

The Role of International Humanitarian Law in the Conflict with the West Papua Liberation Army

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ABSTRACT

This research examines the application of International Humanitarian Law (IHL) in the conflict between the Indonesian National Armed Forces (Tentara Nasional Indonesia, or "TNI") and the West Papua National Liberation Army (TPNPB). The main focus is to assess the legal status of TPNPB as a non-state armed actor and examine the extent to which the TNI's authority in military operations has been in accordance with the principles of proportionality, distinction, and precaution. Using qualitative legal research and conceptual, statutory, and historical approaches, the findings indicate that the conflict in Papua has fulfilled the elements of a non-international armed conflict (NIAC), although it has not been officially recognized by the Indonesian government. In addition, the implementation of TNI's authority in Military Operations Other Than War (OMSP) is considered to have the potential to violate IHL principles because of its impact on civilians. This research recommends a more consistent application of IHL to ensure the effective protection of civilians in domestic conflicts.

1. INTRODUCTION

Rebellion and separatism have historically emerged as responses to political, social, or economic dissatisfaction within a state. Under international law, conflicts involving non-state actors such as separatist movements are categorized as non-international armed conflicts (NIAC).¹ The 1949 Geneva Conventions—particularly Common Article 3—and the 1977 Additional Protocol II provide the legal framework for regulating conduct in such conflicts. A NIAC is defined as a confrontation between the armed forces of a state and organized armed groups that control part of the state's territory and are capable of conducting sustained military operations.² International Humanitarian Law (IHL) aims to limit the effects of armed conflict on non-combatant individuals through principles of distinction, proportionality, and individual protection. However, the application of IHL becomes complex in conflicts involving non-state actors such as the Free Papua Movement (Organisasi Papua Merdeka, OPM), due to ongoing debates surrounding their legal status and the nature of the conflict itself.³

The Free Papua Movement (OPM) emerged as a movement advocating for the independence of Papua from Indonesia. This conflict has deep historical roots, beginning with the integration of Papua into Indonesian territory through the 1969 Act of Free Choice (Pepera), the legitimacy of

- 1 Dietrich Schindler, "The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols," *Recueil des Cours* 163 (1979): 131–156.
- 2 Umar Suryadi Bakry, *Hukum Humaniter Internasional: Sebuah Pengantar* (Jakarta: Prenada Media, 2019), 45.
- 3 Danial, "Revitalisasi Prinsip Pembedaan (Distinction Principle) sebagai Upaya Perlindungan Korban Konflik dalam Konflik Bersenjata Modern," *Jurnal Media Hukum* 23, no. 2 (2016): 200–208.

this which remains contested both in terms of process and outcome. In response to demands for independence, the Indonesian government has adopted a militaristic approach aimed at suppressing the movement.⁴ However, OPM is not a singular entity; it comprises diverse factions employing different strategies. On one hand, there are groups engaged in diplomacy and advocacy, such as the United Liberation Movement for West Papua (ULMWP) and the West Papua National Committee (KNPB), which focus on political struggle and garnering international support. On the other hand, there are armed groups engaging in military activity, notably the West Papua National Liberation Army (TPNPB).

The West Papua National Liberation Army (Tentara Pembebasan Nasional Papua Barat/TPNPB) serves as the military wing of the OPM, operating under a structured chain of command and actively conducts armed attacks targeting Indonesian infrastructure and security forces. TPNPB claims to exercise control over certain territories and possesses the capacity to carry out sustained military operations, thereby escalating violence over the past decades. Prior to 2018, their activities were concentrated in areas such as Puncak Jaya, Lanny Jaya, and Mimika; however, since 2020, their operations have expanded into other regions, including a temporary occupation of an airfield in Ilaga.⁵

This conflict has had a profound impact on the civilian population, including mass displacement, human rights violations, and damage to public infrastructure. According to reports by Human Rights Monitor and Kodam Cendrawasih, TPNPB actions were responsible for 38 civilian deaths between 2021 and 2022, with total casualties rising reaching 32 civilian and 29 military and police fatalities by 2024. Additionally, military and security operations conducted by the Indonesian National Armed Forces (TNI) and the National Police (Polri) have also resulted in significant civilian harm. Between 2018 and 2021, more than a hundred casualties were recorded from 58 incidents, with TNI operations accounting for the highest number of fatalities.⁶ These media-reported incidents are consistent with findings by the UN Human Rights Experts, which documented displacement of thousands of civilians and reported credible allegations of excessive use of force by Indonesian security forces in the Papua region during military operations.⁷

These data indicate that military operations have not adhered to core principles of International Humanitarian Law (IHL), such as distinction and proportionality, thereby endangering civilian safety. IHL requires a clear distinction between combatants—who may lawfully be targeted—and civilians, who must be protected from direct attacks. The principle of proportionality ensures that any anticipated civilian harm must not exceed the concrete and direct military advantage expected from an attack. Furthermore, IHL strictly prohibits inhumane treatment, including torture and cruel or degrading actions. However, the application of these principles depends on the recognition that the conflict meets the legal threshold of a non-international armed conflict (NIAC), along with the compliance of all parties involved. In the context of Papua, a key challenge lies in determining whether the confrontation between the Indonesian government and TPNPB qualifies as a NIAC or remains classified merely as a domestic security issue.

However, the Indonesian government's persistent refusal to classify the conflict as a NIAC is not merely a matter of political labeling, but also reflects specific legal and strategic considerations. The Indonesian government classifies TPNPB as an armed criminal group rather than a lawful belligerent party, a stance that from a legal standpoint avoids recognizing TPNPB as an organized armed group with rights and obligations under IHL, and thereby limits exposure to international scrutiny or intervention.⁸ Strategically, framing TPNPB as a "terrorist" or "armed criminal group" enables the state to operate within a domestic law enforcement paradigm, sidestepping the political consequences of granting quasi-combatant status. Similar state practices can be observed in countries such as Turkey in its confrontation with the PKK, or Colombia in earlier stages of its conflict with the FARC,

4 YLBHI, "Hentikan Operasi Tempur di Papua, Presiden Harus Penuhi Janji Laksanakan Dialog," April 18, 2023, <https://ylbhi.or.id/informasi/siaran-pers/hentikan-operasi-tempur-di-papua-presiden-harus-penuhi-janji-laksanakan-dialog/>.

5 Institute for Policy Analysis of Conflict, *Escalating Armed Conflict and a New Security Approach in Papua* (2022), <https://understandingconflict.sgpl.digitaloceanspaces.com/dashboard/bee931a2f167212f094a76778c93c4ab.pdf>.

