



## The Implementation of The Rules of Engagement for A Soldier: Defianus’s Case in Papua

Diajeng Dhea Annisa Aura Islami<sup>1</sup>

<sup>1</sup>Faculty of Law, Pembangunan Nasional “Veteran” University, E-mail: [2210611174@mahasiswa.upnvj.ac.id](mailto:2210611174@mahasiswa.upnvj.ac.id)

ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b> Persecution; Army; Rules of Engagement; Authority</p> <p><b>How to cite:</b> Islami, D. (2024) The Implementation of The Rules of Engagement for A Soldier: Defianus’s Case in Papua. <i>Veteran Law Riview</i>. 7(2). 207-224.</p> <p>Received:2024-06-14 Revised:2024-06-21 Accepted:2024-11-16</p>	<p>Indonesia is a legal state that possesses defense and security capabilities based on the regulations governing it. The main protector of the nation within it is the Indonesian National Military, whose duties and authorities are stipulated in Law Number 34 of 2004. However, there are often individuals who misuse their authority for their satisfaction. This research aims to address the relationship between the abuse of power in the case of Defianus Kogoya in Papua and the application of Rules of Engagement. This research utilizes the normative juridical research method with data sources including primary legal materials, such as the Constitution of the Republic of Indonesia, the National Defense Law, and legal materials from various relevant sources to support the analysis. The research findings indicate that, at the forefront of national defense, the Indonesian National Military must always be prepared to carry out its main role and function, which should be adjusted to threats and changes in political policies. Therefore, the Indonesian National Military need to be equipped with Rules of Engagement as limits in the use of force to remain controlled and not violate human rights, especially towards civilian populations not involved in the conflict.</p>

### 1. Introduction

Indonesia is a legal state with the highest hierarchy of regulations being the 1945 Constitution of the Republic of Indonesia (Fathorrahman, 2021). The President holds the highest authority over the Army, Navy, and Air Force according to Article 10 (Kariawan et al., 2022). Article 4 of the Republic of Indonesia Law Number 3 of 2002 on National Defense, which states that the purpose of defense is to safeguard sovereignty, territorial integrity, and the safety of the nation from threats (Sulistyo, 2020). Service to the country is realized by supporting defense, including voluntary or mandatory service as a soldier in the Indonesian National Army. Becoming a soldier requires a lengthy process, from meeting general requirements, education, appointment, and taking an oath, to carrying out duties while upholding the trust of the commander and the community as a defense and security stronghold for the nation.

The Indonesian National Military must always be ready to carry out its main roles, functions, and duties by increasing its strength and skills according to the requirements of the Minimum Essential Force (MEF) and adjusting its strength to threats and changes in the country's political policies (Lubis, 2022). Based on strategic environmental dynamics, there are two types of threats, those that may occur, such as water security issues, territorial and human rights violations, environmental pollution, and natural disasters; and factual threats (Suhirwan, 2023). Article 7 of Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army stipulates the main tasks of the Indonesian National Army to maintain state sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution, and protect all citizens from threats (Azwar & Suryana, 2021). Its implementation includes important military operations to maintain security and stability, including stopping armed separatist movements, insurgencies, and terrorism.

Military operations are responsible for the security of border areas, national strategic assets, and participation in global peacekeeping missions by foreign policy. They also ensure the security of the President, Vice President, and their families, build defense capabilities in the region, support local governments, assist the Indonesian National Police in maintaining order, and protect visiting foreign dignitaries. Additionally, military operations include search and rescue in accidents, as well as safeguarding maritime and aviation from threats such as piracy, hijacking, and smuggling. Given the current situation in Indonesia, deploying troops to high-security areas like Papua is a prudent step. Papua is known for the presence of the West Papua National Liberation Army (TPNPB), recognized by the Indonesian government as an Armed Criminal Group (KKB) and active in that region (Marlina & Mulyono, 2022).

