government with weapons".

The provisions of the article by R. Sugandhi are interpreted that resistance or attacks can be labeled as "rebellion" if it is enacted by many people in organizational relations. Resistance aims at legitimate government powers, for example, military officials, local government officials, or police officials who hold local government power (R. Sugandhi, 1980). These provisions correlate with actions carried out by the KKB in Papua, if described as follows: (1) KKB stands for "Criminal Armed Group", which can be interpreted as an organized armed group formed to achieve certain goals; (2) the intended purpose is to separate from the *NKRI*; and (3) to achieve its objectives, the KKB in Papua carried out attacks on relevant stakeholders such as TNI-Polri officers and civil society.

Table 3. Implications of KKB Labeling for the Involved Stakeholders

Criminal Armed Group (KKB)	
Revolt / Separatism	Terrorism
Law enforcement and countermeasures are carried out by the Polri, and the TNI is specifically involved in Military Operations Other than War (OMSP) based on a presidential decree with regard to the considerations of the DPR. The offense is regulated in the Criminal Code (KUHP) and proceedings utilize the stipulations of the Criminal Code Procedure (KUHAP).	The parties involved in prevention handling are the National Agency for the Handling of Terrorism (BNPT), Special Detachment 88 (Densus 88), Indonesian National Armed Forces (TNI), and the National Intelligence Agency (BIN). The offense is regulated in Law Number 5 of 2018. Proceedings utilize the stipulations of the <i>KUHAP</i> , but there are several differences.

Source: Secondary Data, processed 2022

The KKB in Papua underwent a change in perception as a terrorist organization, which has implications on material and formal criminal laws that can be applied. In material criminal law, the applicable legal instrument is no longer the KUHP, but Law Number 5 of 2018. Certainly, the management of cases will be different across matters such as revolt, rebellion (separatism), and terrorism. Law enforcement toward the criminal act of terrorism still utilizes criminal code procedures, with only some differences. This is based on Article 25 Paragraph (1) of Law Number 5 of 2018, which states that "Investigation, prosecution, and examination in a trial court in cases of the Criminal Act of Terrorism is conducted based on criminal code procedure, except as otherwise established in this Law".

Based on Table 4 above, it can be seen that the implications of determining the Papuan KKB as a terrorist organization will have an impact on the length of arrest, investigation, and prosecution. Status as a terrorist organization means that procedures are carried out based on the provisions stipulated in Law Number 5 of 2018, such as arrests that can be carried out for a longer time than the provisions in KUHP, which is carried out for a maximum of 14 (fourteen) days, then can be extended for 7 (seven) days. For investigation purposes, detention is carried out by order of the investigator for 120 (one hundred and twenty) days, can be extended by the prosecutor for 60 (sixty) days, but if it is not enough, it can be extended for another 20 (twenty) days by submitting a request to the head of the district court. Meanwhile, for the purpose of prosecution, detention can be carried out for a maximum period of 60 (sixty) days and can be extended by the Prosecutor for a maximum period of 30 (thirty) days by submitting a request to the Chief of the District Court.

Apart from those in Table 4, other differences include one regulated in Article 26 of Law Number 5 of 2018. This allows the usage of each intelligence report to obtain sufficient initial evidence. This then brings up another issue, because when using intelligence reports, examination is conducted in a closed manner (Hafiz & Pratama, 2021). In addition, based on Presidential Regulation Number 46 of 2010, the National Agency for the Handling of Terrorism (Badan Nasional Penanggulangan Terorisme, or

BNPT) is responsible for and possesses authority to prevent and handle terrorism in Indonesia.

