



The Management Of The Border Region In Perspective International Law (Indonesia-Malaysia)

Maswandi ¹,

¹ Faculty of Law, Medan Area University, Indonesia. Email : staff.uma.ac.id

ARTICLE INFO

Keywords:

*International Law, Dispute,
Border*

Date received : 06 Januari 2022

Revision date : 20 Januari 2022

Date received : 10 Februari 2022

ABSTRACT

Mastery of ownership of a region is one of the goals of a country. Problems related to the border between Indonesia and Malaysia often occurs since the independence of each country. Persengketaan the border region generally arise because of differences in views about the boundary line between one Country over the boundary line which is located in the image. International law has long since set up with a clear and provide legal certainty about the border region of a country. The determination of the boundaries of a country is determined by the processes of international law, both use the concept of self-determination, the principle of uti possidetis, and the boundaries of the state. So the determination of the boundaries of a country are expected to no longer pose a conflict. A bilateral agreement between the Uk and the Netherlands in the period before the independence of Indonesia and Malaysia, has been providing legal certainty about the boundaries between the two countries. So, the legal basis of the colonial government such should be used as reference material for Indonesia and Malaysia to determine the area of each region. Cooperation with the management of the border region between Indonesia and Malaysia need to be improved. This is of course a view that the region border on the Island of Borneo to truly experience inequality, better facilities and infrastructure between the two countries. Quality improvement resources to local communities through capacity building programe, is expected to enhance the role of law enforcement that is based on the local wisdom of the community of the border region.

INTRODUCTION

Mastery of ownership of a region is one of the goals of a country. The acquisition and utilization of the region not only as a proof of the existence of the sovereignty of a country, but also to compete for the natural resources that are

contained both within and above the region. In its development in today's modern world, the conflict or dispute a region still occur, especially in the area that became the border between the countries. In general, there are 9 (nine) factors of a country to make a claim to the territory to another state (a neighboring country), namely: agreements

(treaties), geography (geography), economic (economy), culture (culture), mastery is effective (effective control), history (history), *uti possidetis juris*, elitism, and ideology (ideology).

The border region of the state has a strategic role for a country. In addition to a limit on the sovereignty is also a region that reflects the front page of a country which is directly in contact with neighboring countries, that is why the region is likely to be a sensitive issue if tensions between countries. The meaning of the border region can be viewed from two different things which, geographically, and politically. According to Oppenheim, the border region is geographically can be interpreted as an imaginary line on the earth's surface which separates regions of the country the one with the other. There are indicators for physical and can be proven through agreement or through a map. Meanwhile, according to Victor Prescott, the border region can also be interpreted politically: the limits of the state provides an opportunity for countries to implement the principle of the sovereign exclusively.

The border region is a strategic area, because, geographically, the area of the border have the potential of natural resources and market opportunities. Position which is directly in contact with neighboring countries, shows that the border region is an area of vital, due to the geo-political border region with regard to the aspect of the sovereignty of the state, defense and security, a sense of national, ideological, social, economic, and political.

Problems related to the border between Indonesia and Malaysia often occurs since the independence of each country. Persengketaan the border region generally arise because of differences in views about the boundary line between one Country over the boundary line which is located in the image. According to Merrils, every dispute is a conflict, not all conflicts can be categorized as a dispute but depending on the complexity of the issues between the parties, and in such situations there are a lot of disputes that are specific. The international dispute is a dispute which exclusively is not in the internal affairs of a country. International disputes are also not just exclusively concerns the

relationship between countries given the subject-the subject of current international law, but has been expanded in such a way involves many actors non-state.