On March 26, 1973, the West Papua National Liberation Army (TPNPB) was formed after West Papua declared its independence on July 1, 1971, at the Victoria Headquarters. According to the Temporary Constitution of the Republic of West Papua in 1971, particularly in Chapter V on Defense and Security, West Papua National Liberation Army (TPNPB) used violence and guerrilla tactics to achieve independence, attacking industrial infrastructure with various weapons (Abidaya, 2023). Since the 2012 reform, General Goliath Tabuni has led TPNPB (Sari, 2023). Handling the West Papua National Liberation Army (TPNPB) is not only the responsibility of the Indonesian National Police but also the Indonesian National Military, which must participate according to legal regulations as this armed movement threatens security in Papua New Guinea (Martianto & Isnaini, 2021). Without the involvement of the Indonesian National Army, it is difficult to eradicate this rebel group, so the Indonesian National Army has been ordered to secure the Papua region (Ratumakin, 2024).

According to Law Number 2 of 2002 concerning the Indonesian National Police, the main duties of the police are to maintain public order and security, enforce the law, and provide protection, guidance, and services to the

community. However, this responsibility becomes a challenge in addressing issues in Papua if we rely solely on the police. By Article 13, the police have the responsibility to regulate, monitor, supervise, and oversee the activities of the community and the government, ensure traffic safety and order, raise legal awareness, assist in creating national laws, maintain public safety and order, as well as investigate and prosecute criminal acts. They also carry out police identification, forensic medicine, forensic laboratory, and police psychology, protect life and property, and assist while respecting human rights. These limited powers pose obstacles to combating group actions. The limited authority is a constraint in eradicating armed group actions in Papua.

The West Papua National Liberation Army (TPNPB) is an armed rebel group that opposes the Indonesian government (Andriansyah, 2023). The Indonesian National Army must confront The West Papua National Liberation Army (TPNPB) attacks, which often involve the use of sharp weapons and gunfire. However, Indonesian National Army soldiers must still adhere to regulations governing their duties and authority, including the use of *Alpalhankam*, a part of the Indonesian National Army's weapons system. Law Number 34 of 2004 regarding the Indonesian National Army regulates the use of firearms by the Indonesian National Army in non-emergency situations, where Article 7 paragraph (1) prohibits Indonesian National Army members from using firearms in peaceful situations unless with written permission from superiors to maintain security and order or assist authorized security forces (Zuhdi, 2022).

It is important to understand that Article 7 paragraph 1 of Law Number 34 of 2004 stipulates that members of the Indonesian National Army are not allowed to use firearms in peaceful situations without written approval from superiors (Maksum & Surwandono, 2020). This reaffirms that the Indonesian National Army has a strict hierarchical structure and internal procedures and that the use of firearms must be planned and approved by authorized personnel (Manrung, 2023). The main function of the Indonesian National Army is to maintain security and order only in situations that require military intervention (Ritonga, 2024). Indonesian National Army soldiers must adhere to applicable military laws, including criminal law and military criminal procedure, as some actions can only be carried out by military members (Setyarini, 2023). In the modern era, rapid developments in industry, technology, and science have increased environmental crime rates, with criminals often using firearms and sometimes claiming self-defense (Supriyanto & Safii, 2024).

Firearms can be obtained through various means, including from authorities, illegal purchases, or self-production by criminals. The lack of supervision over firearm ownership by the general public, police, and military has led to the misuse of firearms by civilians and military personnel (Karina & Siregar, 2023). Article 9 of Law Number 8 of 1948 concerning the Registration and Licensing of Firearms stipulates that individuals who are not soldiers or police officers and possess firearms must have permission determined by the Chief of Police.

The authorized use of firearms is limited to maintaining security in the shipping and aviation industries, protecting vital projects, and ensuring operational tasks are carried out by security units in the field, not by office staff (Rustanto & Pettanase, 2020).