6 Anugrah Andriansyah, "Amnesty International: 95 Warga Sipil di Papua Jadi Korban Pembunuhan di Luar Hukum," *VOA Indonesia*, March 21, 2022, <https://www.voaindonesia.com/a/amnesty-international-95-warga-sipil-di-papua-jadi-korban-pembunuhan-di-luar-hukum-/6494380.html>; Abraham Utama, "Wawancara Khusus Egianus Kogoya," *BBC News Indonesia*, October 8, 2024, <https://www.bbc.com/indonesia/articles/cly3z71x4vdo>.

7 OHCHR. "Indonesia: UN Experts Sound Alarm on Serious Papua Abuses, Call for Urgent Aid," 2022. <https://www.ohchr.org/en/press-releases/2022/03/indonesia-un-experts-sound-alarm-serious-papua-abuses-call-urgent-aid>.

8 Riska Nur Azizah, Syamsuddin Muhammad Noor, and Zulkifli Aspan, "Pengakuan Eksistensi Belligerent dalam Hukum Internasional (Studi Kasus OPM)," *PETITUM* 9, no. 2 (2021): 151–160.

where governments deliberately avoided NIAC recognition to maintain internal sovereignty narratives.⁹ This approach directly influences the applicability of IHL, as recognition of belligerent status would necessitate stricter adherence to international legal norms. Consequently, the state tends to rely more heavily on a human rights-based framework, which emphasizes individual protection from arbitrary state action but is less suited for regulating armed conflict conduct, particularly the operationalization of distinction and proportionality principles, and may therefore be insufficient to ensure civilian protection or restrain the use of force in military operations.

Several relevant studies have previously discussed the Papua conflict within the framework of international law. In *Status Organisasi Papua Merdeka dalam Subjek Hukum Internasional setelah Keluarnya Undang-Undang No. 5 Tahun 2018*, Gulo (2023) examined the implications of labeling the Free Papua Movement (OPM) as a terrorist organization under Indonesian law.¹⁰ The study concluded that although OPM had shifted in status nationally, it still does not meet the criteria for recognition as a subject of international law (belligerent). Similarly, in *Pengakuan Eksistensi Belligerent dalam Hukum Internasional (Studi Kasus OPM)*, Azizah, Noor, and Aspan (2021) concluded that OPM lacks the qualifications—such as territorial control and structured command—to be recognized as a belligerent party under international humanitarian law.¹¹

From an operational standpoint, the article *Tanggung Jawab Kelompok Bersenjata Non-Negara dalam Kerangka Hukum Humaniter Internasional* by Yulindo et al. (2025) similarly examines the military operations conducted by the Indonesian National Armed Forces (TNI) against non-state armed groups, asserting that such operations must comply not only with national security mandates but also with international humanitarian law standards, especially in protecting civilians and maintaining proportionality.¹² Meanwhile, Sudarso (2022), in *Perlindungan terhadap Internally Displaced Person Nduga di Wamena, Papua Barat dalam Perspektif Hukum Humaniter Internasional*, highlighted the lack of protection for internally displaced persons as a consequence of ongoing military operations, emphasizing the humanitarian costs of the conflict.¹³

While these studies provide valuable insight, they generally treat OPM as a monolithic actor and do not distinguish between its armed and non-armed factions. The current study addresses this gap by focusing specifically on the *Tentara Pembebasan Nasional Papua Barat* (TPNPB), the armed wing of OPM, analyzing its legal status under international humanitarian law. Moreover, this research evaluates the proportionality of military responses conducted by TNI, with a particular focus on operations that impact civilian populations. By integrating international legal instruments such as the 1949 Geneva Conventions and the 1977 Additional Protocol II with Indonesia's domestic laws—especially Law No. 34 of 2004 on the Armed Forces—this paper provides a more targeted and comprehensive analysis. This focus on the legality of armed engagements and proportional use of force represents the main novelty and scientific contribution of the study.

While previous studies have examined the broader legal frameworks applicable to internal conflicts in Indonesia, there remains a lack of specific legal analysis regarding the application of International Humanitarian Law (IHL) to the armed conflict involving the West Papua National Liberation Army (TPNPB). This study aims to address that gap by analyzing two main legal questions: First, what is the legal status of the armed conflict involving TPNPB under International Humanitarian Law, and to what extent can TPNPB be considered a party to a Non-International Armed Conflict (NIAC)? Second, how proportional is the Indonesian National Armed Forces' (TNI) use of force in responding to the conflict with TPNPB, in light of IHL principles such as proportionality, distinction, and precaution? Through these inquiries, the study seeks to evaluate the alignment of Indonesia's military policies with IHL standards and contribute to a clearer legal foundation for conflict resolution in Papua.

9 Kurtuluş, Şehmus. "Characterization of the Violence between Türkiye and the PKK." *Leiden Journal of International Law* 37, no. 1 (2024): 274–93. <https://doi.org/10.1017/S0922156523000456>; Farley, Benjamin R., and Alka Pradhan. "Establishing a Practical Test for the End of Non-International Armed Conflict." *International Review of the Red Cross* 106, no. 927 (2024): 1157–81. <https://doi.org/10.1017/S1816383124000201>.

10 Elshaddai Beryl Fanotona Gulo, "Status Organisasi Papua Merdeka dalam Subjek Hukum Internasional setelah Keluarnya Undang-Undang No. 5 Tahun 2018," *Jurnal Ilmu Hukum: ALETHEA* 6, no. 2 (2023): 136–152.

11 Riska Nur Azizah, Syamsuddin Muhammad Noor, and Zulkifli Aspan, "Pengakuan Eksistensi Belligerent dalam Hukum Internasional (Studi Kasus OPM)," *PETITUM* 9, no. 2 (2021): 151–160.

12 Yulindo, Yulindo, et al. "TANGGUNG JAWAB KELOMPOK BERSENJATA NON-NEGARA DALAM KERANGKA HUKUM HUMANITER INTERNASIONAL." *JOURNAL OF LAW AND NATION* 4.2 (2025): 512-519.

13 Sudarso, Thomas. "Perlindungan Terhadap Internally Displaced Person Nduga Di Wamena, Papua Barat Dalam Perspektif Hukum Humaniter Internasional." *BELLI AC PACIS (Jurnal Hukum Internasional)* 8.2 (2022): 120-126.

2. METHOD

This research employs qualitative legal research by interpreting the processed legal materials supported by several analytical approaches.¹⁴ A conceptual approach is used to examine theoretical frameworks of international humanitarian law concerning the status of combatants, unlawful belligerents, as well as the principles of proportionality and distinction in non-international armed conflicts (NIAC). A statutory (legislative) approach is applied to analyze international legal instruments such as the 1949 Geneva Conventions and the 1977 Additional Protocol II, in conjunction with national regulations including Law No. 34 of 2004 concerning the Indonesian National Armed Forces (TNI). Additionally, a historical approach is employed to trace the development of the Papua conflict and the emergence of TPNPB as an armed actor, thereby providing a socio-legal context for the analysis. These combined approaches form the analytical foundation for assessing the legal status of TPNPB and the scope of TNI's authority from the perspective of International Humanitarian Law.