In international law, there are two kinds of international disputes, i.e. disputes law (legal or judicial disputes) and political dispute (political or nonjusticable disputes). There are no clear criteria and accepted on the understanding of the second term. A dispute which is often times used to be the size as international law disputes, menakala the dispute could or can be submitted and resolved by the International Court.¹⁰ A legal dispute, it could be the determination of the boundary line of the territory, the violation of the rights and privileges of the diplomatic dispute over the rights and obligations in the trade, and others. For example the dispute between Indonesia and Malaysia is on the right of ownership over the Island of Sipadan and Ligitan 1998 brought to the ICJ, then on 17 December 2002, the ICJ issued a decision on the case of a dispute through the institution of voting. Malaysia won by 16 judges, while only 1 of people that favor to Indonesia. Of the 17 judges, 15 is the judge of the remains of the International Court of justice, while one judge the choice of Malaysia and another one selected by Indonesia. The victory of Malaysia based on the consideration of effectivity (without deciding on the question of territorial waters and the boundaries maritime), namely the British government (the invaders Malaysia) has been doing administrative actions in the real form of the issuance of the ordinance for animal protection of birds, the tax levy against the collection of turtle eggs since 1930, and the operation of the lighthouse since the 1960s. Malaysia also build a resort and cottages in the Sipadan and Ligitan, Sipadan island which is just the vastness of 4 km², it is now ready to await travelers.

Obligation to settle disputes peacefully is explained more by Article 33 of the Charter of the united nations. More information, this article states: *The parties in a dispute that seems such dispute will endanger international peace and security, must first of all seek a solution by way of negotiation (bargaining), inquiry, mediation, conciliation, arbitration, courts, handed it to*

organizations or regional bodies, or how peaceful settlement of the other that they choose.

The claim of a contracting state on the territory that juts into the sovereignty of other countries, is often the cause of occurrence of the dispute. The principle of the application of the *uti possidetis*, understanding the differences in the determination of the limit (delimitation) and the determination of the signs of the border (demarcation), geographical factors and political other, is a causative factor *persengketaan*. Sometimes, the shift in the stakes in the border region can also occur due to factors is natural. In addition to a border conflict, not less important the attention of the Central Government towards the communities in the border region of Indonesia that still remain marginalized, (1) their life is isolated, the level of accessibility is low; (2) the level of education and the health concern; (3) low level of social welfare of the economy; (4) the limited infrastructure; (5) the limited ability of the HUMAN resources Administration. In addition to the threat of poverty is no less important threat waning ideology and national values.

The situation in border communities that are marginalized, such as error paradigm of the development of Indonesia which is only limited appointments. Inequality of development as a result of the deterioration of the development that is not *berkeadilan*. This has led to the occurrence of various problems such as changes in the boundaries of the territory, the smuggling of goods and services, poverty in the region, as well as violations and cross-border crime (transnational crimes). Such phenomena, it is not known by the government, both central and local. But the political will and partiality toward the welfare of the population in the border region is very low, especially in the Kalimantan region. The construction is indeed there, but it is partial and are not integrated, so that there is no significant change, and therefore the condition of the border region of Indonesia were little changed, while the construction in the Malaysian border the more advanced.

METHOD

Writing this using the method of qualitative analysis-descriptive. Qualitative studies considered to be more relevant to use to study the problems of the issue the law in this writing, because shades of qualitative research is try to do the construction against the reality of the law and further understand the reality of the law.

Making procedures and data collection in this study conducted in two ways: by studying the literature and interviews with key informants such as lawyers, and prosecutors and service providers finance. Data analysis technique begins with an examination of the data done the collected data then conducts direct and directed interviews and then analyzes the data qualitatively, the data obtained is systematically compiled and then analyzed qualitatively in the form of rules. The process of legal analysis is linked to the *theo retical* framework to be able to answer the formulation of the problem under study.

RESULTS AND DISCUSSION

A. Setting the Border Region in International Law

International law has undergone developments regarding the setting of the border region of the country. In classical times or the period of colonialism, the determination of the boundaries of a country more affected through the actions of the occupation, prescription, *cessi*, accretion, conquest, and acquisitions. While in development in the modern era, the determination of the boundary of the region is determined through the processes of international law, such as self-determination, the principle of *uti possidetis*, and agreements related to the limits of the state. The Third model has been recognized by the international community as a way of determining the region, mainly related to self-determination for the state of the newly independent state or disengage from the state of its parent. For example, Timor-Leste, Kosovo, and the countries of the fractions of the Soviet Union in the hemisphere Europe.

