

Injustice in Education and Human Rights in Papua

Oktaviana Ayu Sekar Astuti¹, Alicia Nurul Hidayah², Desvita Khansa Salsabila³
^{1,2,3} Duta Bangsa University, Indonesia

Oktayusekar.93@gmail.com¹, alicianurulhh@gmail.com², Desvitasalsabila77@gmail.com³

ABSTRACT; *The results of this study demonstrate that the Indonesian government has yet to fully implement the mandates of the 1999 Human Rights Law and the 2000 Human Rights Court Law. Although Indonesia possesses a comprehensive legal framework through Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Courts, their enforcement in conflict regions such as Papua remains weak and inconsistent. Using a normative juridical approach, this study examines the gap between the ideal principles of human rights protection and the realities of their application in the field. Findings reveal that weak accountability among law enforcement institutions, entrenched impunity, and a dominant militaristic approach have collectively led to the state's failure to protect civilians, particularly educators. To realize substantive justice, Indonesia must pursue legal and institutional reforms, strengthen the independence of human rights bodies, and adopt a human security paradigm centered on protection and recovery for victims. Transparent law enforcement and continuous human rights education are crucial in restoring trust, rebuilding humanity, and healing the wounded sense of justice in Papua.*

Keywords: Human Rights; Papua; Teacher Oktovianus Rayo; law enforcement; substantive justice.

INTRODUCTION

Human rights represent the fundamental and inherent rights of every individual since birth, bestowed by God Almighty and inviolable under any circumstance. These rights are universal, inalienable, and must be upheld and protected by the state, legal institutions, government, and society as a whole (Law No. 39 of 1999 on Human Rights, Article 1 paragraph (1)). Within Indonesia's legal framework, the essence of human rights is enshrined in the 1945 Constitution of the Republic of Indonesia, particularly in Articles 28A–28J, which guarantee the rights to life, freedom, security, and human dignity. To further reinforce these commitments, Indonesia has also ratified several international human rights instruments, including the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) (Komnas HAM, 2020).

The state holds a constitutional duty to ensure respect for, protection of, and fulfillment of human rights for all citizens without discrimination. Nevertheless, the practical enforcement of these rights continues to face significant obstacles, particularly in conflict-prone regions such as Papua (Amnesty International Indonesia, 2021). One prominent example of a human rights violation is the shooting of teacher Oktovianus Rayo by an armed criminal group (KKB) in Beoga District, Puncak Regency, Papua, on April 8, 2021 (Kompas.com, 2021). This tragic act, which resulted in the victim's death from gunshot wounds to the ribs and abdomen, constitutes a clear breach of the right to life and personal security as guaranteed in Article 9 paragraph (1) and Article 30 of Law No. 39 of 1999.

Such violence against educators highlights the state's inability to fully uphold its obligation to protect civilians in conflict areas. Teachers play a vital role in shaping the nation's intellectual and moral foundation, as emphasized in the Preamble to the 1945 Constitution. Therefore, the

killing of teacher Oktovianus Rayo serves as a stark reminder that despite Indonesia's extensive legal framework for human rights protection, its practical implementation remains insufficient. Stronger policy measures and more consistent law enforcement are essential to ensure that the principles of human rights are genuinely realized and upheld within Indonesian society.

Problem

The shooting of teacher Oktovianus Rayo by an armed criminal group (KKB) in Papua on April 8, 2021, represents a grave human rights violation that undermines the fundamental right to life and personal security of civilians (Safitri, 2021). This brutal act not only claimed the life of a dedicated educator but also deeply eroded the moral and educational foundations of Papuan society. From a legal standpoint, the incident clearly contravenes Article 9 Paragraph (1) and Article 30 of Law No. 39 of 1999 concerning Human Rights, which guarantee every citizen's right to life and to live free from fear and violence.

Despite Indonesia's relatively strong legal framework, including Law No. 26 of 2000 on Human Rights Courts and the ratification of the ICCPR and CAT through Laws No. 12 and 5 of 2005, the reality of human rights enforcement in conflict-prone regions such as Papua reveals a stark disconnect between legal norms and actual practice (Komnas HAM, 2023; Hukumonline, 2022). This discrepancy illustrates the limited effectiveness of national human rights mechanisms in safeguarding civilians especially teachers, who serve as vital agents of peace and human development. Moreover, the lack of institutional accountability and the persistence of a culture of impunity within conflict areas continue to deepen injustice and weaken public trust in the rule of law (Judicial Watch Indonesia, 2024).