It is a matter of concern when the use of weapons is employed to eradicate armed groups by shooting them or when one becomes the target of such cruel actions carried out by rebels. Certainly, this will be linked to the human rights of an individual, including civilians, which are inherent and cannot be taken away under any circumstances. One of these rights is the right to life. In his book "Democracy, Human Rights, and Civil Society", Azyumardi Azra explains human rights and international standards governing the use of weapons by security forces.

The Universal Declaration of Human Rights (UDHR) recognizes human rights as universal and serves as the foundation for various other human rights legal instruments (Sinombor, 2022). Consisting of thirty articles, the Universal Declaration of Human Rights (UDHR) encompasses essential human rights such as personal, social, civil, political, economic, and cultural rights (Putra, 2024). Article 2 of the Universal Declaration of Human Rights (UDHR) asserts that these rights apply universally without discrimination (Faadihilah, 2023). *Jus cogens*, which must not be violated, serves as the standard for human rights (Christianti, 2022). Human rights, including freedom of expression (Article 19) and the right to peaceful assembly (Article 20), play a crucial role in the international community and are governed by the Universal Declaration of Human Rights (UDHR) as international law (Wiratraman, 2021).

The International Commission on Human Rights created two additional instruments after the drafting of the Universal Declaration of Human Rights (UDHR). The International Covenant on Civil and Political Rights (ICCPR) aims to protect civil and political rights, including freedom from interference by others and participation in political policies (Jailani et al., 2021). As a party to the International Covenant on Civil and Political Rights (ICCPR), Indonesia must safeguard civil and political rights, including the right to life and personal freedom (Triadi & Maharani, 2023). The International Covenant on Civil and Political Rights (ICCPR) standards strengthen individual protection against arbitrary actions by security forces. The Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Protect Universally Recognized Human Rights and Fundamental Freedoms grants rights to human rights defenders, which must be respected and enforced by states (Elias et al., 2021). Despite numerous UN resolutions and declarations on human rights, their status as soft law raises concerns about their legal strength (Yosua, 2022). However, the principles of soft law can be adopted into national law to create obligations that must be implemented.

The history of human rights is the background for the limitation of the use of firearms by the Indonesian National Army while carrying out their duties as soldiers to protect security and defense in a country (Perdason, 2021).

Therefore, the Rules of Engagement (ROE) were established as guidelines to be followed by Indonesian National Army soldiers, including commanders at all levels, in using weapon force, ensuring uniform perception in facing any situation (Prima, 2022). Generally, Indonesian National Army has Rules of Engagement (ROE) to assist the Indonesian National Police, which are created through discussions and coordination between both parties so that tactical units in the field can implement them (Setiawan, 2020).

The Rules of Engagement (ROE) for Indonesian National Army assistance to the Indonesian National Police aim to support the police in maintaining security and public order by regulating the use of military equipment and personnel by assigned areas and escalating threats. These ROEs affirm the legality and legitimacy of Indonesian National Army's duties to prevent any doubts among soldiers, with every action taken by soldiers being by applicable rules, including national and international laws that have been ratified. In Papua, Rules of Engagement (ROE) is a crucial part of soldier training to ensure compliance with SOPs, Rules of Engagement (ROE), and principles of humanitarian law. These rules emphasize that self-defense actions by military personnel must be adjusted to predicted threat levels, prevent impulsive actions that could endanger civilians, and consider individual human rights.

If observed in the case of the assault on Defianus Kogoya, who is suspected to be a member of the West Papua National Liberation Army (TPNPB), it is evident that upon re-investigation, there is no evidence that he is indeed a the West Papua National Liberation Army (TPNPB) member. Therefore, the act of assault committed by the soldier on duty at that time constitutes a criminal offense that must be followed up, as it has tarnished the image of a security and defense protector. Incidents like this are hoped not to be repeated by implementing the Rules of Engagement (ROE) and providing clear guidance to all Indonesian National Military personnel, ensuring they understand the limitations of self-protection when dealing with armed groups while still upholding and respecting the human rights of each individual.

