

## *Against Discrimination: Reviewing Papuan Ethnic from Human Rights Perspective*

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### Abstract

Racial discrimination and violence against minority communities are prohibited by law, and the protection of these minority groups is protected by the Constitution, national laws, and international laws or conventions ratified by Indonesia, such as ICCPR and ICERD. Violence cases involving ethnic Papuans are a human rights violation often ignored by the State. This study will use the normative juridical approach method by presenting and analyzing the validity of the provisions of the legislation. Socio-legal studies, in this study, will be conducted by analyzing social studies, the theory of multidisciplinary theory of social sciences related to the phenomenon of racial discrimination against ethnic Papuans, such as Psychological science in looking at guess, discrimination; communication science; Theory of Social Integration and Disintegration; and Social Conflict Theory. This study aimed to examine law enforcement using paradigms in the social sciences. This study will review the quality of law enforcement, the extent to which the rules are enforced, and the extent to which law enforcement and the Government can fulfil the rights of citizens not to discriminate against it. This research shows that discrimination against the Papuan people is caused by racial discrimination in various aspects, economic, political, educational, and law enforcement. The application of anti-discrimination law must be based on the professionalism of law enforcement officers so as not to cause new discrimination in law enforcement. This study recommends that the Government of Indonesia to further increase political will in the enforcement of anti-discrimination and violence laws in all cases, especially against Papuan ethnic groups. Maximum anti-discrimination law enforcement efforts are needed to realize human rights goals, namely the fulfilment, enforcement, and protection of human rights.

**Keywords:** Discrimination, Minority, Human Rights, Papua, Politics.



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## I. INTRODUCTION

The right not to be discriminated against is part of human rights and is a constitutional necessity of Indonesian citizens. The preamble to the Indonesian Constitution lists the right to the protection of all citizens, a fundamental right that cannot be contested. Protection against human rights is also contained in articles and special chapters on human rights in the Constitution. Furthermore, the UN charter in Article 55 letter c orders that members of the United Nations respect and protect human rights to fulfil fundamental rights for all persons without discrimination of race, sex, language or religion.<sup>2</sup> In the Universal Declaration of Human Rights (UDHR/DUHAM), article 6 also practices that, in essence, the position of every human being is equal before the law and entitled to the same legal protection without discrimination.<sup>3</sup> In the ICCPR, article 2, paragraph 1, the entire covenant is obliged to guarantee and respect human rights in its jurisdiction, without discrimination based on anything.<sup>4</sup>

The birth of anti-discrimination laws is essential in creating a society free from discrimination based on race, ethnicity, religion/belief. Ratification of the international covenant on civil and political rights (from now on abbreviated as ICCPR) through Law no. 12 of 2005, and ratifying the provisions of the International Convention on Elimination of all forms of Racial Discrimination (from now on abbreviated as ICERD) through Law number 29 of 1999 is a form of state resistance to discrimination. ICERD's recognition was then also enshrined in Law No. 40 of 2008 concerning the elimination of racial and ethnic discrimination (Anti-Discrimination Act), stating in its consideration that discrimination against ethnicity and race is contrary to the fundamental values of Pancasila, the Constitution, UDHR, and is an obstacle to brotherly relations, peace, harmony, friendship, and security for citizens. Furthermore, implementing the anti-discrimination law still requires special attention, given the expected goal of achieving human rights and justice in society. Special attention to law enforcement officials is the key to realizing the purpose of the law as it should be. As quoted from the opinion of Rizal Mustansyir<sup>5</sup>: no matter how great the rules are, it will only be a piece of the document without zeal when it is not driven from the consciousness of the perpetrator (law enforcement).

On July 15, 2016<sup>6</sup>, there were incidents of discrimination, which can also be said to be a repression of ethnic Papuan students. At that time, hundreds of Papuan students gathered in the Dormitory of Papua Yogyakarta, feared by gunfire, shot by tear gas, destruction of motorcycles belonging to Papuan students, and shouts using racist words.

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<sup>2</sup> Piagam Perserikatan Bangsa-Bangsa (United Nations Charter)

<sup>3</sup> Yogi Zul Fadhli, 'Kedudukan Kelompok Minoritas dalam Perspektif HAM dan Perlindungan Hukumnya Di Indonesia' 11 (2014): 360.

<sup>4</sup> Fadhli, 361.

<sup>5</sup> Rizal Mustansyir, 'Landasan Filosofis Mazhab Hukum Progresif: Tinjauan Filsafat Ilmu', *Jurnal Filsafat* 18, no. 1 (2008): 16.

<sup>6</sup> Suara Papua, '15 Juli: Hari Diskriminasi Terhadap Mahasiswa Papua Dalam Keistimewaan Yogyakarta', *Suarapapua.Com*, 17 July 2018, <https://suarapapua.com/2018/07/17/15-juli-hari-diskriminasi-terhadap-mahasiswa-papua-dalam-keistimewaan-yogyakarta/>.

Not only that, according to an international amnesty report<sup>7</sup>, at least in 2010-2018<sup>8</sup> there were 69 suspected extrajudicial killings by security forces in west Papua, taking a total of 95 fatalities. One of them was also criminalized and jailed on charges against security officers. 2018 to March 2021<sup>9</sup>, at least 49 cases of suspected extrajudicial killings by the authorities, with 83 fatalities, none of which have yet been taken to civil court. Then, in June 2021, it was also reported that five people were killed in Yahukimo Papua, and it was claimed by the National Army of Indonesia (TNI) that the five people were victims of the Armed Criminal Group (KKB) of Papua. Based on the explained descriptions, the research here is interested in examining aspects of the socio-legal view and also related to the Government or society for acts of racial-based discrimination against ethnic Papuans. In addition, it will also be examined in this study on legal and human rights aspects regarding racially based discrimination actions.

Some of the research that will be relevant to this research topic is: First, "Racism and the Application of Article Makar to the Freedom of Political Expression of Papua"<sup>10</sup>, which will further examine aspects of the application of the law, particularly concerning the phrase "makar" by law enforcement, to respond to the political escalation that occurs against Papuans. The analysis explains a lot about the problem of applying criminal law to the political expression of the Papuan people. A critical analysis in this study is that the application of treason articles to the political expression of the Papuan people is still far from the standard of human rights; this can be seen from several rulings that have been analyzed in the study.; second, "Legal Protection for Citizens Against Acts of Ethnic Discrimination According to Law No. 40 of 2008 on the Elimination of Racial And Ethnic Discrimination"<sup>11</sup>, which will essentially discuss legal aspects to protect citizens from discrimination under the provisions of the Racial and Ethnic Discrimination Elimination Act, as well as human rights laws.

