

The role of the NTT Provincial Border Management Agency in Resolving Land Boundary issues between Indonesia and Timor-Leste (Case study in North Netemnanu Village)

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Abstract

Purpose: To identify and study the causes and efforts to resolve border disputes in the territory of Naktuka Amfoang East, Indonesia and the Oecusian Territory of Timor-Leste.

Research methodology: This research is empirical legal research, namely research conducted by examining secondary data initially and then continuing with research on primary data in the field or on the community.

Results: (1) the role of the Border Management Agency is very important in maintaining security and order in the border area, as well as facilitating cross-border trade and activities. (2) The Border Management Agency also has a role in maintaining state sovereignty, preventing the entry of illegal goods, and monitoring the movements of people entering and leaving the border area.

Limitations: The researchers experienced difficulties in obtaining data from the NTT Regional Border Management Agency, because the staff claimed not to have any data, therefore the analysis of the role of BPP was based solely on normative provisions.

Contribution: (1) This research is expected to provide a contribution or contribution of thought to the Border Management Agency of NTT Province, the Ministry of Home Affairs of the Government of the NTT Provincial Region in determining the border point of land in Naktuka. (2) The results of this research are expected to be used as a reference for academics who want to do research related to the same thing.

Keywords: Naktuka, Border Management Agency, Dispute Settlement

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1. Introduction

Development and population growth during this period of modernization forced nations to cooperate to advance their own interests. However, cooperating nations such as Indonesia and Timor Leste have issues regarding border areas. Both countries share a contiguous territorial border. Historically, East Timor was settled by the Portuguese in the 16th century, formerly called Portuguese Timor. In Dewa Gede Sudia Mangku (2019), after East Timor became independent from Portugal, Indonesia participated in making East Timor one of the 27 provinces. 1975 - 1999 East Timor was integrated with Indonesia and in mid 1999 East Timor decided to separate from Indonesia and after the separation East Timor was placed under UN observatory for 13 years from 1999-2012.

Post-independence, Timor Leste is trying to show that it can stand on its own as a sovereign state without any intervention from any party. One of them is by trying to resolve its boundary issues with Indonesia. There are five boundary points between Indonesia & Timor Leste, namely, NoelBesi – Citrana (Kupang region), BidjaelSunan – Oben (TTU), Oben – Subina (TTU), Passabe – BikomiNiluat (TTU), & Dilumil – Memo (Belu). Of these five points, two boundary points have been resolved, but three boundaries remain unresolved. Two of them are unresolved segment & unsurvey. Unresolved segment means that there is no activity in this area or it can also be said to be an unfinished section, while unsurvey means that the area cannot be surveyed because of community rejection. The areas in question are the Oecusse District and the Naktuka Village. To date, the governments of these countries have not addressed the territorial border dispute. Thus, residents and traditional leaders in the Oecusse-Naktuka border region are trying to minimize conflicts that arise within the districts to find solutions.

This research will examine the causes of boundary issue in Naktuka Indonesia and Oecusse District Timor Leste and how to resolve the boundary issue in Naktuka Indonesia and Oecusse District Timor Leste through the role of the NTT Provincial Border Management Agency.

2. Literature Review

2.1. General Overview

2.1.1. general overview of Naktuka

Naktuka is a demarcation area between Indonesia and Timor Leste that covers an area of 1,069 hectares. Naktuka is a small village located in North Netemnanu village, East Amfoang Subdistrict, Kupang Regency. Naktuka is also an area that has the status of a free zone that has been agreed between the two countries so that no entry or activity by the two countries is allowed (Utama, 2016).

Naktuka is a border area located approximately 200 kilometers from the capital city of Kupang, NTT. Naktuka is directly adjacent to Oecusse District or the pocket area of Timor Leste. Naktuka is an area that lacks access to signals in communication, electricity and water, to reach the Naktuka area it takes 10-12 hours of road trips. With its rugged terrain, the route to Naktuka must also pass through villages located at the foot of the mountain, crossing rivers without bridges so that not all types of vehicles can access Naktuka.

2.1.2. General Over Tentang Oecusse

Oecusse is a district comprising an area of 815 square kilometers, geographically separated from the other twelve districts that define Timor Leste, Oecusse is entirely within an area encircled by Indonesian West Timor or the Ombai Strait. With no land bridge connecting it to the rest of Timor-Leste, the enclave is located approximately 80 kilometers west of the main international border separating Timor Leste from Indonesian West Timor at Batugede.