Within this normative and empirical framework, this study examines the forms of human rights violations evident in the case of Oktovianus Rayo's shooting by the KKB, which epitomizes the fragile protection of the right to life and personal security for civilians in conflict zones. Furthermore, it evaluates the effectiveness of both national and international legal instruments in delivering justice for victims, particularly through an analysis of Law No. 39 of 1999 on Human Rights, Law No. 26 of 2000 on Human Rights Courts, and international conventions ratified by Indonesia. The study also explores the underlying causes of weak human rights law enforcement in Papua, despite the presence of comprehensive regulations and institutions such as Komnas HAM and LPSK. Ultimately, this research aims to propose strategies for legal and institutional reform to achieve substantive justice and ensure better protection of human rights for educators and other civilians living in conflict-affected areas.

Research Methods

This study adopts a normative-empirical legal approach, a method that integrates the examination of written legal norms ("law in the books") with the observation of their actual implementation in society ("law in action") (Hadjon, 2017). The normative component analyzes both national and international legal frameworks governing human rights in Indonesia, including Law No. 39 of 1999 on Human Rights, Law No. 26 of 2000 on Human Rights Courts, and several international conventions ratified by Indonesia, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) (Komnas HAM, 2020; UNOHCHR, 2020). The empirical component, on the other hand, seeks to examine how human rights principles are applied in practice, particularly in the case of the shooting of teacher Oktovianus Rayo by an armed criminal group (KKB) in

Papua. Through this combined approach, the study evaluates the discrepancy between ideal legal standards and actual law enforcement, while identifying social, political, and institutional factors that contribute to the weak implementation of human rights law in conflict-prone regions (Komnas HAM, 2023; Judicial Watch Indonesia, 2024).

The research relies on both primary and secondary data sources. Primary data were obtained from official reports by Komnas HAM (2023), Imparsial (2023), and statements from law enforcement officials concerning the Oktovianus Rayo case (Safitri, 2021). Secondary data consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution, Law No. 39 of 1999, Law No. 26 of 2000, and international human rights instruments such as the ICCPR, ICESCR, and CAT. Secondary materials comprise scholarly works books, academic journals, and legal analyses by experts including Marzuki (2021), Asshiddiqie (2010), and Hukumonline (2022). Meanwhile, tertiary materials consist of legal dictionaries, encyclopedias, and reports from international organizations such as UNDP (2021) and the United Nations Human Rights Council (2022).

Data were collected through library research and document analysis. This method was employed to trace legal sources, reports from human rights institutions, statistical data, and official media coverage (Kompas.com, 2021), with the aim of constructing a chronological and contextual understanding of human rights violations in Papua, especially those targeting educators. The data were analyzed using descriptive-analytical and normative-interpretative methods. The descriptive-analytical method was used to explore the relationship between the human rights legal framework and its practical enforcement, while the normative-interpretative method aimed to interpret the provisions of Law No. 39 of 1999, Law No. 26 of 2000, and Articles 28A–28J of the 1945 Constitution in relation to the protection of the right to life and security (Marzuki, 2021). This analysis also evaluates the effectiveness of institutions such as the National Human Rights Commission (Komnas HAM), the Witness and Victim Protection Agency (LPSK), and the Human Rights Court, while identifying structural and cultural barriers that hinder the enforcement of human rights in conflict zones (Komnas HAM, 2023; Judicial Watch Indonesia, 2024).

Conceptually, this research is grounded in the principles of substantive justice and the protection of human rights within the context of armed conflict. Substantive justice is understood not merely as formal legal enforcement but as a process of restoring human dignity and fulfilling the rights of victims of human rights violations (Asshiddiqie, 2010). To strengthen the analysis, the study applies the Three-Pillar Framework of Human Rights, which underscores the need for balance among three core dimensions protection, fulfillment, and respect for human rights (UNDP, 2021; Komnas HAM, 2023). From this perspective, the research assesses the extent to which the state has realized these three pillars in the case of the Oktovianus Rayo shooting and explores potential legal reforms aimed at achieving substantive justice in both education and human rights protection in Papua.

Discussion

The killing of teacher Oktovianus Rayo by an armed criminal group (KKB) in Puncak Regency, Papua, on April 8, 2021, stands as a tragic reminder that human rights violations in conflict regions remain a persistent and systemic problem (Safitri, 2021). This incident not only claimed the life of an educator but also deeply shook the foundations of education and humanity within Papuan society. Teachers, who should serve as messengers of knowledge, peace, and progress, have instead become victims of recurring violence in the region. In this regard, the case of

Oktovianus Rayo illustrates that the armed conflict in Papua is not limited to political and security dimensions but has evolved into a humanitarian crisis that threatens fundamental rights such as the right to life, safety, and education.