Table 4. Differences in the Period of Arrest, Investigation, and Prosecution in the Criminal Code Procedure and Law No. 5/2018

LEVEL	KUHAP	Law No. 5/2018
Arrest	Article 19 Paragraph (1) Arrests are made for a maximum of 1 (one) day.	Article 28 Paragraphs (1) and (2) <ul style="list-style-type: none"> ▪ Arrest is carried out for a maximum of 14 (fourteen) days. ▪ Investigators may apply for an extension of the arrest for a maximum period of 7 (seven) days to the Head of the local District Court.
Investigation	Article 24 <ul style="list-style-type: none"> ▪ Term of detention by order of the Investigator: 20 days ▪ Can be extended by the Prosecutor: 40 days 	Article 25 Paragraphs (2), (3), and (4) <ul style="list-style-type: none"> ▪ Term of detention by order of the Investigator: 120 days ▪ Can be extended by the Prosecutor: 60 days ▪ If it is still not sufficient, an application for an extension can be submitted by the investigator to the head of the district court: 20 days
Prosecution	Article 25 <ul style="list-style-type: none"> ▪ Term of detention by order of the Prosecutor: 20 days ▪ Can be extended by the competent Head of the District Court: 30 days 	Article 25 Paragraph (5) and (6) <ul style="list-style-type: none"> ▪ Term of detention by order of the Prosecutor: 60 days ▪ Can be extended by the competent Head of the District Court: 30 days

Source: Primary Data, processed 2022

The 2021 report titled "Catatan Kritis - Menyoal Redefinisi Kelompok Kriminal Bersenjata Sebagai Organisasi Teroris" (Critical Remarks: Regarding the Redefinition of the Criminal Armed Group as a Terrorist Organisation)" by the Commission for Missing People and Victims of Violence (*Komisi untuk Orang Hilang dan Korban Tindak Kekerasan*, or KontraS) elucidated that it is not appropriate to classify the KKB in Papua as a terrorist organisation. Based on the components of Article 1 Paragraph (2) of Law Number 5 of 2018, it continues as follows (KontraS, 2021). First, "The actions that utilize violence or threats of violence" is not always applicable, as violence or threats of violence are not always utilized by the KKB in Papua. One activity conducted by the KKB in Papua is in the form of diplomacy, to attract international sympathy for the injustice in Papua. In addition, the KKB in Papua often conducts regular campaign activities in voicing their rights, as a form of the freedom of expression and opinion. These materialize through free speech, actions, and hearings.

Second, "To cause a situation of terror or widespread fear" is inapplicable, as

actions by the KKB in Papua have not caused widespread fear. Attacks are localized only in the Papua region, and the primary objective is to gain attention from the government regarding their will to become independent from the NKRI (Effendi & Panjaitan, 2021). This is supported by the context of tourism in Papua, which has not suffered from these conditions. In addition, President Joko Widodo's visit to Papua was still welcomed with enthusiasm by the people. Furthermore, in 2021, Papua became the host of the National Games (*Pekan Olahraga Nasional*).

Third, the statement "May lead to a significant number of victims" is disputable. Civilians are not the primary targets, even though numerous KKB attacks have affected them. To resist the country they perceive as colonial, the KKB's primary targets are TNI and Polri. Fourth, the statement "Results in damage or destruction towards strategic vital objects, the environment, public facilities, or international facilities" is also subject to debate. The KKB, which refers to itself as the West Papua National Liberation Army (TPN-PB), has repeatedly caused damage to public amenities, including educational and healthcare facilities.

Nevertheless, the primary motivation behind these attacks is to resist the government and to secure international support. Fifth, "motives of ideology, politics, or security disruptions" are not always applicable. The KKB's assaults were not associated with ideology, politics, or security in numerous instances. Police Inspector General Paulus Waterpauw, the Chief of the Regional Police of Papua, has stated that the KKB's assaults are motivated by a variety of factors, including personal vengeance and economic gain. (Sudrajat, 2021).

The determination of the KKB in Papua as a terrorist organization may have implications toward the occurrence of violations of protection, respect, and fulfillment of human rights, particularly for the people of Papua. It may also impact violations of the right to determine fates, acts of excessive force, legitimate involvement of the military in handling, and arbitrary arrests (KontraS, 2021). Article 9 of the International Covenant on Civil and Political Rights (ICCPR) emphasized that no person may be arrested or detained arbitrarily, and no person may have their freedom taken away, unless for reasons according to legally established procedures. The "terrorist" labeling may also bring about psychosocial effects among the people toward the KKB. People who come from Papua and reside in other parts of Indonesia may be consequently labeled as terrorists by local people.

