

Papua under the State of Exception

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Abstract

The paper argues that in post-Suharto Indonesia, Papua remained under Carl Schmitt's state of exception in which law was suspended to allow executive power of the state to reign with little restrictions. The structure of domination has become much more complex as it no longer consisted of dichotomy of the state authority and Papuan resistance movements. Rather, it colluded with the power of market, the monopoly of the powerful over natural resources, as well as the penetration of Wahhabism that undermined the existing cultural and social cohesion of the Papuans. The domination of the executive power of the state remained pervasive in the form of re-militarization of Papua. The power of the market has placed Papua and Papuans under control of the economy elite who ruled the game especially when it came to land acquisition and extraction of natural resources. The politico-economy structure of domination has been exacerbated with the new phenomenon of Wahhabism that has undermined the cultural and social cohesion of the indigenous and non-indigenous Papuans. All these elements only affirmed that the state of exception ruled Papua as a frontier.

Keywords: domination, extractive industry, frontier, Papua, state of exception, Wahhabism

Introduction

Do we have good news from Papua? We can answer immediately. Since the Government of Indonesia granted the status of special autonomy to Papua almost two decades ago in 2001, the provinces continue experiencing protracted conflict that has affected thousands of civilians, especially in the Central Highlands such as Nduga (Koten, Gobay, and SKPKC 2019: 33-64), Puncak, Puncak Jaya, and Intan Jaya Regency. Thousands of civilians left their home for safety as they have been caught in armed conflict between the Indonesian Armed Forces (*Tentara Nasional Indonesia/TNI*) and the West Papuan National Liberation Army (*Tentara Pembebasan Nasional Papua Barat/TPNPB*). The recent incident of

shooting of the Papuan Church workers in the Intan Jaya Regency have exacerbated the situation (The Humanitarian Team for Intan Jaya 2020).

Meanwhile, in the swamp area of Asmat, the indigenous population continued to face low health status. The measles outbreak and stunting, which featured prominently in the media in 2018 (Koten, Gobay, and SKPKC 2019: 1-17), shocked the Indonesian public conscience of the fragility of the lives of the young Papuan generation.

While the nation celebrated the Independence Day on 17 August 2019, joint forces of the Indonesian military and mass organizations (*ormas*) attacked Papuan students in Surabaya, calling them 'monkey' and 'dog.' This racist attack prompted Papuans and their supporters



took to the street in all major cities across Papua. Papuan solidarity movements simultaneously organized demonstrations in various cities in Indonesia, PNG, Timor Leste, and Australia (van den Broek 2020, Hernawan 2020b).

The glimpse of reality illustrated how Papua and Papuans have experienced a situation that is far from normal. Rather, it would match what Cameroonian philosopher Achilles Mbembe calls ‘frontier’ (2003). This term refers to zones characterized by war and disorder: “the colonies are the location par excellence where the controls and guarantees of judicial order can be suspended—the zone where the violence of the state of exception is deemed to operate in the service of ‘civilization’” (Mbembe 2003: 24). The term frontier is effective to characterize the dynamics of Papua as the area continues to experiencing armed conflict and disorder. But when we ask further what factors that construct a frontier, we will have to dig further into the underlying structure of domination that creates and maintains it.

Drawing on Carl Schmitt’s concept of the state of exception, this paper will examine the structure of domination that has been governing the frontier of Papua until today. In investigating the structure of domination, I limit it to the period of post-Suharto authoritarian regime since it is the time where democracy prevails in Indonesia. The context of democracy is central to Carl Schmitt’s concept of exception since his critique is not applied in the context of authoritarian regime. Rather, he targets liberalism which believes in rational administration and regulatory framework (Scheuerman 2016: 559-560).

In analyzing Papua, many tend to focus their lenses solely on the executive power of the Indonesian state. While this

approach is not entirely inadequate, the structure of domination that sustains the Papuan frontier goes beyond state power. It also derived from the intrusion of extractive industry that operated with but also beyond the power of the state. Similarly, the structure domination was more and more entrenched with the penetration of ultra-conservative stream of Islam. Just like the state power, these two major factors treated Papua as the frontier because they believed that Papua was under the state of disorder. Therefore, together three-dominating power seized the momentum to control Papua.

In analyzing the structure of domination, I would begin with a discussion of Carl Schmitt’s concept of the state of exception as the analytical framework of this paper before moving into an examination of the three major dominating powers, namely the Indonesian state, the extractive industry, and the penetration of Wahhabism in Papua. The paper will end with concluding remarks.

