

THE SEPARATIST MOVEMENTS: A REVIEW OF THE CONFLICT BETWEEN SELF-DETERMINATION, STATE SOVEREIGNTY AND INTERNATIONAL LAW

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ABSTRACT

Separatism is a complex and sensitive issue in the context of international law and human rights. This research aims to explore the correlation between self-determination and human rights in relation to separatist movements, with a focus on the conflicts that arise between state sovereignty and international law. The article also analyzes several case studies of separatist conflicts in various regions to provide a more concrete understanding. The research methodology employed is a normative juridical approach, utilizing literature review from diverse sources such as books, online media, dissertations, and other relevant literature. The research findings confirm that self-determination is recognized as a human right in international law. This right allows ethnic, national, or regional groups to determine their own destiny, including the option of secession from an existing state and in the national law of Indonesia, the right to self-determination is interpreted in the context of regional autonomy. However, conflicts arise when the implementation of self-determination contradicts the principle of state sovereignty. The separatist movement involves complex correlations between self-determination, human rights, state sovereignty, and international law. Sustainable conflict resolution requires a balanced and comprehensive approach that recognizes and protects human rights without disregarding the principle of state sovereignty.

Keywords: Human Right, International Law, Self-Determination, Seperatist, Indonesia

ABSTRAK

Separatisme merupakan isu yang kompleks dan sensitif dalam konteks hukum internasional dan hak asasi manusia. Penelitian ini bertujuan untuk mengeksplorasi korelasi antara penentuan nasib sendiri dan hak asasi manusia dalam kaitannya dengan gerakan separatisme, dengan fokus pada konflik yang muncul antara kedaulatan negara dan hukum internasional. Artikel ini juga menganalisis beberapa studi kasus konflik separatisme di berbagai wilayah untuk memberikan pemahaman yang lebih konkret. Metodologi penelitian yang digunakan adalah pendekatan yuridis normatif, dengan menggunakan studi literatur dari berbagai sumber seperti buku, media daring, disertasi, dan literatur lain yang relevan. Temuan penelitian menegaskan bahwa penentuan nasib sendiri diakui sebagai hak asasi manusia dalam hukum internasional. Hak ini memungkinkan kelompok etnis, nasional, atau regional untuk menentukan nasibnya sendiri, termasuk pilihan untuk memisahkan diri dari negara yang sudah ada dan dalam hukum nasional Indonesia, hak menentukan nasib sendiri ditafsirkan dalam konteks otonomi daerah. Namun, konflik muncul ketika implementasi penentuan nasib sendiri bertentangan dengan prinsip kedaulatan negara. Gerakan separatis melibatkan korelasi yang kompleks antara penentuan nasib sendiri, hak asasi manusia, kedaulatan negara, dan hukum internasional. Penyelesaian konflik yang berkelanjutan membutuhkan pendekatan yang seimbang dan komprehensif yang mengakui dan melindungi hak asasi manusia tanpa mengabaikan prinsip kedaulatan negara.

Kata Kunci: Hak Asasi Manusia, Hukum Internasional, Penentuan Nasib Sendiri, Separatisme, Indonesia

Introduction

The development of international law has become an important sign in the era of globalization, where countries and international communities are increasingly interconnected in various fields. However, amidst this integration, there are complex issues related to the emergence of separatist movements in various parts of the world. Separatist movements arise when ethnic, religious, or political groups within a country support claims for autonomy or even independence from their parent state. In the midst of the expanding waves of globalization, the development of international law has become an inevitable focal point. This era witnesses countries and international communities becoming increasingly interconnected in various aspects of life. While this integration brings about positive impacts, the prologue underscores the complexities that arise with the emergence of separatist movements across different corners of the globe.

Essentially, these movements surface when ethnic, religious, or political groups within a country articulate claims for autonomy or even independence from their parent state. Delving deeper into how the development of international law plays a role in responding to these intricate dynamics and addressing the challenges that arise amidst the ceaseless currents of globalization, the development of international law has gained significance with globalization, as nations and the international community engage in increasingly complex and interconnected relationships. This development reflects the need for cross-border cooperation in addressing global issues.

Despite global integration, separatist movements arise in response to ethnic, religious, or political differences within a nation. These groups advocate for autonomy or independence from the central government, creating complex dynamics in international relations. Separatist movements emerge when groups within a country feel underrepresented or marginalized, advocating for autonomy or even complete independence (Nugroho et al., 2023). Factors such as cultural differences, religious disparities, or political aspirations can be primary drivers behind these movements.

Separatist movements provide difficult problems for international law. Important discussions within international legal frameworks center on issues pertaining to national sovereignty, autonomy, and self-determination rights. Faced with separatist movements, the international community often emphasizes the need for peaceful resolution. International organizations and involved nations can play a role in supporting dialogue, negotiation, and fair conflict resolution. Issues related to separatist movements also raise questions about the boundaries of national sovereignty. While nations may insist on maintaining the territorial integrity, international law also recognizes the rights of groups to self-determination. Separatist movements can have significant implications for global stability, especially when conflicts involve nations with strategic interests or vital resources.