Oecusse District, which is located on the west coast of Timor Island and surrounded by the land area of North Central Timor Regency (TTU) and Kupang Regency of East Nusa Tenggara Province (Indonesia) as well as the Sawu Sea in the north, is one of the important areas in the discussion of the Republic of Indonesia's border with Timor Leste (Kase, 2017).

2.1.3 The National Border Management Agency

The National Border Management Agency (shortened as BNPP) is the Border Management Agency for State Territory and Border Areas as referred to in Law Number 43 of 2008 concerning State Territory. BNPP is a non-structural institution led by a Head of Agency who is domiciled under and responsible to the President.

The legal basis for the establishment of BNPP is Presidential Regulation Number 12 of 2010 as amended by Presidential Regulation Number 44 of 2017 concerning amendments to Presidential Regulation Number 12 of 2010 concerning the National Border Management Agency.

Under Article 3, BNPP has the task of establishing border development program policies, establishing budget requirement plans, coordinating implementation, and conducting evaluation and supervision of

the management of State Boundaries and Border Areas. To carry out the tasks as referred to in Article 3, BNPP performs the following functions: (a) preparation and stipulation of master plans and action plans for the development of State Territorial Boundaries and Border Areas, (b) coordinating the establishment of policies and implementation of development, management and utilization of State Territorial Boundaries and Border Areas, (c) management and facilitation of affirmation, maintenance and security of State Territorial Boundaries, (d) inventory of potential resources and recommendations for establishing economic, defense, socio-cultural development zones, (e) preparation of programs and policies for the development of transportation facilities and infrastructure and other facilities in the Border Areas, (f) preparation of budgets for the development and management of the State Boundaries and Border Areas in accordance with the priority scale, (g) implementation, control and supervision as well as evaluation and reporting on the implementation of the development and management of the State Boundaries and Border Areas.

2.2. History of the Establishment of the Border Line between Indonesia and Timor Leste

Before the arrival of the westerners, Timor Island was ruled by a large kingdom called the Wesei Wehali Kingdom. This kingdom oversaw many small kingdoms throughout the island of Timor. After the Wesei Wehali kingdom was destroyed by a Portuguese expedition, the smaller kingdoms were easily controlled by the Portuguese and the Dutch.

During their time on Timor island, the Dutch and Portuguese were always hostile. The peak occurred in 1749. There was a major war between the Dutch and the Portuguese known as the Penfui War. The war was won by the Dutch. After the war, the Portuguese and Dutch signed the Contract of Paravicini in 1755 which divided Timor Island into two parts without mentioning the details of the existing boundaries.

2.3 Concept of Border

The Grand Indonesian Dictionary (KBBI) defines the term "border" as "the area or path of separation between political units (countries)", or in other words "the area near the border". This interpretation shows that "state border" implies "the area or path of separation between one country and another, or the area near the boundary of two or more adjoining countries. In general, the definition of a state border is a line of demarcation between two sovereign states (Kase, 2017). O'Dowd in Barack and Munga states that Borders are conceived as "places of economic and political opportunity for nations and states as well as for a host of other interest groups and agencies, legal and illegal" and it is also serve as markers of sovereignty (Barack & Munga, 2021). The existence of an international land border between Indonesia and Timor Leste on the island of Timor is based on the principle of international law "utiposidetis juris", whereby Indonesia inherits the former Dutch colonial territory, while Timor Leste inherits the former Portuguese colonial territory. The problem is that the Dutch boundary agreement with Portugal took place in the late 19th and early 20th centuries and was not fully clarified after a period of almost 100 years, physically on the ground has changed, and conclusively measuring boundaries has changed methods and technology (DPD RI, 2012).

In 1975 the integration of Portuguese Timor into the territory of the Republic of Indonesia took place. The integration began with the Balibo Petition/Declaration which proclaimed on behalf of the people of East Timor that Portuguese Timor was free from colonization and joined the Indonesian nation and officially united the territory of East Timor into the Republic of Indonesia. Since then, the border that was originally a state border has become the border between East Timor Province and East Nusa Tenggara Province (Sabaat, 2017). Yet at about the same time, Fretilin proclaimed the Timorese People's Democratic Republic. Fretilin began its resistance against ABRI forces by practicing conventional warfare strategies. After the referendum, the province of East Timor seceded from the Republic of Indonesia and since then, the border between East Nusa Tenggara and Timor Leste has been re-instated.

3. Research Methodology

Researchers will use the Empirical legal research method. It is a field research approach by seeing and observing what happens in the field, the application of these regulations in practice in society.

Some aspects of the research include; (1) National Border Management Agency within the framework of National Law. (2) RI and RDTL borders in North Netemnanu Village. (3) The role of the Regional Border Management Agency in settlement efforts.

