

*The Role of the Police in Law Enforcement Efforts Against Armed Criminal Group Separatists (KKB) Who Want to Seperate from the Unitary State of the Republic of Indonesia

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Abstract

The background of this research is the separatist Armed Criminal Group (KKB) or the Free Papua Organization (OPM) who are currently increasingly committing violence and crimes against citizens, teachers, health workers and threatening the sovereignty of the Unitary State of the Republic of Indonesia, and even carrying out threats and shootings. against the TNI-Polri which until now has not been resolved properly and thoroughly. The purpose of this study was to examine the forms of treason and law enforcement against the separatists of the Armed Criminal Group (KKB) who wanted to separate themselves from the Unitary State of the Republic of Indonesia. This study uses an empirical juridical approach using analytical descriptive specifications. Data collection techniques using secondary data and analyzed qualitatively. The results of research on law enforcement against the separatist Armed Criminal Group (KKB) or OPM show that the KKB has the basis for establishing a separate country and wants to break away from the territory of the Unitary State of the Republic of Indonesia. Therefore, the movement carried out by members of the Armed Criminal Group is a rebellion as stipulated in Article 108 of the Criminal Code concerning Criminal Acts and Article 106 of the Criminal Code concerning Treason. Apart from that, the activities of the separatists were an act of treason. The conclusion of this study is that the separatists from the Armed Criminal Group (KKB) with the forms of problems and demands above occurred because the central government was not able to meet their needs in a stable and balanced manner. This can be seen from the disappointment of the people

who want decent and equitable needs by the central government as an attempt or separatist movement in an effort to demand justice against the central government.

Keywords

Police Role, Law Enforcement, Armed Criminal Groups (KKB), The Unitary State of the Republic of Indonesia (NKRI)

After Indonesia proclaimed independence, as an independent sovereign state the term terrorist or separatism was still used for armed groups or communities that carried out armed resistance.

And so on with armed movements that cause casualties, the Indonesian government calls them terrorists. Such as the rebellion of the Free Papua Organization (OPM) which began on July 26, 1965. The OPM was led by Sergeant Major Permanes Ferry Awom, a former member of the Dutch-created Papuan Volunteer Battalion (PVK / Papoea Vrijwilligers Korps) and the rebellion of the Free Aceh Movement (GAM) which was proclaimed on December 4, 1976 by Hasan Tiro, and the most recent is the action of the people of the Special Region of Yogyakarta which held a referendum.

The Free Papua Organization (OPM) is given by the Government of Indonesia to every organization or faction both in Papua and abroad led by sons of Papua who initially went underground to form forces against the Indonesian government, both politically and physically armed with the aim of separating or liberating Papua from the Unitary State of the Republic of Indonesia (NKRI).

The origin of the OPM/KKB carrying out its actions in Papua cannot be separated from the history of Papua's joining as part of the Republic of Indonesia. The existence of Papua as part of the Republic of Indonesia is as long as Indonesia's struggle for independence. At the Meeting of the Investigative Body for Preparatory Work for Indonesian Independence (BPUPKI) July 10 and 11, 1945, the certainty status of Papua as part

of the Republic of Indonesia became a long debate. Soekarno and Moh. Yamin is of the opinion that Papua must become part of the Republic of Indonesia because from a historical point of view Papua is part of the Majapahit kingdom. This opinion was rejected by Moh. Hatta, according to an ethnographic view, the Papuan people are Melanesians, not Polynesians who inhabit most of Indonesia's territory, so the decision to make Papua part of the territory of the Republic of Indonesia or not should be left to the Papuans themselves.²

Papua is a region that is still being targeted by the Dutch, even after the recognition of sovereignty on December 27, 1949. The Netherlands surrendered sovereignty to the Republic of Indonesia, but not the Papua region. The Netherlands even prepared freedom for the Papuan people to determine their own destiny by pushing for preparations for tools and symbols of the completeness of the new state to be called West Papua. On December 1, 1961, the Morning Star as the national flag of West Papua was hoisted parallel to the Dutch flag, and the national anthem Hai Tanahku Papua was sung in front of the Dutch royal crown. This effort was responded by the Republic of Indonesia with the operation to liberate West Irian which ended with the New York Agreement.