A critical analysis in this study is about the role of the State in shaping the Human Right Commission of Indonesia as a form of legal protection from the State for acts of discrimination based on race, ethnicity, and religion. This study was also criticized regarding government policies often ignored by discrimination violations.; third, "Study of Racial and Ethnic Discrimination Crimes Reviewed From Law No. 40 of 2008 on The Elimination of Racial And Ethnic Discrimination"<sup>12</sup> is more of a criminal aspect of the provisions of the Anti-Discrimination Act. In the analysis of this study, it was explained about the weak application of the law in enforcing anti-discrimination laws in Indonesia.

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<sup>7</sup> 'Pemerintah Harus Akhiri Praktik Diskriminasi Rasial Terhadap Orang Papua', 20 March 2021, <https://www.amnesty.id/pemerintah-harus-akhiri-praktik-diskriminasi-rasial-terhadap-orang-papua/>.

<sup>8</sup> 'Pemerintah Harus Akhiri Praktik Diskriminasi Rasial Terhadap Orang Papua'.

<sup>9</sup> 'Pemerintah Harus Akhiri Praktik Diskriminasi Rasial Terhadap Orang Papua'.

<sup>10</sup> Herlambang P. Wiratraman, 'Rasisme dan Penerapan Pasal Makar terhadap Kebebasan Ekspresi Politik Papua', *Undang: Jurnal Hukum* 4, no. 1 (5 June 2021): 49-80, <https://doi.org/10.22437/ujh.4.1.49-80>.

<sup>11</sup> Michael G Nainggolan and Imelda A Tangkere, 'Perlindungan Hukum Bagi Warga Masyarakat Terhadap Tindakan Diskriminasi Etnis Menurut Undang Undang No 40 Tahun 2008 Tentang Penghapusan Diskriminasi Ras Dan Etnis', *Lex Administratum* IX, no. 6 (September 2021): 67-75.

<sup>12</sup> Max Sepang and Boby Pinasang, 'Kajian Tindak Pidana Diskriminasi Ras Dan Etnis Ditinjau Dari Undang Undang Nomor 40 Tahun 2008 Tentang Penghapusan Diskriminasi Ras Dan Etnis', *Lex Crimen* X, no. 5 (April 2021): 47-56.

The analysis also states that anti-discrimination law enforcement professionalism still needs improvement. Then, in this paper, we will also present the results of our in-depth interview with ethnic Papuans who live outside Papua, related to their views regarding racial discrimination against Papuan ethnic groups. Below is a summary of the primary thoughts of our interview with them.

Eta<sup>13</sup>, Papuans from Wamena, once received discrimination treatment from their teachers by being called "monyet" (in Indonesian means monkey). Eta said that at that time, he was still not fluent in Indonesian, so he did not know the meaning of "monyet". In her daily life as a student, Eta also recounted that her social environment, especially academic activities, is often treated and positioned as ignorant and backward. "Pace" calls to him, also often used by most people to call him; according to Eta, it is quite a derogatory call. The saying word "pace" because means old people, and the phrase should not be used to call peers, let alone it is based on ethnic differences. He once got other stigmatizations, in addition to the mockery of "monkeys", who were also considered smelly, drunk, and brutal. Eta also explained that he often gets stigma from his environment as a traitor to the nation, or other labels related to it, even though, according to him, not all Papuans are so.

Our second responder, Maner<sup>14</sup>, explained that he had experienced discrimination in a photo moment together after a study tour in Bali organized by his campus. Maner explained that when he was about to take a photo together, one person asked him: "Do you want a photo with us, Maner?" Maner explained, "I here already consider you as brothers; please also think of me as your brother". After that, Maner claimed he then chose not to take pictures together because of the discriminatory behaviour he got. According to Maner, after the incident, Maner began to be accepted by his friendly environment, especially by his college friends. According to Maner, discriminatory behaviour against ethnic Papuans in each environment can vary, but he also confirmed that there are some questions regarding the stigmatization of Papuans as monkeys, smelly people, and brutal people. The profound interview results are based on previous research on discrimination against ethnic Papuans. Based on the results of our field observations, researchers here can validate previous studies, which state that cases of discrimination against ethnic Papuans still exist and do not recede.

This study will use normative legal research methodology by tracing and reviewing aspects of the law<sup>15</sup> of human rights in Indonesia associated with the facts and the reality of discrimination against ethnic Papuans. In addition, this study will also examine using socio-legal research methods, which will present various elaborations<sup>16</sup>

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<sup>13</sup> In-depth interview with Eta, Indigenous Papuans domiciled in Jember, who is also a student of the Faculty of Law of one of the State Universities in Jember.

<sup>14</sup> In-Depth Interview with Maner, Indigenous Papuan domiciled in Jember, a student majoring in Government Science of one of the Private Universities in Jember.

<sup>15</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, 7 (Jakarta: Kencana Prenada Media Group, 2011), 23.

<sup>16</sup> Kornelius Benuf and Muhammad Azhar, 'Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Jurnal Gema Keadilan* 7, no. 1 (2020): 29.

from various social disciplines<sup>17</sup> to explain the sociological, political, and cultural aspects relating to acts of discrimination against ethnic Papuans are associated with the presence of laws that should be expected to resolve them. This research will qualitatively assess the effectiveness of applying anti-discrimination law in Indonesia, using aspects of social sciences. Borrowing aspects of social science in analyzing the study of legal science enriches the discussion that can strengthen the analysis so that it not only becomes a textual study but also based on reality in social life. This study's writing structure consists of; Introduction, Research Methods, Discussion, and Conclusions.

## II. SOCIO-LEGAL REVIEW OF PAPUAN ETHNIC DISCRIMINATION

Racial discrimination against ethnic minorities has historically been exemplified by Hitler<sup>18</sup> based on his vision to purify the Aryan race as the superior race and hatred of Romanian Jews, as well as exterminate other races that were considered to be disruptive to the Aryan race. There was also ethnic cleansing of Bosnian Muslims<sup>19</sup>, by Serbian soldiers, sacrificing 95% of the non-Serb population. Racial-based discrimination alone, regardless of prejudice against other races. In psychological science, prejudice<sup>20</sup> is a negative attitude towards a particular group that is rigid and intolerant of a particular group for unfounded reasons or the right reasons. Racial-based discrimination, also called racism, according to J. Jones<sup>21</sup>, is a rational distinction in a culture and is accepted by many, which encourages competition, differences in power, and improper treatment of certain groups.