The mechanism of determination of state boundaries between Indonesia and Malaysia, before

each liberate themselves determined by the principle of *uti possidetis*. In terminology, this means that the region and the wealth is in it to follow the owner of origin (predecessor) or the colonial state to the new state (colony). The territory of the state of Indonesia in Kalimantan is the result from the control of the region by the Dutch, while the territory of the country of Malaysia is derived from a region controlled by the British.

The use of the principle of *Uti Possidetis* according to most international law experts, such as Paul R. Hensel, Michael E. Allison, and Ahmed Khanāni can be felt is to create stability in the border compared to the borders of countries that do not is the result of the legacy of the colonial state. The reason is that the colonial rulers (predecessor) had laid the foundations of the limit state clearly in an agreement, so that the countries of the newly independent state from invaders (successor) just living alone continue the legacy of the border left the invaders.

Although the principle of *uti possidetis* has been basing that limits the territory of a state has been determined on the agreements made by the previous state, but in reality the boundaries of the region can experience a change. As the determination of the boundaries between Indonesia and Malaysia, have been based on the determination of the limit (delimitation), the assertion of the stakes of the border (demarcation), agreed on the administration settings (administration) between the Government of the Netherlands and the UK in the past. It is mainly based on the use of the map of the bilateral agreement of 1891.

Saru Arifin concluded that the concept of *uti possidetis*, made in the measurement of the boundary of the area of the border by using several steps and procedures. Due to the occurrence of an agreement determining the boundaries of the territory, the people of both countries who live in the border region becomes more limited. Given the stakes that there is already experiencing *persegeran*, which resulted in the emergence of the uncertainty of the law, then the agreement is the determination of the stakes very necessary. One of the source map ever created was in the year 1974,

by setting the boundary line which has not yet obtained the agreement between the two countries. This then raises the dispute (see the case of the Island of Sipadan and Ligitan), so that the solution submitted to the International Court of justice to decide the dispute boundaries of the two countries.

In addition to the principle of *uti possidetis*, international law also known as the Border Treaty. In this case, known as 2 (two) kinds of covenant,¹⁹ namely personal treaties, where this agreement is political in nature and shaped bilateral or multilateral, for example is an agreement-an agreement made by the Government of Indonesia and Malaysia related to the determination of the boundaries of the two countries. While the impersonal treaties or dispositive treaties, applied to the alternation of the state in international law with the provisions of that which is defined by agreement dispositive is an agreement involving land or territory with legal status as a military base.

Based on the concepts in international law above, then the determination of the region of Indonesia and Malaysia following the doctrine of self-determination since the proclamation of its independence, and follow the principle of *uti possidetis* in the determination of the region *daratnya*, which includes the entire territory of the former Dutch colony that use of the Bilateral Treaties between the UK and the Netherlands. While regarding the limits of territorial sea, Indonesia using the UNCLOS 1982 as a guide law international.

B. International agreements on the Boundaries of Indonesia – Malaysia

If you pay attention to the principle of *Uti Possidetis*, the position of the boundaries of land and sea between Indonesian and Malaysia seems to be already finished. Not only in the aspect of delimitation or restrictions that separates between the two countries, but also in the sense of the limit imaginative through point-coordinates of a point that has been agreed upon. There are two situations law in the border region (transboundary law) that seem mutually contradictory. First, the determination of the boundary based on the principle of *Uti Possidetis*, with reference to the use of international agreements made by the Dutch and

English. Second, a pact of the mou (Memorandum of Understanding) as agreed upon by the two Countries Indonesia and Malaysia after the two countries each declared its independence. However, both the source actually has created legal uncertainty borders between Indonesia and Malaysia.

In general, the boundaries of the sovereignty of the two countries, Indonesia and Malaysia have gained certainty when the trace on the history, data and facts as well as an agreement government colonization, namely the UK and the Netherlands. That both countries accept the inheritance (successor) of the region's sovereignty as the previous administration (predecessor) has set the limit, the stakes and the point coordinates, both in land and in the oceans. The basis of the first to be used as a reference is the Agreement between the UK and the Netherlands on the Determination of the Limit State on the island of Kalimantan (Borneo). However, since the two countries have been releasing himself from the colonial respectively, then there is a variety of views and interpretations that actually has posed new problems for both countries.