The development of international law in the context of separatist movements requires a balanced approach between preserving the integrity of nations and accommodating the autonomy aspirations of groups (Iqbal & Irawati, 2023). Peaceful resolution and international cooperation are key to addressing the complexities in the era

of globalization. When the concepts of self-determination and human rights are taken into account, the struggle between separatist groups and state sovereignty becomes more complex. As a notion acknowledged by international law, self-determination gives a group the freedom to choose its own course of action and establish the kind of government that it desires. Nonetheless, state sovereignty, which asserts total authority over its area, sometimes clashes with this principle.

The idea of state sovereignty, which is a key tenet of international law, has traditionally served as the underlying basis for nations to manage their internal affairs without foreign intervention (Adnyana, 2022). In the era of globalization and increased recognition of the importance of universal human rights, there is a need for a paradigm shift that seeks to strike a balance between state sovereignty and the protection of human rights. Human rights are inherent and inalienable rights possessed by every individual from birth as a gift from God (Begem et al., 2019). Everyone aspires to self-liberation, desiring complete freedom to live according to their whims. However, human rights are not absolute because they are intended to safeguard the rights of others. Consequently, states must recognize and protect human rights in their national laws as a foundation for legal protection and certainty (Aswandi, 2019).

States are fully responsible for safeguarding every individual's human rights, including protecting them from abuses of authority and government power, as well as acts of torture committed by authorized individuals. Therefore, states must have significant authority in protecting and securing human rights (Zidhan & Sumaryanto, 2023). In addition, self-determination is a human right recognized under international law. The right to self-determination encompasses the capacity to ascertain one's own political, economic, and social entitlements. Presently, the crux of the right to self-determination pertains primarily to the liberty to exercise agency in determining one's political standing. The establishment of peace and security within the international legal community is seen as a basic right in the field of international law. The concept of self-determination encompasses the principles of freedom and independence for ethnic groups and communities (Ananda et al., 2019). The right to self-determination is governed by several international treaties and declarations, underscoring the importance of this right. Self-

determination extends beyond attempts to found new states; it also includes internal self-determination, or the right to make decisions for oneself inside an independent state. Self-determination has a long history that begins with the colonial era in Asia and Africa. After World War II, the concept of self-determination arose as an endeavor to end colonialism.

There is a debate in the theory of international law regarding the implementation of the right to self-determination, particularly regarding whether every state or territory can use this right absolutely, as well as its limits and conditions of use. The debated issues also include whether this right falls under the category of human rights, considering the principle of state sovereignty that limits the implementation of the right to self-determination. There is ongoing discussion on the connection between separatist activities and the right to self-determination. The right to self-determination is acknowledged by international law as a basic human right. In actuality, though, as they may be seen as a breach of national sovereignty, activities undertaken in the name of self-determination are typically seen as acts of rebellion against the state. The question of whether the right to self-determination is a legitimate activity based on universally acknowledged human rights or a type of separatist that contravenes national laws is the source of this disagreement. As a result, it's critical to talk about how international law and human rights views interpret this problem.

Separatism refers to the actions of individuals or groups within a territory or larger unit who attempt to form a distinct, independent territory. Frequently, these actions are motivated by asserting the right to self-determination. In many nations, however, separatist actions are considered acts of rebellion or violations of the unitary state's national laws. Separatists are individuals or groups involved in separatist actions. They may have various goals, including joining another state, establishing a new territory, or forming a new government. However, separatist actions are often considered violations of national laws and can face harsh responses from the government. It should be noted that the approach to separatism can differ in each country. Some countries may allow extensive autonomy or the right to self-determination to certain groups, while others may enforce stricter policies against separatist actions. Dealing with separatism

often involves political, legal, security, and negotiation aspects to achieve adequate problem-solving and maintain regional stability.

The relationship between separatist actions and the right to self-determination remains controversial in numerous contexts. Internationally, the right to self-determination is recognized as a fundamental human right. However, its implementation in national law can be complicated by the conflict between state sovereignty and the independence-seeking aspirations of groups or regions. One fundamental tenet of international law that allows communities or areas to choose their own political, economic, social, and cultural status is the right to self-determination. Enshrined in the United Nations Charter, this concept applies to all populations that are under oppression. Nonetheless, because this idea may clash with national sovereignty and territorial integrity, implementing the right to self-determination in national law is challenging. Governments view separatist actions as acts of rebellion that contravene national laws and endanger national cohesion and stability.

From an international legal standpoint, the resolution of the contradiction between the right to self-determination and state sovereignty may entail engaging in discourse, negotiation, and political mechanisms in order to identify suitable resolutions (Suropati, 2019). International institutions such as the United Nations and international tribunals like the International Court of Justice can also contribute to the resolution of such issues. This issue is indeed complex and frequently generates debate. Each nation will adopt a unique approach to separatist actions depending on their respective historical, political, and national legal contexts. Understanding and interpreting human rights and dialogue between the parties is essential for achieving a just and enduring resolution.