Indonesia, long home to hundreds of ethnic and cultural populations, has a population of more than 700 different languages.<sup>22</sup> The term ethnic minority will refer to people of small numbers based on beliefs in values, customary law, language, kinship relations, history, as well as geographical factors.<sup>23</sup> In this case, the language aspect can be the most crucial element in distinguishing one ethnicity from another, indicating the reality of Indonesian society's high level of diversity. Indonesian society is a society with a vibrant and complex element of diversity. With a wide variety of diversity in the

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<sup>17</sup> Sulistyowati Irianto, *Memperkenalkan Kajian Sosio-Legal Dan Implikasi Metodologisnya*, Revisi dari orasi Guru Besar Antropologi Hukum (Jakarta: Fakultas Hukum Universitas Indonesia, 2009), 3.

<sup>18</sup> Hendra Yohanes, 'Tinjauan Kritis-Multifaset Terhadap Tuduhan Genosida Atas Catatan Penaklukan Kuno Tanah Perjanjian: Critical-Multifaceted Review Against Genocide Allegations of Ancient Conquest Account of the Promised Land', *Veritas: Jurnal Teologi dan Pelayanan* 18, no. 2 (28 November 2019): 120, <https://doi.org/10.36421/veritas.v18i2.332>.

<sup>19</sup> Agha Dragona Israphil, 'Tanggung Jawab Pasukan Penjaga Perdamaian Perserikatan Bangsa-Bangsa Saat Menjalankan Tugas Di Daerah Konflik' (Thesis, Riau, Universitas Riau, 2013), 3, <https://repository.umri.ac.id/handle/123456789/4501>.

<sup>20</sup> Joko Kuncoro, 'Prasangka Dan Diskriminasi', *Proyeksi* 2, no. 2 (1 January 1970): 5, <https://doi.org/10.30659/p.2.2.1-16>.

<sup>21</sup> Joko Kuncoro, 11.

<sup>22</sup> Risa Herdahita Putri, 'Manusia Indonesia adalah Campuran Beragam Genetika', *historia.id* (blog), 10 February 2017, <https://historia.id/kuno/articles/manusia-indonesia-adalah-campuran-beragam-genetika-6mmWr/page/1>.

<sup>23</sup> Danang Risdianto, 'Perlindungan Terhadap Kelompok Minoritas Di Indonesia Dalam Mewujudkan Keadilan Dan Persamaan Di Hadapan Hukum', *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (29 May 2017): 136, <https://doi.org/10.33331/rechtsvinding.v6i1.120>.

community, the terms multicultural society and multiculturalism began to be known as unifying many cultures or as an adhesive and acceptance of many realities of diversity, plurality and multiculturalism in people's lives. Concerning that background, it seems inevitable that Indonesian society should be an anti-discrimination society with a high sense of humanism.

However, despite the beauty of the background of the Indonesian nation, which has long been a multicultural society, as well as knowing multiculturalism, it seems that it is slightly different in today's modern era. Moral degradation results in many discriminatory products, or a culture of discrimination is so prevalent that it has become ordinary. Racial discrimination is not new in Indonesia; in the era of the new order, racial discrimination once occurred against ethnic Chinese people, whom they accused of being the masterminds of the state uproar, Chinese allies, or communist accomplices / PKI.<sup>24</sup>

After the reforms, discrimination remained unsustainable for ethnic Chinese; there was the case of Meiliana, an ethnic Chinese citizen, and Buddhists who were expelled from her area and eventually sentenced to 18 months in prison for blasphemy.<sup>25</sup> Racial-based discrimination also occurs among ethnic Papuans; in 2016, a group of Papuan students in Yogyakarta were yelled at by monkeys.<sup>26</sup> Labelling monkeys, it turns out, not only happened on one occasion; in 2019<sup>27</sup> similar events occurred in Surabaya and led to protests in various places.

In some policy documents, the Government made various efforts to encourage the elimination of racial discrimination<sup>28</sup>, as in Presidential regulation number 7 of 2005, which explicitly describes the Government's commitment to rejecting various forms of discrimination that are also in line with the ICERD<sup>29</sup>. In addition, there is also an Anti-Discrimination Law, as well as implementing regulations (peraturan pemerintah nomor 56 tahun 2010) that govern supervision of efforts to eliminate racial and ethnic discrimination. However, the Government's efforts to eliminate racial-based discrimination are certainly not enough just to issue policy documents but also to require discipline to enforce the rules.

Article 15 of the Anti-Discrimination Act provides a maximum criminal threat of 5 years and a maximum fine of five hundred million rupiah for perpetrators of racial discrimination who show hatred or hatred due to racial differences. However, cases

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<sup>24</sup> Redaksi CNN, 'Melacak Sejarah Prasangka Pada Etnis Tionghoa Di Indonesia', *CNN Indonesia*, 12 February 2021, <https://www.cnnindonesia.com/nasional/20210210145438-20-604775/melacak-sejarah-prasangka-pada-etnis-tionghoa-di-indonesia>.

<sup>25</sup> 'The Meiliana Case: How a Noise Complaint Resulted in an 18-Month Jail Sentence', *Thejakartapost.Com*, 23 August 2018, <https://www.thejakartapost.com/news/2018/08/23/the-meiliana-case-how-a-noise-complaint-resulted-in-an-18-month-jail-sentence.html>.

<sup>26</sup> Arnold Belau, 'Mahasiswa Papua: Di Yogyakarta Kami Diteriaki Monyet', *Suarapapua.Com*, 16 July 2016, <https://suarapapua.com/2016/07/16/mahasiswa-papua-yogyakarta-diteriaki-monyet/>.

<sup>27</sup> Hesti Armiwulan, 'Diskriminasi Rasial Dan Etnis Sebagai Persoalan Hukum Dan Hak Asasi Manusia', *Masalah-Masalah Hukum* 44, no. 4 (28 October 2015): 499, <https://doi.org/10.14710/mmh.44.4.2015.493-502>.

<sup>28</sup> Armiwulan, 499.

