

Authority Of The Indonesian National Army To Guarantee The Sovereignty Of The United States Of The Republic Of Indonesia

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Abstract: Indonesia is a sovereign country because the highest authority lies with the state. Indonesia consists of islands separated by sea, but they become a single unit that cannot be separated from one another. The West Papua region, which has been the territory of Indonesia, is an integrated and inseparable part of other regions, such as the Unitary State of the Republic of Indonesia. The TNI, as a national defense tool, is at the forefront in defending, defending, and securing Indonesia's entire territory from various foreign and domestic threats. The Armed Criminal Group (KKB) is legally illegal or illegal to exist. KKB is a separatist group that wants to find a political stage to gain popularity and sympathy from the international world. Of course, this separatist group cannot develop and grow in Indonesia's native land, especially in the Papua region. The TNI needs to exercise special authority on a predetermined legal basis so that the TNI is more flexible in acting in a measurable and accountable manner both as a child of the nation and as a main component in defending the Unitary State of the Republic of Indonesia. A fact that cannot be ignored is the large number of TNI victims from the KKB's actions in Papua. Based on this, it is time to consider strengthening the authority of the TNI by implementing clear and directed legal provisions to overcome the threat of the KKB in Papua.

Keywords: Sovereignty, Authority, Law, Threat, Crime.

1. Background

The State of Indonesia is a unified country of various islands that have a diversity of cultures, ethnicities, tribes, and religions. This diversity certainly brings both positive and negative consequences. The positive consequences of this diversity become a force in building a society, nation, and state if managed properly. But on the other hand, diversity can be a trigger for the emergence of friction in society if there are groups in society who feel disadvantaged or are not treated fairly and civilly.

Indonesia will enter its golden age in 2045 or one hundred years of its independence. A span of time that is no longer short. The long road full of twists and turns has been passed in an atmosphere of joy or sorrow, sad or happy. Various types of turbulence adorn it, ranging from the political, social, economic, and legal to security fields. The shocks came one after another bringing various kinds of problems. In the political, ideological, and social fields, it is marked by the presence of a succession journey, starting from the Old Order, the New Order to the Reform Order as it is today.

Along the way, the political transition was characterized by multidimensional dynamics

as illustrated by various incidents, starting with the emergence of several riots and conflicts based on identity politics such as ethnicity, religion, race, and intergroup (SARA).[1] This condition was exacerbated by the emergence of excessive fanaticism which then stimulated the proliferation of intolerance movements in several places. On the other hand, the threat of separatism against the sovereignty of the Unitary State of the Republic of Indonesia is motivated by poverty and development inequality which triggers social jealousy. This has become an event that has colored Indonesia's journey to the present.

At the security level, the existence of social disturbances from community groups who are dissatisfied with the course of the government has created an anarchic crisis. From politics, a phenomenon that is very frightening as well as becoming the biggest threat to Indonesian politics for the next few decades is the development of identity politics, namely the political tool of ethnic, racial, ethnic, religious, cultural, or other groups, to gain support from people who feel 'same', to achieve a certain goal. This resulted in the elimination of meritocracy and intolerance which triggered the nation's disintegration to increase and become increasingly sharp.

The emergence of identity politics which has been rife lately has led to a tendency to impose other ideologies that are not in line with the noble values of Pancasila so that it drains the energy and minds of the security forces.[1] The existence of separatist groups will certainly be a threat as an example; The Armed Criminal Group (KKB) in the Papua region will still leave homework for the government, society in general, and the TNI. Of course, from a legal perspective, the KKB is an organization or separatist movement against the sovereignty of the Unitary State of the Republic of Indonesia, which is always motivated by issues of poverty and development inequality which are felt to be uneven in various fields. In the end, it gave rise to separatist groups that always terrorize the community and security forces in several places, as happened in Papua.

Prior to its official incorporation into the Unitary State of the Republic of Indonesia, the Papua region experienced separatism. As expressed by Jaap Timmer in Nordholt and Klinken (2007) that since the 1950s, when strains between the Netherlands and Indonesia created over the situation with West New Guinea, the Dutch started to direct a little gathering of taught Papuans towards freedom, which arrived at its top with the development of the Nieuw-Guinea Raad in 1961.[1] Eventually, President Sukarno December 1961 gave Individuals' Tri Order (Trikorra) to free West Irian. [2]

Initially, this separatist group was better known as the Free Papua Organization (OPM). In 1971 the Free Papua Organization (OPM) declared the independence of the Republic of West Papua. Then they rebelled against the legitimate government of Indonesia and spread terror to the wider Papuan community with various provocations and intimidation in various forms. Along the way, the existence of the OPM group began to be pressured by the Indonesian Armed Forces (ABRI). The existence of Indonesian National Police (POLRI) is still under the ABRI command line.