In the journey to address conflicts involving separatist movements, fundamental steps must be taken to achieve a fair and sustainable resolution. From open dialogue and negotiation to the role of international institutions like the United Nations, legal adjudication, and considerations of human rights, each step plays a crucial role in guiding us toward a profound understanding and a viable resolution (Maharani, 2022). Trust-building, comprehensive solutions, and a commitment to human rights are integral

elements that can shape the foundation for peace and justice in the context of separatist movements. By comprehending the intricate dynamics between the right to self-determination and state sovereignty, we can pursue a nuanced and adaptive approach within the framework of international law. Through dialogue, legal adjudication, and a dedication to human rights, the international community can strive to address the complexities of separatist movements and contribute to the promotion of peace and justice on a global scale.

Engaging in open and constructive dialogue between the conflicting parties is a fundamental step in resolving issues related to separatist movements (Nugraha & Habibah, 2023). Negotiation processes can provide a platform for the expression of grievances, the exploration of potential compromises, and the development of mutually acceptable solutions.

International organizations, particularly the United Nations, can play a pivotal role in facilitating discussions and negotiations. The UN, through its various agencies and mechanisms, can provide a neutral ground for dialogue, promote understanding, and assist in the formulation of diplomatic solutions. In situations where legal disputes arise, international tribunals, such as the International Court of Justice, can be invoked to provide a legal framework for resolving conflicts. These tribunals interpret international law, adjudicate disputes, and offer legal opinions that may guide.

Literature Review

Previous research has been conducted on the issue of separatism and the right to self-determination, one of which was written by Firman Noor titled "Analysis of Government Policies on Papua Separatism." This research focuses more on separatist actions occurring in Papua (Noor, 2016). Another study conducted by Istri et al., (2021), titled "The Correlation of Separatism with Self-Determination and Human Rights In A Region Under International Law," This study emphasizes the correlation between separatism and self-determination, highlighting that separatism is a form of action in determining one's own fate. It is one of the methods for achieving and exercising self-determination. Furthermore, Ismail, (2021) in his article entitled "Juridical Review of the

Determination of the Free Papua Organization Separatist Movement as Terrorists in Connection with the Terrorist Law.” Focus on separatism movements that can be categorized as criminal activities and terrorist activities.

While this research focuses more on the correlation between separatist actions and the realization of the right to self-determination in the context of its legality under international regulations and Indonesian national law, as well as human rights. Therefore, the focus of this research differs from previous studies that have been conducted.

Methods

The method used in this research is normative juridical. Normative juridical research involves using legislative regulations as the study material and drawing references from various sources such as legislation, journals, books, online news, and others, commonly known as literature review, while still considering the approach of applicable legislative regulations. The method used in this research is normative juridical. Normative juridical research is research that uses laws and regulations as study materials and takes references from various sources such as laws and regulations, journals, books, online news, and others, which are commonly known as literature studies, while still considering the approach of applicable laws and regulations.

The normative juridical method involves a systematic approach to legal research, namely:

1. Identification of Legal Issues: The first step is to identify the particular legal question or problem that needs to be addressed. This determines the scope and direction of the research.
2. Collection of Legal Sources: Relevant and comprehensive legal materials are collected. These include:
 - a. Legislation: National and international laws, statutes, and regulations relating to the research topic.
 - b. Jurisprudence: Court decisions and case law that interpret and apply statutory provisions.

- c. Doctrinal Sources: Scholarly articles, books, and commentaries written by legal experts.
- d. Other Relevant Sources: News articles, reports and online content that provide context or additional information.

The research concludes with a summary of findings, including any recommendations or implications for legal practice or policy. The conclusion is grounded in the interpretation and analysis of the legal norms.

Results and Discussion

International Law Theories Related to Self-Determination and Human Rights

Self-determination is a concept recognized in international law as a human right. This right grants ethnic, national, or regional groups the ability to determine their own fate, including the establishment of an independent state or gaining greater autonomy. The concept of self-determination first emerged after the end of World War II with the aim of liberating colonized nations and promoting peace and justice. According to Rachman & Hastri, (2021), a society's internal right to choose its own structure of state and governance is referred to as the right to self-determination. Self-determination refers to a people's or nation's right to select the kind of state and government that they like (Rombot & Senewe, 2023). This right involves the ability to participate in political and cultural spheres and to manage indigenous or native communities within the framework of the state's administration in relation to its affairs or disputes. International law governs the right to self-determination, which has important implications. Resolution 1514 (XV), also referred to as the Declaration on the Granting of Independence to Colonial Countries and Peoples, was adopted by the United Nations General Assembly on December 14, 1960. It is one of several international legal instruments that govern the implementation of the right of self-determination. The International Court of Justice acknowledged this resolution on June 21, 1971. It asserts that the ability to choose their own fate is a basic right of colonized peoples, giving them complete and unrestricted control (Fiona & Kusniati. 2020).