3. FINDINGS AND DISCUSSION

3.1. The Legal Status of Armed Conflict Conducted by the West Papua National Liberation Army (TPNPB) in the Perspective of International Humanitarian Law

The West Papua National Liberation Army (TPNPB), affiliated with the Free Papua Movement (OPM), is the primary military faction demanding Papua's independence, carrying out a series of attacks against security forces and vital infrastructure.¹⁵ TPNPB was officially formed on March 26, 1973, following the Proclamation of the Independence of West Papua on July 1, 1971. Goliath Tabuni is one of TPNPB's highest-ranking commanders, widely known for his actions against the Indonesian military. The armed conflict between TPNPB and Indonesian security forces has escalated significantly in recent years. TPNPB has carried out numerous attacks on TNI/Police posts, airports, and public facilities perceived as symbols of Indonesian authority in Papua. Areas such as Puncak Jaya, Lanny Jaya, and Mimika have become major conflict zones, where TPNPB frequently launches surprise attacks before retreating to remote regions that are difficult to access.¹⁶ One of the most prominent incidents was the attack and hostage-taking of a foreign airline pilot in 2023, which drew international attention to the situation in Papua.¹⁷

The armed conflict involving the West Papua National Liberation Army (TPNPB) can be examined through the lens of International Humanitarian Law (IHL). IHL distinguishes between two primary types of armed conflict: international armed conflict (IAC), which occurs between two or more states, and non-international armed conflict (NIAC), which takes place within the territory of a single state between government forces and non-state armed groups. The definition and criteria of NIAC are established in Common Article 3 of the 1949 Geneva Conventions and further clarified in Additional Protocol II of 1977, which aims to regulate minimum standards of protection for individuals affected by conflict.¹⁸

Common Article 3 of the Geneva Conventions provides the basic legal framework for non-international armed conflicts, although it does not explicitly list the criteria for determining their existence. This article underscores that, even in conflicts not of an international character, all parties involved are still bound to adhere to fundamental IHL principles, including the prohibition of murder, torture, cruel treatment, and sentencing without due legal process for individuals not directly participating in hostilities. Meanwhile, Additional Protocol II of 1977 offers a more specific definition, stating that a conflict may be classified as a NIAC if it meets two core criteria: the presence of an organized armed group, and a sufficient level of intensity in the hostilities.

14 H. Salim HS and Erlies Septiana Nurbaini, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi* (Jakarta: Raja Grafindo Persada, 2013), 19.

15 Sebastian Strangio, "In Papua Fighting, Indonesian Forces Claim Rebel Commander Killed," *The Diplomat*, May 14, 2021, <https://thediplomat.com/2021/05/in-papua-fighting-indonesian-forces-claim-rebel-commander-killed/>.

16 Ihsan Reliubun, "TPNPB Nyatakan 8 Daerah di Papua Ini Wilayah Perang, Minta Masyarakat Pergi," *Tempo*, May 9, 2024, <https://www.tempo.co/hukum/tpnpb-nyatakan-8-daerah-di-papua-ini-wilayah-perang-minta-masyarakat-pergi-60642>.

17 Tempo, "Ini Kronologi Penyanderaan sampai Pembebasan Pilot Susi Air Philip Mark Mehrstens," *Tempo*, September 21, 2024, <https://www.tempo.co/ekonomi/ini-kronologi-penyanderaan-sampai-pembebasan-pilot-susi-air-philip-mark-mehrtens-7293>.

18 Medyline Agnes Elias and Agustinus Supriyanto, "Tanggung Jawab Non-State Armed Groups dalam Non-International Armed Conflict Berdasarkan Hukum Humaniter Internasional," *Tumou Tou Law Review* (2024): 23–30.

Armed groups that fall within the criteria of a NIAC must possess a clear command structure with units capable of operating in a coordinated and sustained manner. Additionally, they must have the capacity to plan and conduct military operations, including carrying out attacks with strategic impacts on the opposing side. Such armed groups must also have internal regulations that enable adherence to the fundamental principles of IHL, including the prohibition of attacks on civilians.¹⁹

The intensity of violence in the conflict must be sufficiently high to meet the NIAC threshold. It must go beyond ordinary security disturbances, such as riots or armed criminal acts. Indicators of violence intensity include the frequency and scale of attacks, the use of military-grade weapons, the number of casualties, the involvement of state forces in large-scale military operations, and the overall impact of the conflict on national stability. Additionally, reports from international organizations and governments are often used as a basis to determine whether a conflict has reached the intensity level required for NIAC classification.²⁰

TPNPB has a command structure identifiable through a centralized leadership that is decentralized across various regions. According to TPNPB spokesperson Seby Sambom, their national command structure includes the Supreme Commander, General Goliath Tabuni; Deputy Commander, Lieutenant General Gabriel M. Awom; Chief of General Staff, Major General Terryanus Satto; and Commander of War Operations, Major General Lekagak Telengen. Furthermore, TPNPB operates 29 Regional Defense Commands (Kodap) throughout West Papua, each led by a regional commander.²¹

The attacks carried out by TPNPB indicate potential violations of the laws of war, particularly concerning assaults on civilian workers and infrastructure. For instance, in December 2018, TPNPB, under the command of Egianus Kogoya, Commander of Kodap III Ndugama, was allegedly responsible for an attack that killed several workers involved in the Trans Papua road project in Nduga Regency. This incident demonstrates TPNPB's capability to conduct coordinated and sustained military operations. However, targeting non-combatants and civilian infrastructure raises serious concerns regarding their compliance with the laws of armed conflict. Such actions not only violate the principle of distinction under International Humanitarian Law (IHL) but may also constitute war crimes.