In 2000 by Presidential Decree No. 89 of 2000 concerning the position of the Indonesian National Police (POLRI) the organizational structure of the TNI and POLRI was separated. Since then, POLRI is no longer with the TNI within the Ministry of Defence but is brought directly by the President so that it is directly responsible to the President. The separation of the TNI and POLRI is intended to emphasize the roles and functions of each organization. TNI has a major role in the field of national defense, while POLRI is in the field of maintaining national security.

Following the power moved by the Indonesian Public Military (TNI), any dangers and unsettling influences coming from abroad or from inside the country that undermine the

wellbeing of the country and state will be taken care of by the Indonesian Public Military (TNI). As per Article 7 section (1) of Regulation No. 34 of 2004 relating to the Indonesian Public Military, the essential obligation of the TNI is to maintain state sway and safeguard the regional honesty of the Unitary Condition of the Republic of Indonesia, which depends on Pancasila and the 1945 Constitution of the Republic of Indonesia. as well as preventing threats to the integrity of the nation as a whole and the bloodshed in Indonesia.

The Free Papua Organization, or OPM, wants to break away from the Unitary State of the Republic of Indonesia and establish its own state—independence. Consequently, regardless of whether it is dealt with in light of Article 7 of the TNI Regulation referenced above, it is completely under the power of the Indonesian Public Military. However, along the way, the OPM group often committed criminal acts against the community by robbing, intimidating, and frightening the community. For this reason, the term changed from the name OPM to the Armed Criminal Group (KKB). The handling of the KKB is carried out by the POLRI and assisted by the TNI in the form of Operational Control Assistance (BKO). It is this transition of roles that have become the confusion in the handling of the Free Papua Organization or Armed Criminal Groups to date.

2. Research Methodology

Legal products in the form of laws and regulations are the subject of normative legal research, which examines the reality of society, particularly those related to the subject of this study. The strategy utilized in this exploration is unmistakable with a subjective methodology. The data used are primary data and secondary data. Primary data can be in the form of manuscripts, meeting minutes, personal notes, as well as in-depth interviews with several respondents such as traditional leaders, religious leaders, political leaders, educational experts (academicians), and the general public. Meanwhile, secondary data was obtained through library research in books, magazines, scientific journals, monographs, and newspapers which included discussions in this study.

3. Discussion

3.1 Legal System

The official, legally binding regulations or customs that are confirmed by the ruler or government are referred to as the law. or regulations governing social life in society, such as laws. According to the Big Indonesian Dictionary, discussing the substance is the content, essence, or basis. Lawrence M. Friedman (2009) further characterizes regulation as a framework, in activity has three interrelated and indistinguishable components, in particular the substance of the law, the construction of the law, and legitimate culture. Legitimate substance incorporates legal instruments. Legitimate culture is a living regulation that is complied with in a general public. In order for laws designed to uphold justice to be effective, these three components of the law need to be compatible with one another. [4]

The Indonesian National Armed Forces (TNI) as a means of national defense in carrying out its duties is protected by law as a legal basis for carrying out its duties and functions so that its actions are based on laws and not on other grounds. This is of course a form of realizing a professional TNI identity based on the law so that law enforcement can be carried out quickly, accountably, and transparently.

Law 34 of 2004 pertaining to the Indonesian National Armed Forces and all other legal means by which the TNI conducts military operations against rebels who pose a threat to the nation's and state's security and integrity. In the face of a variety of disturbances and threats to the integrity of the nation and state, the TNI was established to carry out state duties in the area of national defense. Furthermore, the TNI is additionally ready to do undertakings with regards to supporting public interests by legal guidelines.

Regarding the legal substance, Law Number 34 of 2004 regarding the TNI provides that the TNI must act in accordance with its duties and functions to safeguard the existence of the Unitary State of the Republic of Indonesia from all threats, particularly those from within the country. As a result, there is no need to be concerned about carrying out these duties and functions.

3.2 Strengthening the Authority of the TNI

Since the implementation of Regional Autonomy in accordance with Law No. 22 of 1999 on Regional Government, one of the sentiments most often raised in the contestation for power is the son of the region. However, this gave rise to new problems in the region because many of the local youths do not yet have the capacity and capability to become leaders. The sentiment of the sons of the region is getting stronger with the symbiosis of the kinship of the rulers.