<sup>29</sup> Armiwulan, 499.

related to racial discrimination against ethnic Papuans have never been taken action. In connection with that, in some rallies that reject the treatment of racism, hundreds of ethnic Papuans were detained for allegedly making a joke or committing a plot.<sup>30</sup> In this case, enforcement of the law for racial discrimination against ethnic Papuans proved to have never been effective. In addition, the protection that the Government should give through its apparatus to victims of discrimination is also never implemented, when in fact, it has been stipulated in article 7 of the Anti-Discrimination Act. With this event, it seems that public awareness of every individual Indonesian is needed to re-internalize the principles of multiculturalism, tolerance and social values of a public nature.<sup>31</sup>

Furthermore, in addition to mainstream cases of racism against ethnic Papuans, there are also cases of unusual but often considered and reasonable cases of Papuan ethnic racism. In the context of cinema, there has once been an ethnic representation of Papuans, who played one of the roles in the teen drama "secretly liking".<sup>32</sup> This drama series ranked among the top 10 television programs, where ethnic Papuans are portrayed as low-value, primitive, stupid, and strange, as well as others from the Indonesian nation.<sup>33</sup> This case potentially makes the treatment of racial discrimination against ethnicity considered ordinary by the community. Against this event, the Anti-Discrimination Act's validity is questionable. What is more, the perpetrators of this law are the media, which should be the mouthpieces for delivering messages of democratic freedom, civil liberties, and moral messages of anti-discrimination humanity. Against this, no action was ever found from the Indonesian Broadcasting Commission (KPI) to stop the impression.

In the social State of people's lives, it is not uncommon for stigma to develop in the community related to poor ethnic Papuans, such as<sup>34</sup>: being shunned because they are black; considered foolish; closing their noses when adjacent to them; do not want to say hello or say hello; give a negative stigma that Papua seems unfriendly, and less sociable; and many other things. In the process of social interaction, every human wants to get acceptance from the surrounding community. The Papuan community not only gets discrimination; in this case, it also gets poor ethnic prejudice from the citizens. Showing Papuan poor facial expressions alone can cause discomfort and potentially lead to social disintegration.

The concept of social disintegration<sup>35</sup> is not only understood as an incidental phenomenon or the result of social engineering by certain political actors and agitation

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<sup>30</sup> Abraham Utama, 'Papua: Tujuh Tapol Papua Divonis Hukuman Penjara - "Kami Demo Tolak Rasisme, Kenapa Dijadikan Seperti Teroris?"', *Bbc.Com*, 17 June 2020.

<sup>31</sup> Budi Sirait, 'Ancaman Diskriminasi Minoritas Dan Hilangnya Multikulturalisme Di Indonesia: Studi Kasus Penutupan Gki Yasmin Bogor', *Politika: Jurnal Ilmu Politik* 10, no. 1 (30 April 2019): 38, <https://doi.org/10.14710/politika.10.1.2019.28-39>.

<sup>32</sup> Lintang Citra Christiani, 'Representasi Identitas Etnis Papua Dalam Serial Drama Remaja Diam-Diam Suka', *Jurnal Komunikasi Dan Kajian Media* 1, no. 1 (2017): 29.

<sup>33</sup> Lintang Citra Christiani, 29.

<sup>34</sup> Moh. Rafli Abbas, 'Studi Tentang Pergulatan Identitas Ke-Papua-an di Yogyakarta', *Society* 4, no. 1 (30 June 2016): 30, <https://doi.org/10.33019/society.v4i1.33>.

<sup>35</sup> La Iba, 'Stereotip Antar Etnis Dalam Disintegrasi Sosial Di Kota Kendari', *Etnoreflika* 5, no. 1 (February 2016): 82, <http://journal.fib.uho.ac.id/index.php/etnoreflika/article/view/272>.

from provocateurs. Instead, the events that exist must be the fruit of an explosion through a long series of masses and continuously. Such things seem trivial and often ignored by the public, or even minimize the treatment while providing justifications for discriminatory actions against ethnic Papuans. However, it will gradually cause jealousy, malice, or even hatred, until social disintegration occurs.

Not to mention government discrimination against indigenous Papuans, where they often get discriminatory behaviour from the Government.<sup>36</sup> For example, in economics, where the Government provides a minimal opportunity for the indigenous Papuans to develop the economy, in addition to their land stands, magnificent projects to dredge up the wealth of natural resources on Papuan land. In the lag economic sector, which the Government often overlooks, there have also been military atrocities throughout the history of the new order.<sup>37</sup> However, it seems that until now, there are also many military atrocities, which range from labelling makar to ethnic Papuans. Labelling makar, or stigmatization of the Free Papua Organization (OPM) to ethnic Papuans<sup>38</sup>, often and lasted since long ago, it is not even uncommon to cause casualties that die at the hands of the military. Militaristic approaches, which use security forces by committing violence, will only add to the practice of impunity and human rights violations.<sup>39</sup> It also indicates a state's absence in eliminating discrimination and human rights violations against ethnic Papuans. In this case, if the Government continues to justify, it can be confident that, sooner or later, the threat to rebel against ethnic Papuans will be higher because this will not only be influenced by the political situation and the economy but also patterned on other factors that are widely considered trivial.

The issue of discrimination against ethnic Papuans must immediately find the proper treatment, not only to reduce political or economic conflicts of interest but must be based on the principle of any society or ethnicity.<sup>40</sup> If all human beings are created equal, there should be no discriminatory treatment, except for the treatment taken to achieve equality (academic assessment, attainment of rank, position, and access to wealth should reflect justice). However, only a minority has the right to equality of social degree.<sup>41</sup> Anti-discrimination, written out in the law, is undoubtedly an attempt to achieve an essential part of the principle of equality. In this case, law enforcement compliance with the rule of law is the first thing that needs to be applied. This

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<sup>36</sup> Trully Rosalina Karundeng, 'Perlindungan Hak Minoritas Dalam Multikulturalisme Di Indonesia Ditinjau Dari Aspek Hukum HAM', *Lex Administratum* 5, no. 3 (May 2017): 15.

<sup>37</sup> Obet Nego, 'Teologi Multikultural sebagai Respon terhadap Meningkatnya Eskalasi Politik Identitas di Indonesia', *PASCA: Jurnal Teologi dan Pendidikan Agama Kristen* 16, no. 2 (5 November 2020): 123, <https://doi.org/10.46494/psc.v16i2.109>.

<sup>38</sup> Nancy Slamet, ed., *Laporan Alternatif Menguak Tabir Diskriminasi Rasial Dan Impunity Di Indonesia* (Jakarta: Human Rights Working Group (HRWG), 2008), 59.

