

ABSTRACT

Organisasi Papua Merdeka as the separatist group were often commit attacks such as some shootings against everyone who considered were not support them (OPM) in case of organized their actions to be out from *NKRI*, especially to Indonesian Army and Police, also to “non-Papuan” who living in Papua. The main problem in this case is how their (OPM) ammunition needs was always completed. It was proven that one of main problem why their ammunitions were completed is because there are some personal officers of Indonesian Army and Police who were sell the ammunition. At the end of year 2014, Indonesian Police doing arresting towards some personal officers of Indonesian Army and Police who were doing the transaction of ammunition selling directly to the separatist group. Those facts creates some questions about the legal position of ammunition selling act to the separatist group according to Indonesian Criminal Law, and the legal consequences toward the suspects who also as the State Apparatus. The methodology used in this research is normative research and using conceptual approach for legal research analysis. This research aims to give more understanding about the legal consequences upon the act of ammunition selling to the separatist group. Also to be a lesson and special concern for Indonesian State Apparatus including Indonesian Army and Police officer to donot using state’s facilities arbitrarily. The result of this reseach is has two conclusions were conclude that, firstly, the act of ammunition selling committed by personal officer of Indonesian Army and Police is qualified as a form of “*Complicity in a Criminal Act*”, and secondly, the suspects whose are also state apparatus can be imposed additional sentence; that is *Aggravating Sentence*. From this case, the government should investigate deeply about the practice of ammunition trading committed by personal officers of Indonesian Army and Police, and processing the law enforcement immediately and completely in accordance with the Criminal Law that applicable in Indonesia.

KEYWORD: Ammunition Selling Act, Ammunition Trading, Concept of *Deelneming*, The Concept of Complicity in A Criminal Act, Aggravating Sentence.