Understanding the State of Exception

In comparison to other German political theorists from the twentieth century, Carl Schmitt is not so well known in the English-speaking world because he was regarded as a ‘Nazi theoretician’ (Schwab 2005: xl). Schmitt’s commentators (Strong 2005, Scheuerman 2016) explain that Schmitt’s involvement with the Nazi did not derive from his misunderstanding of Hitler or because of his personal ambition. It had nothing to do with Hitler’s personal qualities. Rather, Schmitt believed that Hitler was ‘something like the entity God had sent to perform a miracle... and the miracle was the recovery of a this-world



transcendence to sovereignty and thus the human realm of the political' (Strong 2005: xxx). In other words, Hitler manifested his philosophical understanding of the political so that is why Schmitt embraced the Nazi wholeheartedly and he did not give up his belief even until he was released from prison.

Schmitt's *Political Theology* was first translated into English in 1922 and *the Concept of the Political* entered the English-speaking world only in 1976 (Schwab 2015: xl). The former discussed the idea of emergency power or the state of exception whereas the latter advanced the idea of friend-enemy criterion of politics which Schmitt had initially developed in 1927. In the current global political landscape, especially post-9/11 attacks on the World Trade Center and Pentagon in the US, Schmitt's work on emergency power has attracted major interests among legal and political scholars as they look for an explanation for the continuity between the counterterrorism policies of the US President Barrack Obama and his predecessors (Scheuerman 2016: 547). In other words, emergency power in the context of the US counterterrorism policy continues despite regime change.

This logic becomes pertinent to the central argument of this article that discusses the state of exception that continues governing Papua despite the collapse of Suharto's New Order in 1998. The successive democratic governments remain unable to restore the Papua frontier to a normal province since exceptionalism continues to prevail.

The concept of the state of exception is rooted in Schmitt's theory of state's sovereignty. Schmitt begins his *Political Theology* with the famous enigmatic sentence stating, 'Sovereign is he

who decides on the exception' (Schmitt 2005: 5). Despite various possible interpretation, Strong (2005: xii) argues that 'Schmitt is saying that it is the essence of sovereignty *both* to decide what is an exception *and* to make the decision appropriate to that exception, indeed that one without the other makes no sense at all. Two inseparable elements—the ability to decide and to enforce the decision—must be there.

Schmitt emphasizes that sovereignty is the ultimate power or the highest power (Schmitt 2005: 6, 17). Following French philosopher Jean Bodin, Schmitt believes that during the normal, sovereignty is bound to natural law but during emergencies, the tie to natural law ceases. This is when the state of exception prevails. So 'the exception... can at best characterized as a case of extreme peril, a danger to the existing of the state or the like' (Schmitt 2005: 6).

Scholars analyze that Schmitt's argument of sovereignty was developed in three stages of his professional career: World War I when he served as jurist for military dictatorship in 1916–1917, the Weimar debates about Article 48 of the constitution, and finally, the end of Weimar Republic in 1930–1933 when he joined the Nazi. During the World War I, Schmitt was based in Munich serving as the regional *General Komando*, the military authority responsible for exercising emergency rule in Bavaria. It is not surprising that during the war, a military dictatorship governed Germany and this context has strong influence on Schmitt's thinking as he was tasked to justify the extension of military rule beyond the end of war (Scheuerman 2016: 552).



The second stage developed during the Weimar Republic. Schmitt advanced Article 48 of the Weimar Constitution which authorizes the President to execute emergency power by temporarily suspend almost all the Constitution. 'If public security and order are seriously disturbed or endangered within the German Reich, the President of the Reich may take measures necessary for their restoration, intervening if need be with the assistance of the armed forces. For this purpose he may suspend for a while, in whole or in part, the fundamental rights provided in Articles 114, 115, 117, 118, 123, 124 and 153.' Three key elements should be highlighted here since they will be relevant in analyzing the structure of domination in Papua: (1) emergency power to restore the public security, (2) the suspension of fundamental rights, and (3) the deployment of armed forces to enforce the emergency power of the President.

Although Schmitt advocates for the idea of a wide-ranging constitutional dictatorship, he opposes the idea of the use of emergency powers to political transformation or fundamental constitutional change. Therefore, he makes a distinction between *commissarial* and *sovereign* dictatorships. The former refers to temporary dictatorial power exercised for the purpose of upholding status quo whereas the latter means dictatorial power that aims to create a new order.