Additional Protocol II Article 1 further states that a NIAC occurs between the armed forces of a state and organized armed groups that control part of its territory in a manner that enables them to carry out sustained and concerted military operations. Nevertheless, territorial control is not an absolute requirement, as long as the intensity of the conflict and the organization of the armed group meet the thresholds established by customary international law.²²

TPNPB claims to exercise control over certain areas in West Papua. They have established an organized command structure, including the division of territory into Regional Defense Commands (Kodap). For example, in May 2024, TPNPB announced plans for a joint military operation in three regions: Kodap VIII Intan Jaya, Kodap XIII Paniai, and Kodap XVIII Puncak Ilaga. However, TPNPB's control over these areas appears to be temporary and unstable.²³ In January 2024, Indonesian military forces succeeded in capturing a TPNPB headquarters in Dusun Sagu, Aifat Timur Jauh, Maybrat Regency, after a week-long operation.²⁴ Additionally, in March 2023, three TPNPB members from the Sorong Selatan region surrendered to Indonesian authorities, indicating internal fragmentation and weakened control over certain territories.²⁵

19 Bakry, *Hukum Humaniter Internasional*, 41.

20 Ibid., 47.

21 Audrey Santoso, "Tepis Polri, Jubir TPNPB-OPM Seby Sambom Ungkap Struktur Organisasi," *Detiknews*, December 14, 2018, <https://news.detik.com/berita/d-4343395/tepis-polri-jubir-tpnpb-opm-seby-sambom-ungkap-struktur-organisasi>.

22 Martha M. Bradley, "Classifying Non-International Armed Conflicts," *Journal of International Humanitarian Legal Studies* 11, no. 2 (2020): 349–384, <https://doi.org/10.1163/18781527-bja10011>.

23 Ihsan Reliubun, "TPNPB-OPM Umumkan Perang Akan Berlangsung di Tiga Wilayah," *Tempo*, May 26, 2024, <https://www.tempo.co/hukum/tpnpb-opm-umumkan-perang-akan-berlangsung-di-tiga-wilayah--55440>.

24 Advist Khoirunikmah, "Markas di Maybrat Hancur Akibat Serangan Militer, TPNPB-OPM Klaim Tembak Mati 1 Anggota TNI," *Tempo*, January 29, 2024, <https://www.tempo.co/hukum/markas-di-maybrat-hancur-akibat-serangan-militer-tpnpb-opm-klaim-tembak-mati-1-anggota-tni--92838>.

25 Andi Hartik, "3 Anggota TPNPB Wilayah Sorong Selatan Kembali ke Pangkuan NKRI," *Kompas.com*, March 13, 2023, <https://regional.kompas.com/read/2023/03/13/230132078/3-anggota-tpnpb-wilayah-sorong-selatan-kembali-ke-pangkuan-nkri>.

Based on the foregoing, it can be concluded that although the West Papua National Liberation Army (TPNPB) possesses an organized command structure and claims territorial control, the extent of their control appears insufficient when assessed against the legal threshold for “significant” territorial control under NIAC standards. In *Prosecutor v. Haradinaj* (ICTY, Judgement, 3 April 2008, para. 49), the Tribunal held that an armed group must exercise control over territory “of such a degree as to enable it to carry out sustained and concerted military operations and to implement (IHL obligations),” with stability sufficient to freely deploy forces, maintain logistics, regulate civilian life, and repel state forces over a meaningful period.²⁶ Temporary or intermittent control, which is rapidly reversed by government operations, will not normally satisfy this requirement. Applying this standard, TPNPB’s territorial control is often concentrated in remote districts, is subject to rapid displacement by Indonesian security forces, and lacks sustained governance over civilian life. These factors collectively place it below the *Haradinaj* benchmark. While their organizational cohesion and operational capacity may fulfill certain NIAC criteria, the inability to maintain prolonged, stable control over a defined area undermines full qualification under this specific element of the NIAC test.

The determination of the rights and obligations of the parties can also be assessed by examining the classification of non-state armed groups. Under IHL, non-state armed groups are typically categorized into two groups: *belligerents* and *insurgents*. The classification of such groups has significant implications for their legal standing and responsibilities in armed conflict. In the case of TPNPB, the group is more appropriately classified as an insurgent rather than a belligerent. To be recognized as a belligerent under international humanitarian law, a group must meet several specific criteria, including possessing an organized system of government or authority, exercising effective control over a defined territory, ensuring that its members wear uniforms with distinctive insignia and are equipped with adequate military equipment, and enjoying the support of the population within the occupied territory. Meeting these criteria may entitle a group to recognition as a belligerent and therefore confer status as a subject of international law.²⁷

TPNPB, however, is more accurately considered an insurgent group. Although they maintain an organized command structure and have conducted sustained military operations, they have not yet met the threshold required for belligerent status. Their territorial control remains limited and impermanent, and their operations are not widely supported by the civilian population of Papua—many of whom reject TPNPB’s acts of violence and intimidation.²⁸ According to Common Article 3 of the Geneva Conventions, all parties to a non-international armed conflict, including insurgent groups, are nonetheless obliged to uphold the minimum standards of humanitarian protection, including the prohibition of murder, torture, and cruel treatment against individuals who are not directly participating in hostilities.

Furthermore, the status of an insurgent also influences the degree of international recognition afforded to a conflict. International Humanitarian Law (IHL) does not automatically confer legal recognition on parties involved in a Non-International Armed Conflict (NIAC) unless they meet the strict criteria required for belligerent status. As an insurgent group, the West Papua National Liberation Army (TPNPB) does not possess the same rights and obligations as a belligerent under IHL. It is not recognized as a subject of international law and does not enjoy the legal entitlements granted to parties to an armed conflict. As a result, the actions of TPNPB are considered an internal matter by the Indonesian government and are addressed under domestic law. Moreover, insurgent groups such as TPNPB are not entitled to the protections afforded to lawful combatants, such as prisoner-of-war status, and may be treated as criminals under national legislation. Accordingly, the insurgent status of TPNPB restricts its rights and responsibilities within the framework of IHL, and its actions are governed predominantly by Indonesian domestic law rather than international legal norms.²⁹

The Indonesian government does not recognize the situation in Papua as a NIAC, but rather classifies TPNPB as an Armed Criminal Group (Kelompok Kriminal Bersenjata/KKB) or even a terrorist organization under Government Regulation in Lieu of Law (Perppu) No. 1 of 2002 concerning the Eradication of Criminal

26 *Prosecutor v. Haradinaj et al.*, IT-04-84-T, Judgement, April 3, 2008, para. 49, International Criminal Tribunal for the former Yugoslavia (ICTY)

27 Sefriani, *Hukum Internasional: Suatu Pengantar* (Jakarta: Rajagrafindo Persada, 2021), 151.

28 Meisya Tantri Girsang and Helga Yohana Simatupang, “Tinjauan Aspek Hukum Internasional terhadap Tindakan Kelompok Pemberontakan dalam Konteks Negara (Studi Kasus: Kelompok Kriminal Bersenjata Papua),” *Journal of Global Perspective* 2, no. 1 (2024): 29–41.

29 Elshaddai Beryl Fanotona Gulo, “Status Organisasi Papua Merdeka dalam Subjek Hukum Internasional setelah Keluarnya Undang-Undang No. 5 Tahun 2018,” *Jurnal Ilmu Hukum: ALETHEA* 6, no. 2 (2023): 136–152.