<sup>39</sup> Muhamad Angga Ramdhan, 'Analisis Dimensi Internasional Konflik Papua dalam Model Counterinsurgency (COIN)', *Jurnal Ilmiah Hubungan Internasional* 17, no. 1 (4 May 2021): 147, <https://doi.org/10.26593/jihi.v17i1.3532.139-152>.

<sup>40</sup> Iskandar Hosein, 'Perlindungan Terhadap Kelompok Rentan (Wanita, Anak, Minoritas, Suku Terasing, dll) Dalam Perspektif Hak Asasi Manusia' (Makalah, Disajikan dalam Seminar Pembangunan Hukum Nasional ke VIII Tahun 2003, Denpasar, July 2003), 11.

<sup>41</sup> Knut D. Asplund, Suparman Marzuki, and Eko Riyadi, *Hukum Hak Asasi Manusia* (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII), 2008), 40.



proposition is relevant concerning various cases of discrimination that often stem from law enforcement's non-compliance with proper legal procedures. For example, article 15 of the Anti-Discrimination Law provides a penalty of up to 5 years and a maximum fine of 500 million against perpetrators of discrimination who have never actually applied these provisions in handling racial discrimination against ethnic Papuans.

In addition, humanist methods must be used in handling social conflicts to solve any social problems involving ethnic Papuans. The case happens not only to provide an unequal position in society, but law enforcement officials must look at the context between majority and minority dialectics and who is vulnerable and needs more legal protection.

Differences in the situation, social conditions, geographical, economic, and the quality of human resources need to be considered by the Government through law enforcement in addressing any conflicts related to Papuans. When viewed from a historical background, ethnic Papuans, who have social morals, tend to be haunted by the fearsome face of militarism of the new order heritage that still survives on Papuan soil<sup>42</sup>, causing people to be in fear exercising their rights. It certainly has to be the awareness of law enforcement to be more careful in placing a position as an apparatus of the State. Law enforcement should not be actors who commit human rights violations, or racial discrimination, because if it happens, it will cause a failure to prosecute, which will lead to the emergence of cynicism and distrust of the political system<sup>43</sup>, and law enforcement. Law enforcement must work independently, without pressures that do not want human rights equality to be realized, and Indonesia is free from racial discrimination.

Furthermore, still in the context of the implementation of the Anti-Discrimination Act, the thing that needs to be considered by the government and local governments is in order to protect citizens who experience acts of racial and ethnic discrimination. In addition, guarantees to citizens to obtain assistance and settlement and reimbursement of modest losses suffered due to racial and ethnic discrimination, there needs to be a state presence, in this case, the government and local government. That is the mandate of article 7 of the Anti-Discrimination Act, which researchers have judged to have not run effectively and maximally. Furthermore, it is characterized by the rise of racial and ethnic discrimination victims, especially ethnic Papuans who seek asylum primarily from non-governmental institutions, such as Legal aid (LBH), and other non-governmental organizations.

From the conception of multiculturalism came the normative idea of harmony, tolerance, and mutual respect for the differences in the rights of each nation's cultural entities. The definition of a multicultural society will be relevant to compound society; 2 things have the same meaning: the concept of a society with social diversity.<sup>44</sup> Compound

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<sup>42</sup> Marcus Colchester and Sophie Chao, eds., *Beragam Jalur Menuju Keadilan: Pluralisme Hukum Dan Hak-Hak Masyarakat Adat Di Asia Tenggara* (Jakarta: Epistema Institute, 2012), 143.

<sup>43</sup> Knut D. Asplund, Suparman Marzuki, and Eko Riyadi, *Hukum Hak Asasi Manusia*, 366.

<sup>44</sup> Achmad Fedyani Syaifuddin, 'Membumikan Multikulturalisme Di Indonesia', *Antropologi Sosial Budaya* II, no. 1 (April 2016): 4.

or multicultural society will also be relevant to the definition of a plural society, where all three also have the sense that there is a wide variety of social diversity in society. Pluralism, however, is a diversity perspective that emphasizes entities of social differences with each other but pays little attention to their interactions.<sup>45</sup> While in the definition of multiculturalism is the teaching where the viewpoint emphasizes social interaction by paying attention to each cultural entity as a subject with equality and equal rights.<sup>46</sup>

Grounding the idea of multiculturalism, of course, is not an easy thing, but it is worth fighting for to create equality. One of the easiest things is to instil and implement the values of multiculturalism in daily life. In addition, the cultivation of multiculturalism in citizens can be done with the national policy approach of the State. Multiculturalism as the basis of state policy can direct state policy to means that can further glue national integration. One concrete example of grounding multiculturalism as a state policy is to conduct multicultural education as a long-term strategy.

### III. HUMAN RIGHTS REVIEW ON DISCRIMINATION AGAINST PAPUAN ETHNICITY

Human beings are inseparable from human rights issues, including issues of racism against certain people or groups. Manifestly and latently, racism will always be found by using a mask of discrimination with a more subtle and invisible form.<sup>47</sup> Discrimination can lead to conflicts, both horizontal and vertical. Unfortunately, the issue of latent discrimination and manifest is inherent in the body of Government and society<sup>48</sup>, so a strategy is needed for law enforcement to realize respect for human rights. Discrimination is often directed at a minority or weak and vulnerable groups, such as indigenous peoples, women, the disabled and others. They become groups of two people or are subordinated to other groups in various aspects of life, such as embracing religions or beliefs, worshipping, getting a job, expressing and expressing opinions, and others.

The principle of non-discrimination in the protection of human rights is contained in the UDHR Articles 1 and 2, which more or less explain that humans are born free and have the same rights as other human beings; Everyone is entitled to all rights and privileges without exception of race, religion, and gender. In addition, UDHR also regulates equality and non-discrimination attitudes in which every human being should have equal access to self-development. Discrimination causes a person to be unable to express himself and develop his abilities so that they cannot develop like

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<sup>45</sup> Achmad Fedyani Syaifuddin, 4.

<sup>46</sup> Achmad Fedyani Syaifuddin, 4.

<sup>47</sup> Todung Mulya Lubis, 'Menegakkan Hak Asasi Manusia, Menggugat Diskriminasi', *Jurnal Hukum & Pembangunan* 39, no. 1 (3 March 2009): 59-60, <https://doi.org/10.21143/jhp.vol39.no1.204>.