Papua is the only territory in Indonesia that is back to being part of the Republic of Indonesia through the New York Agreement signed by the Netherlands and Indonesia on August 15, 1962. The agreement was recorded by the UN General Assembly based on Resolution 1752 (XVII) on

² Mochtar Kusumaatmadja, *Pengantar Hukum Internasional*, PT Alumni, Bandung, 2003, hlm.56.

September 21, 1962.

On October 1, 1962, the handover of the Dutch government's authority to the UN interim government was carried out, and on May 1, 1963 it was handed over to Indonesia.

For the ruling government, OPM's actions can be seen as an attempt to revolt against a legitimate and sovereign government. The government is of the opinion that OPM is an armed separatist movement that threatens the sovereignty of the Republic of Indonesia and disrupts the spirit of nationalism. The GAM rebellion was seen as an illegal disruptive movement, so it had to be eradicated, because of that there was no reference during the Suharto government to make efforts for political integration for this group which then took a military approach.

This military approach later became known as the Military Operations Area (DOM) with the name of its military operation, Operation Jaring Merah (OJM). During the New Order era, there was no tolerance for rebels, therefore an integration approach was not possible at that time.³

The Indonesian government at the beginning of the reformation has taken preventive measures legally by issuing anti-terrorist laws, namely Law Number 15 of 2003.⁴ While physically, namely by increasing prevention by forming a security unit, namely Densus 88, which aims to resolve this conflict. The conflict between the Indonesian government and the Free Papua Organization must be resolved immediately so as not to cause social problems, especially the civilians who are victims of the conflict.

Solving this problem should be done in a comprehensive manner. Operationally tactically, the TNI and POLRI must immediately destroy and neutralize the attackers. The OPM organization needs to be defined as a terrorist

organization in accordance with Article 1 of Law Number 5 of 2018 and Law Number 15 of 2003 concerning Terrorism, which defines "criminal acts of terrorism are all actions that fulfill the elements of a criminal offense in accordance with the provisions of the law". This group besides having weapons, they also control the terrain, even the Armed Criminal Group (KKB) in Papua also has a very tough physique that can survive at an altitude of almost 2000 meters above sea level. Because of that, members of the TNI-POLRI had difficulties when they released the hostages. From the problems mentioned above, it is known that the forms of problems and demands above occur because the central government has not been able to meet their needs in a stable and balanced manner. This can be seen from the disappointment of the people who want decent and equitable needs by the central government. The emergence of conflicts or problems above, so that the emergence of efforts or separatist movements in an effort to demand justice against the central government.

The conflict resolution, as stated in the journal Sekar Wulan F., et al. (2019), that; This conflict requires a good relationship between the two conflicting parties.

One party gets all of their demands met on one issue, while the other party gets all of their demands on another. This mechanism is different from a compromise which sacrifices some of the demands of each party.⁵

The separatist movement from OPM has been considered by the government as a terrorist movement. Provisions regarding criminal acts of terrorism in Indonesia are regulated in Law Number 15 of 2003. The philosophy contained in the Law on the Eradication of Criminal Acts of Terrorism is that Terrorism is an enemy of

³ Eman Sulaeman, *Problematika Penegakan Hukum di Indonesia*, Ash-Shahabiah, Malang, 2016, him.67.

⁴ Moeljatno, *Asas-Asas Hukum Pidana*, Rineka Cipta, Jakarta, 2015.

⁵ Sekar Wulan F, dkk, *Penyelesaian Konflik Internal antara Pemerintah Indonesia dengan Gerakan Separatisme di Papua melalui Mekanisme Horse-*

Trading, UNPAD, Jurnal Society epartemen Hubungan Internasional, Vol. 2, No. 3, 2019.

mankind, a crime against civilization, is Transnational Organized Crimes.

Based on the description of the problems above, the researcher concludes that the title of this study is "The Role of the Police in Law Enforcement Efforts Against Armed Criminal Group Separatists (KKB) Who Want to Seperate from the Unitary State of the Republic of Indonesia".

Research Methods

This research approach method is included in Empirical Juridical legal research. The specification of the research is descriptive analysis, namely by parsing, explaining, and describing according to the problems from the research results and is carried out by conducting library research and field research. Empirical legal research is carried out by researching directly to research locations to see directly the application of laws or legal rules related to law enforcement, as well as conducting interviews with several respondents who are considered to provide information regarding the implementation of law enforcement. Data collection techniques used are observation, interviews and literature studies. The analysis of this research data is qualitative including the steps of data reduction, data display and drawing conclusions.

