

THE THREATS AND COUNTER TERRORISM OF ARMED CRIMINAL GROUP IN PAPUA (THREATS AND HANDLING OF TERRORISM CRIMES AGAINST ARMED CRIMINAL GROUPS IN PAPUA)

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Abstract

Recent geostrategic dynamics and Indonesia's national security are still tinged with threats, both internal and external, in the form of acts of terrorism. Therefore, it is necessary to anticipate efforts to secure Indonesia's geostrategy in global and regional political dynamics which can be used as input and consideration in the life of the nation and state in order to protect Indonesia's national interests, so that the struggle process realizes national goals in order to achieve the ideals. Indonesia's national affairs can take place safely and smoothly. This study uses geostrategic and legitimacy concepts that reflect the response of the Indonesian National Police in tackling the threat of terrorism in the form of policies or strategies for strict law enforcement and prevention efforts in the form of counter-radicalization and deradicalization as a form of community policing in combating terrorism by upholding high value of human rights within.

Keywords: Terrorism, Geostrategy, Human Rights, Law Enforcement, Community Policing.

INTRODUCTION

Geostrategy is the formulation of a national strategy by taking into account the conditions and geographical constellation as the main factor. In formulating a geostrategy, it is necessary to pay attention to various internal and external factors that will influence it, namely geography, demography, natural resources, ideology, politics, economy, socio-culture, as well as defense and security, in addition to other factors such as global and regional conditions. For the Indonesian people, geostrategy is seen as a strategy or the best way to achieve the ideals of the proclamation as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia through national development.

The process of achieving the ideals of the proclamation and national development always faces various threats, one of which is the threat of terrorism. The issue of terrorism as a threat to national development can be seen

from the actions of the Free Papua Organization (OPM) which has now been labeled by the government as an Armed Criminal Group (KKB) and is classified as a terrorism group. Papuan youth leader, Ali Kabiay, said that currently the OPM is extinct, there are only KKB that struggle with violence. The political and security atmosphere in Indonesia, especially in Papua, will always have the potential to attract international attention. For this reason, the Indonesian government is required to be able to overcome any problems that occur, especially those caused by violent conflicts. The lack of attention to solving problems that arise in the post-conflict period, such as the refugee problem and people's economic empowerment, will make it more difficult for the government.

Countering terrorism in Indonesia, especially in Papua, cannot be separated from the role of Pancasila as a source of law and as

the nation's philosophy. Thus, *de jure* policies to counter terrorism have taken into account the principles of respect for human rights. The Indonesian government's strategy in dealing with the threat of terrorism has now been expanded and integrated into Presidential Decree No. 7 of 2021 concerning the National Action Plan for the Prevention and Countering of Violent Extremism that Leads to Terrorism for 2020-2024. The Presidential Regulation emphasizes the comprehensive involvement of the community and government both in terms of soft approach and hard approach which is explained in 3 pillars, namely: (1) Prevention (preparedness, counter-radicalization, and deradicalization), (2) Law enforcement, witness and victim protection, and strengthening the national legislative framework, and (3) international partnerships and cooperation.

Problems then arise at the implementation stage of counter-terrorism which is often considered contrary to the principle of respect for human rights, especially against the Armed Criminal Group (KKB) in Papua. This assessment tends to come from the narratives reported by activists supporting the KKB as well as by the central government as a counter opinion. All information related to KKB and its handling in Papua needs to be further proven because it cannot be separated from the various interests of the parties involved. This paper will discuss the handling of criminal acts of terrorism against KKB in Papua from the perspective of the National Police as the person in charge of domestic security, especially in terms of law enforcement, counter radicalization, and deradicalization.

THEORETICAL FRAMEWORK

The threat and dynamics of the KKB in Papua can be seen from a geostrategic perspective. Geostrategy originates from the words geography and strategy. Geography refers to the national living space, container, or place of life for the Indonesian nation and

state. Strategy is defined as the science and art of using all the resources of a nation to carry out certain policies in conditions of war and peace. In the concept of geostrategy, Jakub Grygiel explains that geostrategy is a concept whose geographical direction comes from the foreign policy of a country (Grygiel, 2007). Geostrategy can describe the graphical direction of foreign policy from the projection of military power and diplomatic activities, and geostrategy can also be said to be a flexible concept because a country's foreign policy can change in a matter of years, even months. The concept of geostrategy as it operates at the country level, and is caused by many factors originating from within the country or from other countries.