Based on the background mentioned, the author has chosen the title "The Implementation Of The Rules Of Engagement For A Soldier: Defianus's Case In Papua" to address two main issues: the relationship between Defianus Kogoya's abuse in Central Papua and a soldier's Rule of Engagement, as well as the efforts in implementing the Rule of Engagement for a soldier while still respecting the inherent human rights of civilians and the Indonesian National Army.

## **2. Method**

This research utilizes a normative juridical legal research approach with a focus on the implementation of the Rule of Engagement for a soldier in carrying out duties while still respecting the Human Rights inherent in civilian society and the Indonesian National Army. In addressing the issue, the author

employs two approaches: a legislative approach emphasizing the use of legal regulations as the main foundation for the research, and a case approach involving investigations related to legal issues, including cases that have been legally decided by the court. In this study, the author selects the case of Defianus Kogoya's assault in Central Papua.

The data sources utilized encompass primary, secondary, and tertiary legal materials. The primary legal materials encompass pertinent regulations such as the Constitution of the Republic of Indonesia, the Law on the Indonesian National Army, and other regulations about research. Secondary legal materials serve as an explanation for primary legal materials and comprise research published in reputable scientific journals, news articles, as well as writings from a diverse range of legal experts and pertinent books. Meanwhile, tertiary legal materials include sources such as general dictionaries, encyclopedias, draft laws, and other research results that can help solve the researched problems.

### **3. Results and Analysis**

#### **3.1 The Relationship Between The Persecution Of Defianus Kogoya In Central Papua And The Rule Of Engagement For A Soldier**

Lieutenant Afri Swandi Ritonga, Commander of Task Force Infantry 300/Braja Wijaya, claims that he received information about the pro-independence militia's plan to burn down a health center in Omukia District on February 3rd (Utama, 2024). Afri immediately ordered his task force to conduct patrols as a preventive measure. During the operation, Task Force Infantry 300/Braja Wijaya, Task Force Damai Cartenz, and Task Force Elang IV combed through Omukia District Afri, alleging that at four o'clock in the afternoon, three shots were fired at his troops, which they then responded to with warning shots. He instructed six teams to pursue individuals suspected to be TPNPB militants. After five hours of gunfire and pursuit, his team apprehended three Papuan men: Warinus Murib, Defianus Kogoya, and Alinus Murib (Achmad & Ihsanuddin, 2024). Afri accuses Warinus of being the West Papua National Liberation Army (TPNPB) militia member wanted by the Puncak Regional Police, a claim disputed by several advocacy groups.

On the other hand, West Papua National Liberation Army (TPNPB) Spokesperson, Sebby Sambom denies that Warinus was a member of their group. Afri did not mention Warinus' death in his statement on February 5th, nor did he mention any torture. However, Cartenz Task Force Spokesperson, Adjunct Police Commissioner, Bayu Suseno, stated that Warinus was killed in a shootout. Bayu also accused Alinus and Defianus of being West Papua National Liberation Army (TPNPB) members led by Numbuk Telenggen. The events in Puncak passed without public attention. At the end of February, Lieutenant Colonel Afri and his 350 soldiers returned to their headquarters in Cianjur, West Java, and were welcomed with a celebration. Afri received a flower garland in the ceremony, adorned with typical Papuan decorations on his head.

He claimed that six members of the Armed Criminal Group (KKB) were killed in the operation by the Raider 300 task force, and two others were captured. A month later, between March 20 and 21, two videos circulated on social media showing a Papuan man being tortured by several individuals, one of whom was wearing a shirt with the Raider 300 logo. The man in the video was Defianus Kogoya. Despite Major General Izak's apology for the incident, Defianus' medical condition indicated serious signs of torture. However, efforts to confirm his condition with the director of Ilaga Regional General Hospital yielded no results. The accusation that Defianus was a member of the West Papua National Liberation Army (TPNPB) was not proven, and the Puncak Police did not pursue legal proceedings against him, releasing him in a distressing state.