Papua has been given special regional autonomy to take care of itself, increasing development, promoting people's welfare, and reducing criminal acts from groups of people who are dissatisfied with the way the government has been centralized so far. However, the special regional autonomy granted has not reduced the intention of the Armed Criminal Group (KKB) to reunite with the community in developing Papua to be more advanced. This group still wants to break away or be independent of the Unitary State of the Republic of Indonesia (NKRI).

In carrying out their actions, the Armed Criminal Group (KKB) does not only target the TNI and POLRI but also civil society. Even lately their actions have increased by targeting foreigners. If this is not handled seriously and follows the authority possessed by the apparatus, it may become more rampant. If you look closely at the current aspirations of the OPM or KKB, they want to be independent, as their predecessors aspired to, and even have their troops, weapons, have their national anthem, and even flag so that they fulfill the conditions for treason against a legitimate government. Thus, the authority in dealing with the KKB separatist group cannot be separated from the TNI.

The Indonesian Public Military (TNI) following its position for the purpose of safeguard for the Unitary Condition of the Republic of Indonesia, is entrusted with executing public guard arrangements to maintain state power, keep up with regional honesty, and safeguard public safety, complete military activities for war and military tasks other than war, and effectively take part in provincial and global peacekeeping assignments.

TNI's obligation to keeping up with the honesty of the nation won't ever blur in his heart. TNI's identity is forged by his dedication. The Big Indonesian Dictionary (KBBI) defines identity as a person's or an object's characteristics, description, or special condition. It can also refer to identity, soul core, spirit, and inner movement, or spirituality. The morale inherent in the TNI is the stake of the soul in defending and defending the sovereignty of the state. They will battle their lives to safeguard the Unitary Condition of the Republic of Indonesia from different dangers, unsettling influences, deterrents, and difficulties. When the TNI performs its duties and responsibilities, its motto is "NKRI is priceless."

By the law, the exercise of the authority given to the TNI to carry out military operations against rebels in Papua, which was formerly known as the Free Papua Organization, is still

limited. This was due to a change in the term from the Free Papua Organization (OPM) to the Armed Criminal Group (KKB). Authority according to the Big Indonesian Dictionary (KBBI) is the right and power that has to do something. In line with that, Nandang Alamsyah (2017) says that the concept of authority begins with the characteristics of a country, namely the existence of powers that have authority.[2]

Considerably, the position to deal with dissident gatherings the TNI should be provided full ability to safeguard the solidarity of the Unitary Condition of the Republic of Indonesia from different dangers to the wellbeing of the country and state, remembering for taking care of the Equipped Lawbreaker Gatherings in Papua. This power isn't simply restricted to bunches that compromise state sway from abroad yet in addition to bunches coming from inside the country who need to isolate themselves from the Unitary Condition of the Republic of Indonesia.

Power as per Miriam Budiardjo is the capacity of an individual or gathering of people to impact the way of behaving of someone else or bunch so that the way of behaving is by the desires and objectives of the individual or country.[5] Furthermore, Zainuddin Ali (2006) says an authorized person has an environment of freedom in the form of determining actions to achieve a goal and in addition to coordinating with other people for the existence of authority from the assistance of his power, in the positions he holds to influence other members in the appearance of their role in an organization. [6]

Seeing the above opinion, if the TNI is related to its duties and functions, then of course it has the authority to take strategic steps to maintain the existence of the Unitary State of the Republic of Indonesia in Papua and it must get the support of the wider community to make it happen and it needs to get political support from the government and legislature to realize its authority as a political product specified in the law.

3.3 State Sovereignty

Sovereignty exists because the state has been officially established. Indonesia is a sovereign country in the sense that the highest source of power lies with the state. The 1945 Constitution of the Republic of Indonesia Article 1 passage 2 expresses that power is in the possession of individuals and executed by the Constitution. Meanwhile, Miriam Budiardjo (2008) says Sovereignty is the highest authority in a country that aims to make laws and regulate how the implementation or application of laws that have been made.[5]

In safeguarding the sovereignty of the Unitary State of the Republic of Indonesia, the TNI is the national defense bulwark in maintaining the integrity of the country from various threats. The solidity within the TNI has never been in doubt. Loyalty in serving the nation and state is not just a motto but is real in life. The TNI is at the forefront of defending, guarding, and protecting the sovereignty of the state and all people from various threats and disturbances both coming from abroad and from within the country.