Acts of Terrorism.³⁰ Under this framework, the state relies more heavily on national law and human rights law to address the conflict, rather than invoking IHL provisions applicable to armed conflicts. However, if the government were to acknowledge that the situation constitutes a NIAC, it would be legally obligated to apply international humanitarian protocols, including the differentiated treatment of TPNPB members, who in the context of a NIAC may be entitled to legal protections as parties to an armed conflict.

Nevertheless, even though the Indonesian government has not formally recognized the conflict in Papua as a NIAC, field realities suggest that the state's response resembles the conduct of armed conflict rather than ordinary law enforcement operations. Indonesia regularly deploys the military (TNI) in large-scale operations in Papua, including aerial bombardments and the mobilization of significant troop numbers—activities that are characteristic of state involvement in armed conflict. In several public statements, state officials have referred to these operations as a “war” against TPNPB, further reinforcing the notion that the situation bears the hallmarks of a NIAC.

Based on the legal analysis presented, it may be concluded that the armed conflict between Indonesia and TPNPB satisfies most of the elements required to qualify as a NIAC under international humanitarian law. TPNPB's organizational structure, sustained military operations, and the high level of violence all support this classification. While the group's territorial control is unstable and the Indonesian government refuses to acknowledge its legitimacy, the prevailing legal arguments suggest that the conflict should nonetheless be regarded as a NIAC. The Indonesian government's decision to classify TPNPB as a “terrorist organization” rather than a party to an armed conflict carries significant legal consequences: under domestic counterterrorism law (e.g., Perppu No. 1 of 2002), TPNPB members are prosecuted as criminals, denying them combatant immunity or prisoner-of-war status under IHL. This approach enables the state to frame its military operations as law enforcement measures, thereby limiting the formal applicability of NIAC provisions and avoiding any implication of political recognition. In state practice, similar strategies have been observed in Turkey's designation of the PKK and Colombia's designation of the FARC, where governments relied on counterterrorism frameworks to justify force while rejecting NIAC classification to maintain sovereignty narratives and prevent external mediation. Such choices also reflect elements of *opinio juris*, as states often justify these classifications in legal and diplomatic forums to affirm that the conflict remains a domestic security matter rather than an armed conflict governed by IHL. Therefore, despite challenges in formally applying the NIAC classification, the principles of IHL remain relevant to ensure that both state and non-state actors adhere to minimum humanitarian standards.

3.2. The Proportionality of the Indonesian National Armed Forces Authority in Responding to Armed Conflict with the West Papua National Liberation Army (TPNPB) from the Perspective of International Humanitarian Law

In every military operation, the principle of proportionality is a fundamental aspect of International Humanitarian Law (IHL) to ensure that the use of force is not excessive and remains within legally acceptable limits. This principle dictates that an attack carried out by a party in an armed conflict must strike a balance between the anticipated military advantage and the potential harm to civilians and civilian objects. In the context of the conflict in Papua, the involvement of the Indonesian National Armed Forces (TNI) in confronting the West Papua National Liberation Army (TPNPB) has raised debates over the extent to which the military actions taken align with the principle of proportionality as stipulated in Additional Protocol I to the 1977 Geneva Conventions, Article 51(5)(b) and Article 57.

The principle of proportionality is one of the main pillars of International Humanitarian Law (IHL), aimed at limiting the impact of armed conflict on those not involved in hostilities. This principle refers to the balance between the expected military advantage from an attack and the potential harm to civilians and civilian objects. In this context, attacks that result in civilian casualties or damage to infrastructure that is disproportionate to the military advantage gained are considered violations of humanitarian law.

The principle of proportionality is regulated in various international legal instruments, particularly in Additional Protocol I of the 1977 Geneva Conventions (AP I), which governs international armed conflicts (IAC), as well as Additional Protocol II (AP II), which applies to non-international armed conflicts (NIAC). Article 51(5)(b) of AP I defines proportionality as a prohibition against attacks that may be expected to cause “(b) incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.” This means that although humanitarian law

30 Sri Yunanto and Angel Damayanti, “The Politics of Labeling TNPPB-OPM as Terrorist: Explanation, Process, and Implications,” *Asian Journal of Comparative Politics* (2024): 1–20.

acknowledges that civilian casualties in armed conflict may not be entirely avoidable, the extent of such harm must remain within reasonable limits in accordance with legitimate military objectives. Meanwhile, Article 57 of AP I stipulates that states and parties to a conflict must take precautionary measures when planning and executing attacks to minimize risks to civilians and civilian objects. This includes the obligation to assess proportionality before launching an attack and to select methods that pose the least danger to the civilian population.

The principle of proportionality cannot be separated from the principles of distinction and precautionary measures. In International Humanitarian Law (IHL), proportionality is inherently linked to the principle of distinction, as explicitly stated in Article 48 of Additional Protocol I to the 1977 Geneva Conventions. This article affirms that, to ensure protection for civilians and civilian objects, parties to a conflict must always distinguish between civilians and combatants, as well as between civilian objects and military targets. Consequently, all military operations must be directed solely at legitimate military objectives. This provision sets a clear boundary that prohibits the arbitrary use of military force or targeting groups not directly involved in the conflict.

Furthermore, the principle of precaution is clearly outlined in Article 58 of Additional Protocol I. This article obliges states and parties to a conflict to take, to the maximum extent feasible, precautionary measures to protect civilians and civilian objects from the dangers resulting from military operations. These obligations include three key components: first, efforts to remove civilians and civilian objects from the vicinity of military objectives that may become targets of attack; second, avoiding the placement of military objectives within or near densely populated areas; and third, taking other necessary precautions to safeguard civilians and civilian objects under their control. These obligations demonstrate that civilian protection is not limited to refraining from direct attacks, but also entails a proactive duty by the state to prevent harm to civilians from lawful military attacks.

For non-international armed conflicts, Additional Protocol II does not explicitly regulate the principles of proportionality, distinction, and precaution as comprehensively as Additional Protocol I. However, these principles are still recognized as part of customary international law. Violations of the principle of proportionality almost always stem from a failure to adequately apply the principles of distinction and precaution during the planning and execution of military operations. Therefore, it is essential to understand how these principles complement one another and function simultaneously to provide legal protection for civilians and civilian objects during armed conflict, particularly in the context of non-international armed conflicts.