Major General Izak stated in front of the press in Jakarta that the torture of Defianus was an unlawful act and emphasized that the Indonesian National Army does not use violence in carrying out its duties in Papua New Guinea. He expressed regret over the incident and stressed that efforts to resolve the issue should be done properly. As of early April 2024, according to the spokesperson of the Army, 42 soldiers from Yonif 300 Braja Wijaya have been examined by the Military Police of Kodam Siliwangi. Out of that number, 13 soldiers have been designated as suspects and placed in military custody with maximum security.

Kristomei explained that his party would investigate whether the torture was carried out on personal initiative or if there were orders from superiors. He added that the cause-and-effect relationship of this incident will determine the punishment given to the involved soldiers. Lieutenant Colonel Afri Ritonga, Commander of Yonif 300 Braja Wijaya, who ordered the military patrol before the torture incident, stated that he was in a different location at the time of the incident and was unaware of the torture. After the torture video circulated, Afri admitted that the impact of the incident was felt by all parties.

The Indonesian National Army has named 13 soldiers from the Raider 300/Braja Wijaya Infantry Battalion (Yonif) as suspects for the persecution of members of the Armed Criminal Group (KKB), Defianus Kogoya (Agustina, 2024). Examinations have been carried out on 42 Indonesian National Army soldiers, and from the 42 soldiers, indications have been found that 13 soldiers committed acts of violence. This was conveyed directly by Kristomei in a press conference at the Denma Subden of the Indonesian National Army Headquarters, Central Jakarta, on Monday, March 25, 2024. Kristomei added that the 13 soldiers had been detained at the Maximum Security Military Detention Installation of the Military Police Kodam (Pomdam) III/Siliwangi. He emphasized that acts of persecution are not justified in the Indonesian National Army because soldiers, especially the Pamtas Task Force such as Yonif Raider 300/Braja Wijaya, have been equipped with Standard Operating Procedures (SOPs), Rules of Engagement (ROE), and humanitarian laws.

The Indonesian National Army has never taught or condoned violent actions in obtaining information. Therefore, this is a legal violation, and will take action by applicable regulations. Similarly, in line with the Head of Army Public Relations (Kadispenad), Major General R. Nugraha Gumilar asserts that such acts of assault cannot be justified. Commander of Kodam XVII/Cenderawasih, Major General Izak Pangemanan, stated that the 13 soldiers involved consisted of non-commissioned officers and enlisted personnel.

Budi Hernawan, a conflict and humanitarian law expert from STF Driyarkara, states that the torture cases in Puncak need to be viewed in a broader context, including the long history of violence by security forces in Papua New Guinea. According to Budi, the violence by security forces in Papua demonstrates a deliberate pattern of management, unlike torture in other places, which usually aims to obtain confessions. Budi explains that in Papua, the authorities use torture to assert dominance and power, supported by a circle of immunity that protects them. He emphasizes that without this protection, such cruelty would be nearly impossible to occur.

Budi also noted that violence against civilians in Papua continues to recur because many previous cases were left unaddressed, normalizing it as a habit. This violence is not a new phenomenon but has been happening for over 50 years. Out of the 431 violence cases studied by Budi, 39% occurred in public spaces, 24% in police stations, and 12% in military posts, with 65% of perpetrators being soldiers, 34% police officers, and 1% pro-independence militia (Utama, 2024). In his research, Budi interviewed 24 officers who committed violence, most of whom admitted to simply following orders and considering violence as part of their institutional routine. He also quoted a former soldier named Maxi, who confessed that the violence they carried out was often seen as entertainment and not taken seriously by their commanders.

