



Conflict Resolution Strategy In Papua Through Concurrent Military and Non-Military Operations Executed By The Indonesian National Armed Forces (TNI)

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Abstract. *Examined through the prism of national security, the imperative emerges for the Indonesian National Armed Forces (TNI) to play a central role in addressing conflicts in Papua, harmonizing effectively with their fundamental mission of promoting the well-being of the local populace. This study aims to establish that achieving resolution in Papua necessitates the implementation of two parallel approaches. In this study, the researcher employs a qualitative method with a descriptive approach. The data is systematically, factually, and expeditiously collected following the contextual conditions prevalent during the research period. The findings underscore the viability of conflict resolution in Papua through the dual avenues of military operations for war and military operations other than war, both executed by the TNI soldiers.*

Keywords: *TNI, Military Operations for War, Military Operations Other Than War, Papua Conflict, Human Rights Violations.*

INTRODUCTION

The region of Papua, located in the easternmost part of the Republic of Indonesia, was formally incorporated into Indonesia on November 19, 1969, as per United Nations Resolution No. 2504. This resolution constituted international recognition of Papua's legal integration into Indonesia. Subsequently, in the same year, Papua attained autonomous status within Indonesia through the enactment of Indonesia's Law No. 12/1969, which delineated the establishment of the Autonomous Region of West Irian and Autonomous Regencies in the Province of West Irian (Papua is historically referred to as "Irian").¹ Presently, there is a discernible resurgence in security concerns in Papua, manifesting recent escalations and a noticeable trend towards heightened tensions. Various protests persist in rejecting the Special Autonomy (Indonesian: *Otonomi Khusus* [OTSUS]) status, alongside a series of shooting incidents arising from armed conflicts, indiscriminately claiming lives among civilians, community leaders, and security personnel. Regarding these armed engagements, the Indonesian National Armed Forces (Indonesian: *Tentara Nasional Indonesia* [TNI]) released information attributing these actions to the armed criminal group (Indonesian: *Kelompok Kriminal Bersenjata* [KKB]), suggesting

¹Yan Pieter Rumbiak, "*Otonomi Khusus Bagi Propinsi Papua, Menyelesaikan Pelanggaran Hak Asasi Manusia dan Membangun Nasionalisme di Daerah Krisis Integrasi*" [English: Special Autonomy for the Province of Papua: Resolving Human Rights Violations and Building Nationalism in a Region of Integration Crisis], (Jakarta: Papua International Education, 2005), p. 36.

an intention to garner attention for the United Nations General Assembly. In September 2020, a series of demonstrations rejecting OTSUS gained momentum in Papua, notably a rally opposing the implementation of Special Autonomy for Papua Phase II in the vicinity of Cendrawasih University, Jayapura, Papua.²

Based on the 2022 Global Terrorism Index (GTI) Report, the trend of illegal intimidation threats in Indonesia has exhibited fluctuations over recent years. It witnessed an increase in 2019, followed by a decline in 2020, and subsequently, a resurgence in 2022. Indonesia holds the 24th position in the Global Terrorism Index (GTI) with a score of 5.500. Regarding the impact of terrorism, this data situates Indonesia as the third-ranking country in Southeast Asia. It is noteworthy that GTI relies on actual cases to gauge events, emphasizing that a sharp reduction in radicalization does not necessarily translate to a diminished likelihood of terrorist attacks. Consequently, the government must exercise heightened caution in its approach.³

METHODS

This research was a legal study that utilized several approaches to address the examined issues, including (1) the statutory approach, (2) the conceptual approach, (3) the comparative approach, and (4) the historical and philosophical approaches. In this study, the data were analyzed qualitatively, where collected written legal materials were systematically organized based on the researched problems. Subsequently, a thorough analysis and elaboration of these legal materials were conducted in alignment with the identified issues, incorporating pertinent theoretical frameworks. To address the identified problems, a comprehensive assessment was carried out on the systematically organized legal materials, ensuring precise elucidation of their meanings, positions, and legal implications.

DISCUSSION

The data for the entirety of 2019 reveals 21 recorded instances of armed engagements between security forces (the Indonesian National Armed Forces [TNI] and Indonesian National Police [POLRI]) and armed separatist criminal groups (Indonesian: *Kelompok Kriminal*

²Nurhidayat, “*Menilik Politisasi Konflik Papua: Dilema Isu Keamanan Indonesia*” [English: Examining the Politicization of the Papua Conflict: The Dilemma of Indonesia’s Security Issue], *Jurnal Kewarganegaraan*, Vol. 7, (1), June (2023): 234-246.