The handling of criminal acts of terrorism will be discussed in terms of the concept of legitimacy. Legitimacy is the basis or validity of power, namely the ability in a social relationship to be able to do something according to one's own will despite resistance (Magnis-Suseno, 2019). The actions of handling terrorism by the KKB in Papua will be assessed based on the criteria of sociological legitimacy and legality. Sociological legitimacy is the motivation that allows people to accept the authority of the ruler while legality is in accordance with applicable laws or regulations (Magnis-Suseno, 2019). Both sociological legitimacy and legality must also be in line with the concept of human rights as mandated in the 1945 Constitution.

DISCUSSION

The Threat of Terrorism in Indonesia

The dynamics of the global strategic environment that is so fast, has shifted a paradigm that the threat is now multidimensional. Referring to the Indonesian Defense White Paper (2008) that threats can be divided into military threats and non-military threats or better known as non-military threats. The two threats are actually very dangerous to the security and survival of

the nation and state. Military threats are threats that use organized armed forces that are considered capable of endangering the sovereignty of the state, the territorial integrity of the state, and the safety of the entire nation. Meanwhile, this non-military threat can have dimensions in the form of ideology, economy, politics, socio-culture, technology and information. For military threats that often occur in eastern Indonesia, more precisely in Papua there are still many rebellions carried out by certain elements, for example by the Armed Criminal Group (KKB).

The events that happened to students in the cities of Surabaya, Malang, and Semarang have resulted in conflicts that resulted in the desire of some elements of the Papuan people to break away from the Unitary State of the Republic of Indonesia. The incident that occurred on the island of Java triggered large-scale demonstrations in several cities in Papua. Two issues that are currently a non-military or non-military threat that are hitting Indonesia, are the outbreak of radicalism in Indonesia. Radicalism as an action and movement, is characterized by extreme actions taken to change a situation as desired (Jainuri, 2016). Meanwhile, threats from abroad can be in the form of the influence of ISIS radicalism on Indonesian radical groups. This is known as transnational (transnational) crime.

The response of the Indonesian National Police in overcoming threats both from within and outside the country is to increase national resilience in accordance with the geostrategic objectives of the State of Indonesia. This can be realized by participating with international organizations in order to establish and improve regional security, resilience and integrity (Sugito, 2007). For example, by being a member of the United Nations and ASEAN (Ahmadi, 2008). In this regard, the conception of Indonesia's geostrategy is very much needed to realize and maintain the integration of the nation in a society that is sustainable very diverse and heterogeneous with reference to the Preamble to the 1945 Constitution, Indonesia's geostrategy is formulated in the

form of national resilience (Armawi, 2018). Therefore, here strengthening national resilience is needed, even important to overcome various kinds of threats that occur in the Unitary State of the Republic of Indonesia.

Terrorism Criminal Law Enforcement

Regulations that regulate criminal acts of terrorism are a basic concept in law enforcement and counter-terrorism acts. As Nuraeny said in his writings, which states that the criminal justice system is a system that runs in a society to tackle crime problems. Such a system is considered successful if reports and complaints from the public who are victims of crime are resolved by submitting the perpetrator to the court and the perpetrator is found guilty and then sentenced (Nuraeny, 2011, p. 84). Law enforcement can be understood as an activity by way of formulation, application or judicial and execution of which these three stages are part of legal policy. In the formulation stage it is carried out by law-making institutions, at the application stage it is carried out by law enforcement officers such as police, prosecutors, judges and community institution officers, and in the execution stage it is carried out by criminal implementing officers (Nuraeny, 2011, p. 85).

Law enforcement of criminal acts of terrorism that occurred in Indonesia is accommodated in Law Number 5 of 2018 which has previously undergone several revisions related to the material of the regulations concerning the eradication of criminal acts of terrorism. In order to provide a more solid legal basis to ensure legal protection and certainty in the prevention and eradication of criminal acts of terrorism, as well as to meet the legal needs and developments of the community, it is necessary to make changes proportionally while maintaining a balance between the needs of law enforcement, protection of human rights, and socio-political coordination in Indonesia.

Determination of a criminal act of terrorism as a crime is one example of

handling terrorism that puts forward the principle of respect for human rights. In the case of the Papuan KKB, citing a statement from Schmid (2004), terrorism carried out by the KKB is a form of political crime. Thus, although the motivation for the activity is political, the activity itself is a crime (Schmid, 2004). Handling KKB in Papua should focus on the fair enforcement of the law. This is because all forms of detention that are not in accordance with procedures run the risk of justifying unlawful actions and increasing support or sympathy for extreme views (Hemming, 2010). One of the procedures that are prone to human rights violations based on Sugianto's research (2018) is the long period of arrest and detention of terrorism suspects. Therefore, the arrest and detention of terrorism suspects must be carried out as short as possible according to the need for evidence.