The elderly person criticized the inability of the authorities to distinguish between militia and civilians in Papua as a serious professional failure, emphasizing that distinguishing combatants from civilians is a fundamental principle of humanitarian law that must be understood and applied by every soldier. Research data from the Australian National University, published in the book "Torture and Peace-building in Indonesia: The Case of Papua", revealed that out of at least 431 cases of torture by authorities in Papua during the period 1963–2010, only two cases involved pro-independence militias. The rest were torture against civilians – non-combatants or individuals not involved in the conflict.

Thus, the Rules of Engagement (ROE) plays a very important role. Rules of Engagement (ROE) are crucial to being known and understood by commanders and personnel serving in operational areas. This ensures that they can implement policies and take initiative in the use of force by directives from higher command (Indonesia Defense, 2021). The actions of commanders in the field must be based on consideration and analysis of all potential risks,



benefits, and losses that may arise so that their compliance can be accountable to the command. For example, soldiers from the 303rd Kostrad Raider Infantry Battalion received legal briefings on Rules of Engagement (ROE) delivered by Lieutenant Colonel CHK Ahmad Fadillah, SH, and MHum at the 303rd Kostrad Raider Infantry Battalion.

Commander of Infantry Battalion 303 Kostrad, Major Inf Slamet Faojan, in his written statement at the Headquarters of Infantry Battalion 303 Kostrad in Sukawargi Village, Cisurupan, Garut, West Java, on Thursday, March 17, 2022, conveyed the following: During the briefing, Brigadier General Legal Corps, Ahmad Fadillah explained to the soldiers that they should understand what is permissible and not permissible when carrying out operations in Papua so that they can perform their duties proportionally and professionally. Additionally, because the soldiers will frequently interact with the local community in their daily tasks, Brigadier General Legal Corps, Ahmad Fadillah emphasized the importance of a persuasive approach without compromising firmness in handling issues in the field.

The benefit of Rules of Engagement (ROE) is to facilitate commanders in monitoring the compliance of soldiers with orders or instructions given, as well as to eliminate doubts among soldiers about carrying out their duties. Rules of Engagement (ROE) aims to provide legitimacy to operations, and public accountability for the implementation of duties in the field of national defense, and to serve as a guide that must be understood, remembered, and followed by all soldiers. Major Inf Slamet Faojan stated that this activity is very positive because it helps soldiers who will be assigned to Papua by providing guidelines for their actions, as well as boosting the spirit and morale of soldiers in their duties. Therefore, the efforts of soldiers in adhering to the Rule of Engagement are crucial in directing tasks and setting limitations on their authority in carrying out their duties.

With the hope that the task proceeds smoothly according to the plan, without infringing upon or usurping the rights of others, and while maintaining the good reputation of the relevant institution The case currently being discussed regarding Defianus is a serious consequence that arises when a soldier is not equipped with the Rules of Engagement (ROE) before being deployed for duty. Furthermore, if training has been provided and yet violations persist, leading to an excessive exercise of power for the sake of task efficiency without considering its limits, then it is only fitting that an investigation be conducted to ensure a clean assignment free from potential violence that may occur if proper guidance on transition rules or Rules of Engagement (ROE) is not followed, as a member of the Indonesian National Army.

### **3.2. The Implementation Of Rules of Engagement For A Soldier To Carry Out Duties While Still Respecting The Human Rights Inherent In Civilian Society And The Indonesian National Military**

The Indonesian people are aware of the fact that human rights have historically and continuously evolved in the lives of the nation, the state, and society (Nasution, 2024). Therefore, Indonesia is a country that strongly upholds and acknowledges human rights. Legal protection is crucial considering the importance of human rights for all Indonesian citizens. This is evidenced by several regulations that officially govern it. One of them is Human Rights Law Number 39 of 1999, which regulates the protection of human rights (Maylani et al., 2022). With this law, it is hoped that every citizen will receive fair and equal protection under the law, as well as legal certainty in exercising their rights. This law also establishes mechanisms for the fulfillment and protection of these rights.