During the withering stage of Weimar Republic, Schmitt finalized his concept of emergency power when he served as a crown jurist where scholars identify his influential role in the demise of Weimar democracy. In developing further his interpretation of Article 48, Schmitt argues that emergency power is not limited to the political, legal, and judicial matters but also economic-financial emergency.

For him, 'when political and legal praxis conflicts with legal doctrine, the latter trumps the former' (Scheuerman 2016: 558).

In understanding further Schmitt's emergency power, Posner and Vermeule's (2016) exposition on the distinctions of rules, standards, and executive primacy are instructive. These scholars differentiate 'a rule as a norm that is specified in advance of the conduct that it regulates. A standard is a norm that is applied retroactively to conduct that has already occurred' (Posner and Vermeule 2016: 618). In the context of emergency power, Schmitt believes that legislatures cannot enact laws that govern the executive during emergencies because emergencies are unique and impossible to anticipate. So in light of rules/standards analysis, legislatures create standards, not rules, that govern the executive to take firm action to defend the nation. Due to the large body of legislature and lengthy deliberation procedure, it is not possible for legislature to respond quickly to emergencies.

Affirming Schmitt's concept of state of exception, the scholars conclude that 'it is a liberal-legalist fantasy to think that constitutionalism can fully specify, ex ante, what should be done in emergencies or even who will decide what should be done in emergency; the uniqueness of emergencies always threatens to render obsolete or irrelevant not only substantive policies but also even procedural and institutional framework set up to regulate future policymaking' (Posner and Vermeule 2016: 624).

Three structures of domination

Drawing on Schmitt's concept of emergency power, this section will analyze three structure of domination in Papua in



order to see how and to what extent Schmitt's concept is applicable. First, the executive power of the Indonesian state will be analyzed to assess the sphere of influence of the executive power in governing Papua. Second, the power of extractive industry that penetrated the landscape of Papua. Finally, the steady infiltration of Wahhabism that has influenced the cultural Islam in Papua and thus undermined social cohesion of Papua. While the three elements do not necessarily possess equal dominating powers, they should be examined as inter-connecting factors that determine the social and political landscape of Papua.

Executive power of the state

On 29 October 2020, the Humanitarian Team for Intan Jaya (*Tim kemanusiaan untuk Intan Jaya*), an independent investigation team established by the Governor of Papua, released its report on the killing of Rev. Yeremia Zambani in the Central Highland of Intan Jaya on 19 September 2020. He was the former Head of the GKII Church in Hitadipa, Intan Jaya, and had linguistic skills to translate the Bible into the Moni language. The report concluded that the pastor was shot dead by 'a standard military firearm at a distance of approximately 1 meter' (The Humanitarian Team for Intan Jaya 2020). The team also named military officer, Sergeant Alpius Madi, and his colleague who shot at the pastor.

The conclusion was much more specific than the statement of the joint fact-finding team (*Tim Gabungan Pencari Fakta/TGPF*) established by the Minister of

Political and Security Affairs, Mahfud MD. During a press conference on 21 October 2020 (*liputan6.com* 21 October 2020), Mahfud MD identified an involvement of members of Indonesian security forces or third party in the killing of Rev. Yeremia Zambani but he never mentioned any names. He promised to bring the case to justice.

The revelation of the killing did not stop there. The Indonesian National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia/Komnas HAM*) announced the result of its investigation on 2 November 2020 (Komnas HAM 2020). In a similar vein, Komnas HAM conclusively identified Sergeant Alpius Madi, the member of Koramil Hitadipa, as the main suspect of the killing of Rev. Zambani. The report even detailed the way the victim was tortured to death in his pig stall. As the case involved both military personnel and civilians, Komnas HAM recommended *pengadilan koneksitas*¹ to hear the case.

The report also explained the high increase of military deployment to the area that occupied government building and even schools, including the main Church-run school. This situation has forced children and teachers to leave schools. Unfortunately, the local government was not functioning to address the serious problem of its people. Most senior government officials have not been stationed in the capital district of Sugapa but in Timika. This vacuum of government services has left the local population with minimal attention from the local government. More importantly, they were often caught in armed fighting between the

¹ In the Indonesian legal system, *pengadilan koneksitas* is a mixed of martial and public court

that is authorized to try both civilian and military personnel.



security forces and the TPNPB without any protection.

The killing of Rev. Zanambani was not the last incident, unfortunately. On 7 October 2020, Agustinus Duwitau, a Catholic Church worker, was shot and wounded (*jubi.co.id* 7 October 2020). A witness told the media that he was carrying air rifle for hunting so the security forces might think he was a member of TPNPB. The incident occurred when the taskforce of the Papuan Regional Parliament (*Dewan Perwakilan Rakyat Daerah/DPRD* Papua) was about to leave the airstrip of Sugapa so they were not able to handle it.