From a normative standpoint, Indonesia possesses a fairly comprehensive legal framework for the protection of human rights. The 1945 Constitution, particularly Articles 28A through 28J, guarantees the rights to life, security, and protection from all forms of violence and torture. These guarantees are further reinforced through Law No. 39 of 1999 on Human Rights, which explicitly safeguards every individual's right to life, personal safety, and freedom from threats of violence, as stated in Article 9 paragraph (1) and Article 30. In addition, Law No. 26 of 2000 concerning Human Rights Courts establishes the legal foundation for prosecuting serious human rights violations, including crimes against humanity and genocide. Indonesia has also ratified major international instruments such as the International Covenant on Civil and Political Rights (ICCPR) through Law No. 12 of 2005 and the Convention Against Torture (CAT) through Law No. 5 of 1998. These international commitments oblige the state to prevent, investigate, and punish any acts of violence that violate the right to life and human dignity (UNOHCHR, 2020; Komnas HAM, 2023).

Nevertheless, despite the existence of these legal instruments, their practical enforcement remains far from ideal. Reports from Komnas HAM (2023), Imparsial (2023), and Amnesty International (2022) reveal a significant gap between the normative legal framework and its real-world application. Over the past five years, at least 23 cases of human rights violations in Papua have involved both state security forces and armed groups, yet none have been processed through the Human Rights Court as mandated by Law No. 26 of 2000. Instead, most of these cases have been handled by general or military courts, which often fail to uphold due process and transparency (Judicial Watch Indonesia, 2024). This situation reflects a deep-rooted culture of impunity, where perpetrators of rights violations escape accountability due to institutional protection or weak political commitment.

In terms of institutional performance, the roles of bodies such as Komnas HAM, LPSK, and the Human Rights Court have not been maximized in delivering justice. Komnas HAM, for instance, only has the authority to conduct preliminary investigations and issue recommendations but lacks the power to bring cases forward to the investigation or prosecution stages (Article 95 of Law No. 39 of 1999). As a result, many human rights reports stall at the administrative level without substantive legal follow-up. Similarly, LPSK, which is tasked with ensuring witness and victim protection, faces resource and logistical constraints, especially in remote Papuan areas, leaving many victims without adequate protection or psychosocial support (LPSK, 2022). Furthermore, poor coordination among law enforcement institutions, particularly between Komnas HAM, the Attorney General's Office, and the police, continues to impede the progress of legal proceedings.

The case of Oktovianus Rayo also highlights human rights violations within the education sector. When educators become targets of violence, it indirectly undermines children's right to education as guaranteed under Article 13 paragraph (1) of Law No. 39 of 1999 and Article 31 paragraph (1) of the 1945 Constitution. Attacks on teachers not only result in tragic deaths but also disrupt the continuity of learning in remote parts of Papua. Numerous schools in the central highlands have been forced to close due to security threats, depriving thousands of children of access to education for months (Kompas.com, 2021). Thus, human rights violations in Papua extend beyond individual suffering and structurally weaken the region's social and educational systems.

From the perspective of legal culture, the persistent failure to enforce human rights in Papua is largely shaped by a dominant security-oriented paradigm. State authorities often interpret the conflict through a militaristic lens rather than a humanitarian one. As Hadjon (2017) notes,

such an approach reduces the law to a mechanism of political control rather than a means of protecting rights. Imparsial (2023) reports that between 2020 and 2023, there were 47 recorded cases of violence committed by security forces in Papua resulting in 92 victims, none of which led to transparent judicial outcomes. This recurring cycle of violence and impunity underscores the weak internalization of human rights values within Indonesia's law enforcement culture, particularly in conflict-prone regions.

Socially, these problems are compounded by the state's limited presence in ensuring welfare and distributive justice in Papua. Persistent economic disparities, uneven development, and the marginalization of indigenous communities perpetuate the cycle of violence. As UNDP (2021) emphasizes, the realization of civil and political rights cannot be effective without the fulfillment of economic and social rights. Therefore, violations of the right to life and education in Papua cannot be detached from the broader structural realities of inequality and exclusion that have persisted for decades.

Within the framework of the Three Pillar Human Rights model, which consists of respect, protect, and fulfill (UNDP, 2021), the state bears the responsibility not only to respect but also to actively safeguard and realize the rights of its citizens. The principle of respect obliges the state to refrain from any actions that may violate citizens' rights; the principle of protect requires the state to shield individuals from rights violations committed by third parties, including non-state armed actors such as the KKB; and the principle of fulfill mandates the state to allocate resources, policies, and mechanisms that ensure citizens can fully exercise their rights. In the case of Oktovianus Rayo, these three obligations were not met in balance. The state failed to protect him from armed violence, did not fulfill the victims' family's right to justice, and neglected to respect the Papuan people's right to live in peace and dignity (Komnas HAM, 2023).