History shows that International Human Rights Law (IHRL) has rapidly developed since World War II (Efendi, 2022). It serves as a reference for many parties, such as states, international organizations, and individuals, in responding to human rights violations. In this regard, Article 55(c) of the United Nations Charter states that the UN will promote respect for and compliance with human rights and fundamental freedoms for all nations, without distinction of race, gender, religion, or language (Pratiwi, 2023). However, as an agreement among the international community, the UN Charter does not enumerate all protected rights. Therefore, a declaration outlining universal human rights is necessary.

According to Article 68 of the UN Charter, the United Nations Economic and Social Council (ECOSOC) is responsible for establishing commissions in the field of economic and social issues as well as providing support for human rights matters. In 1947, the United Nations Commission on Human Rights (UNCHR) was formed. The first United Nations Commission on Human Rights (UNCHR) meeting was attended by John Peters Humphrey from Canada, Eleanor Roosevelt from the United States, René Cassin from France, Charles Malik from Lebanon, and PC Chang from China. The UN General Assembly adopted and proclaimed the Universal Declaration of Human Rights (UDHR) on December 10, 1948, through Resolution 217 A (III). According to the Universal Declaration of Human Rights (UDHR), recognition of basic human rights is the foundation of freedom, justice, and world peace. Furthermore, it is stated that human rights must be protected by law to ensure freedom of speech, religion, and freedom from fear and want for all individuals.

The Universal Declaration of Human Rights (UDHR), as the world's first universal declaration on human rights, consisting of 30 articles, has served as inspiration for various international agreements, regional instruments, constitutions, and laws in different countries that address human rights issues (Putu et al., 2022). The UN Charter and the Universal Declaration of Human Rights (UDHR) are among the early sources for the emergence of human rights, which include, among others, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and

Cultural Rights, the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination Against Women, and the International Convention on the Rights of the Child (Nuridin & Athahira, 2022).

The ability of individuals and groups to voluntarily organize in order to achieve beneficial goals for everyone is called civil society (Anugerah, 2023). Civil society consists of a network of institutions and organizations focused on social, cultural, political, economic, and environmental issues (Zein et al., 2023). It operates outside the formal structures of government or business sectors, including non-profit organizations, interest groups, communities, and social movements. Civil society also represents the needs and differences of society and is crucial for building democracy and protecting human rights (Arafah, 2024). It plays an important role in enhancing the capacity of communities to participate in decision-making that affects their lives. This involves developing skills in organization and communication, as well as empowering individuals and communities to become more self-reliant. Therefore, to carry out social agendas that have an impact, civil society is essential.

Thus, civil society also has the same rights in the eyes of the law, whether it be national or international law. In this regard, especially the right to life for civil society, it must not be taken away by anyone for any reason. This right is binding even from the moment of conception. The right to life is at stake in the face of any threat or violence. However, problems may arise if civil society resides in an area prone to conflict where armed warfare is carried out by certain individuals against the Army or Police assigned there, solely for the purpose of secession from the unitary state, namely the Republic of Indonesia.

If we reflect on the cases that have occurred in Central Papua, it is truly heartbreaking when many civilians become victims of cruel actions carried out by armed individuals from Papua or even from the Indonesian National Army. It is the duty of every soldier to carry out their tasks according to the directives and orders from superiors on behalf of the state. However, it becomes a question when the execution of duties does not align with the given instructions. Ego becomes one of the reasons. The Army, known publicly as a protector and example in safeguarding the defense and security of the nation, has unfortunately acted contrary to the expectations embedded in every citizen, including the civilians who have suffered from such violence.

On the other hand, there have been numerous responses and reactions from the public who take a contrary stance towards the National Army as well as those who support it. One interesting point in one of the responses is regarding human rights as a soldier, which is allegedly compromised with various evidence of fallen heroes who served in the ongoing war and were required to face parts of their own country. Emotionally, this is undoubtedly very heavy.

However, it is important to remember that the Indonesian National Army itself has a role, namely as a state instrument in the field of defense, and in carrying out its duties, it operates based on the policies and political decisions of the state (Amanda et al., 2023).