In addressing non-international armed conflicts, the Indonesian National Armed Forces (Tentara Nasional Indonesia, or TNI) operate under the authority provided by Law Number 34 of 2004 concerning the Indonesian National Armed Forces (UU TNI), specifically under the framework of Military Operations Other Than War (Operasi Militer Selain Perang, OMSP), which includes combating armed separatist or insurgent movements as stipulated in Article 7 paragraph 2 letter (b). The implementation of OMSP can only proceed with a political decision agreed upon between the Government and the House of Representatives (DPR). When conducting OMSP domestically, TNI personnel remain bound by the provisions of ratified international law and customary international law, including International Humanitarian Law, as stated in the explanatory section of Article 2 letter (d) of the UU TNI. The execution of OMSP is permissible only when conventional or functional methods of conflict resolution are deemed ineffective or are likely to result in high civilian casualties and severe damage to infrastructure and property.³¹

In conducting Military Operations Other Than War (OMSP), particularly those targeting armed groups such as the West Papua National Liberation Army (TPNPB), the Indonesian National Armed Forces (TNI) are obligated to uphold the principle of precaution to ensure that military actions do not exceed the bounds of proportionality as mandated by International Humanitarian Law (IHL). One of the critical instruments for maintaining accountability and compliance in every military operation is the application of Rules of Engagement (ROE).³² ROE serve as normative guidelines that regulate when, where, against whom, and to what extent military force may be used. They are designed to ensure that every act of force conforms to both national and international law, as well as the principles of IHL.

The form of ROE within the TNI can be traced through military doctrinal documents, one of which is the Kartika Eka Paksi Doctrine of the Indonesian Army. This doctrine implicitly incorporates operational principles and limitations on the use of force in the execution of duties. It emphasizes the importance of moral

31 Nur Pratama, D., I. . Safira, S. . Wicaksono Adi, and I. Triadi. "Analisis Yuridis Terkait Peran Tni Sebagai Pertahanan Dan Bela Negara Dalam Menghadapi Organisasi Papua Merdeka (OPM)". *Journal Evidence Of Law*, vol. 3, no. 2, May 2024, pp. 156-63, doi:10.59066/jel.v3i2.638.

32 Kristin Bergtora Sandvik, "Regulating War in the Shadow of Law: Toward a Re-Articulation of ROE," *Journal of Military Ethics* 13, no. 2 (2014): 118–136.

and legal adherence in every deployment of TNI personnel in the field, including within the context of Military Operations Other Than War (OMSP). In this framework, soldiers are required to consistently uphold the values of professionalism and comply with legal boundaries defined by both national and international law—particularly International Humanitarian Law (IHL), which has been incorporated into Indonesia’s national legal system.³³

Although the Indonesian National Armed Forces (TNI) are normatively equipped with adequate legal and ethical frameworks for conducting Military Operations Other Than War (OMSP), the reality on the ground often reveals deviations. Various reports indicate that TNI operations in the armed conflict in Papua, particularly against the West Papua National Liberation Army (TPNPB), frequently result in adverse impacts on civilians, including displacement, damage to civilian infrastructure, and even civilian casualties, as exemplified by the incident in the Oksop District. Civilians from villages such as Bumbakon, Mimin, Oksop, Alutbakon, Oktumi, Atenor, and Ngangom in Oksop District, Pegunungan Bintang Regency, Highland Papua Province, fled their homes and sought refuge in forests and neighboring districts starting 8 December 2024. These displaced persons were reported to be struggling to obtain food and clean drinking water. This wave of displacement was triggered by fear following a sudden military deployment on 4 December 2024.³⁴ From an IHL perspective, the proportionality principle under Articles 51(5)(b) and 57 of Additional Protocol I requires that the expected military advantage—such as neutralizing TPNPB positions—must not be outweighed by incidental civilian harm.³⁵ In this case, available information does not indicate that the Oksop deployment targeted a specific military objective whose anticipated gain justified the mass displacement of civilians and disruption of essential services. If the operation lacked concrete intelligence on an immediate threat, or if alternative means with less civilian impact were feasible, the scale of civilian harm could be deemed excessive and thus contrary to the proportionality requirement. Moreover, the absence of effective evacuation measures and the use of tactics that foreseeably endangered civilian populations raise additional concerns regarding compliance with the precautionary obligations in Article 58 of Additional Protocol I.

The placement of military facilities or posts near civilian areas, such as schools or residential neighborhoods, is another recurring issue. In several cases, TNI posts located near educational facilities have become targets of TPNPB attacks, as these locations are perceived to represent disguised or infiltrated military presence—as was the case with SD YPK Anggruk in Yahukimo. According to TPNPB-OPM spokesperson Sebby Sambom, individuals targeted in these attacks were deemed by the group to be agents or collaborators of the state operating in Papua.³⁶ Moreover, many TNI personnel have been involved in civil assistance roles, such as teaching in elementary schools in remote areas of Papua as part of a territorial approach strategy. While this may appear socially beneficial, in the context of conflict, it creates a humanitarian dilemma as civilians and children in schools become vulnerable to armed violence due to TPNPB’s perception that the schools have been militarized.³⁷ Attacks on schools staffed by military-affiliated teachers have occurred and resulted in casualties among both students and educators, who should be protected under the laws of war. The placement of military objects near civilian objects poses a serious risk of violating the principle of distinction under IHL, which mandates a clear separation between military and civilian targets, as regulated in Articles 48 and 58 of Additional Protocol I.

Within the framework of International Humanitarian Law (IHL), such situations not only reflect potential violations of the principle of distinction but also raise serious concerns regarding compliance with the principle of precaution, as stipulated in Article 58 of Additional Protocol I. This principle obliges parties to a conflict, to the maximum extent feasible, to avoid locating military objectives within or near densely populated areas and to take active measures to protect civilians from the dangers resulting from military operations. In the context of Papua, the deployment of TNI soldiers in civilian functions such as teachers or medical personnel—although carried out with good intentions—indirectly places civilians in vulnerable positions, particularly when perceived

33 *Keputusan Panglima Tentara Nasional Indonesia Nomor Kep/1024/XII/2020 tentang Doktrin Tentara Nasional Indonesia Angkatan Darat Kartika Eka Paksi.*

34 Institute for Policy Analysis of Conflict (IPAC), *Escalating Armed Conflict and a New Security Approach in Papua*, IPAC Report No. 77, 13 July 2022.

35 International Committee of the Red Cross (ICRC), *Additional Protocol I to the Geneva Conventions*, Articles 51(5)(b) and 57 (1977).

36 Dewi Agustina, “TPNPB-OPM Akui Serang SD YPK Anggruk Yahukimo Papua Pegunungan, Eksekusi 6 Guru & Nakes,” *Tribunnews*, March 23, 2025, <https://www.tribunnews.com/regional/2025/03/23/tpnpb-opm-akui-serang-sd-ypk-anggruk-yahukimo-papua-pegunungan-eksekusi-6-guru-nakes>.