4. Results and Discussions

State borders are imaginary lines that define the territorial boundaries of a state. State borders indicate the area over which a state has sovereignty, regulates, and protects its interests. State borders are usually determined unilaterally by the State. State borders can be divided into two types, namely land borders and maritime borders. Land borders are lines that indicate the border between two countries or territories held by a state. Maritime boundaries are lines indicating the boundary between the sea area possessed by a state and the sea area possessed by another state. State boundaries can be determined through a number of methods, including through international agreements between the states involved, agreements between states and territories held by those states, and delimitation by international bodies such as the International Court of Justice or the Boundary Commission. The important importance of state boundaries is to maintain state sovereignty, ensure national security, protect natural resources, and regulate trade and immigration issues. Therefore, state boundaries are very important for every state to ensure the continuity and success of their country.

The determination of territorial boundaries is carried out to determining the limits of sovereignty of a State, helping to determine the utilization of resources, determining legal certainty in governance, providing limits on sovereign rights and management of the State's territory.

Most (99%) of the land boundaries between Indonesia and Timor Leste are natural boundaries, namely watersheds and thalweg (the deepest part of the river). Natural boundaries are boundaries defined by natural geographical features such as mountains, rivers and sea. These natural boundaries are shaped by natural factors in the region such as surface relief, climate, and environment. Natural boundaries are usually easier for countries to recognize and maintain because they are very distinct and visible, minimizing the potential for conflict or territorial disputes caused by unclear boundaries. Although natural boundaries provide advantages in terms of clear boundaries, they can also sometimes be a source of conflict and tension between adjacent countries. This happens when the area around the natural boundary has strategic value, natural resources, or is important in terms of politics and economics. herefore, it is important for countries to negotiate and cooperate in determining natural boundaries, and maintain good relations to prevent territorial disputes or conflicts. The boundary line is a "legacy" of the colonizers of the two countries as stipulated in the 1904 Treaty between the Netherlands and Portugal, as well as the Permanent Court of Arbitration 1914 (PCA 1914) (Madu & Nugraha, 2010).

In 1914 the two countries agreed on the establishment of existing boundaries where the Permanent Court of Arbitration 1914 (PCA 1914) established West Timor and East Timor as separate regions, Article I of the agreement states that the kingdoms in West Timor belong to the Netherlands and the kingdoms in East Timor belong to the Portuguese, Article II stipulates that the Dutch still control the Maucator area and the Portuguese control the Oecusse enclave in the western border area.

4.1 Indonesia - Timor Leste Border Conditions

At the border of Indonesia and Timor Leste, especially in the North Netemnanu area, East Amfoang District, Kupang Regency, which borders the Oecusse enclave, conditions are strictly controlled by the TNI, Police, Immigration and Customs. The troops guarding the border area are currently members of the Border Security Task Force (SatgasPamtas) from Cavalry Battalion 10 / Mendagiri, which is divided into 3 posts, namely the Company Commander Post (Danki Post), Beach Post and River Post, which as the name implies the posts are located in coastal and river areas, as well as the Territorial Task Force Post (SatgasTer) from Kodim 1604/Kupang, the Border Police Post from the East Amfoang Police, the Immigration Post from the Ministry of Law and Human Rights Regional Office (Regional Office) of NTT and the Customs Post from the Director General of Customs of the Ministry of Finance.

On the Interview with DankiSatgasPamtas 1st Lieutenant Cavalry, AndriRusdianyah, it is disclosed that The roles and functions of each post are vary according to the main tasks carried out by the roles and functions, among others:

1. Border Security Task Force (SatgasPamtas) is a force assigned to maintain security and order in Indonesia's border areas with neighboring countries. The functions and roles of SatgasPamtas are as follows:
 - a. securing the border area: SatgasPamtas is tasked with securing Indonesia's border areas from threats to security and order, such as smuggling of drugs, weapons, and humans, terrorism, and transnational crimes.
 - b. enhancing cooperation with neighboring countries: SatgasPamtas also plays a role in enhancing cooperation with neighboring countries in the field of security and defense, including in terms of combating transnational crimes.
2. Territorial Task Force (SatgasTeritorial) is a force tasked with defending Indonesian territory from domestic security threats, including facing threats from insurgents, terrorism, and separatism. The functions and roles of the Territorial Task Force are as follows:
 - a. monitoring the situation and condition of the region: The Territorial Task Force is tasked with monitoring the regional situation and conditions in the area they are guarding. They will gather intelligence information to estimate security threats and take appropriate actions to protect the region from such threats.
 - b. preventing the threat of terrorism: The Territorial Task Force is also tasked with preventing the threat of terrorism, by conducting patrols and close surveillance in areas considered vulnerable.
3. Border Police Posts are security posts stationed along Indonesia's borders with neighboring countries, tasked with maintaining security and order in the border region. The functions and roles of the Border Police Post are as follows:
 - a. preventing smuggling: The Border Police Post is tasked with preventing the smuggling of illegal goods, such as drugs, weapons, and people, which can jeopardize security and order in the border region.
 - b. strengthening state sovereignty: With its strategic position on the border, the Border Police Post plays an important role in strengthening the country's sovereignty and preventing the taking of territory by neighboring countries.
4. Immigration Posts are posts located in border areas that are tasked with monitoring and regulating the movement of foreigners in Indonesian territory(Kennedy, 2021). The functions and roles of Immigration Posts at the border are as follows:
 - a. checking identity and travel documents: Immigration posts are tasked with checking the identity and travel documents of foreigners entering Indonesian territory. They will ensure that the foreigner has valid documents and meets the requirements to enter Indonesian territory.
 - b. maintain security and order: Immigration posts are also tasked with maintaining security and order in border areas by monitoring the movement of foreigners. They will check whether the foreigner has a suspicious background or endangers the security of the country.
5. Customs posts are posts located in border areas that are tasked with overseeing and regulating the movement of imported and exported goods passing through Indonesia's border areas(Kennedy, 2021). The functions and roles of Customs Posts at the border are as follows:
 - a. checking documents and cargo: Customs posts are tasked with checking the documents and cargo of imported and exported goods entering into or exiting Indonesian territory. They will check whether the documents and cargo meet the requirements and ensure that there are no prohibited or restricted goods entering Indonesian territory.
 - b. maintain security and order: Customs posts are also tasked with maintaining security and order in border areas by overseeing the movement of imported and exported goods. They will check whether the goods endanger the country's security or violate the law.

4.2 Border Stakes/Pillars

Border Stakes/Pillars are structures placed at certain points along the border line between two countries or regions to mark the boundary between the two regions. Border pillars are usually constructed from durable materials such as stone, concrete, or iron and are usually equipped with signs or markings that indicate the name of the country or region they represent. The Company Commander of the Border

Security Task Force (DankiSatgasPamtas) Yonkav 10 / Mendagiri First Lieutenant Cavalry AndriRusdiansyah, S.T.Han., M.A.P., state on the interview that the main function of border stakes/pillars is to ensure that the boundary between two territories is clear and well-defined, and to help avoid conflicts and disputes related to territorial claims or boundaries between different countries or territories.

Embedding border pillars is one of the duties and obligations carried out by the parties involved in regulating the boundaries between two regions or countries. In Indonesia, according to Law No. 56/2007 on State Borders, embedding border pillars is a shared responsibility between the central government, local governments, and communities living near border areas. However, the implementation is usually handled by relevant agencies at the regional level, such as the Public Works Office or the Spatial Planning and CiptaKarya Office.

At the international level, planting border pillars is a mutual responsibility between the countries that engage in boundary demarcation. Usually, these countries appoint special teams consisting of representatives from each country to determine border points and plant border pillars in mutually agreed places.

Based on data obtained from the Central Oepoli Post the number of state border stakes / pillars located near the disputed area (Naktuka area) is 15 stakes , namely :

4.2.1. Border Sign PostStake(BSP)

These Border Sign Post (BSP) stakes are provided by the Geospatial Information Agency (BIG), the Geospatial Information Agency (BIG) is a non-ministerial government agency in Indonesia responsible for providing geospatial data, information and maps. BIG is responsible for collecting, processing, and presenting geospatial information in the form of maps and data that are accurate, up-to-date, and easily accessible to the public, government, and private sector. The stakes of the Geospatial Information Agency are distributed along the demarcation line between Indonesia and Timor Leste, there are 13 Border Sign Post stakes that are included in the security area of the Border Security Task Force (SatgasPamtas) Yonkav 10 / Mendagiri.

4.2.2..Provincial Border Stakes

A provincial boundary stake is a sign or marker placed in the border area between two adjoining provinces in Indonesia. These pillars are usually made of concrete or stone, and embedded in the ground at a certain point that has been determined as an interprovincial boundary. Provincial boundary pillars serve as a clear marker for the community and government about the boundaries between provinces, so as to facilitate the implementation of government and development activities in the area in question.