Article 1(1) of the International Covenant on Civil and Political Rights declares that “every individual has the right to self-determination. This right provides the basis for individuals to freely choose their political status and achieve economic, social, and cultural development”. Article 1(2) of the United Nations Charter states that “the friendly relations between nations should be based on the principle of equal rights and self-determination of peoples, to strengthen universal peace”. Article 1(3) of the International Covenant on Economic, “Social and Cultural Rights emphasizes the importance of promoting and respecting the right of self-determination, including for trust territories and non-self-governing territories (PBB, n.d.) The United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of indigenous peoples to self-determination”. The declaration asserts that indigenous peoples have the right to autonomy in their internal and local affairs, as well as the right to finance their own autonomy (Rifqi et al., 2024).

In the context of the right to self-determination for indigenous peoples, the UN Declaration on the Rights of Indigenous Peoples also asserts several other essential rights. Some key aspects recognized in this declaration include:

1. Recognition and Cultural Property:

Indigenous peoples have the right to maintain, develop, and control their cultural heritage and intellectual property. This includes language, oral traditions, arts, and traditional knowledge.

2. Land and Natural Resources:

Indigenous peoples' rights related to land and natural resources are acknowledged, including the right to own, possess, and use their traditional lands. Indigenous communities also have the right to manage natural resources in their territories.

3. Participation and Consultation:

Indigenous peoples have the right to participate in decisions that affect them, including in consultation processes and decision-making regarding the development and utilization of natural resources in their areas.

4. Protection against Discrimination:

Indigenous peoples have the right to be free from discrimination and oppression, as well as the right to maintain and practice their cultural identity without fear of discrimination.

5. Sustainability and Development:

The right of indigenous communities to sustainable development is recognized, encompassing the right to maintain and strengthen their own institutions and benefit from sustainable development.

6. Protection against Forced Displacement:

Indigenous peoples are protected from forced displacement from their lands or territories without free prior and informed consent, based on the principles of consultation and free agreement.

The UN Declaration on the Rights of Indigenous Peoples aims to safeguard and uphold the cultural diversity and human rights of indigenous groups globally via the acknowledgment of their entitlement to self-determination and other fundamental rights. Nevertheless, the effective execution of this declaration poses a formidable obstacle in many nations and continues to be the central concern of advocacy efforts aimed at achieving the substantive fulfillment of indigenous peoples' rights.

The abundance of covenants, resolutions, and United Nations charters that explicitly address the right of self-determination demonstrates that it is a fundamental right to be respected and promoted. These documents provide a legal foundation and legitimacy for the implementation of the right of self-determination by nations or individuals, as they are internationally recognized and universally applicable (Teguh, 2021).

The recognition and promotion of the right to self-determination is a fundamental aspect in various covenants and resolutions, including Resolution 1514 (XV), the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the United Nations Declaration on the Rights of Indigenous Peoples. The idea of self-determination is included in the United States

Charter, serving as a fundamental tenet for the promotion of global peace and fostering amicable relations among states (Fiona & Kusniati. 2020).

Due to these provisions, the right to self-determination has acquired a solid legal foundation and legitimacy under international law. This demonstrates that this privilege is universally acknowledged and fundamental to all people. The right to self-determination is not expressly regulated in Indonesian law. Nonetheless, Indonesia has implemented forms of autonomy via regional autonomy and special autonomy systems. Law No. 23 of 2014 as amended by Government Regulation in Lieu of Law Number 2 of 2014 concerning Amendments to Law Number 23 of 2014 concerning Regional Government and as amended by Law Number 9 of 2015 Second Amendment to Law Number 23 of 2014 concerning Regional Government hereinafter referred to as ("Local Government Law") grants autonomous regions the rights and authority to regulate their governance systems and the interests of their populations. Special autonomy is granted to the provinces of Papua (formerly known as Irian Jaya) and Aceh (as Nanggroe Aceh Darussalam), providing them with a greater role in determining their own governance and managing development and natural resources in their regions (Fiona & Kusniati. 2020).

Local Government Law provides for the implementation of regional autonomy and special autonomy in governing the regional government system within the framework of the Unitary State of the Republic of Indonesia (NKRI). The division of government affairs between the central government, provincial governments, and regency/municipality governments is further regulated by Government Regulation Number 38 of 2007 concerning the Division of Government Affairs between the Government, Provincial Regional Governments, and Regency/City Regional Governments. Through this regulation, the allocation of authority between the central government and autonomous regions is determined in various fields such as education, health, infrastructure, and others. Regional autonomy grants freedom to the regions to make decisions and manage their internal affairs according to the needs and characteristics of the respective regions. In addition to regional autonomy, there is also the concept of special autonomy given to two provinces in Indonesia, namely Papua Province (previously known as Irian Jaya) and

Aceh Province. Special autonomy provides additional authority to these provinces in governing their government and regional interests. This is done to accommodate the uniqueness, characteristics, and aspirations of the communities in these provinces. With regional autonomy and special autonomy, the government provides greater opportunities for local communities or indigenous populations to actively participate in determining their own governance. Furthermore, regional autonomy and special autonomy also provide greater opportunities to manage development and natural resources in the respective regions according to their needs and potentials.