<sup>48</sup> Lubis, 'Menegakkan Hak Asasi Manusia, Menggugat Diskriminasi'.

others.<sup>49</sup> All forms of discrimination must be abolished because they are contrary to human rights principles and are not humanist attitudes.

Several conventions have the spirit of eliminating discrimination, including the ICCPR, ICERD, ICESCR, CEDAW, The Declaration on Rights of Persons Belong to National, Religious Minorities, and Linguistics. Some of these conventions and international laws essentially agree that racial discrimination must be eliminated and is a shared responsibility of all citizens. In this regard, the State of Indonesia, with several national legal instruments, also guarantees the elimination of racial and ethnic discrimination. It is a fundamental right that is contained in its Constitution. The preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) expressly states that the Government must protect all Indonesian people and bloodshed. This text shows that all Indonesian citizens must be protected by the Government, regardless of origin, ethnicity, colour, religion, and gender.<sup>50</sup>

The right not to be discriminated against or treated discriminatory, recognized in the Constitution of the Republic of Indonesia, mentioned explicitly in article 28I paragraph (2), states that every human being has the right to be free from discriminatory treatment for any reason. The provision is not only intended for citizens but also for foreign nationals in the territory of Indonesia. Next, there is also Law Number 39 of 1999 concerning Human Rights (Law 39/1999), which later became a legal umbrella in human rights issues in Indonesia and has the spirit to not only eliminate discrimination but also provide protection of human rights without discrimination.

Indonesia ratified several international conventions related to human rights, which were later passed in Law Number 12 of 2005 concerning ratification of the ICCPR, Law No. 11 of 2005, which regulates the ratification of the ICESCR. Specifically, racial and ethnic-based discrimination was regulated in Law Number 40 of 2008 (later called the anti-discrimination law). This anti-discrimination law then protects against discrimination based on race or ethnicity. Although the Constitution and the legal instruments under it have guaranteed and fully granted the right to be free from racial and ethnic discrimination, in practice in people's lives, there are still conflicts that occur because they are triggered by conflicts that occur both horizontally and vertically. The purpose of conflict that occurs horizontally is the conflict that occurs between individuals/groups of people. Vertical conflict occurs between the community or community with the State, officials, corporations, and others. According to Inggrid Galuh Mustikawati, ethnic conflicts, which are horizontal conflicts, occur due to the accumulation of various issues of public policy, identity, the effectiveness of law enforcement, poor governance, and the seizure of natural resources/economy.<sup>51</sup>

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<sup>49</sup> Fulthoni A. M and Indonesian Legal Resource Center, eds., *Memahami Diskriminasi, Buku Saku untuk Kebebasan Beragama* (Jakarta, Indonesia: Indonesian Legal Resource Center, 2009), 21.

<sup>50</sup> Nukila Evanty, 'Penegakkan Hukum dan Ketentuan Pidana dalam Penghapusan Bentuk Diskriminasi Racial', *Jurnal Hukum & Pembangunan* 3 (September 2000): 213.

<sup>51</sup> Hesti Armiwulan, 'Diskriminasi Racial dan Etnis sebagai Persoalan Hukum dan Hak Asasi Manusia', *Masalah-Masalah Hukum* 44, no. 4 (28 October 2015): 496, <https://doi.org/10.14710/mmh.44.4.2015.493-502>.

Indonesian Human Rights Commission as a supervisory agency for all efforts to eliminate racial and ethnic discrimination, which recorded 101 racial and ethnic violations from 2011-2018<sup>52</sup> and throughout 2019 complaints related to discriminatory treatment in as many as 9 (nine) cases.<sup>53</sup> One of the cases that often resonates in the media is the discriminatory treatment of Papuans; even in 2019, cases of racism are growing and spreading throughout Indonesia. On July 15, 2016, there was a repression of ethnic Papuan students. The authorities' student dormitory of Papua Kamasan is besieged in Jalan Kusumanegara, Umbulharjo Subdistrict, Yogyakarta city. Siege carried out to block Papuan student action plan to commemorate 47th anniversary of Pepera.<sup>54</sup> The students were surrounded by gunfire, tear gas, the destruction of Papuan students' motorcycles, and shouts using racist words. Furthermore, several students were arrested by the DIY Police, one of whom was Obby Kogoya, a student from Papua who was arrested and suspected of assaulting the police.<sup>55</sup> Obby Koogoya was sentenced to four months in prison by Yogyakarta District Court.

There was a siege of a Papuan student dormitory on Kalasan Street, Surabaya, by Satpol PP (Civil Service Police Unit under the Local Government), and racist remarks accompanied the community. This incident occurred because of allegations that students had vandalized a flagpole in the courtyard of a Papuan student dormitory.<sup>56</sup> This incident continued the next day, August 17, 2019. officers attacked the dormitory with tear gas and threw stones under the pretext of security against the condition of students. In this event, the swearing "monkey" was also addressed to Papuan students in the dormitory. The same thing happened on August 16, 2019.<sup>57</sup>

After the incident at the hostel, the student was terrorized by several snakes thrown into the dormitory. According to Yoab Orlando, as a dormitory resident told CNNIndonesia.com, "*this morning when it was dark, four people dressed as thugs stopped in front of the hostel, they put snakes, there were three of them in open sacks*".<sup>58</sup> The series of incidents of racial discrimination in Surabaya then triggered a significant and responsive reaction internationally, especially from Papuans.

Another incident was racism uttered by Ambroncius Nababan, a Hanura Party politician against Natalius Pigai (Commissioner of Komnas HAM RI Period 2012-2017).

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<sup>52</sup> Sepang and Pinasang, 'Kajian Tindak Pidana Diskriminasi Ras Dan Etnis Ditinjau Dari Undang Undang Nomor 40 Tahun 2008 Tentang Penghapusan Diskriminasi Ras Dan Etnis', 48.

<sup>53</sup> Tim Penulis Laptah 2019 Komnas HAM RI, *Laporan Tahunan Komnas HAM Republik Indonesia* (Jakarta: Komnas HAM, 2020), 42.