According to Al Araf, it is inappropriate to establish the KKB as terrorists because it violates the existing norms of positive law. Al Araf pointed out that in the Law on the Funding of Terrorism, the establishment of an organization as terrorists should be done through court mechanisms, rather than by the government (A. Araf, komunikasi pribadi, 2023). In relation to this matter, the author then tries to examine the relevant regulations, namely in Article 27 of Law of the Republic of Indonesia Number 9 of 2013 concerning Prevention and Eradication of Criminal Acts of Terrorism Financing (hereinafter referred to as Law 9/2013), which states that: a) the application to determine the inclusion of the identity of a person or corporation in DTTOT shall be submitted by the Chief of the Indonesian National Police (Kapolri); b) the submission of

the application must be accompanied by the identity of the person or corporation to be included in DTTOT, the reason for the application based on information obtained by the Kapolri and related agencies, documents showing that the person or corporation is suspected of having/attempting to commit, or participating in, and/or facilitating a criminal act of terrorism, and recommendations from the ministry that administers foreign affairs if the documents come from a country, organization, and/or international legal subject; c) the request is examined and determined by the Central Jakarta District Court within a maximum of 30 (thirty) working days from the receipt of the submitted request; d) in the event that the reasons, documents, or recommendations can be used as the basis for including the identity of the person or corporation in the DTTOT, the Central Jakarta District Court immediately determines the identity of the person or corporation as a suspected terrorist and terrorist organization; e) after obtaining a determination from the Central Jakarta District Court, the Chief of Police shall immediately include the identity of the person or corporation in the DTTOT based on the determination of the Central Jakarta District Court; and f) the Chief of Police shall notify the DTTOT in writing to the person or corporation within 10 (ten) working days at the latest.

In connection with this, in this case, the legality of the determination of the Papua KKB as a terrorist organization is the authority of the Central Jakarta District Court based on the request submitted by the Chief of Police, because the law provides legitimacy for this authority. The Central Jakarta District Court in this case obtains authority by attribution (directly from the wording of Article 27 of Law Number 9 of 2013). Therefore, the decision made by the Coordinating Minister for Political, Legal and Security Affairs is invalid. This is because the Coordinating Minister for Political, Legal and Security Affairs does not have the legality of authority in determining the Papuan KKB as a terrorist organization.

The determination of the Papuan KKB as a terrorist organization must be based on a request from the Chief of Police to the Central Jakarta District Court by including the requirements as stipulated in Article 27 Paragraph (2) of Law Number 9 of 2013. If the application submitted has obtained a determination from the Central Jakarta District Court, then the Kapolri can immediately include the identity of the Papuan KKB in the DTTOT. The Kapolri also needs to notify the DTTOT in writing to the person concerned within a maximum of 10 (ten) working days.

This is in line with the definition of “terrorist organization” stipulated in the Elucidation of Law Number 9 of 2013 on the Prevention and Eradication of Criminal Acts of Financing Terrorism, which states that what is meant by “terrorist organization” is “a group of people with a common goal who, based on a court decision, are declared to have committed a criminal act of terrorism or who, based on a court decision, are included in the list of suspected terrorist organizations.”

Al Araf expressed concern about the vagueness of this determination, as it could lead to pro-democracy and human rights activists being classified as the KKB or terrorists (especially those who oppose the government and security apparatuses). Al Araf also noted that the establishment further exacerbates stigma against people of

Papua as separatists and terrorists (A. Araf, komunikasi pribadi, 2023).