The granting of regional autonomy and special autonomy in Indonesia can be seen as a form of implementing internal self-determination. Internal self-determination refers to the right of local communities or indigenous populations to have a greater role in determining their governance and managing the development and natural resources in the local area. In Indonesia, as a sovereign state, the provision of regional autonomy and special autonomy is a manifestation of the government's recognition of local communities' cultural diversity, needs, and aspirations. By granting autonomy, the central government provides an opportunity for local communities or indigenous populations to have a greater role in governing their own regional government.

Furthermore, regional autonomy and special autonomy also provide opportunities for local communities to manage development and natural resources in their areas according to local needs and potentials. This allows for decision-making that is more relevant to local conditions and empowers communities to manage and utilize existing resources. Thus, the granting of regional autonomy and special autonomy in Indonesia is a concrete step towards fulfilling the internal self-determination rights of local communities or indigenous populations. It is also in line with principles of democracy, community participation, and respect for cultural diversity within a sovereign state like Indonesia.

While the concept of autonomy is a positive step, effective implementation and continuous dialogue between local communities and the central government are crucial for its success. Striking a balance between regional autonomy and national unity remains

a dynamic challenge that requires ongoing attention and collaboration to address the diverse needs and aspirations of Indonesia's local populations.

From the perspective of national legal statehood, autonomy refers to the right granted to a region to make laws and regulations. From an international legal perspective, the granting of special autonomy refers to the delegation of authority to specific regions to govern their own affairs, recognized through the enactment of legislation. This special autonomy can be implemented without requiring territorial separation from the parent state to form a new state. The effort to grant special autonomy can be seen as a middle-ground solution aimed at preserving state sovereignty without threatening state disintegration, while also serving as an implementation of internal self-government (Asnawi et al., 2021).

The Conflict Between State Sovereignty And International Law Arises In The Context Of Separatist Movements As A Manifestation Of Self-Determination

In international law, self-determination is considered one of the manifestations of human rights. Several international agreements, such as the United Nations Charter and the International Covenant on Civil and Political Rights, recognize this freedom. Individuals and groups can freely express their identity, culture, and political interests when they have self-determination (Aureliu Cristescu, 1983).

a. United Nations Charter

The United Nations Charter, the foundation of international law, asserts in Article 1 that one of the purposes of the United Nations is to "create conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained." This point reflects the principle that self-determination is closely related to social and economic justice.

b. International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights, in Article 1, acknowledges the "rights of all peoples to self-determination." This emphasizes the importance of

granting individuals and groups the right to determine their own path in political and social contexts.

According to Sumampouw et al., (2022), internal self-determination is the sovereign right of a nation to determine its political status independently. This right can be achieved through the granting of special autonomy by the state, with decision-making processes based on democratic values. Prasetyo, (2023) defines separatism as an act of resistance carried out by a region or nation with the aim of attaining freedom due to violations of the principle of self-determination for that nation. The connection between separatism and self-determination is that in the context of self-determination, separatism can be seen as one form of action to achieve self-determination. Self-determination is the inherent right of individuals or groups to freely determine their political, economic, social, and cultural status. This may include the right to secede from the parent state and establish an independent political entity.

However, it is important to note that separatist actions often involve conflicts and rebellions because the main goal of separatist movements is to separate from the parent state and establish an independent nation. In many cases, separatist actions are considered acts against the legitimate government and can be viewed as forms of rebellion. In some national legal literature, acts of rebellion or attempts to overthrow the government can be considered forms of separatism. However, it should be noted that views on separatism may vary in different countries and in the context of international law. Recognition of separatist movements can also vary. Some countries or international communities may support separatist movements as part of the principle of self-determination, while others may reject recognition of separatist movements and uphold the principle of territorial integrity (Heraclides, 1992).

Efforts to actualize self-determination, one of the most fundamental human rights, are associated with separatist actions. Even though this right is enshrined in the Universal Declaration of Human Rights, it is subject to restrictions to prevent arbitrary application. Chapter VI of Resolution (2625) of 1970 of the United Nations General Assembly explains the principles of the Right to Self-Determination. Resolution 1514 of 1960 states that the

Right to Self-Determination cannot be exercised again once it has been exercised. This statement appears in Paragraph IV of the 1970 Declaration of Friendly Relations.

The separation of a territory or region is not an absolute right, but it can become the subject of negotiation and peaceful agreements between the relevant parties. If such separation is not done peacefully, it can lead to internal conflicts (internal armed conflicts) that can result in rebellion against state sovereignty. Essentially, the parent state will strive to maintain its sovereignty as they respect and uphold state sovereignty as the main principle (Yudawan, 2022).