<sup>54</sup> The Act of Free Choice is an election held from July 14 to August 2, 1969 to determine the status of the western part of Papua Island, between dutch or Indonesian property. 1,025 men and women selected by the Indonesian military by acclamation chose to join Indonesia

<sup>55</sup> Addi M Idhomo and Baca selengkapnya di artikel 'Mahasiswa Papua Korban Kekerasan Polisi Didakwa Lukai Aparat', <https://tirto.id/cleF>, 'Mahasiswa Papua Korban Kekerasan Polisi Didakwa Lukai Aparat', [tirto.id](https://tirto.id/mahasiswa-papua-korban-kekerasan-polisi-didakwa-lukai-aparat-cleF), 21 March 2017, <https://tirto.id/mahasiswa-papua-korban-kekerasan-polisi-didakwa-lukai-aparat-cleF>.

<sup>56</sup> Tim Penulis Laptah 2019 Komnas HAM RI, *Laporan Tahunan Komnas HAM Republik Indonesia*, 42.

<sup>57</sup> Arnold Belau, 'Mahasiswa Papua Di Surabaya Mengaku Diteriaki "Monyet"', [suarapapua.com](https://suarapapua.com), 17 August 2019, <https://suarapapua.com/2019/08/17/mahasiswa-papua-di-surabaya-mengaku-diteriaki-monyet/>.

<sup>58</sup> Herlambang P. Wiratraman, 'Rasisme dan Penerapan Pasal Makar terhadap Kebebasan Ekspresi Politik Papua', 51.

Ambrosius Nababan uploaded on his Facebook account a photo of Natalius Pigai juxtaposed with a photo of a gorilla accompanied by a caption, "*Edodoeee pace. Vaksin ko bukan sinovac pace tapi kop u sodara bilang vaksin rabies. Sa setuju pace*". The Chairman of KNPI (Indonesian Youth National Committee) West Papua then reported this to the West Papua Police.<sup>59</sup>

On July 27, 2021, there was another violent action by two members of the Air Force against Steven Yadohamang, a civil society of Merauke Regency, Papua, who is deaf. Steven, the cop, yelled and grabbed him by the head.<sup>60</sup> This story is an inhumane act and shows that there is racism has long been entrenched and occurred in Papuan society. This racist act is then manifested as violence committed by the authorities and law enforcement.<sup>61</sup>

These cases are discriminatory and violate human rights as stipulated in human rights instruments. There are actions taken by officials, community organizations, civil society, and community leaders who fall into the category of forms of racial and ethnic discrimination that have been regulated in Article 4 letter b number 1, namely the anti-discrimination law, namely that everyone must not create, disseminate writings or images that are discriminatory and spread hostility. The public places referred to in the article are visited or become gathering places of people, such as shops, workplaces, parks, parker places, public transportation, and mass media. The Facebook platform used by these politicians is part of the media. Furthermore, Article 4 letter b number 2 states that everyone is also not allowed to express words that have nuances of discrimination in public places or public. Based on these two articles, the violation is then regulated in Article 16 of the Anti-discrimination Law, namely imprisonment for a maximum of 5 (five) years or paying a maximum fine of 500,000,000 rupiahs. Other forms of discrimination are threatened with a maximum prison sentence of 1 year or a maximum fine of 100,000,000 rupiahs. Enforcement of this law against racial and ethnic discrimination to this day based on observations is still slow, as well as less responsive. For example, in a case that has become a hot topic of public discussion, the case of Syamsul Arifin, a civil servant in the Surabaya City Government, as the perpetrator who mocked the Papuan student group with the word "monkey" was sentenced to five months in prison and a fine of Rp1,000,000,000.00. Then, in the judge's Ruling, it was ruled only three months lower than the prosecutor's claim. Instead, activists who voiced

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<sup>59</sup> Tim detikcom, 'Kronologi Kasus Dugaan Rasisme Ambroncius Nababan Ke Natalius Pigai', *DetikNews*, 26 January 2021, <https://news.detik.com/berita/d-5348891/kronologi-kasus-dugaan-rasisme-ambroncius-nababan-ke-natalius-pigai>.

<sup>60</sup> Faieq Hidayat, 'Kronologi Anggota TNI AU Injak Kepala Warga Merauke Papua Saat Hendak Beli Nasi Padang', *INewsPapua.Id*, sec. 27 Juli 2021, accessed 28 July 2021, <https://papua.inews.id/berita/kronologi-anggota-tni-au-injak-kepala-warga-merauke-papua-saat-hendak-beli-nasi-padang/all>.

<sup>61</sup> Admin Ylbhi, 'Kasus Kekerasan Oleh TNI Di Papua: Reformasi Peradilan Militer Mendesak!', *ylbhi.or.id*, 28 July 2021, <https://ylbhi.or.id/informasi/siaran-pers/kasus-kekerasan-oleh-tni-di-papua-reformasi-peradilan-militer-mendesak/>.

anti-racism, such as Ariana Elopere and her friends, were accused of treason and sentenced to nine months in prison. Similarly, some activists have voiced anti-racism.<sup>62</sup>

As stated above, discrimination against Papua is limited to racist speech and actions, even in law enforcement. Law enforcement, in reality, tends to be discriminatory against Papuans. This case was shown in several events, namely on November 15, 2020, during an evaluation meeting on Papua's special autonomy, the police arrested 54 members of the Papuan People's community named Majelis Rakyat Papua (MRP) group and several other participants, even though it was the authority of the MRP. An action against racism by the authorities against Papuan students occurred in 2019 in Surabaya, resulting in six Papuan activists in Jakarta and seven Papuan activists on trial in Balikpapan being arrested and brought to justice. On March 3, 2020, an opinion-raising action against the extension of Papua's special autonomy in the DPR-RI resulted in 50 Papuan students being forcibly disbanded and two activists arrested. However, in reality, what happens is the opposite. Some perpetrators of racial and ethnic discrimination are not processed legally. Nevertheless, the purpose of the law, according to Gustav Redburch, is to obtain legal justice, legal certainty, and legal benefits.