At least, it confirms that the region of the border between Indonesia and Malaysia has gained the certainty of the law. Legal certainty is based on the principle of *uti possidetis*, a determination of the boundaries of the country that is based on the attachment of the map, both of which are in the Bilateral Treaties between the UK and the Netherlands in 1892. A boundary drawn from not only based on the measurement and determination based on the limits of the natural, but also supported technology measurement by using the coordinates of a point between the point of limit of one with the other. Such determination, it turns out that not only is based on a one-time *perjajian* it has done repeatedly. Therefore, the legal basis *uti possidetis* should also refers to several Bilateral Agreements are made. In the determination of these limits, the island of Borneo or Kalimantan has been divided into the sovereignty of Indonesia, Malaysia and Brunei Darussalam.

The use of the principle of *Uti Possidetis* has generally been based on Bilateral Agreements

between the British Colonial Government with Dutch. It was stated in the Treaty between the Queen of England and the representative of the Dutch Queen, the Queen Dowager in determining the border region of the Island of Borneo / Kalimantan Island with the island under British rule at this time became part of Malaysia.

Several bilateral agreements such as the following: First, the Agreement is made on 20 June 1891 and ratified on May 11, 1892. This agreement addresses the limits of the territory belonging to both countries, and also arrange on the rights of exploitation of forests and the current navigation around the island which is utilized by the community. Of the agreement, then the legal certainty of the boundary region between Malaysia with Indonesia is quite clear. Even the population in both countries who live in the border region can perform the activity are traditional to facilitate communication

Second, the Agreement of the MoU 1915, is the follow-up Article 5 of the Convention between the United Kingdom and the Netherlands defining the boundaries in Kalimantan 1892 to the agreement of border restrictions in more detail about the Region of the UK and the Netherlands on the Island of Borneo. This agreement was made on February 17, 1913 and included the map in it and is effective for both countries, the Netherlands and the UK before Indonesia and Malaysia declared its independence.

Third, the MoU 1925, is a translation of the Article 3 of the treaty on the limitation of the territory in 1892. This agreement is discussed in more detail for the border regions of Borneo under the government of the Netherlands and the UK. This agreement is valid three months since ratified on 6 August 1930. If the government of both countries consistently using attachments to map the results of a bilateral agreement of 1905, the Government of Indonesia and Malaysia can follow up appointment the next based on the *Uti possidetis Juris*.

Of the three bilateral agreements which had set the border region around the island of Borneo, which is now under the sovereignty of Indonesia has explained in detail about the layout of a border on the mainland, around the river and also in the

mountainous region that stretches along the border region. The determination of the point of the border is also punctuated by the use of the coordinates of the location that gives you the certainty of the location of the border of the two countries. In addition, in the manufacture of the third agreement is also still in one series of discussion related to each other. That there are deficiencies in the agreement first perfected in the bilateral agreements that the second and similarly, the bilateral agreement was formed as a complement deficiencies that exist in the bilateral agreements previously. The making of a bilateral agreement as described above will be effective because it addresses the problems of the border holistically and give clarity of the boundary of the region in detail.

C. Cooperation in the Management of the Border Region by the Province of North Kalimantan

Bilateral cooperation between Indonesia and Malaysia regarding the border issue during this time a lot more done in the framework of Sosek Malindo (Working Group on Social Economy of Malaysia-Indonesia). Sosek Malindo is cooperation in the field of socio - economic motivated by the political problems of the border region of Indonesia (Kalimantan) and Malaysia (Sarawak and Sabah). Forum Sosek Malindo hold a meeting once a year with the place of each other alternating between Indonesia and Malaysia.

At first Sosek Malindo is chaired by the respective GBC (General Border Committee), and for Indonesia headed by the MILITARY Commander. However changes in the structure of the new year since 2000, the working Group on socio-economic placed into a sub committee under the GBC, and is chaired by the Minister of home affairs. Cooperation Forum Sosek Malindo considered quite successful in deepening the cooperation in the field of tourism, health, social, economic and education. Other forums such as the Joint Indonesia, Malaysia, the Joint Commission Meeting, annual consultations and others, be a way for the two countries to resolve the issue through negotiation table. In addition to the cooperation between the two countries, the Indonesian Government has also established an

institution that deal specifically with the affairs of the border, namely the National Agency for Border Management (BNPP), which originally carried through ACT No. 43 of 2008 on the Territory of the Country. Article 14 paragraph (1) states that: "to manage the country's borders and border regions in the central and local levels, the government and forming the local government Management Agency and National Management Agency Regions."