State sovereignty is a key idea in international relations that maintains that each state has total control over its territory and the right to regulate its internal affairs independently of other nations. When there are calls for secession from an existing region, the notion of state sovereignty frequently becomes an impediment to the fulfillment of self-determination. According to Mochtar, the concept of state sovereignty has limitations due to the existence of the sovereignty of other states. In this concept, state sovereignty includes independence and equality, meaning that sovereign states are independent and have equal status with one another. Therefore, the concept of state sovereignty, independence, and equality does not contradict the concept of the international community governed by international (Kusumaatmadja & Agoes, 2003).

International Law and Recognition of Separatist Movements

International law provides a framework for addressing separatist conflicts. Recognition of separatist movements as a form of self-determination can vary. Some countries and international organizations may provide political support or recognition to separatist claims, while others consider it a violation of state sovereignty. Generally, recognition of separatist movements is influenced by several things, including:

- a. The Principles of State Sovereignty, sovereignty is a fundamental principle in international law, emphasizing the absolute authority and independence of a state within its territorial boundaries. Recognition of separatist movements can be seen as a challenge to this principle, as it implies the assertion of authority over a portion of

the state's legitimate territory. This not only undermines the internal stability of the state but also has the potential to disrupt the international order that is based on respect for territorial integrity.

In this context, various countries and international entities often face a dilemma in determining their stance toward separatist movements. On one hand, there is the interest in supporting the right to self-determination held by certain ethnic or regional groups. On the other hand, there is the need to maintain stability and prevent broader conflicts that could arise from the disintegration of a state.

A clear example of this challenge can be seen in various cases worldwide, such as Kosovo's independence from Serbia, the independence movement in Catalonia, Spain, and separatist struggles in other countries. Each case has its unique political, historical, and social dynamics, yet all highlight the fundamental conflict between the collective right to self-determination and the inviolable principle of state sovereignty.

Therefore, the international approach to separatist movements is often pragmatic and contextual, taking into account various factors including regional stability, human rights, and international law. In some cases, solutions such as regional autonomy or federation have been proposed as compromises to accommodate the aspirations of separatist groups without sacrificing the territorial integrity of the state (Pratama et al., 2024).

Ultimately, the balance between state sovereignty and the right to self-determination remains one of the most complex challenges in modern international relations and international law. Each state and the international community must continue to seek ways to manage this tension peacefully and fairly, to ensure global stability and prosperity.

- b. Territorial Integrity, the principle of territorial integrity upholds the inviolability of a state's borders and discourages actions that may lead to the fragmentation of a country. The recognition or support for separatist movements is often weighed against the commitment to preserving the territorial integrity of states.

In addition, maintaining regional stability is a crucial consideration in addressing separatist conflicts. Recognizing or supporting separatist movements may be viewed

as potentially destabilizing, as it could encourage similar movements in neighboring regions or states. This domino effect can lead to widespread instability, undermining peace and security in a region. For instance, the recognition of one separatist region's independence might embolden other separatist groups, leading to increased demands for autonomy or independence, potentially resulting in violent conflicts and humanitarian crises.

Therefore, the stance that countries take on separatist movements can significantly impact their diplomatic relations. Supporting a separatist movement can strain or even sever relations with the country from which the region seeks to secede. Conversely, opposing such movements may align a country with the central government, potentially at the expense of relationships with allies who support the separatist cause. These diplomatic considerations often lead to carefully calibrated positions that seek to balance competing interests and maintain diplomatic harmony.

In summary, addressing separatist conflicts involves a delicate balancing act that weighs the principles of territorial integrity and regional stability against the legitimate aspirations for self-determination and the protection of human rights. International actors must navigate these complex issues with a nuanced approach that considers legal, political, economic, and humanitarian factors to promote a just and stable international order.

- c. International Relations and Alliances, the relationships and alliances between states on the international stage play a significant role in the recognition of separatist movements. Countries aligned with a separatist movement may advocate for its recognition, while those maintaining strong diplomatic ties with the central government may oppose such recognition.

International human rights principles and norms also factor into the recognition of separatist movements. If a separatist movement is perceived as advocating for the protection of human rights or addressing longstanding grievances, it may garner more international support. Such movements often highlight issues of self-determination, cultural preservation, and social justice, which can resonate with global audiences and attract the attention of international human rights organizations. The international

community, including non-governmental organizations (NGOs) and foreign governments, may exert pressure on the host nation to address these grievances through peaceful and democratic means (Khoirunnisa & Jubaidi, 2024). This can include calls for dialogue, negotiations, and even mediation by neutral third parties (Jubaidi & Budiman, 2021). International support can also come in the form of humanitarian aid, advocacy, and diplomatic efforts to raise awareness about the issues faced by the separatist group.