All of this is made abundantly clear in the fundamental responsibilities of the TNI, which include preserving state authority, safeguarding the regional uprightness of the Unitary State of the Republic of Indonesia in light of Pancasila and the Republic of Indonesia's 1945 Constitution, and protecting the entire nation and Indonesia's territory from threats to the country's trustworthiness. and the state as defined in Law 34 of 2004's Article 7. This Law also requires the obligation of the TNI to participate in assisting regional government elements in overcoming various problems in society such as separatism, treason, or deviation from state ideology by individuals or community groups certain.

Since the emergence of the term armed criminal group (KKB) in Papua, the handling of the group's actions has shifted to the Indonesian National Police (POLRI), while the TNI is only

an Operations Control Assistance (BKO). With this assignment, the main control in dealing with Armed Criminal Groups (KKB) is POLRI. The TNI has a legal position in the form of force assistance if deemed necessary by the POLRI.

The task of internal security is the primary responsibility of the POLRI. As per Article 30 passage 4 of the Republic of Indonesia's 1945 Constitution, the Public Police of the Republic of Indonesia is committed to maintain the law and serve the local area as an instrument of the state in keeping up with security and public request [7]. VII/MPR/2000 of 2000 concerning the Occupation of the TNI and the Occupation of the Police of the Republic of Indonesia said: "The Indonesian National Police is a state instrument that plays a role in maintaining security and public order, upholding the law, providing protection and serving the community".[8]

In substance, the existence of the Armed Krinila Group does not only commit criminal acts against society but what is far more important is that it wants to liberate or separate from Indonesia for the Papua region. Although in practice his actions were more of a criminal act such as robbery, intimidation, and deprivation of public property. The TNI is not given the authority to implement the authority it has based on the law in handling KKB causing the KKB's restrictions to not be optimal. In the end, the escalation of the KKB's actions against the TNI, POLRI, and civil society increased, which claimed many lives.

The following data is presented on the number of victims of KKB violence in the last three years, which are recorded as follows:[9]

Personnel	2020	2021	2022	Information
TNI	2 people	11 people	10 people	
POLRI	2 people	4 people	3 people	
Civil	5 people	19 people	35 people	

Based on these data, we can see that the actions taken by the Armed Criminal Group (KKB) in Papua have claimed lives for the TNI, POLRI, and civilians. In fact, at the end of April 2021, Papua Top of the Papuan Military Brigadier General I Gusti Putu Danny Karya Nugraha kicked the bucket since he was fired during a firearm fight with an outfitted gathering in Dambet Town, Beoga Locale, Puncak Rule. Answering this occurrence, Canister then, at that point, pronounced the outfitted gathering to be the Papuan Dissident and Psychological oppressor Gathering (KST).

The existence of the Armed Criminal Group (KKB) in Papua violates the Constitution of the Republic of Indonesia. Therefore, handling it must return to the authority according to the law, namely handling it lies with the TNI. For us that the TNI also has a record of carrying out its duties and functions some time ago. However, the reforms in various fields that have been carried out, including within the TNI, will certainly not be the same in carrying out their duties and functions before the reform. Doing military activities or something like that, the TNI should be given outright power to liberate Papua from the activities of the dissenter bunch or the Furnished Crook Gathering. The solution to using the TNI's authority to eliminate armed criminal groups is to strengthen the TNI's ability to carry out its duties and functions by using Article 7 of Law No. 34 of 2004 as the foundation for the TNI to carry out non-war military operations.

4. Conclusion

The issue of Papua affects Indonesia as a nation and state. As a result, the existence of the Armed Criminal Group (KKB) is a concern for all Indonesians, particularly the Indonesian

National Armed Forces, and they bear responsibility for it. The KKB's propaganda to break away from the Unitary State of the Republic of Indonesia (NKRI) must not be used against the state. Before Papua was handed over to Indonesia by the Dutch East Indies Government, there was a Papuan separatist group known as KKB. This separatist group uses every available resource to defend its ideals, including direct rebellion, international propaganda, and the media.

TNI for the purpose of public guard, capabilities as a hindrance against all types of military dangers and equipped dangers from outside and inside the country against the power, regional respectability, and security of the country. The TNI is protected by law while carrying out its primary responsibilities. It is necessary to strengthen legal authority in carrying out its duties and functions in accordance with the provisions of the law in order to mobilize the TNI apparatus for the purpose of eradicating the Armed Criminal Group (KKB) in Papua. As Functional Control Help (BKO), the Indonesian Public Military don't permit the TNI to move around and conflict with the soul and content of Article 7 of Regulation Number 34 of 2004. Consequently, the TNI loses its primary function of ensuring the Unitary State of the Republic of Indonesia's continued existence.

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