Labeling the KKB in Papua as terrorists will certainly have implications on abuses of power by apparatuses, which may then become justification for brutal acts of excessive force and lead to extrajudicial killing. This may open up the potential for practices of torture in detention, which currently occur on occasion. The crime of terrorism is a fundamental form of crime for which the handling is made clear in the criminal justice system. The TNI is a military body that is not involved at all in this framework. The implication is that the TNI has the authority to conduct inquiry and investigation, which disrupts the criminal justice system. When the TNI commits violations, accountability is unclear, since there is no court that possesses the absolute authority to put TNI soldiers to trial if they violate the criminal justice system's stipulations (KontraS, 2021).

Cahyo Pamungkas stated that the legal foundation for the TNI's involvement in KKB-related inquiry and investigation processes may be nonexistent. He noted that military operations in Papua are referred to as law enforcement operations. According to priority, the TNI maintains control in every law enforcement operation. However, although there is a legal basis for the TNI to combat separatism, the matter is still being discussed politically. Various parties suggest a peaceful approach, such as dialogue, to handle matters regarding the resolution of separatism. They propose inviting groups wishing to become independent, as well as the separatist movement, to talk and resolve problems peacefully. Although there is a legal basis for the TNI to be involved in law enforcement operations, the policy is still being discussed politically (A. Araf, komunikasi pribadi, 2023).

In addition to impacting civil freedom, which further silences the OAP in national discourse, labeling the KKB as a terrorist organization further puts Papua into the international spotlight. The reason for this is that the demands for justice in Papua come from various parties beyond the KKB. Cahyo Pamungkas stated that the government is attempting to seek legitimacy for their policy through various legal reasons, particularly the law on terrorism. However, he believes that labeling the West Papua National Liberation Army (the KKB) as a terrorist organization is problematic. He argues that the KKB is an organization for the separatist movement, whose objective is an independent Papua through armed struggle. Therefore, they are not a terrorist network or group with an international network founded on a global ideology, but are rather focused on "the right of determination". Although the KKB has attacked civilians and caused civilian victims, the security apparatus of TNI-Polri has done the same, and the damage caused is the result of both parties. Hence, according to Pamungkas, the labeling is inappropriate in both law and politics. He suggests that a more appropriate resolution method would be through dialog and building diplomacy, inviting them to talks and refraining from a security approach (A. Araf, komunikasi pribadi, 2023).

Based on the explanation above, the state must demonstrate that the humanist approach is prioritized beyond being a slogan, and it must move away from repressive actions toward the KKB in Papua. Labeling the KKB as a terrorist organization will not

solve the occurring conflict. Peace can only be achieved through development and not violence. Therefore, the strategy to achieve security must emphasize comprehensive and sustainable development, which upholds values of human rights and implements sustainable policies.

VI. The Approach of Territorial Operations as an Alternative for the Resolution of Conflict and Violence in Papua

On 25 November 2021, as addressed by Mahfud MD, the government of Indonesia undertook a new approach to resolve the security issue in Papua. This new approach intends to develop Papuan prosperity in a manner that is comprehensive and synergistic, and no longer utilizes a security approach with weapons. Instead, it uses a prosperity approach, taking a humanist turn from the combat or territorial operation approaches. This new approach takes from the Presidential Instruction Number 9 of 2020, Presidential Decree Number 20 of 2020 (BBC News Indonesia, 2021), and Law Number 2 of 2021. However, until now, concrete or integrated procedures regarding this humanist approach has not been explained in detail.

Cahyo Pamungkas critiqued the government's claim to utilize a humane or humanist approach in Papua as a performative slogan. In reality, the government continues to employ a security approach or remilitarize Papuan lands by creating more Military District Command establishments, Resort Police, Military Area Command, and Sector Police. According to Pamungkas, the state approach has not changed, and the security apparatuses (whether TNI or Polri) are still used to target OAP. The government encourages, persuades, monitors, and supervises OAP to prevent them from participating in separatist movements. This only reinforces the assumption and stigma that the OAP desire independence, are separatist, and supports terrorism. He believes that these territorial operations will, counterproductive to their supposed intentions, cause resistance toward TNI-Polri.