On 26 October 2020, another Catholic church worker, Rufinus Tigau, was shot dead by the army in the same area (*jubi.co.id* 26 October 2020). He was accused of being a member of TPNPB which Rev. Martin Kuayo, the Apostolic Administrator of the Diocese of Timika, categorically denied. In his media statement (*ucanews.com* 28 October 2020), he clarified the role of Rufinus Tigau as the assistant of the parish priest of Bilogai, who played an important role in the church services.

If we examine the circumstances of the shootings, these all occurred during the ongoing armed clashes between two armed groups, namely the Indonesian state armed group (TNI) and the non-state armed group (TPNPB). The clash has escalated since the killing of road workers in Nduga Regency in December 2018 (Majelis Rakyat Papua 2019) and has expanded to other regencies to the west side of the Central Highlands of Papua, including Intan Jaya and Lani Jaya.

The executive power of the Indonesian state has significantly increased the deployment of its military forces to combat the TPNPB. In comparison to Tinombala Operations in Poso to combat

the Santoso terrorist group, the military operations in Papua was not time-bound. Although it has been extended from 1 to 3, each Tinombala Operation has a time bound. This seems not the case for the military operation in Papua. Col. Jonathan Binsar Parluhutan Sianipar, the commander of the Nduga operation, made it clear that he will not stop 'until the Free Papua Movement (OPM) is crushed' (Pramono 2019: 38). This statement was a loose canon since it didn't involve specific time frame and measurable target.

The similarity of both operations laid in the method of deploying the troops at the center of the community life, not in a separate location. As a result, civilian population directly confronted the consequences of the military operations. This method has put civilians in a vulnerable position if there was a confrontation between armed groups as happens both in Poso and Papua. Civilians can be targeted by parties of the conflict because they can be accused of working for the opposite side or can easily be caught in exchange of fire. Most frequently, public facilities were damaged, if not destroyed.

The main difference, however, was that the Indonesian National Parliament (DPR) closely monitored Tinombala Operation. They appreciated the success story of taking down Santoso group in 2016 (*tribunnews.com* 19 July 2016; *dpr.go.id* 20 July 2016) but were critical to the following phase of the operation. The DPR urged the Indonesian security forces to use 'persuasive tactics,' not only 'security approach' (*radarsulteng* 4 May 2017). This was in contrast to DPR's attitude to the operation in Nduga and other parts of Papua. DPR provided no guidance whatsoever despite the requirement of Law No. 34/2004 on the Indonesian Military that



stipulates DPR to specify any domestic military operation. Few members of DPR raised their criticism such as Willem Wandik (*kompas.com* 3 September 2019), a member of the Democrat Party from Papua, and Sukamta from PKS (*republika.co.id* 24 December 2019), but these individual statements did not lead to any decision of the DPR to evaluate the existing operations.

Meanwhile, the Papua non-state armed groups, especially TPNPB, equally operated intensively in the highland area where the indigenous Papuans were majority. They also adopted the strategy of mixing with the locals so the Indonesian security forces indiscriminately targeted any Papuan look. This strategy put the civilians in a vulnerable position of being caught in fire exchange. Whenever TPNPB launched any attack on their target, their spokesperson released statements confirming their attacks.

The pattern of the armed violence only affirmed the status of Papua frontier in which violence and disorder continue to prevail. The conflict pattern has also revealed the worrying sign of re-militarization of Papua under the second term of Joko Widodo's government as human rights activist pointed out. As law and governance are not the main game in town for Papua, the nature of Papua frontier is likely to continue given its long legacy of state violence (see Hernawan 2020a, 2018: ch. 3).

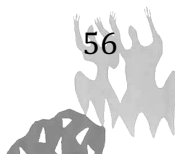
Extractive Industry

While protracted conflict remained unresolved, Papua also experienced the second type of domination through the expansion of extractive industry. Due to the limited space of this article, I only focus on the Freeport Mine operation which has

started its operation in 1967 prior to the incorporation of Papua to the Indonesian jurisdiction (Leith 2003, Poulgrain 2015). While this historical legacy has put Freeport in a unique legal position, it didn't mean that Freeport was the only extractive industry that undermines Papua. Palm oil industry was equally destructive to the livelihood and the tropical forest of Papua, especially in the Southern Papua (*bbc.com* 16 November 2020).