However, the host nation must balance its response to separatist movements with its commitments to international human rights obligations. This involves ensuring that any actions taken to maintain national unity and security do not violate human rights principles. Transparency in handling conflicts and a genuine effort to address the root causes of separatist sentiments can help mitigate international criticism and foster a more supportive international environment.

By aligning its strategies with international human rights standards, the host nation can work towards a resolution that not only addresses the aspirations of separatist movements but also upholds the principles of justice, equality, and human dignity. This approach can lead to more sustainable peace and stability, both domestically and in the eyes of the international community.

- d. Diplomatic and Political Considerations, diplomatic and political considerations, such as the geopolitical interests of influential nations, can influence the stance taken on separatist movements. Countries may align their position based on strategic considerations or broader geopolitical interests (Soepanji, 2019). Existing legal frameworks and treaties may shape the approach toward separatist movements. International agreements that emphasize the protection of minority rights or self-determination may impact the recognition and support given to separatist claims. The engagement of parties involved in separatist conflicts in negotiation and conflict resolution efforts can influence international perceptions. Efforts towards peaceful resolution and compromise may garner more support compared to unilateral declarations of independence.

In conclusion, the complex interplay of these factors within the context of

international law highlights the nuanced and dynamic nature of addressing separatist conflicts. The recognition or rejection of separatist movements is often a product of balancing competing principles and interests, with the ultimate goal of promoting stability and justice in the international community (Marxsen, 2015).

Territorial integrity is a principle underlying international law that asserts the recognition and respect of a state's territory by other countries. Therefore, recognition of separatist movements aiming to separate a territory from the parent state is often met with displeasure and rejection by other countries that firmly adhere to the principle of territorial integrity (Saputra & Ramlan, 2020). However, there are also cases where separatist movements have successfully gained international recognition. Such recognition may occur in the context of armed conflicts involving serious human rights violations or situations where there is strong international community support for the independence or autonomy of a particular region.

Implementing the right to self-determination must respect existing territorial boundaries. In the context of the right to self-determination, phrases such as "all people" and "the entire population" cannot be taken literally to mean everyone. This is done to avoid broad and unrestricted interpretations that could enable minority or national groups to use the right to secede from a state (Abe, 2023). These restrictions seek to preserve the integrity and stability of member states and prevent the spread of separatism, which could endanger public safety and order. This principle is consistent with state sovereignty and international law principles that regulate the relationships between states in the international system (Elden, 2006).

- e. Legislation and Legal Mechanisms, various laws and legal mechanisms have been established to address separatist activities. These include laws related to treason, insurgency, and other offenses against the state. Legal measures aim to uphold the rule of law and ensure accountability for those involved in separatist actions.

In addition to national laws, international legal instruments also play a role in addressing separatist movements (Nasution & Firmanditya, 2020). Treaties and conventions, such as the International Covenant on Civil and Political Rights (ICCPR), provide frameworks for balancing the rights of self-determination with the principles

of territorial integrity and state sovereignty. These international agreements can guide states in their responses to separatist demands while ensuring adherence to human rights standards.

Furthermore, mechanisms like the International Criminal Court (ICC) can be invoked to prosecute individuals responsible for crimes associated with separatist movements, such as war crimes, crimes against humanity, and genocide. This ensures that leaders and key actors within separatist groups can be held accountable on a global scale for any serious violations of international law.

Governments may also establish special courts or tribunals to specifically handle cases related to separatism and related offenses. These judicial bodies are tasked with ensuring fair trials and delivering justice in accordance with the law, while also sending a strong message against illegal separatist activities. International organizations, such as the United Nations and regional bodies like the European Union and the African Union, often facilitate dialogue and mediation efforts between separatist movements and national governments. These organizations can provide neutral platforms for negotiation, helping to broker peace agreements and ensuring that both sides adhere to international norms and standards.

Ultimately, a combination of legal, political, and diplomatic measures is necessary to effectively address separatist movements. While laws and legal mechanisms provide a framework for accountability and justice, political solutions and international cooperation are essential for achieving lasting peace and stability.

- f. Security and Law Enforcement, Indonesian authorities, including the military and police, play a crucial role in safeguarding the territorial integrity of the nation. They are responsible for maintaining public order, preventing separatist activities, and addressing any challenges to state sovereignty (Khoirunnisa & Jubaidi, 2023b). Additionally, they work to combat terrorism, enforce laws and regulations, and respond to natural disasters and emergencies. Their duties also encompass protecting critical infrastructure, managing border security, and ensuring the safety of citizens and residents. By collaborating with other government agencies and international partners, they aim to create a secure and stable environment that supports national

development and the well-being of the population.

Moreover, the Indonesian authorities engage in community policing initiatives to build trust and cooperation with local communities. They implement intelligence-led policing strategies to anticipate and prevent potential threats. Continuous training and modernization efforts are undertaken to enhance their capabilities in dealing with evolving security challenges.