Furthermore, the position of the BNPP is reinforced through legal Regulation No. 12 of 2010, and at the same time overcome the problems of lack of coordination between sectors related technical in the management of the border. Although initially these institutions are expected to take care of border management in a comprehensive, yet because it is too bureaucratic, involving so many ministry thus eliminating its main function is to self-reliance. BNPP is a special institution, on the issues of the border region. However when deciding on a policy must obtain the approval of many parties, the institutions outside the ordinary transformed into the institute of the ordinary.

The role of the management of the border is also run by the local Government and the Ministry of Empowerment of Disadvantaged Regions (PDT). It is a given the occurrence of overlap as the New Order era. The government at that time issued a presidential Decree No. 44 of 1994 about the Agency Controlling the Implementation of the Development of Border Regions in Borneo. But in the journey, the agency does not produce anything. The development of border areas do not become better, the existence of such institutions does not give a significant influence on the development of border areas. In the Reign of B. J. Habibie, diterbitkanlah presidential Decree No. 63 in 1999 to repeal the Decree 44 of 1994, so that the functioning of the border management returned to the institution which is competent. Efforts to manage the border of the country to be better, then gaining momentum as the passing of the policy of regional autonomy. The border management is becoming increasingly complex in conjunction with the issuance of LAW No. 32 Year 2004 on Regional Government. These laws affirm the development of

the border region from inward-looking to be outward looking as the door of the gate of the economy and trade, including the approach to well-being.

The development of the border region as the front page of the REPUBLIC, the next poured through Presidential decree No 7 of 2005 on RJPMN 2004-2009. The goal is to improve the lives and welfare of the community, improve the management capacity of the potential of the border region, as well as confirming the order and security of the border.

The development of the global adult is no longer just connect one country to another as the concept of 'state sovereignty' in the flow Westphalian that emphasizes the power of the state to regulate the internal problems and keeping it externally. However, in the model of the post-Westphalian, this concept changed with associate relations between subjects of international law to non-state. So, the concept of cooperation is carried out by the Local Government and other state or local government in other countries can be realized with the term 'Paradiplomacy'.

Lacours categorize the 3 (three) group practice paradiplomasi. First, the relationship and cooperation between the regional government-oriented for economic purposes only. Second, paradiplomasi that involves a variety of fields, among others, the economy, culture, education, health, technology transfer, and so on. And third, paradiplomasi that focuses on the motives of the political. If it refers to the view of the Lacours, the practice of foreign cooperation in Indonesia by the Local Government, either Provincial or District/City is leading in the second category, where the Government in establishing relationships and cooperation with foreign parties almost always use the 'memorandum of understanding' as well as economic cooperation, education, culture/arts, agriculture, health, technology transfer, the help of experts, help tekniss, and so on.²³ In the state level of international practice paradiplomasi above has been widely applied to a variety of local government. As Flanders-Belgium, Catalonia - Spain, Bavaria-Germany, Geongsangbuk-Do - South Korea, and Shaanxi-China.

The practice of foreign cooperation as applied to various areas of the above, it is not impossible to be applied also in the Province of North Kalimantan. As a Province that has boundaries that intersect directly with neighboring countries, the necessary cooperation in the strengthening of the various aspects for the sake of the welfare of the community in the Province of North Kalimantan. First glance, one concept is to apply the system of the Twin Cities (twin towns or sister cities), as applied by the City of Tarakan to Tawau and Kota Kinabalu, Malaysia. The second view, is to put the Province of North Kalimantan as a special area. It is given that in addition to the ACT No. 20 of 2012 on the Establishment of the Province of North Kalimantan as a legal lejitimit, also become a cornerstone in the management of the border region and the fulfillment of the constitutional rights of the citizens in the border region. One of them is the setting of the region is a solution in order to optimize the public service because it may shorten the span of control (span of control) of government, making it more efficient and effective in line with the principles of good governance (good governance) in order to accelerate the realization of public welfare. In addition, it strengthens the competitiveness of the region and strengthen the integrity of the Unitary State of the Republic of Indonesia (NKRI) in the border region with other countries/neighbors.