In regards to Freeport, one of the major developments of the Indonesian government policy was the divestment deal. Having secured an initial agreement with Freeport to divestment in 2017, the Joko Widodo's government managed to take one step further by signing a major deal with Freeport McMoran consisting of three issues: divestment of Freeport Indonesia, shareholder of Freeport Indonesia, and buying shares of Rio Tinto Indonesia. This landmark decision has given power to Indonesia to have full control over the company's future. Therefore it was understandable that the deal did not come out easy. It had gone through tough negotiations between the Indonesian government and Freeport McMoran (Sulistiyowati 2018: 28).

The deal, however, did not receive much appreciation from the public (*thejakartapost.com* 27 December 2018). The opposition simply dismissed the deal by labeling it as window dressing by the government to win the coming election. They even accused the government of misinforming the public because the acquisition did not actually happen. An observer labeled this accusation as 'distorted' and 'insulting people's intelligence' because it did not work according to law. Other observers, however, insisted that the deal did not



necessarily benefit the Papuans and even called it 'idiotic' because the government simply purchased its own property (*tirto.id* 23 December 2018).

The Papuans held various views. Some argued that Papuans should have been consulted because they were not present in any negotiations between Freeport McMoran and the government. A member of the Papuan Provincial Council argues that Papua should be given 40% instead of the 10% shares of Freeport as agreed (*ucanews.com* 5 July 2017). Papuan activists and Papuan students paid less attention to this issue in comparison to the previous generation.

While Freeport Indonesia was the most important mining project for Papua and even Indonesia, we should not forget that it was not the only extractive industry that has deeply affected Papua's livelihood. The scandalous land grabbing affirmed the nature of the system of exemption in the area of land acquisition in Papua. Just like in the political sphere, so too in the sphere of natural resources, the law only benefited the vested interests of politicians, businessmen, bureaucrats, but not the indigenous Papuans. The convolution of these actors resembled a mafia network. The continuous opposition from the indigenous Papuan community against this mafia was easily defeated. Corporations employed enticing tactics to divide and rule the community despite the ongoing campaign of church leaders who forbid their congregation to sell their land. One of the strongest proponents was the late Bishop John Saklil of Timika who launched his public campaign '*Stop jual tanah*' (Stop selling your land) (*ucanews.com* 5 July 2017). It was unclear whether his call has effectively prevented the indigenous Papuans to sell their land. Similarly, the on-

going campaign of environmentalist NGOs seemed futile since their data and analyses have not led to significant policy changes that give more protection to the indigenous Papuans (Koten, Gobay, and SKPKC 2019: 79-96). The latest report from the Forensic Agriculture of Greenpeace Indonesia has revealed a worrying pattern of deliberate burning of the tropical forest in Papua as large as Seoul city by a Korean company to clear the ground for palm oil (*bbc.com* 16 November 2020). But it was not clear whether the Government would take legal action against the company.

In both cases of state violence and extractive industry, we can see that the state exerted its sovereign power to dominate Papuans and their land for its benefit, not the indigenous Papuans'. Freeport and other extractive industry were being governed by the state regulations but the locals did not benefit much from their operations. The state regulations seemed to perpetuate the state of exception by using extractive industry to control the locals.

The penetration of *Wahhabism*

The third issue was the penetration of Wahhabism to Papua. Unlike traditional cultural Islam, Wahhabism adopts a spirit of purification in relation to Islam across Indonesia (see Al-Rasheed 2007). Hizbut Tahrir Indonesia (HTI) was an organization that represents this global movement. Although it was banned in Indonesia, the Indonesian authority took no legal action against the organization and its members who spread out in many places across Indonesia. Papua was not immune to this movement.

In contrast to widespread assumption that religion was not an issue in Papua, the Tolikara incident back in 2015



demonstrated tensions that implicate volatile Christian–Islam relations (al-Makassary 2017). The incident started when both Christian and Muslim communities celebrated their festivities at the same time and at the same location. The majority Christian community held their anniversary of the birth of GIDI in Karubaga, the capital of Tolikara Regency, whereas the Muslims celebrated the end of Ramadhan of 2015. The Christian community, who was predominantly indigenous Papuans, felt disturbed with the noise of the Muslim gathering, who was largely non-indigenous Papuans. The Christian youth asked the Muslim crowd to lower the noise but the communication did not go well. As a result, the Christians attacked the Muslim crowd who were praying in a soccer field. Some police officers, who were among the Muslim crowd shots at the Christians, hurting them. The mob burned the market where non-Papuan Muslims often go. A small mosque attached to the market coincidentally burned. The incident prompted a national response, as a delegation of cabinet ministers arrived in Tolikara within days. The national government provided funding to support rebuilding the mosque.