This provincial benchmark was made and placed when Timor Leste was still the 24th Province of East Timor (TIM-TIM) - Indonesia and bordered the Province of East Nusa Tenggara (NTT) 1976-1999 the function of this benchmark is as a boundary marker between the Province of East Timor and the Province of East Nusa Tenggara the authorized party in laying this benchmark is the Government of the two Provinces at that time, there is 1 provincial benchmark that still exists today as evidence of the boundaries that are still maintained, this benchmark is also very close to the disputed area (Naktuka).

4.2.3. Common Border Datum Reference FrameStakes(CBDRF).

The Common Border Datum Reference Frame is an independently established control network for the purposes of surveying and mapping activities in border areas. In general, the Common Border Datum Reference Frame is represented in the field by several pillars that have high coordinates and accuracy and are on a database agreed upon by the bordering countries. These are pillar points that are used as control and reference points for the purposes of surveying international boundary pillars between Indonesia and Timor Leste as well as with other bordering countries. There is 1 pillar located in the Yonkav 10/Mendagiri border security area and is the closest pillar to the Border Security Task Force Post.

4.3 Securing the Border between Indonesia and Timor Leste

Border security between Indonesia and Timor Leste is carried out by various agencies and institutions in Indonesia, including the Indonesian National Army (TNI), Indonesian National Police (Polri), Immigration and Customs.

Some of the border security activities between Indonesia and Timor Leste carried out by these agencies and institutions include:

1. Border patrols: TNI and Polri conduct patrols along the Indonesia-Timor Leste border to prevent the entry of unauthorized persons or illegal goods.
2. Installation of security posts: TNI and Polri install security posts along the Indonesia-Timor Leste border to monitor activities around the border.
3. Installation of surveillance cameras: TNI and Polri installed surveillance cameras along the Indonesia-Timor Leste border to monitor the movement of people and vehicles entering Indonesian territory.
4. Training and education: TNI and Polri provide training and education to communities around the Indonesia-Timor Leste border to help raise awareness and vigilance against possible threats.
5. Cooperation with Timor Leste: TNI and Polri also cooperate with security forces in Timor Leste to improve coordination in border security and resolve border disputes that may arise.

Securing the Indonesia-Timor Leste border is an important duty in maintaining the security and sovereignty of Indonesian territory, as well as preventing the passage of unauthorized persons or goods into Indonesian territory. Therefore, relevant agencies and institutions continue to strive to improve border security and establish cooperation with the Timor Leste side to achieve this goal.

4.4 Indonesia and Timor Leste Border Dispute

The border dispute between Indonesia and Timor Leste has a long history, dating back to colonialism in Timor. The following are some important events in the history of border disputes between Indonesia and Timor Leste:

1. Portuguese colonialism: Timor Leste was a Portuguese colony for more than 400 years. At that time, Timor Leste did not have clear borders with its neighbors, including Indonesia.
2. Recognition of Timor Leste's independence by Indonesia: In 1975, Timor Leste declared its independence from Portugal. However, just a few days later, Indonesia intervened and invaded Timor Leste, making Timor Leste part of Indonesia. At that time, the boundary between Indonesia and Timor Leste was determined through a bilateral agreement between Indonesia and Portugal.
3. Timor Leste's independence referendum: In 1999, Indonesia agreed to hold a referendum in Timor Leste, allowing the people of Timor Leste to vote on whether they wanted to remain part of Indonesia or secede and establish a new state. The results of the referendum showed that the majority of Timorese people were in favor of independence.
4. The process of delimitation: After Timor Leste achieved independence, the process of delimitation between Indonesia and Timor Leste began. However, this process did not go smoothly, as there were different views on the history and rights to the territory, which became a source of dispute between Indonesia and Timor Leste.
5. The role of the United Nations: In 2002, the United Nations (UN) established the Indonesia-Timor Leste Border Commission, which was in charge of facilitating the delimitation process between Indonesia and Timor Leste. However, this process has not been completed, and there is still a dispute between Indonesia and Timor Leste over the boundary.

Overall, the border dispute between Indonesia and Timor Leste has a complicated history, dating back to colonialism in Timor. After Timor Leste achieved independence, the process of determining the boundary between Indonesia and Timor Leste began, but to this day there is still a dispute between the two countries over the boundary.