The military, known as the Tentara Nasional Indonesia (TNI), conducts regular patrols and joint operations with the police to secure remote and border areas, especially in regions prone to insurgency or illegal activities. The police force, or Kepolisian Negara Republik Indonesia (Polri), focuses on upholding the rule of law, investigating crimes, and ensuring traffic safety. Efforts to tackle corruption within the ranks of security and law enforcement agencies are ongoing, aiming to bolster public confidence and ensure accountability (Khoirunnisa & Jubaidi, 2023a). Additionally, the Indonesian government invests in technology and infrastructure to support these agencies, enhancing their operational efficiency and effectiveness.

By maintaining a strong security and law enforcement framework, Indonesia seeks to protect its national interests, promote social harmony, and foster economic growth, thereby contributing to regional stability and global security.

- g. Human Rights Considerations, in addressing separatist actions, there is a recognition of the importance of upholding human rights. Efforts are made to ensure that security measures are conducted with respect for human rights standards and that any allegations of rights abuses are thoroughly investigated.

In summary, Indonesia's approach to addressing separatist actions involves a combination of legal, security, diplomatic, and social measures. The goal is to maintain the unity of the nation, uphold the rule of law, and address the root causes of separatist sentiments through a comprehensive and multifaceted strategy (Aris Sarjito, 2023).

This approach includes dialogue and negotiation with groups that have different political aspirations or cultural identities. The government seeks to engage all parties through inclusive development initiatives and welfare programs aimed at reducing dissatisfaction and economic disparities. Additionally, improving infrastructure and

access to education and healthcare in remote and vulnerable areas is part of the effort to address the socio-economic conditions that often drive separatist movements. Cooperation with international organizations and civil society is also undertaken to ensure a transparent and balanced approach.

With this strategy, Indonesia aims not only to physically suppress separatist movements but also to create conditions conducive to national integration and long-term peace. This holistic approach is expected to build trust among all citizens and strengthen social cohesion, while ensuring the stability and progress of the nation. In the conflicts in Papua and Nanggroe Aceh Darussalam (NAD) with the Independent Papua Organization (Organisasi Papua Merdeka or OPM) and Free Aceh Movement (Gerakan Aceh Merdeka or GAM), are separatist efforts claiming their movement as a form of self-determination. In the conflicts in Papua. OPM pursuit of Papua's independence to gain support from the international community. The Papua conflict has been a source of tension between the separatist groups and the Indonesian government for several decades. The Indonesian government has sought a middle ground in the Papua conflict through non-repressive actions, such as granting autonomy to the province through Law Number 21 of 2001 concerning Special Autonomy for Papua Province. The aim of these passing the Law actions is to fulfill the aspirations of the Papuan people and create stability and peace in the region (Febrianti, Sekar Wulan, Ajeng Sekar Arum, 2019).

Separatist movements have also occurred in Aceh, Indonesia, with the Free Aceh Movement (Gerakan Aceh Merdeka or GAM) being involved. The movement first emerged in the 1970s as a response to the perceived unfair treatment by the central government in various aspects of governance, including the economy, natural resources, and way of life. The Indonesian government has made efforts to resolve the conflicts with GAM in Aceh, employing both non-repressive and repressive approaches. Initially, the government used military force to suppress the situation in Aceh by declaring Aceh to be in the Military Operations Area (DOM), but this approach proved unsuccessful due to resistance from GAM so that changes are made, namely with a non-repressive approach through. International, political and diplomatic

solutions were pursued to achieve a solution. Through international political approach and dialogue, the Indonesian government and GAM eventually reached a peaceful agreement known as the Helsinki Agreement in 2005. This agreement granted Aceh special autonomy in various aspects of governance and ended the government-GAM armed conflict. The struggle to resolve the conflict in Aceh significantly illustrates how political negotiations and dialogue are crucial to resolving separatist conflicts. After years of protracted conflict, efforts involving multiple stakeholders and holistic approaches have contributed to the establishment of peace and stability in Aceh.

Conclusion

Addressing the conflict between state sovereignty and human rights within the context of international law is difficult and complex. State sovereignty is a fundamental principle of international law while protecting human rights has become an internationally acknowledged universal value. The relationship between self-determination and human rights concerning state sovereignty and international law becomes complex in the context of separatist movements. The conflict between self-determination claims and state sovereignty frequently presents obstacles to conflict resolution. However, through diplomatic approaches and acceptance of the principles of international law, efforts can be made to resolve conflicts while respecting human rights and preserving international stability.

International law recognizes the legal regulation of the right to self-determination as a fundamental human right. It is interpreted in the context of regional autonomy in the national law of Indonesia. This recognition necessitates a balance between individual rights and the principle of state sovereignty while taking stability and unity within the context of a democratic rule of law into account. Importantly, recognizing that the right to self-determination in international and domestic law in Indonesia is subject to restrictions and must be carried out following applicable legal provisions. Within the framework of a democratic rule of law, this seeks to maintain stability, security, and unity.

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