37 Dani Aswara, “Gedung Sekolah Jadi Pos Penjagaan, Warga Yuguru Papua Trauma Kehadiran TNI,” *Tempo*, April 22, 2025, <https://www.tempo.co/politik/gedung-sekolah-jadi-pos-penjagaan-warga-yuguru-papua-trauma-kehadiran-tni-1234369>.

by non-state armed groups like the TPNPB as a form of covert military operation. As a result, civilian objects such as schools, which are supposed to remain neutral and protected, instead become potential targets of attack. This demonstrates that military approaches that fail to account for perception and on-the-ground risks may ultimately lead to situations that contradict the spirit of IHL, which seeks to limit unnecessary suffering and ensure the protection of civilian populations during armed conflict.

Thus, it can be concluded that although the Indonesian National Armed Forces (TNI) possess a normative foundation in regulating Rules of Engagement (ROE) and conducting Military Operations Other Than War (MOOTW), the implementation of these policies still presents serious issues concerning compliance with the principle of proportionality. The imbalance between military objectives and the resulting impact on civilians has become a central concern in evaluating the legitimacy of TNI's military operations in Papua. To ensure that military authority is not misused, a comprehensive evaluation of field practices is necessary, alongside the strengthening of oversight mechanisms and the harmonization of national military doctrines with the norms of International Humanitarian Law.

Looking ahead, the legal and policy framework governing the Papua conflict would benefit from greater clarity and transparency. From a legal standpoint, Indonesia could consider adopting clearer operational guidelines that integrate IHL principles into counterinsurgency and counterterrorism operations, thereby reducing ambiguity in the treatment of non-state armed groups. Strengthening internal accountability mechanisms, such as revising the Rules of Engagement (ROE) for the Indonesian National Armed Forces (TNI) to include detailed proportionality and precaution standards, could enhance civilian protection and compliance with international norms. On the policy side, sustained dialogue between the Indonesian government, humanitarian organizations, and affected communities may help address the humanitarian consequences of protracted conflict while preserving state sovereignty. Future research should examine comparative case studies of states that have navigated the tension between NIAC classification and domestic security concerns, to identify best practices for balancing humanitarian obligations with national security imperatives.

4. CONCLUSION

Based on the analysis, the conflict between the West Papua National Liberation Army (TPNPB) and the Indonesian National Armed Forces (TNI) meets the criteria of a non-international armed conflict (NIAC) under Common Article 3 of the Geneva Conventions and Additional Protocol II of 1977, given TPNPB's command structure, operational capacity, and consistent armed attacks, despite unstable territorial control. Nevertheless, the Indonesian government has not officially recognized this status and continues to classify TPNPB as a criminal or terrorist group. This approach results in the application of national legal and human rights frameworks, which are insufficient in addressing the complexities of an armed conflict, thus hindering the implementation of key International Humanitarian Law (IHL) principles such as distinction, proportionality, and precaution.

In terms of TNI's authority, while Law No. 34 of 2004 provides the legal basis for Military Operations Other Than War (MOOTW), field implementation often shows discrepancies with IHL principles. Several TNI operations have reportedly caused damage to civilian objects, displaced populations, and resulted in non-combatant casualties, raising serious concerns about compliance with the principles of proportionality and distinction. Military doctrines such as *Kartika Eka Paksi* indeed incorporate values of caution and professionalism; however, instruments like the Rules of Engagement (ROE) have not yet been systematically or explicitly enforced. Additionally, the deployment of TNI personnel in civilian areas such as schools has increased the risk of militarization of civilian infrastructure and the likelihood of retaliatory attacks from TPNPB, as evidenced by the school attack in Yahukimo.

In light of these findings, concrete policy measures are necessary to enhance compliance with IHL in the Papua context. The Indonesian government should consider revising and operationalizing the TNI's Rules of Engagement to ensure explicit alignment with the principles of distinction, proportionality, and precaution, accompanied by regular IHL training and independent monitoring mechanisms. Civilian infrastructure, particularly schools and healthcare facilities, should be designated and enforced as demilitarized zones to prevent their use in military operations. Furthermore, avenues for dialogue between state authorities and local communities should be expanded to reduce hostilities and foster trust. From a scholarly perspective, future research could explore the intersection between counterterrorism frameworks and NIAC classification in Southeast Asia, as well as empirical studies on the humanitarian impact of military operations in Papua to inform both national policy and international legal discourse.