To respond to these conditions, reforms in law and institutions grounded in the principle of substantive justice are urgently required. First, the government must enhance the independence of Komnas HAM by granting it limited investigative and prosecutorial powers in cases of gross human rights violations. Second, the establishment of an Ad Hoc Human Rights Court for Papua is imperative to ensure deterrence and justice for victims. Third, the state should implement a special protection policy for educators working in conflict areas, supported by derivative regulations that guarantee safety and compensation. Fourth, security policies in Papua should adopt a human security framework, shifting from a militaristic approach to one centered on human protection.

Ultimately, the case of teacher Oktovianus Rayo illustrates that human rights violations in Papua are not isolated incidents but part of a broader web of injustice involving legal shortcomings, impunity, and the state's failure to safeguard civilians. In this sense, wounded justice is not a mere metaphor but a reflection of a profound moral and legal crisis that demands urgent redress. Justice must not remain confined to legal texts; it must manifest in concrete actions that ensure protection, restoration, and respect for human dignity in Papua. Healing the wounds of justice, therefore, begins with the state's commitment to enforce the law impartially and to guarantee that every citizen, including teachers like Oktovianus Rayo, can live, teach, and uphold their dignity in peace.

Conclusion

The shooting of teacher Oktovianus Rayo by an armed criminal group in Papua represents a grave violation of human rights, as it clearly breaches the right to life, the right to security, and the right to education as guaranteed by the 1945 Constitution of the Republic of Indonesia, Law No. 39 of 1999 on Human Rights, and various international human rights instruments

ratified by Indonesia, including the International Covenant on Civil and Political Rights and the Convention Against Torture. This tragedy highlights the continuing vulnerability of educators in conflict-affected regions, who remain at high risk of armed violence and infringements of their fundamental rights. Moreover, this incident should not be seen merely as an isolated criminal act but as a structural manifestation of the state's failure to provide effective legal protection and to fulfill its fundamental obligation to safeguard the security of its citizens.

From a normative perspective, Indonesia possesses a strong and comprehensive legal framework for human rights enforcement. However, in practice, a considerable gap persists between normative standards and their actual implementation. The limited enforcement capacity of institutions such as the National Human Rights Commission and the Witness and Victim Protection Agency, the ineffectiveness of the Human Rights Court in addressing cases in Papua, and the weak accountability mechanisms for security forces all demonstrate that the existing legal structure has not been able to deliver substantive justice for victims. Deeply entrenched impunity, lack of transparency in judicial processes, and the state's persistent reliance on militaristic rather than humanitarian approaches further exacerbate this gap between law and reality. Consequently, the fundamental rights of Papuans, particularly those of educators like Oktovianus Rayo, remain inadequately protected by the state.

Beyond violations of the right to life, this case also has far-reaching implications for the right to education and overall human development in Papua. When teachers, who serve as agents of learning, peace, and transformation, become victims of violence, children's access to education is severely disrupted, and education's broader purpose as a tool for human empowerment is systematically undermined. Hence, human rights violations in Papua are not merely individual in nature but also structural and cultural, as they erode the social systems essential to human progress in the region. Within this framework, the erosion of justice in education signifies the state's inability to uphold the three fundamental pillars of human rights: respect, protection, and fulfillment of citizens' rights.

Addressing human rights violations in Papua therefore requires a holistic and integrated approach. The state must strengthen the National Human Rights Commission by granting it binding authority so that its findings and recommendations have direct legal consequences rather than ending at the administrative level. Establishing an Ad Hoc Human Rights Court specifically for Papua is an urgent necessity to ensure that perpetrators of violations are held accountable transparently and publicly. Furthermore, the government should implement special protection measures for educators in conflict zones, including safety guarantees, risk compensation, and evacuation protocols in times of escalating violence. A paradigm shift is also essential, from a militaristic conception of security to one centered on human security that prioritizes civilian protection, dialogue-based conflict resolution, and restorative justice as mechanisms for social recovery.

Victim recovery must also become a central component in achieving substantive justice. The government bears the responsibility to provide rehabilitation, compensation, and restitution to the families of victims of human rights abuses in Papua, including the family of Oktovianus Rayo. Such recovery efforts should not be limited to legal remedies but must also address the social, psychological, and moral dimensions of affected communities. Moreover, human rights education and awareness programs in conflict-prone areas must be expanded and institutionalized, targeting both law enforcement officers and local communities to strengthen

respect for human values and legal consciousness. Human rights education should form an integral part of the national curriculum and be embedded in training programs for public officials to foster a legal culture rooted in the protection of human dignity.