The Indonesian National Military functions as the state defense apparatus with primary duties. The first is to counter any form of military threat and armed threat, both from external and domestic sources, that endanger sovereignty, territorial integrity, and national security. Furthermore, the military addresses any threats as mentioned in the previous tasks and restores the disrupted state security conditions due to chaos. The main tasks of the Indonesian National Army are to uphold state sovereignty, defend the territorial integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia, and protect the entire Indonesian nation and its bloodline from threats and disruptions to national unity and integrity.

Based on this, both parties, whether it be civil society or the Indonesian National Army, must uphold human rights among themselves because the role of society is crucial in driving progress for a country, especially given Indonesia's dual perspectives. Generally, there are two main indicators used to determine Indonesia's status as either a developed or developing country (Kumpanan, 2024). According to data from the World Trade Organization (WTO), Indonesia is categorized as a developed country. However, based on the Human Development Index (HDI), Indonesia is still considered a developing country. In 2022, the World Trade Organization (WTO) no longer classified Indonesia as a developing country; thus, Indonesia is now regarded as a developed country and no longer receives special treatment in international trade.

Countries categorized as developing countries usually receive privileges such as lower import tariffs and other export-import assistance. The WTO does not have specific criteria for determining the status of developed or developing countries; this status still requires approval from WTO member countries. Although the WTO categorizes Indonesia as a developed country, in terms of gross domestic product (GDP), Indonesia is still considered a developing country. In 2020, Indonesia's GDP was around Rp1573 quadrillion, or \$106 trillion (BPS-Statistics Indonesia, 2020). Its GDP per capita is approximately Rp5743 million, with a population of 27352 million. Indonesia's Human Development Index (HDI) stands at 0.718, while most developed countries have an HDI above 0.8. Therefore, based on GDP and HDI aspects, Indonesia still falls into the category of developing countries.

If viewed based on that data, the role of civil society in change and as a foundation for regulations becomes very important. However, the military is not a creature separate from human rights, which are inherent within it. Despite carrying out their duties, the human rights of soldiers are also closely observed and upheld. In reality, soldiers willingly sacrifice their energy, time,

and well-being, leaving behind their beloved families, to fulfill their noble duty of protecting the nation's defense, even if it means risking their lives. They depart wholeheartedly but return uncertain whether only their name remains.

The Rule of Engagement (ROE) for a soldier is crucial in directing tasks and setting limits on their authority in carrying out duties. It is provided as a regulation that restricts certain tasks and powers in executing orders on behalf of a soldier. Clear rules and instructions before undertaking tasks, especially those involving confrontation with armed groups, will undoubtedly minimize the excessive use of force that may lead to abuses by soldiers who perceive their actions as orders, ultimately resulting in violations of the human rights of the victims. In addition to protecting the human rights inherent in civilian society, the Rule of Engagement (ROE) can also serve as a manifestation of protecting the human rights inherent in the Indonesian National Army, as there is a right to life within the given limitations.

#### **4. Conclusion**

As an important part of national defense, The Indonesian National Military must always be ready to carry out its roles, functions, and main duties, as it serves at the forefront in realizing national defense. This readiness must adapt to increasing threats and changes in state political policies. Meanwhile, civilian society also plays a crucial role in the dynamics of national life, as they can voice their opinions. Both of these elements, The Indonesian National Military and civilian society, are considered equal and of the same importance as holders of human rights. Thus, The Indonesian National Military, which carries out duties on behalf of the state, must have special provisions, namely the Rules of Engagement (ROE) for soldiers. These rules serve as limitations on the authority and force used during their tasks, ensuring control and preventing the infringement of the human rights of innocent civilians living in conflict-prone areas. It is expected that the government and The Indonesian National Military leadership always pay attention to the provisions for The Indonesian National Military soldiers while performing their duties, including the implementation of the Rules of Engagement (ROE).

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