³*Ancaman Terorisme Global* [English: Global Terrorism Threats], at <http://www.worldwidepsychologicalwarerlist.go.id/ancaman-terorisme-di-indonesia-papua/>. Accessed on October 6, 2023, at 15:30 WIB.

Separatis Bersenjata [KKSB]). These encounters resulted in the unfortunate demise of nine TNI soldiers, two POLRI personnel, and ten civilians. The escalation of violence continued into 2020. According to the Armed Conflict Location and Event Data (ACLED) Project, there were 100 conflict-related incidents recorded in Papua and West Papua from January 1 to September 26, 2020. These incidents comprised 40 battles, 22 riots, and 38 instances of violence directed at civilians, resulting in 57 casualties. For comparison, the number of conflict incidents in Papua and West Papua throughout 2019 was 96 events.

Table 1. Incident Statistics of the Papua Conflict for the Years 2019 – 2020

Papua Conflict	January 1 – December 31, 2019	January 1 – December 31, 2020
Total Conflict Incidents (Events)	96	100
Battles	27	40
Riots	19	22
Violence Against Civilians	50	38
Casualties	145	57

Source: Armed Conflict Location and Event Data (ACLED) Project

The trend of incidents from 2022 to 2023 also reflects a persistent pattern. The data presented above suggests that if the government persists in its security-oriented approach to the Papua conflict, the protracted nature of the conflict may ensue, thereby exacerbating the casualty toll. The current governmental strategy has yet to demonstrate efficacy, as underscored by the notable number of military personnel casualties in Papua. Rather than ameliorating the Papua conflict, it has engendered new complexities, particularly regarding human rights violations perpetrated by the military in encounters, including the fatal shooting of a member of the armed criminal group (KKB) in Papua. Beyond human rights concerns, instances of marginalization and racial discrimination against Papuan identities are mounting. Such marginalization manifests across various sectors, such as the economic, educational, human resource development, and political domains.⁴

Apart from the political context, an academic examination of the empirical facts in Papua reveals that resolving the issue necessitates the harmonization of legal regulations. This harmonization should affirm that the subjects or actors involved are not to be labeled as mere criminals but rather as *deciden anforces* (Armed Rebel Groups). This categorization is justified by their explicit declaration of a desire for independence and the use of military-grade weaponry in their activities. Within the realm of humanitarian law, *deciden anforces* (armed

⁴*Masalah Utama Papua adalah Marjinalisasi* [English: The Main Issue in Papua is Marginalization]. From <https://mediaindonesia.com/read/detail/274675-masalah-utama-papua-adalah-marjinalisasi/>. Accessed on October 5, 2023, at 17:00 WIB.

rebel groups) are positioned against *government anforces* (government), indicating a clear rebellion against the legitimate government. Consequently, the government employs its authority through the TNI soldiers to address these challenges. Concurrently, the government is actively addressing welfare concerns in Papua by deploying available resources on a substantial scale.

Over time, non-war military operations have been consistently executed, coupled with the implementation of a welfare-oriented approach. However, considering the aforementioned issues and from the standpoint of national security, it is imperative for the TNI soldiers to play a role in managing the conflict in Papua concurrently with its primary responsibility of ensuring the well-being of the local populace. This assertion aligns with Article 7 of Indonesia's Law No. 34/2004 concerning the Indonesian National Armed Forces (TNI), which specifies two distinct military operations conducted by the TNI soldiers:

1. Military operations for war, and
2. Military operations other than war.⁵

Confronting the threats in Papua, as per Article 7, Paragraph 3 of Law No. 34/2004 concerning the Indonesian National Armed Forces (TNI), the duties of the TNI soldiers are defined based on the political policies of the state. This fundamentally allows for military engagement, whether through full militarization or a war model or through support to law enforcement authorities within the framework of the criminal justice model. This strategic approach offers a distinct perspective on counter-terrorism. The war model approach perceives terrorism as a threat to state sovereignty and prioritizes the deployment of military force for its resolution. This approach is commonly employed in nations experiencing political anarchy, characterized by political systems and democracies that remain unconsolidated.⁶

According to Dieter Fleck, a non-international armed conflict is characterized by a confrontation between government authorities and a group led by individuals responsible for their subordinates. This conflict involves armed resistance within the national territory and attains a level of armed violence or civil war intensity.⁷ Based on the classification of various conflicts mentioned earlier, the armed conflict in West Papua is identified as an internal conflict (civil war) within the framework of a non-international armed conflict. This classification

⁵Indonesia's Law No. 34/2004 concerning the Indonesian National Armed Forces (TNI), Article 7, State Gazette Year 2004, Number 4439.