Research Result

Forms of Criminal Acts Committed by Separatist Armed Criminal Groups (KKB) Who Want to Seperate from the Unitary State of the Republic of Indonesia

Based on the findings of the researchers, that the beginning of the independence rebellion for West Papua occurred on July 28, 1965 West Papua carried out by the OPM in Manokwari City, on that date was marked by the Arfak people's attack on the Battalion 751 (Brawijaya) troop barracks

where three members of the unit were killed. The attack was triggered by members of the Papua Battalion (PVK = Papoea Vrijwilligers Korps), provoking the Arfak people who complained against the local authorities because of high unemployment and food shortages among the tribe. With cases that occurred before the enactment of special autonomy for Irian Jaya at that time.

The crime of treason committed by OPM members includes elements of the crime of treason contained in Articles 106, 108 and 110 of the Criminal Code. With the attack by the Arfak tribe which was provoked by the detention of the head of the Arfak tribe and the large number of unemployment and food shortages in the region. Members from the Arfak and Biak tribes as well as from the Papuan Battalion (PVK) are subject to Article 106 of the Criminal Code due to the intention of separating themselves from the territory of the country, Article 108 of the Criminal Code for rebellion against the Indonesian government, and Article 110 of the Criminal Code for conspiracy to commit crimes according to Articles 106 and 108 of the Criminal Code. Referring to the crime committed by Major Rumkorem by reading the text of the proclamation and at that time having the position of president of West Papua with the rank of general. Rumkorem can be subject to Article 106 of the Criminal Code which includes elements of an intention to separate from the territory of the Unitary State of the Republic of Indonesia.⁶

In its development, this separatist group has grown in mountainous areas to the border of Indonesia and Papua New Guinea. This group embraced people in the interior tribes, be it parents, mothers and even children, to be involved in their separatist activities by force. Apart from that, this separatist group did not hesitate to kill these residents if they did not want

⁶ Soerjono Soekanto, *Pengantar Penelitian Hukum*, Universitas Indonesia Press, Jakarta, 2014.

to join their group. This is a form of criminal offense committed by KKB.

Furthermore, based on the results of observations and interviews, researchers found forms of crime committed by the KKB against public facilities, namely Community Health Centers, Schools, Places of Worship, Government Buildings and even Traditional Markets that were used by the community to carry out buying and selling activities of agricultural and livestock products.

Law Enforcement Against Separatist Armed Criminal Groups (KKB) Who Want to Separate from the Unitary State of the Republic of Indonesia

Based on the findings of researchers from the results of a literature review study on Armed Criminal Groups (KKB), researchers in this case provide one of the findings from one of the organizations that is still active today, namely the Free Papua Organization (OPM), that the beginning of the rebellion for independence for West Papua occurred July 28, 1965 West Papua carried out by OPM in Manokwari City on that date was marked by the Arfak people's attack on the Battalion 751 (Brawijaya) troop barracks in which three members of the unit were killed. The attack was triggered by members of the Papua Battalion (PVK = Papoea Vrijwilligers Korps), provoking the Arfak people who complained against the local authorities because of high unemployment and food shortages among the tribe. The movement spread to almost the entire Bird's Head area, and lasted for two years. The leading figure for this movement was Johan Ariks, while the military leaders were the two brothers Mandatjan, Lodewijk and Barends, as well as the two brothers Awom, Ferry and Perminas. The core of the movement's fighting strength are former members of the PVK, or what is known as the Papua Battalion. Before joining the armed rebellion, Ariks was the leader of a political party