In Kabupaten Kupang there is an unresolved segment, namely Noel Besi-Citrana, which is disputed land along the river or delta from Co. 1745-6475 to Co. 1870-6770. The disputed area is located in Naktuka, North Netemnanu Village, East Amfoang Subdistrict, Kupang Regency with an area of $\pm 1,069$

hectares, originating from a land dispute. When East Timor was still part of the Republic of Indonesia, the Noel Besi-Citrana area was a border area between Kupang Regency (NTT) and Ambeno Regency (East Timor). The disputed area is Naktuka which is located between Noel Besi River and NonoNoemna River (Dewa Gede Sudia Mangku, 2019).

In 2010, the disputed area located in Naktuka with an area of $\pm 1,069$ ha, the population of the area came from Citrana Sub-District, Oecusse District (Timor Leste) and had East Timorese ID cards who were also related to Indonesian citizens living in North Netemnanu Village, East Amfoang Sub-District, Kupang Regency. The number of people living in Naktuka was 44 families consisting of 36 Catholic families and 8 Protestant families with a total of 200. There is no written rule that there should not be any activity in the unresolved segment and elements of the disputed area, but on the Indonesian side it is assumed that the disputed area refers to what is called the status quo (this is exactly the initial condition of the dispute that occurred on the island of Sipadan-Ligitan, the media and the Indonesian side considered the area to be status quo while Malaysia on the contrary built a resort optimally). Similarly, the border guards in the border areas of Indonesia and Timor Leste have always advised our people not to build in problematic areas, but on the contrary Timor Leste is systematically developing. The current agreement is in accordance with the understanding between the governments of Indonesia and Timor Leste, as contained in the Provisional Agreement dated May 8, 2005, that both parties agree and abide by customary law in areas that have not yet been settled.

At that time, the Indonesian government issued a protest memo No. D/00172/01/2010/59 dated January 27, 2010 regarding buildings on the report and coordination of Pangdam IX/Udayana, TNI Headquarters and then the Ministry of Home Affairs. The Ministry of Foreign Affairs and the activities of Timor Leste residents in the disputed area of Noel Besi - Citrana, but the Timor Leste side did not respond to the protest letter and the Indonesian side never provided exact figures on the matter. In fact, the delineation program (delineation of important things with lines and symbols; about maps and so on) and mapping is in progress and Timor Leste is certain that it can be implemented.

Actually, the POS UnidadePatroilhamento De Fronteiras (UPF) did not prohibit the entry of Timorese citizens into the Naktuka Region (unresolved segment), while Indonesian citizens who wanted to enter the area were rejected by TNI POS officers. This is evident from Timor-Leste's reluctance to patrol the disputed territory. Since 2003, there has been an agreement between the two countries not to inhabit the territory, but in 2016 there were 63 heads of family from East Timor residing in the Naktuka territory. The Government of Timor-Leste is impressed with supporting the occupation by providing financial assistance to its citizens who are willing to subjugate the territory. This then sparked complaints from Indonesians who still adhered to the 2003 agreement (Merdeka.com, 2016).

A resident of North Netemnanu Village in Kupang Administrative Region, East Amfoang Subdistrict (the village closest to the disputed area) said that 21 families from North Netemnanu Village used to work on the land, but after Timor Leste separated from Indonesia, 21 families left due to unresolved legal issues. Since 2006, Naktuka villagers from Citrana, Oecusse District have been cultivating the 1,069 ha of land, including the development that has taken place in the area.

North Netemnanu villagers dare not conduct agricultural activities in Naktuka village because no one guarantees their safety from Indonesia. Although there are still residents in North Netemnanu Village who still have land ownership certificates in Naktuka. At that time the ruler of the Amfoang Kingdom, Robby G.J. Manoh, on June 12, 2009 stated the following: "If the government does not immediately take steps to resolve the border issue, we will immediately declare war on them because Timor Leste residents are in an area that is still in dispute status," but as usual Indonesian border guards will intervene to defuse conflicts that occur or will occur (Utama, 2016).

In the National Defense Law No. 3 of 2002, Indonesia's land and sea border areas are stated to have an important meaning in maintaining the country's sovereignty, territorial integrity, and the safety of the entire nation from various threats, both from within and outside. The characteristics of border areas, especially land, which are directly related to the territory of neighboring countries, have an impact on

the stronger ties and cross-border activities between citizens. BNPP in Sandy Nur Ikhwal Raharjo stated that Indonesia's territory itself borders a number of other countries, its sea area is surrounded by 10 (ten) countries, namely: India, Malaysia, Singapore, Thailand, Vietnam, Philippines, Australia, Timor Leste, Palau, and Papua New Guinea along 2914.1 km. The sea and land border areas are spread to 38 regencies/cities in 12 provinces. The length of the border line with 10 neighboring countries on the one hand can be a potential for cooperation between countries, but on the other hand can be a threat to the sovereignty and security of the State (Raharjo, 2014). The land border dispute between Indonesia and Timor Leste that has not been resolved until now is in the Noel Besi - Citrana segment. The two countries have established a Joint Border Committee as a forum for resolving land boundary disputes which was then continued to form a Technical Sub-Committee on Boundary Demarcation and Regulation (TSC-BDR) which has agreed to use the 1904 Treaty and the 1914 Permanent Court of Arbitration (PCA) as a legal basis in determining and confirming the land boundary between Indonesia and Timor Leste (Dewa Gede Sudika Mangku, 2018).