The incident not only represented the resentment between the two communities, but also invited Wahhabi groups from Java to operate more intensively in Papua. Unlike other Papua observers, al-Makassary tracked down the role of the late Ja'far Umar Thalib, the commander of *Laskar Jihad* who led the Muslim paramilitary groups during the Ambon conflict (Hasan 2005), when he

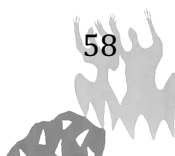
arrived in Tolikara during the incident. As Tolikara was handled properly by both community leaders, Ja'far did not camp in the Tolikara area but anchored his presence at the outskirts of Jayapura to do *dakwah* (proselytism) ever since.

His presence met strong reaction from the Muslim organizations in Papua in 2016 that released a public statement to ask him and his group to leave Papua. The request had little impact on him. He remained stay even when the late Regent of Keerom officially asked him to leave. Instead, he insisted that he was a free man doing *dakwah* in Papua.² This claim of merely doing *dakwah* was questionable, though, as evinced by his attack on a Papuan family in February 2019. The incident not only threatened the life of the family but also infuriated the whole community against his action regardless of their religious background. The police acted quickly by arresting Ja'far and his group as well as detaining them with criminal charges (*jakartaglobe.id* 1 March 2019; Koten, Gobay, and SKPKC 2019: 97–109). Later he died of illness after released from prison in 2019 (*tempo.co* 26 August 2019).

In a similar vein, Fadlan Garamatan, an indigenous *ustaz* (Muslim preacher) from Fak-fak, promoted his *dakwah* by claiming that Papuans were nonbelievers. He made a public statement that infuriated the whole indigenous Papuan community, including the Muslim Papuans. He claimed that he successfully trained Asmat people to use soap for taking bath because “the missionaries taught them to rub pork fat over their bodies as ‘bathing’

² In a letter to the late Regent of Keerom dated 20 September 2017, Ja'far Umar Thalib questioned the plan of the local government to close his Islamic

boarding school (*pesantren*) and return his students to Java.



instead of pouring water” (*wartaplus.com* 27 March 2018) As a response, the Christian community around Jayapura organized a public demonstration. They not only demanded an apology from the *ustaz* but called on the local authorities to arrest him for blasphemy (Tim Mediasi Kabupaten Jayapura 2018). The Wahhabi *ustaz* eventually offered an apology. Interestingly, he offered his remorse to the chair of the Papua Chapter of the Indonesian Ulama Council (MUI), Ustaz Payage, not to the Christian community. At the end, the police did not take any legal action against him.

The Indonesian state continued to take little to no action against the penetration of a puritan stream of Islam that has threatened the existing social and cultural cohesion in Papua. The lack of response communicated a tolerance of individuals with violent backgrounds and seriously undermined the long-established peaceful coexistence of various faiths in this area.

If we put these incidents under the lens of the state of exception, the penetration of Wahhabism in Papua also fell under this category. Whenever Papuan community, both Christians and Muslims, explicitly raised complaints against a few Wahhabi figures, the authorities took no legal action and turned their eyes blind. The Papuans did not enjoy a privilege as a master in their own land since they were forced to adjust and tolerate. As we learnt

from the conflict in other parts of Indonesia (Panggabean 2018, Braithwaite 2010, Bräuchler 2015), this dismissive attitude of the authorities can plant a time bomb for communal conflict in the future.

Conclusion

The above description of the current reality of Papua might not be the most detailed picture that we can present here. Rather, it was a glimpse of the frontier that suffered from violence and disorder as it has been ruled by the state of exception in the last five decades.

In this context, Schmitt’s concept was proved effective to analyze three major structures of domination over Papua, namely the executive power of state, the extractive industry, and the penetration of Wahhabism, which otherwise was unfathomable. The authoritarian regime has long gone but the successive democratic governments remained unable to restore Papua as a normal province. Instead, they continue to apply the emergency power of the state through the three structures of domination which suspended the applicability of law.

As sovereign power of the state reigns, it decides *what* belongs to the exception and *how* the exception will rule. The next question, which goes beyond the scope of this article, is whether the state of exception in Papua can be terminated.



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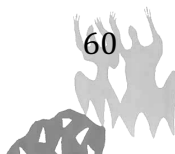
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