The law enforcement of terrorism criminal cases by the National Police provides a description that although this terrorism crime is classified as an extraordinary crime, the professionalism of officers in dealing with terrorism crimes is still put forward. If a comparison is made of the number of victims of acts of terrorism and the number of suspects who have been convicted, the number is of course very far. In principle, the handling of criminal acts of terrorism must prioritize the principle of prudence and respect for human rights in accordance with the mandate of Pancasila, the 1945 Constitution, and legal legitimacy. This assumption is based on the importance of maintaining public trust and support for every government action in dealing with terrorism (Mardenis and Tegnan, 2018) especially against KKB in Papua.

Counter-Radicalization and
Deradicalization

The form of response to the enforcement of the threat of terrorism that is non-law enforcement is reflected in the preventive actions taken by the authorities and law enforcers. The problem of radicalism and terrorism is now rife everywhere, including in

Indonesia itself. The influence of radicalism, which is a new understanding made up by certain parties regarding certain matters, such as religion, social and politics, seems to be getting more complicated because it is mixed with acts of terrorism which tend to involve acts of violence. Various acts of terror that often result in casualties seem to be the main means and weapons for radical actors in conveying their understanding in an effort to achieve a change.

The war on terror does not only rely on a "conventional criminal law" approach which is based on the principles of "mens rea" and "actus reus"; an evil act must be proven from in addition to the intention as well as the action and its consequences, so that when dealing with In terrorist acts, there must be a paradigm shift in approach in terms of law enforcement which was previously reactive (reactive law enforcement), meaning that law enforcement can be carried out after an act that results in victims and the community. This of course will make it difficult for the state to protect its citizens from acts of terrorism (Atmasasmita, 2016).

For this reason, prevention-oriented efforts and strategies are needed with a proactive approach (proactive law enforcement). With this approach, efforts can be made to prevent acts of radicalism that lead to terrorism without having to (wait) for an act and its consequences. Thus minimizing the consequences of innocent victims and enabling legal intervention in matters relating to radicalism-terrorism. Prevention is preventive action not defensive and different from action. Prevention is carried out from within with strategies in the form of coaching the community (to anticipate the potential for radicalism) and raising terrorist convicts and former terrorist convicts. This means that for terrorist prisoners/former terrorist convicts, deradicalization efforts are carried out both socially and individually. For this reason, the strategy that must be carried out must be a combination of enforcement and prevention

strategies and carried out simultaneously by taking a "proactive law enforcement" approach without neglecting the "rule of law" and "legal principle" principles (Jazuli, 2016).

Counter-radicalization and de-radicalization efforts put forward a soft approach by increasing the effectiveness of community policing. According to Perpol No. 1 of 2021, community policing or community policing is defined as an activity to invite the community through partnerships between Polri members and the community so that they are able to detect and identify problems of security and public order in the environment and find solutions to the problem. Lieberman (2009) stated that community policing is the right way to deal with criminal acts of terrorism proactively. In line with this, research on community policing in the handling of criminal acts of terrorism carried out in other countries generally received a positive response both from the side of law enforcement (Kearns, 2020) and from the side of the community itself (Dunn, et al., 2016). In simple terms, the public's tendency to provide information related to terrorism activities to law enforcers will increase through the application of community policing (Sunshine and Tyler in Kearns, 2020). The application of community policing in handling criminal acts terrorism can be carried out with a community intelligence system, an early warning system, coordination between the police and stakeholders, crime analysis strategies (Pelfrey, Jr. (2005), as well as counter-radicalization and deradicalization. These activities need to involve all stakeholders, both academics and private sector). , society, government, and media (Subagyo, 2021) Community policing will thus be the answer to the demands for sociological legitimacy for the handling of acts of terrorism.

CONCLUSION

In the face of multidimensional threats, strengthening national resilience is an unavoidable condition (condition sine qua non). Reinforcement is a form of response,

both verbal and nonverbal. This response is a form of threats that occur both from within and outside the Unitary State of the Republic of Indonesia. For this reason, a strengthening is needed that aims to provide information or feedback for the Indonesian people to encourage an action or correction. In facing the threat of strengthening carried out here, more emphasis should be placed on national security. In terms of threats and law enforcement of terrorism, the Indonesian National Police combines enforcement and prevention strategies in it where the method used is law enforcement as a sanction and prevention such as community development/socialization and efforts to deradicalize former terrorists. The prevention process is based on the concept of community policing that upholds human rights values and has been proven to be effective in tackling terrorism according to previous studies. In addition, the implementation of law enforcement and community policing against criminal acts of terrorism KKB in Papua is in accordance with the concept of legality and sociological legitimacy.

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