In 2013, the governments of Indonesia and Timor Leste successfully agreed on the boundary line between the two countries in the Dilumil - Memo segment, but this was not followed by other segments that are still disputed by the two countries, such as the land boundary dispute in the Noel Besi - Citrana segment. Based on the Provisional Agreement of 2005 Article 6 point (b) which implies that local communities in this case indigenous peoples/customary leaders at the border are given space to be involved in the process of resolving disputes that occur at the border of the two countries by prioritizing peaceful and non-violent means in accordance with Article 8 of the Provisional Agreement of 2005. The people who live in West Timor (Indonesia) and the people who live in East Timor (Timor Leste) have the same socio-cultural background, so it can be ascertained that the customary legal order that applies in these two groups of people is the same. The substance of customary law can regulate land issues, as well as the boundaries of customary territories, the potential of customary leaders can actually play a role in negotiating to resolve these issues. However, this becomes an obstacle when the State takes the initiative, apart from customary leaders who have the potential to determine border control peacefully in a family atmosphere.

On July 22, 2019, an agreement was signed between Indonesia and Timor Leste, represented by Coordinating Minister for Political, Legal and Security Affairs General (Ret.) Wiranto and Special Representative/Chief Negotiator Kay Rala Xanana Gusmao on "Agreed Principles On The Final Settlement Of Land Boundary Between The Republic Of Indonesia And The Democratic Republic Of Timor-Leste".

Both sides welcomed the significant progress and positive outcome of the Senior Officials Consultation (SOC) on the unresolved land boundary segments and the mutual understanding that the settlement of the unresolved segments will be implemented through fair and friendly means to strengthen the good relations between the Republic of Indonesia and Timor Leste as well as community relations between the two countries.

In this case, the two parties agreed under the 1904 treaty between the Dutch and the Portuguese as a reference, for a common understanding on the final solution of the unresolved areas such as for the Noelbesi-Citrana Segment, this segment should be resolved by applying a moderated centerline approach, drawn north from Bokos point, where the coordinates will be determined later.

4.5 Border Management Agency in Executive Regulation No. 44/2017 on the National Border Management Agency

Under Article 3 point b of Presidential Regulation No. 44/2017 on the National Border Management Agency, the Border Management Agency carries out the function of coordination in the process of resolving land boundary disputes between Indonesia and Timor Leste, the settlement of border area disputes is the responsibility of the central level.

In addition to carrying out the coordination function, the Border Management Agency also has the function of implementing the development, management and utilization of State Territorial Boundaries and Border Areas. (Article 3 Point B of Presidential Regulation No. 44 of 2017).

The Regional Border Management Agency of NTT Province carries out the coordination function by facilitating input and also aspirations from traditional/community leaders related to problems in the border area to be forwarded to the central government.

One of the events facilitated and coordinated by the NTT Provincial Border Management Agency was a conference on August 10, 2019 at Aston Kupang Hotel & Convention Center - Kupang City as a follow-up to the meeting of representatives of RI and RDTL which was previously held on July 22, 2019 in Jakarta. During the meeting, a coordination meeting on the Settlement of State Border Disputes was organized by the East Nusa Tenggara Provincial Border Management Agency and involved the Coordinating Ministry for Political, Legal and Security Affairs, Ministry of Home Affairs, Ministry of Foreign Affairs, National Border Management Agency, TNI / POLRI elements, East Nusa Tenggara Provincial Government, Kupang Regency Government, North Central Timor Regency Government, Village Government Elements and Community Leaders of Manusasi North Central Timor Regency and North Netemnanu Village Kupang Regency, as well as Academic Elements, which resulted in several joint agreements and recommendations as follows:

1. Community Leaders of Oepoli - East AmfoangSubdistrict, Kupang Regency and Community Leaders of Manusasi - West MiomafoSubdistrict, North Central Timor Regency were disappointed with the agreement signed by representatives of the Republic of Indonesia and Timor Leste on July 22, 2019 in Jakarta, but as Indonesian Citizens, they still respect the results of the agreement;
2. The Government of Kupang Regency and North Central Timor Regency regretted that the Local Government and Community Leaders/Customary Leaders were not involved in the settlement of the Indonesia - Timor Leste boundary dispute in the Noelbesi - Citrana and BidjaelSunan - Oben segments;
3. The proposal of the Regent of Kupang and the Regent of North Central Timor that the Noelbesi - Citrana segment and the BidjaelSunan - Oben segment be made a Neutral Zone or Joint Zone jointly managed by the people of both countries;
4. During the Joint Field Visit (JFV), it is expected to consider the community's proposal regarding the determination of the base point to draw a line to the north not at Bocos but in the middle of the Noelbesiriver;
5. The governments of Kupang Regency and North Central Timor Regency expect the prioritization of road and bridge construction in border areas between countries including the Trans Amfoang Road;
6. The governments of Kupang Regency and North Central Timor Regency expect the construction of the same type of livable houses for border communities along the interstate border in Kupang Regency and North Central Timor Regency;
7. The next meeting is expected to be held in Oepoli, East Amfoang District, Kupang Regency;
8. The construction of PLBN in Oepoli should be immediately implemented in 2019-2020. However, until today since the first and second meetings have been held, there has been no follow-up on the points that have been determined and agreed upon together, one of the causes is the spread of the Covid-19 pandemic which began between late 2019 or early 2020 to 2022.

The NTT Provincial Border Management Agency, in addition to facilitating activities/meetings carried out by the Central Government and Indigenous Leaders/communities, also checks and samples data in the field to complete data on border areas. One example of data collection in the field is by collecting information on border pillars that are scattered along the state border line between Indonesia and Timor Leste.

The total pillars that have been installed until 2018 according to data obtained by the NTT Provincial Border Management Agency from the Geospatial Information Agency (BIG) are 1,215 pillars, of the 1,215 pillars that have been installed there are still some segments in the West Sector and unresolved segments in Noel Besi - Citran and BidjaelSunan - Oben, as well as surveyed segments that have not been installed due to the resolution of border boundary issues that have not been resolved to date.

The Border Management Agency (BPP) is an institution responsible for managing the border between Indonesia and neighboring countries, including monitoring and coordinating activities along the border, as well as developing regional and international cooperation. Although the Border Management Agency (BPP) has an important role in managing Indonesia's borders with neighboring countries, it does not have the authority to resolve border disputes.

The formal settlement of border disputes between Indonesia and neighboring countries is usually carried out by higher authorities in the government hierarchy, such as the Minister of Foreign Affairs or the President. BPP can also help build cooperation and maintain the stability of border areas between Indonesia and neighboring countries.

Overall, BPP's participation is very important in resolving border disputes between Indonesia and neighboring countries. BPP can assist the government in providing accurate data and information, as well as assisting in the implementation of boundary measurement and marking activities. BPP also helps coordinate and facilitate meetings between the central government and neighbouring governments as well as with local community leaders/government leaders. In addition, BPP can also establish good regional cooperation to maintain the stability of the border region.

5. Conclusion

5.1. Conclusion

It can be concluded that the role of the Border Management Agency is very important in maintaining security and order in the border area, as well as facilitating cross-border trade and activities. The Border Management Agency also has a role in maintaining state sovereignty, preventing the entry of illegal goods, and monitoring the movements of people entering and leaving the border area. To carry out its duties, the Border Management Agency needs to cooperate with various parties, both domestic and foreign, such as the security forces, banks, companies, and other government parties. The Border Management Agency also needs to be equipped with adequate equipment and technology, and filled with competent and professional human resources.

In the current era of globalization, the role of the Border Management Agency is increasingly important given the increasing number of people and goods moving across borders. Therefore, Indonesia must pay attention to and develop its Border Management Agency in order to face the challenges that arise in the border area.

5.2. Limitation

The researchers experienced difficulties in obtaining data from the NTT Regional Border Management Agency, because the staff claimed not to have any data, therefore the analysis of the role of BPP was based solely on normative provisions.

5.3. Suggestion

Suggestions from researchers for the Border Management Agency (BPP) to further improve its performance in carrying out its duties and responsibilities in terms of increasing cooperation with related parties in the field, utilizing the use of technology for monitoring border areas (CCTV, motion sensors and data processing software), developing the quality of human resources by providing training and education to improve professionalism, analytical skills and technical expertise in managing border areas, and also need to increase transparency and accountability in carrying out its duties and responsibilities. This can increase public and related parties' trust in BPP's performance.

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