A third view, manage the border region can not be separated from the existence of local Customary Law Communities, in this case related to the role of Figures/Head-the head of customs in the settlement of disputes. The role of the chairman-the chairman of the customs has been widely demonstrated in the cases of civil, such as marriage, society, and trade. In criminal cases such as theft, murder, and so forth generally the settlement involves the Regent, Head of the Village, to the Chief of police. However, head-to-head there also it is possible to get involved. The fact that the role of indigenous people very effectively used have proved that the role of diplomacy local is effectively applied to remember if the need to qualify the national law of Indonesia, the resolution will be very difficult. It cannot be denied that the more the role

of indigenous people, is a testament to the community of the border region within the territory of the second law of the state, either Indonesia or Malaysia. But it is giving its functions effectively under local customary law. So it is not strange if one of the peculiarities of the border region with the use of the legal grey (grey area of the law).

D. The fulfillment of the Constitutional Rights of the Citizens in the Border Region

One of the strategic issues that arise for people who inhabited the border region, is associated with the fulfillment of the constitutional rights as a citizen of Indonesia. Yahya A. Zein in his Doctoral Dissertation stressed that the main issue the fulfillment of the constitutional rights of the citizens in the border region is divided into 2 (two). First, the low quality of human resources is a consequence of the limitations of the quality, as well as the lack of educational facilities and infrastructure. The facilities in general are already there, but its existence has not been evenly distributed and is only found in the capital of the reign of course, inversely proportional to the distribution of the population in the border region. Second, poor health conditions and health services in the border region.

Therefore, the concept of which is carried in fulfillment of the constitutional rights of citizens is a paradigm change in the management of the border. Where the original emphasis on the aspects of security and defense (security and defence), replaced with the approach of the construction of the prosperity and welfare of the (prosperity and welfare). Through the approach of human RIGHTS, in particular the fulfillment of the right to economic, social and cultural is one of the alternatives to accelerate the development in the border region of the country.

If you see a reality that happens, it is very unfortunate due to the government does not have a strong commitment in the fulfillment of constitutional rights for the people in the border region. Indeed, as the mandate of the instruments of international human RIGHTS (UDHR 1948, the ICCPR 1966, and ICESCR 1966) and national human RIGHTS in the CONSTITUTION of 1945, ACT No. 11

of 2005 on the Ratification of the ICESCR, and LAW No. 12 of 2005 on the Ratification of the ICCPR, actually put the constitutional rights for the citizens of the country evenly. When you view the fulfillment for the people in the border region, the tendency of Governments to ignore it looks. Ketidakberpihaka the Government has created erosion, a sense of nationalism and the low awareness of politics, the low awareness of the law that have an impact on the declining quality of life of citizens in the border region.

Mahendra Putra Kurnia in his research sharpen the importance of changes in Central Government policy related to the development in the border region. It examines the border normatively, especially in answering the factors why the border region RI has not deserve to be called as "fence front" region Indonesia. The importance of changes in the development paradigm of the land base is oriented into archipelagic base oriented, the harmonization of law in the form of the concept of law reform that further solidified with the idea of the rules of the institution which is accompanied with an emphasis to be done immediately accelerated development of the border region RI is the efforts that should be done immediately so the area of the border of RI worthy of being a "fence front" region

CONCLUSION

Based on the exposure of the discussion above, this paper gives the following conclusions: First, that international law has long since set up with a clear and provide legal certainty about the border region of a country. The determination of the boundaries of a country is determined by the processes of international law, both use the concept of self-determination, the principle of uti possidetis, and the boundaries of the state. So the determination of the boundaries of a country are expected to no longer pose a conflict, although in international law allowed the settlement through the International Court of justice.