BIBLIOGRAPHY

- Agustina, Dewi. "TPNPB-OPM Akui Serang SD YPK Anggruk Yahukimo Papua Pegunungan, Eksekusi 6 Guru & Nakes." *Tribunnews*, March 23, 2025. <https://www.tribunnews.com/regional/2025/03/23/tpnpb-opm-akui-serang-sd-ypk-anggruk-yahukimo-papua-pegunungan-eksekusi-6-guru-nakes>.
- Andriansyah, Anugrah. "Amnesty International: 95 Warga Sipil di Papua Jadi Korban Pembunuhan di Luar Hukum." *VOA Indonesia*, March 21, 2022. <https://www.voaindonesia.com/a/amnesty-international-95-warga-sipil-di-papua-jadi-korban-pembunuhan-di-luar-hukum-/6494380.html>.
- Aswara, Dani. "Gedung Sekolah Jadi Pos Penjagaan, Warga Yuguru Papua Trauma Kehadiran TNI." *Tempo*, April 22, 2025. <https://www.tempo.co/politik/gedung-sekolah-jadi-pos-penjagaan-warga-yuguru-papua-trauma-kehadiran-tni-1234369>.
- Azizah, Riska Nur, Syamsuddin Muhammad Noor, and Zulkifli Aspan. "Pengakuan Eksistensi Belligerent dalam Hukum Internasional (Studi Kasus OPM)." *PETITUM* 9, no. 2 (2021): 151–160.
- Bakry, Umar Suryadi. *Hukum Humaniter Internasional: Sebuah Pengantar*. Jakarta: Prenada Media, 2019.
- Bradley, Martha M. "Classifying Non-International Armed Conflicts." *Journal of International Humanitarian Legal Studies* 11, no. 2 (2020): 349–384. <https://doi.org/10.1163/18781527-bja10011>.
- Danial. "Revitalisasi Prinsip Pembedaan (Distinction Principle) sebagai Upaya Perlindungan Korban Konflik dalam Konflik Bersenjata Modern." *Jurnal Media Hukum* 23, no. 2 (2016): 200–208.
- Elias, Medylne Agnes, and Agustinus Supriyanto. "Tanggung Jawab Non-State Armed Groups dalam Non-International Armed Conflict Berdasarkan Hukum Humaniter Internasional." *Tumou Tou Law Review* (2024): 23–30.
- Farley, Benjamin R., and Alka Pradhan. "Establishing a Practical Test for the End of Non-International Armed Conflict." *International Review of the Red Cross* 106, no. 927 (2024): 1157–81. <https://doi.org/10.1017/S1816383124000201>.
- Girsang, Meisya Tantri, and Helga Yohana Simatupang. "Tinjauan Aspek Hukum Internasional terhadap Tindakan Kelompok Pemberontakan dalam Konteks Negara (Studi Kasus: Kelompok Kriminal Bersenjata Papua)." *Journal of Global Perspective* 2, no. 1 (2024): 29–41.
- Gulo, Elshaddai Beryl Fanotona. "Status Organisasi Papua Merdeka dalam Subjek Hukum Internasional setelah Keluarnya Undang-Undang No. 5 Tahun 2018." *Jurnal Ilmu Hukum: ALETHEA* 6, no. 2 (2023): 136–152.
- Hartik, Andi. "3 Anggota TPNPB Wilayah Sorong Selatan Kembali ke Pangkuan NKRI." *Kompas.com*, March 13, 2023. <https://regional.kompas.com/read/2023/03/13/230132078/3-anggota-tpnpb-wilayah-sorong-selatan-kembali-ke-pangkuan-nkri>.
- Institute for Policy Analysis of Conflict. *Escalating Armed Conflict and a New Security Approach in Papua*. 2022. <https://understandingconflict.sgp1.digitaloceanspaces.com/dashboard/bee931a2f167212f094a76778c93c4ab.pdf>.
- International Committee of the Red Cross (ICRC). *Additional Protocol I to the Geneva Conventions*, Articles 51(5)(b) and 57. 1977.
- International Criminal Tribunal for the former Yugoslavia (ICTY). *Prosecutor v. Haradinaj et al.* IT-04-84-T. Judgement. April 3, 2008.
- Indonesia. Tentara Nasional Indonesia. *Keputusan Panglima Tentara Nasional Indonesia Nomor Kep/1024/XII/2020 tentang Doktrin Tentara Nasional Indonesia Angkatan Darat Kartika Eka Paksi*.
- Khoirunikhmah, Advist. "Markas di Maybrat Hancur Akibat Serangan Militer, TPNPB-OPM Klaim Tembak Mati 1 Anggota TNI." *Tempo*, January 29, 2024. <https://www.tempo.co/hukum/markas-di-maybrat-hancur-akibat-serangan-militer-tpnpb-opm-klaim-tembak-mati-1-anggota-tni--92838>.
- Kurtuluş, Şehmus. "Characterization of the Violence between Türkiye and the PKK." *Leiden Journal of International Law* 37, no. 1 (2024): 274–93. <https://doi.org/10.1017/S0922156523000456>
- Nur Pratama, D., I. . Safira, S. . Wicaksono Adi, and I. Triadi. "Analisis Yuridis Terkait Peran Tni Sebagai Pertahanan Dan Bela Negara Dalam Menghadapi Organisasi Papua Merdeka (OPM)". *Journal Evidence Of Law*, vol. 3, no. 2, May 2024, pp. 156-63, doi:10.59066/jel.v3i2.638.
- Reliubun, Ihsan. "TPNPB Nyatakan 8 Daerah di Papua Ini Wilayah Perang, Minta Masyarakat Pergi." *Tempo*, May 9, 2024. <https://www.tempo.co/hukum/tpnpb-nyatakan-8-daerah-di-papua-ini-wilayah-perang-minta-masyarakat-pergi-60642>.

- . “TPNPB-OPM Umumkan Perang Akan Berlangsung di Tiga Wilayah.” *Tempo*, May 26, 2024. <https://www.tempo.co/hukum/tpnpb-opm-umumkan-perang-akan-berlangsung-di-tiga-wilayah--55440>.
- Salim HS, H., and Erlies Septiana Nurbaini. *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*. Jakarta: Raja Grafindo Persada, 2013.
- Sandvik, Kristin Bergtora. “Regulating War in the Shadow of Law: Toward a Re-Articulation of ROE.” *Journal of Military Ethics* 13, no. 2 (2014): 118–136.
- Santoso, Audrey. “Tepis Polri, Jubir TPNPB-OPM Sebby Sambom Ungkap Struktur Organisasi.” *Detiknews*, December 14, 2018. <https://news.detik.com/berita/d-4343395/tepis-polri-jubir-tpnpb-opm-sebby-sambom-ungkap-struktur-organisasi>.
- Schindler, Dietrich. “The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols.” *Recueil des Cours* 163 (1979): 131–156.
- Sefriani. *Hukum Internasional: Suatu Pengantar*. Jakarta: Rajagrafindo Persada, 2021.
- Strangio, Sebastian. “In Papua Fighting, Indonesian Forces Claim Rebel Commander Killed.” *The Diplomat*, May 14, 2021. <https://thediplomat.com/2021/05/in-papua-fighting-indonesian-forces-claim-rebel-commander-killed/>.
- Sudarso, Thomas. “Perlindungan Terhadap Internally Displaced Person Nduga Di Wamena, Papua Barat Dalam Perspektif Hukum Humaniter Internasional.” *BELLI AC PACIS (Jurnal Hukum Internasional)* 8.2 (2022): 120-126.
- Tempo. “Ini Kronologi Penyanderaan sampai Pembebasan Pilot Susi Air Philip Mark Mehrstens.” *Tempo*, September 21, 2024. <https://www.tempo.co/ekonomi/ini-kronologi-penyanderaan-sampai-pembebasan-pilot-susi-air-philip-mark-mehrtens-7293>.
- Utama, Abraham A. “Wawancara Khusus Egianus Kogoya.” *BBC News Indonesia*, October 8, 2024. <https://www.bbc.com/indonesia/articles/cly3z71x4vdo>.
- Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI). “Hentikan Operasi Tempur di Papua, Presiden Harus Penuhi Janji Laksanakan Dialog.” April 18, 2023. <https://ylbhi.or.id/informasi/siaran-pers/hentikan-operasi-tempur-di-papua-presiden-harus-penuhi-janji-laksanakan-dialog/>.
- Yulindo, Yulindo, et al. “TANGGUNG JAWAB KELOMPOK BERSENJATA NON-NEGARA DALAM KERANGKA HUKUM HUMANITER INTERNASIONAL.” *JOURNAL OF LAW AND NATION* 4.2 (2025): 512-519.
- Yunanto, Sri, and Angel Damayanti. “The Politics of Labeling TNPPB-OPM as Terrorist: Explanation, Process, and Implications.” *Asian Journal of Comparative Politics* (2024): 1–20.