⁶Poltak Partogi Nainggolan, "*Polisi, Militer, dan Penanggulangan Terorisme*" [English: Police, Military, and Counterterrorism.] Sindo Newspaper, February 13, 2018.

⁷A. Permanasari and A. Wibowo, "*Pengantar Hukum Humaniter Internasional*" [English: Introduction to International Humanitarian Law], (Jakarta: ICRC, 1999), p. 133.

arises from the armed hostilities in Papua involving, among other actors, the Indonesian government and the armed criminal group (KKB), separatist factions, and/or insurgents. The primary organization associated with these conflicts is the Free Papua Movement (Indonesian: *Organisasi Papua Merdeka* [OPM]), in which its military faction is recognized as the West Papua National Liberation Army (Indonesian: *Tentara Pembebasan Nasional Papua Barat* [TPNPB]). The Indonesian government (TNI/POLRI) labels this group as an armed criminal group (KKB). Historical evidence demonstrates the capacity of nations to comply with certain regulations during times of war. This compliance has been formalized through various international agreements, notably the four Geneva Conventions of 1949. Additionally, two supplementary protocols from 1977 provide regulations for both international and non-international conflicts.

The attribution of names to military threats in Papua holds paramount significance as it confers legitimacy upon the Indonesian National Armed Forces (TNI) to deploy appropriate measures to address these threats. In adherence to existing regulations, the TNI soldiers are bound by its self-imposed rule of “law enforcement,” a domain typically under the jurisdiction of the Indonesian National Police (POLRI). Consequently, the role of the TNI soldiers is confined to providing support to the POLRI apparatus in Papua. However, a noteworthy flaw in this policy emerges when the TNI soldiers, in their auxiliary role, become involved in armed confrontations resulting in the demise of a member of the armed criminal group (KKB). In such instances, accusations of human rights violations are levied against the Indonesian National Armed Forces (TNI), primarily due to the law enforcement nature of its activities.

Military operations within the context of the conflict in Papua pertain to the governmental endeavors employing military force to address tensions, rebellions, or armed conflicts occurring in the Papua region, specifically in the provinces of Papua and West Papua. The analysis of these military operations can be approached from diverse perspectives, encompassing historical, political, social, and humanitarian dimensions. The Indonesian government may initiate military operations to counter armed groups perceived as threats to the security and stability of the Papua region. The objectives of such operations may include the suppression of armed groups, law enforcement, and the preservation of national sovereignty. The government’s aspiration to expedite the process of “*Indonesianization*” in Papua has resulted in the adoption of both war-like military operations

and persuasive, welfare-oriented approaches through military operations other than war. The Indonesian National Armed Forces (TNI) can implement these operations concurrently or simultaneously.⁸

CONCLUSIONS

1. In addressing the threats in Papua, the responsibilities of the Indonesian National Armed Forces (TNI), as outlined in Article 7, Paragraph 3 of Indonesia's Law No. 34/2004, are contingent upon the political policies of the state. This essentially allows for military engagement, whether through full militarization or a war model, as well as assisting law enforcement authorities within the framework of the criminal justice model.
2. The government's aspiration to expedite the process of "*Indonesianization*" in Papua has prompted the utilization of both war-like military operations and persuasive, welfare-oriented approaches through military operations other than war. These strategies by the TNI soldiers can be executed concurrently or simultaneously.

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⁸Georgy Mishael, "*Kebijakan Operasi Militer Tentara Nasional Indonesia Terhadap Organisasi Papua Merdeka Dalam Perspektif Hukum Humaniter Internasional*" [English: Military Operation Policies of the Indonesian National Armed Forces Against the Free Papua Movement in the Perspective of International Humanitarian Law], *Diponegoro Law Review*, Vol. 5, (2), (2016): 1-12.

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