Racial and ethnic discrimination against Papua has been entrenched and long-standing. However, the case in Surabaya in 2019 became the tipping point and accumulation of discriminatory actions directed at Papuans. The event received a significant response to cause action at several points in the region by students and the community, especially Papuans. The action received repressive treatment from the authorities, resulting in the death toll. Protesters in action also experience criminalization, which is not based on appropriate legal considerations. What happened reinforces the argument that even within the realm of law enforcement itself, law enforcement still discriminates racially.<sup>63</sup>

Conflict turmoil often occurred in Papua until finally, the Government issued a Law on Special Autonomy of Papua Province intending to protect the Papuan (Melanesian) race of indigenous Papuans or Orang Asli Papua (OAP). However, in practice, discriminatory treatment still exists, for example, in the economic field. The rights of indigenous Papuans are compromised under the pretext of facilitating development, and national interests that then negate indigenous peoples' rights, way of life, and cultural identity are hampered. The Government provided opportunities to develop a small economy for indigenous Papuans.<sup>64</sup>

The principle of equality without human rights must be realized in the provision of affirmative action. However, protection in the framework of equality has not been realized. This case is related to the regional defence function imposed in Papua with a security/military approach, with the deployment of police and TNI personnel

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<sup>62</sup> Adi Briantika, 'Timpangnya Putusan Hukum Pelaku Dan Pemrotes Rasisme Ke Orang Papua', 9 June 2020, <https://tirto.id/timpangnya-putusan-hukum-pelaku-dan-pemrotes-rasisme-ke-orang-papua-ffGj>.

<sup>63</sup> Herlambang P. Wiratraman, 'Rasisme dan Penerapan Pasal Makar terhadap Kebebasan Ekspresi Politik Papua', 76.

<sup>64</sup> Trully Rosalina Karundeng, 'Perlindungan Hak Minoritas dalam Multikulturalisme di Indonesia Ditinjau dari Aspek Hukum HAM', *Jurnal Lex Administratum* V, no. 3 (Mei 2017): 15.

accompanied by intensive surveillance and excessive security around the Papua province. This Government's security approach does not suppress discriminatory actions and human rights violations but instead increases Papua's ongoing human rights violations.<sup>65</sup>

The discriminatory treatment of race and ethnicity described above also impacts civil, political, economic, social, and cultural rights. The rights that have been violated are:

- a. the right to obtain information.
- b. the right to expressing and expressing opinions.
- c. the right to be treated equally before the law, judicial institutions and other public administrative bodies.
- d. the right to a sense of security and protection from the State against racial and ethnic violence.
- e. the right to work, to choose employment, fair and desirable working conditions.
- f. the rights to have decent livelihoods.
- g. the rights to obtaining health care, care, and social security.
- h. the rights to have equal opportunity and treatment of all forms of public service.
- i. the right to conduct education regardless of racial and ethnic characteristics.<sup>66</sup>

Prolonged horizontal and vertical conflicts resulting from racial and ethnic discrimination against Papuans must be sought. The conflict that occurs and afflicts Papuans is systemic racism. That is the understanding or concept that a particular race or tribe considers superior and other races or tribes inferior in people's lives. This understanding is maintained and passed down continuously inter generations.<sup>67</sup> Law enforcement, as well as the protection of human rights, is an obligation of the State as a form of respect for human rights is the responsibility of the State, especially the government".

Human rights violations are in the form of racial and ethnic discrimination, not only in the form of physical conflict but also through policies issued by the Government. Both executive, legislative, and judiciary and law enforcement practices. Policies still contain elements of discrimination against race and ethnicity, so they must be supervised. The formulation of policies and legislation should also use perspectives not to discriminate against certain groups. In addition, due to the lack of oversight, discrimination is more closely monitored by the public on their initiative. This practice is in order to reduce the practice of discrimination against the community.<sup>68</sup>

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<sup>65</sup> Yuli Asmini et al., *Upaya Negara Menjamin Hak-Hak Kelompok Minoritas Di Indonesia: Sebuah Laporan Awal* (Jakarta: Komisi Nasional Hak Asasi Manusia (Komnas HAM), 2016), 74.

<sup>66</sup> General Explanation of Article 9 UU 40/2008

<sup>67</sup> "The Impact of Racist Law Enforcement on Papuans in Indonesia", by Novel Matindas is presented in the Discussion of Papua, Human Rights, and Systemic Racism in the Feminist Study Circle Discussion.

<sup>68</sup> Bappenas, 'Penghapusan Diskriminasi Dalam Berbagai Bentuk', 2006, <https://www.bappenas.go.id/files/6213/5216/0347/bab-9-penghapusan-diskriminasi-dalam-berbagai-bentuk.pdf>.

A firm stance is needed to uphold human rights. Discrimination against race and ethnicity will continue to emerge if the authorized party does not enforce existing regulations. Horizontal conflicts will arise, and vertically will last because of parties such as officials' impunity against human rights violations. State organizers and law enforcement did not expressly resolve these cases on human rights issues related to racial and ethnic discrimination in Papuans and even throughout Indonesia. Racial and ethnic conflict is an iceberg-tip phenomenon, below which there are still more significant root causes that must be resolved to reduce conflicts resulting from racial and ethnic discrimination. The ratification is only limited to showing that Indonesia cares about human rights issues in the international eyes; moreover, in practice, it is still very lacking in reflecting non-discriminatory attitudes. Thus, the political will and commitment of law enforcement and the Government are indispensable to eliminating racial and ethnic discrimination in Papua, particularly in Indonesia in general.

#### IV. CONCLUSION

Discrimination against the Papuan people is caused by racial discrimination in various economic, political, educational, and the context of law enforcement. Implementation of the anti-discrimination law, especially for the Papuan people, the Government, and local governments, to protect citizens who experience acts of racial and ethnic discrimination. In addition, guarantees to citizens to obtain assistance and settlement and fair reimbursement suffered due to racial and ethnic discrimination, there need to be a state presence in them. In this case, article 7 of the anti-discrimination law, based on the value of researchers, has not been effective and optimal.

Anti-discrimination regulatory practices are still severely lacking, especially in Papuans (Orang Asli Papua / OAP). The perpetrators of racial and ethnic discrimination are not appropriately punished. Instead, the punishment is imposed on Papuans who are victims. The absence of a deterrent law for perpetrators of discrimination against Papuans will lead to endless discrimination against Papuans. Discrimination against Papuans also leads to discriminatory law enforcement, as it is based on race and ethnicity. This racial and ethnic discrimination has a domino effect, namely the emergence of other human rights violations. The Government needs to do maximum protection against ethnic Papuans and all citizens to be free from ethnic and racial discrimination.

The Indonesian Government must be aware of the political will to punish any perpetrators of discrimination and violence directed explicitly at the Papuan ethnic group as an effort to realize human rights goals, namely the fulfilment, enforcement of the law and the protection of human rights. A concrete step to slowly create a society that is free of discrimination is the planting of multiculturalism values. Meanwhile, the basic education of law enforcement officials also needs to emphasize the values of humanism, and multiculturalism, so that these values can be well implemented.



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