Still in relation to the territorial operations approach proposed by the Government, Al Araf commented on the government's proposal for a territorial operations approach, calling it unclear. He questioned how soldiers who are trained for combat can implement a humanist approach, and whether there would be a "trust barrier" when TNI soldiers attempt to interact with the people of Papua. This is especially considering the TNI's history of violence and human rights violations in the region. He emphasized that a humanist approach would only be effective if it is accompanied by efforts to address the four roots of conflict in Papua. Al Araf also cautioned against an excessive territorial approach, which could divert the TNI from its primary tasks and functions.

The concern with the territorial operations approach being unclear is that it might only return Papua to colonial conditions through military invasion. Therefore, the dialog approach is a fundamental solution that must be executed. The government and the people of Papua, particularly the KKB, must agree upon substantial objectives of dialog to be conducted, determine the parties to be involved, its concept and mechanism, and its mediator (Elisabeth, 2017). This would allow for existing political spaces to become better suited for law enforcement and human rights advancement.

Resolving conflict and violence in Papua is not an easy matter, as it requires hard work, informed strategies and the involvement of various parties (Taum, 2015).

According to Al Araf, there is a strategy that needs to be implemented to reduce conflict and violent acts in Papua. He suggests that the government must prioritize dialogue over a violent (security) approach, to resolve the four roots of conflict in Papua in a peaceful and dignified manner. He also recommends that the composition of TNI troops in Papua are reviewed, as Papua is not a region of military operations, and the large presence of TNI troops has caused a significant number of human casualties. The actions of the KKB in Papua indeed make local people live in uncertainty. However, this result also occurs when government security apparatuses, who are protected by the law, cause harm without legal justification. The government should not undermine basic human rights in the effort to counter the KKB in Papua. Cahyo Pamungkas stated that efforts should be taken by the Government to decrease conflict and acts of violence occurring in Papua. The first step would be a humanitarian pause where both the TPN-PB and TNI-Polri establish a temporary ceasefire and provide access to basic services such as food, medicine and healthcare for civilians – especially those in evacuation centers. The second step would be to terminate tensions between the TPN-PB and TNI-Polri. The final step would be to initiate a dialogue, to find a permanent political solution between independence-seeking groups and the Indonesian government.

The government has designated the Papuan KKB as a terrorist organization, and implemented Operation Peaceful Cartenz (1,925 personnel) since 25 January 2022, succeeding Operation Nemangkawi (1,128 personnel). The Cartenz Peace Operation aims to maintain security and public order in the legal territory of Papua, with a preventive approach that aims to increase the involvement of religious and community leaders, as well as provide training such as agriculture, animal husbandry, fisheries and education (Batubara, 2022). However, conditions on the ground show that this plan has not been implemented, and acts of violence including casualties are still happening.

Through the security authorities on the field, the government should provide opportunities to local/regional heads to persuade KKB supporters to return and support the NKRI (Ika, 2021). The central government along with the government of Papua and Papua representatives can formulate a new strategy to implement development that centers on OAP (Widjojo, 2009). The basic principles that must be possessed by both parties are moderation, negotiation, and compromise (Widjojo, 2009); and abolishing the notion that the KKB is an enemy of the NKRI, to be eliminated with a security approach.

Both the federal and provincial administrations, with the backing of civilians from general Indonesian or special Papuan settings, must prioritise OAP's involvement and active participation. They ought to be the principal beneficiaries of current and forthcoming transformations within a social, political, and economic framework that addresses their displacement and prejudice. Under this approach, the KKB in Papua, currently designated as a terrorist organisation, may reintegrate into the NKRI to avert additional violence stemming from state injustice. Older adults shall receive equitable

treatment, regardless of their agency limitations in Indonesia. Each individual serves as a fundamental component of the broader Indonesian nation. Symbolic relationships must be established through dialogue and mutual acceptance. Papua constitutes a region of Indonesia, whereas Indonesia encompasses Papua. If each party may collaboratively advance at central levels, it is feasible for them to cultivate amicable and cooperative attitudes and actions (Widjojo, 2009). Security officials must adapt techniques while strongly committing to human rights and democratic principles (Elisabeth, 2017).