called the Association of New Guineans (PONG) which was based in Manokwari and consisted mainly of Arfak people. The party's aim is to achieve complete independence for West Papua. In 1988, about 60 people gathered at the Mandala Stadium in the city of Jayapura, to attend the reading ceremony of the "OPM Proclamation" as well as the "Raising of the OPM Flag". Thomas Wanggai read the text of the proclamation of the founding of the State of "West Melanesia" and the raising of the new flag sewn by his wife, Mrs. Teruko Wanggai. Thomas Wanggai himself at that time was the most highly educated OPM supporter up to that point. Compared to previous Papuan nationalist movements, the Tom Wanggai movement received the most extensive and open attention from the people of Irian Jaya. With cases that occurred before the enactment of special autonomy for Irian Jaya at that time. The crime of treason committed by OPM members includes elements of the crime of treason contained in Articles 106, 108 and 110 of the Criminal Code. With the attack by the Arfak tribe which was provoked by the detention of the head of the Arfak tribe and the large amount of unemployment and food shortages in the region. Members from the Arfak and Biak tribes as well as from the Papua Battalion (PVK) are subject to Article 106 of the Criminal Code due to the intention of separating themselves from the territory of the country, Article 108 of the Criminal Code for rebellion against the Indonesian government, and Article 110 of the Criminal Code for conspiracy to commit crimes according to Articles 106 and 108 of the Criminal Code.⁷

Referring to the crime committed by Rumkorem by reading the text of the proclamation and at that time and having the position of president of West Papua with the rank of general. Rumkorem can be subject to Article 106 of the Criminal Code which includes elements of an intention to

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tentang Makar

separate from the territory of the Unitary State of the Republic of Indonesia. The actions taken by Thomas Wanggai clearly violated the provisions of Article 106 and Article 110 of the Criminal Code. By establishing the State of "West Melanesia" with a conspiracy because when the reading of the text of the proclamation was attended by 60 people who gathered to attend the reading of the proclamation.

Until 2001, the special autonomy system (Otsus) was given by the Indonesian government to Papua. The establishment of Law Number 45 of 1999 concerning Regional Expansion, namely the division of Irian Jaya (now Papua) to become Central Irian Jaya Province and West Irian Jaya Province, Paniai, Mimika and Puncak Jaya Regencies and Sorong City, which was rejected by the Papuan people because the decision was taken without consulting the local community and the Papuan people feel isolated in matters of decision making.

Referring to the forms of criminal acts committed by the KKB or OPM, based on the findings of researchers regarding law enforcement against KKB separatists, it is known that as one example the government has categorized the Armed Criminal Group (KKB) in Papua as a terrorist organization/individual based on Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism (Terrorism Law).

Attempts to commit crimes by the government, in this case the role of the police, started with a law enforcement approach that began with the term from the Free Papua Organization to the Armed Criminal Group, and last year BIN even pinned the term KST. This confirms the security issues that exist in Papua, so the approach is law enforcement. Because of that, the Terrorism Law emerged. Although the Terrorism Law is often criticized, it is a law based on law enforcement to resolve. That's why the name is eradication of criminal acts of terrorism.

The government has emphasized on various

occasions to take legal action against separatists through the Police or the TNI, where the determination is based on careful consideration of the input and analysis of various parties. In addition, the government also quoted findings from the Papua PPKK Fisipol UGM Task Force which described conditions in Papua or other areas where there would be indications of treason movements. The government also said that law enforcement would be carried out in line with legal and human rights principles, so that people need not worry.

The role of the police as legal stakeholders in Indonesia is to be able to overcome problems and crimes committed by the KKB, through law enforcement actions against perpetrators/separatists.

Conclusion

Law enforcement against the separatist Free Papua Organization (OPM), Free Aceh Movement (GAM) and the Yogyakarta Referendum. First, the Free Papua Organization and the Free Aceh Movement (GAM) have the basis for establishing an independent state and breaking away from the territory of the Unitary State of the Republic of Indonesia. Therefore, the movement carried out by OPM and GAM members is a rebellion which is an element of crime and treason contained in article 108 of the Criminal Code and treason in Article 106 of the Criminal Code. In addition, the meaning of treason in the Criminal Code is explained in Article 87 which reads "It is said that there is treason to commit an act, if the intention for it has been evident from the start of the implementation as referred to in Article 53. What is more, what was done by OPM is that currently the government has designated the Free Papua Organization (OPM) as a terrorist organization. This decision was taken with reference to Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. Apart from OPM

and GAM, the people of Yogyakarta who carried out a party referendum considered that the call for a referendum in Yogyakarta was an act of treason.

It can be seen from the three separatist organizations that the problems and demands mentioned above occurred because the central government was unable to meet their needs in a stable and balanced manner. This can be seen from the disappointment of the people who want decent and equitable needs by the central government. The emergence of conflicts or problems above, so that the emergence of efforts or separatist movements in an effort to demand justice against the central government.

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