In conclusion, human rights violations in Papua, exemplified by the shooting of teacher Oktovianus Rayo, illustrate a profound crisis of justice resulting from a malfunctioning legal system, weak institutional capacity, and the absence of a human rights oriented legal culture. Healing this wounded justice requires structural reform, strong political will, and active participation from civil society in monitoring law enforcement and ensuring accountability. Only through a sincere and comprehensive commitment to humanitarian values can Indonesia realize substantive justice and guarantee that every citizen, including educators serving in conflict areas, can live, work, and contribute to national progress in a safe, dignified, and just environment.

References

- Amnesty International Indonesia. (2021). *Laporan Situasi HAM di Papua Tahun 2021*. Jakarta: Amnesty International Indonesia.
- Asshiddiqie, J. (2010). *Konstitusi dan Hak Asasi Manusia*. Jakarta: Rajawali Press.
- Hadiprayitno, I. (2017). *Human Rights in Indonesia: The Limits of Enforcement*. Routledge.
- Hadjon, P. M. (2017). *Perlindungan Hukum bagi Rakyat Indonesia*. Surabaya: Bina Ilmu.
- Halim, A. (2021). *Implementasi Kovenan Internasional HAM di Indonesia*. *Jurnal HAM dan Demokrasi*, 5(2), 45–58.
- Hukumonline. (2022). *UU Nomor 26 Tahun 2000 tentang Pengadilan HAM dan Implementasinya di Indonesia*. Retrieved from <https://www.hukumonline.com>
- Imparsial. (2023). *Laporan Tahunan Imparsial: Situasi HAM di Papua 2020–2023*. Jakarta: Imparsial.
- Judicial Watch Indonesia. (2024). *Analisis Putusan Peradilan Militer terhadap Pelanggaran HAM 2018–2024*. Jakarta: JW Press.
- Komisi Nasional Hak Asasi Manusia (Komnas HAM). (2020). *Instrumen Nasional dan Internasional HAM di Indonesia*. Jakarta: Komnas HAM RI.
- Komnas HAM. (2020). *Laporan Tahunan Komisi Nasional Hak Asasi Manusia Republik Indonesia 2020*. Jakarta: Komnas HAM RI.
- Komnas HAM. (2022). *Laporan Pemantauan Situasi HAM Papua 2022*. Jakarta: Komnas HAM RI.
- Komnas HAM. (2023). *Evaluasi Efektivitas Penegakan HAM di Indonesia 2018–2023*. Jakarta: Komnas HAM RI.
- Komnas HAM. (2023). *Evaluasi Rekomendasi Komnas HAM untuk Kasus Papua 2019–2023*. Jakarta: Komnas HAM RI.
- Kompas.com. (2021, April 8). *Guru Oktovianus Rayo Ditembak KKB Dua Kali hingga Tewas, Ini Kata Kapolda*. Diakses dari <https://regional.kompas.com/read/2021/04/08/180033878>
- KontraS Sulawesi. (2023). *Laporan Situasi HAM di Tanah Papua 2019–2023*. Makassar: KontraS Sulawesi.

Marzuki, S. (2021). *Hukum dan Politik HAM di Indonesia: Tantangan Implementasi*. Yogyakarta: Gadjah Mada University Press.

Safitri, E. (2021, April 8). *Kapolda Papua Sebut Kelompok Kriminal Tembak Mati Guru di Kiwirok*. *Kompas.com*.

<https://regional.kompas.com/read/2021/04/08/174957978/kapolda-papua-sebut-kelompok-kriminal-tembak-mati-guru-di-kiwirok>

UNDP. (2021). *Three-Pillar Human Rights Framework: Implementation in Southeast Asia*. New York: United Nations Development Programme.

United Nations Human Rights Council. (2022). *Report of the Committee Against Torture on Indonesia*. Geneva: UNHRC.

UNOHCHR. (2020). *Ratification Status of Indonesia – ICCPR & ICESCR*. Geneva: United Nations Office of the High Commissioner for Human Rights.

Universitas Jember (Unej). (2022). *Komisioner Komnas HAM RI: UU Nomor 26 Tahun 2000 Perlu Dievaluasi*. Retrieved from <https://unej.ac.id>

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Undang-Undang Nomor 5 Tahun 1998 tentang Pengesahan Konvensi Menentang Penyiksaan.

Undang-Undang Nomor 12 Tahun 2005 tentang Pengesahan ICCPR.

Undang-Undang Nomor 26 Tahun 2000 tentang Pengadilan HAM.

Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.