Restricting fundamental human rights to combat the KKB in Papua is not only legally and ethically indefensible but also ineffective and strategically unsound. Rather than serving as a means to safeguard national security and uphold public safety, it creates avenues for the potential misuse of authority against innocent individuals, whether deliberately or inadvertently, or due to political motivations (Euromed Rights, 2016).

VII. Conclusion

The Indonesian government's decision to designate the Papuan KKB as a terrorist organisation has substantial implications that could exacerbate the security and human rights situation in Papua. This designation can potentially incite violence and further distance the region from a humanist and constructive approach to conflict resolution rather than promoting peace and stability. The government may unintentionally perpetuate the cycle of violence by implementing a militaristic security strategy, which could result in more severe and extensive human rights violations. Such an approach undermines endeavours to address the root causes of the conflict and disregards the significance of inclusivity and dialogue in the pursuit of a sustainable resolution.

Furthermore, the designation of the Papuan KKB as a terrorist organisation appears to deviate from standard legal protocols. Article 27 of Law Number 9 of 2013 states that after a clear legal process, the Central Jakarta District Court is the only one to label an organisation as a terrorist group. In this situation, the Coordinating Minister for Political, Legal, and Security Affairs' decision is not based on sound legal evidence and goes beyond what the minister can do. Concerns have been raised about the legality of the title and whether it follows the law because of this mistake in the process. In addition to legal issues, the classification could make social and safety conditions in Papua even less stable. Labelling the KKB as terrorists without following the proper steps can make it more difficult to build trust and dialogue between the government and the Papuan people. It could also make people more likely to use excessive force, hurt civil rights, and hurt the peace agenda as a whole. To solve the conflict in Papua effectively, the government needs to focus on a method that involves everyone, is built on dialogue, follows the law, and supports human rights. Building trust and finding long-term solutions are important, as well as working with local groups, civil society, and stakeholders in open and inclusive ways. If people in Papua are willing to deal with the problems that led to the conflict instead of using force, they can build a better,

more calm, and long-lasting future for themselves.

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Regulations

- 1945 Constitution of the Republic of Indonesia.
- Law Number 39 of Year 1999 on Human Rights.
- Law Number 45 of Year 1999 on the Formation of the Province of Central Irian Jaya, Province of West Irian Jaya, Regency of Paniai, Regency of Mimika, Regency of Puncak Jaya, and City of Sorong.
- Law Number 26 of Year 2000 on the Court of Human Rights.
- Law Number 2 of Year 2002 on the National Police of the Republic of Indonesia.
- Law Number 34 of Year 2004 on the Indonesian Military.
- Law Number 12 of Year 2005 on the Ratification of the International Covenant on Civil and Political Rights.
- Law of the Republic of Indonesia Number 9 of 2013 concerning Prevention and Eradication of Criminal Acts of Terrorism Financing.
- Law Number 5 of Year 2018 on the Amendment of Law Number 15 of Year 2003 on the Establishment of Government Regulation in Lieu of Law Number 1 of Year 2002 on the Eradication of the Crime of Terrorism into a Law.
- Law Number 2 of Year 2021 on the Second Amendment of Law Number 21 of Year 2001 on Special Autonomy for the Province of Papua.

Presidential Regulation Number 7 of Year 2008 on General Policies for National Defense.

Presidential Regulation Number 46 of Year 2010 on National Counterterrorism Agency.

Presidential Decree Number 20 of Year 2020 on the Integrated Coordinating Team for the Acceleration of Prosperity Development in the Province of Papua and Province of West Papua.

Presidential Instruction Number 9 of Year 2020 on the Acceleration of Prosperity Development in the Province of Papua and Province of West Papua.

Interview

Al Araf (Director of Imparsial - The Indonesian Human Rights Monitor), personal communication, January 31, 2023.

Cahyo Pamungkas (Researcher from the National Agency for Research and Innovation (BRIN)), personal communication, January 31, 2023.