



PENGATURAN DAN PERLINDUNGAN TERHADAP PENGUNGI INTERNAL NDUGA PAPUA

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INTISARI

Permasalahan pengungsi internal (*Internally Displaced Persons/IDP*) tengah terjadi di Kabupaten Nduga Papua, akibat konflik bersenjata antara TNI/Polri dan Tentara Pembebasan Nasional Papua Barat-Organisasi Papua Merdeka (TPNPB-OPM). Baku tembak, kekerasan, dan konflik yang terjadi di wilayah Nduga, mengakibatkan ketakutan, ancaman dan trauma yang mendalam bagi masyarakat Nduga. Akibat peristiwa tersebut, mereka terpaksa mengungsi ke distrik lain atau wilayah lain di Papua yang menurut mereka aman. Namun dalam masa pengungsian, para pengungsi internal Nduga seringkali berada dalam keadaan yang menderita. Bahkan, beberapa dari mereka meninggal dalam pengungsian akibat kelaparan dan penyakit.

Maka dari itu, penting untuk dikaji perihal pengaturan dan perlindungan internasional maupun nasional terhadap pengungsi internal Nduga. Dalam penelitian hukum normatif ini, penulis telah mengkaji beberapa hal, yaitu: 1) ketentuan normatif dalam hukum internasional dan hukum Indonesia terhadap perlindungan pengungsi internal 2) situasi faktual pengungsi internal Nduga 3) pemangku kepentingan yang relevan dengan keberadaan pengungsi internal Nduga dan 4) langkah Pemerintah Indonesia dalam menangani pengungsi internal Nduga.

Didapatkan bahwa perlindungan pengungsi internal telah diatur dan dijamin baik dalam hukum internasional maupun hukum nasional Indonesia. Namun demikian, pada faktanya, masih terdapat ketidakcukupan perlindungan oleh Pemerintah Indonesia terhadap hak-hak pengungsi internal Nduga, sebagaimana juga telah diatur dan dijamin dalam *The Guiding Principles on Internal Displacement*. Untuk memberikan perlindungan dan bantuan kepada pengungsi internal Nduga, dibutuhkan pendekatan yang kolaboratif dari otoritas nasional, aktor internasional dan masyarakat umum.

Kata Kunci: Pengungsi Internal Nduga, Indonesia, *The Guiding Principles on Internal Displacement*, Papua, Hak Asasi Manusia.



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ABSTRACT

The problem of internally displaced persons (IDPs) is happening in Nduga Regency, Papua, due to the armed conflict between the TNI/Polri and the West Papua National Liberation Army-Free Papua Organization (TPNPB-OPM). The gunfights, violence, and conflicts that occurred in the Nduga area, resulted in deep fear, threats and trauma for the Nduga community. As a result of this incident, they were forced to flee to other districts or other areas in Papua which they considered safe. However, during their displacement period, the Nduga internally displaced were often in a state of suffering. In fact, some of them died due to hunger and disease.

Therefore, it is important to examine the international and national regulation and protection for the Nduga Internally Displaced. Through this normative research, the author examines several things: 1) normative provisions in international law and Indonesian law for the protection of internally displaced persons 2) the factual situation of Nduga internally displaced persons 3) relevant stakeholders to the existence of Nduga internally displaced persons and 4) steps taken by the Indonesian Government in dealing with Nduga internally displaced persons.

It was found that the protection of internally displaced persons has been regulated and guaranteed in both international law and Indonesian national law. However, in fact, there is still insufficient protection by the Government of Indonesia for the rights of the Nduga internally displaced, which also has been regulated and guaranteed in The Guiding Principles on Internal Displacement. In order to provide protection and assistance to the Nduga internally displaced persons, a collaborative approach from national authorities, international actors and the general public is required.

Keywords: Nduga Internally Displaced, Indonesia, The Guiding Principles on Internal Displacement, Papua, Human Rights.