Second, a bilateral agreement between the Uk and the Netherlands in the period before the independence of Indonesia and Malaysia, has been providing legal certainty about the boundaries between the two countries. So, the legal basis of

the colonial government such should be used as reference material for Indonesia and Malaysia to determine the area of each region. The difference in perception for both countries related to the content of the content in the Bilateral agreements the UK and the Netherlands, duly addressed with the discussion between the two countries to find a way out tnpa through violence and cheating.

Third, cooperation on the Management of The Border between Indonesia and Malaysia need to be improved. This of course is the view that the border region on the Island of Borneo to really experience inequality, better facilities and infrastructure between the two countries. Don't forget that the border region of the country is one of the proliferation of important of violations and cross-border crime (crime trans-national). If the two countries do not deal with transnational crime in particular, it is not possible can make the border region as an area that is prone to create conflict.

Fourth, the condition of the residents who did not enjoy your stay and termarjinalkannya in the border region should receive serious attention from the Central Government. The fulfillment of the constitutional rights for citizens in the border region, not only in the protection and Fulfillment of Human Rights. But also, keep in mind the condition of the communities in the border region that is much different with the community on the Island of Java. The lack of infrastructure to not only inhibit the development of qualified human resources, but also to let the citizens in the border region prefer to cross into neighboring countries. Inequality can dampen the spirit of nationalism citizens.

Fifth, the role of the head-head of customs can not be marginalized. Because, in addition to providing influence in the lives of communities in the border region, they can also serve as a media dispute resolution, both in the cases of civil and criminal cases. Quality improvement resources to local communities through capacity building programe, is expected to enhance the role of law enforcement that is based on the local wisdom of the community of the border region.

REFERENCES

- Brian Taylor Sumner, *Territorial Disputes At The International Court of Justice*, *Duke Law Journal*, Vol. 53, No. 1779, 2004, pp. 1779.
- Hamidi, S Gayo, A Sitompul. (2021). Juridical Analysis on The Procurement Of Goods/Service Of The Government To Realize Good Governance (Research Studies In The Department Of Human Settlement and Layout Batam City). *International Journal Of Research and Review* 8 (11), pp.63-77.
- Huala Adolf, *Hukum Penyelesaian Sengketa Internasional*, Jakarta: Sinar Grafika, 2004, pp. 3.
- Jawahir Thontowi, Rohidin, dan Dodik Setiawan, *Penyelesaian Sengketa Damai dan Model Pemberdayaan Diplomasi Lokal di Wilayah Perbatasan Berbasis Keadilan*, Penelitian Unggulan Perguruan Tinggi, Fakultas Hukum Universitas Islam Indonesia Yogyakarta, 2013, pp. 86
- Mahendra Putra Karunia, *Kawasan Perbatasan RI: Kesabaran Tak Berbatas, Menanti JanjiSebatas Janji*, 2012.
- Saru Arifin, *Hukum Perbatasan Darat Antarnegara*, Jakarta: Sinar Grafika, 2014, pp. 60
- Sitompul, A, P Hasibuan, M Sahnan. (2021). The Morality Of Law Enforcement Agencies (Police, Prosecutor's Office, KPK) In Money Laundering With The Origin Of The Corruption. *European Science Review* 9 (10), pp.55-63.
- Sitompul, A. (2020). The Criminal Replacement Of Fine In Law Of Money Laundering Number 8 Of 2010 (Case Study In North Sumatera). *International Journal Of Creative Research Thoughts*, 8 (11).
- Sitompul, A., & Sitompul, M. N. (2020, February). The Combination Of Money Laundering Crime With The Origin Of Narkotics Crime To Islamic Law. In *Proceeding International Seminar of Islamic Studies* (Vol. 1, No. 1, pp. 671-681).
- Takdir Ali Mukti, *Paradiplomacy. Kerjasama Luar Negeri oleh Pemda di Indonesia*, Yogyakarta: The Phinisi Press, 2013, pp. 22-23.
- Templeman, L, *Public International Law*, London: Old Bailey Press, 1997, dalam Benny Setiono, *Prinsip-prinsip Modern tentang Kedaulatan Wilayah*, dalam Saru Arifin, Ibid, *Hukum Perbatasan Darat...*, pp. 60.

U No 20 Tahun 2012 tentang Pembentukan Provinsi
Kalimantan Utara

V.D. Dudeja. *Cyber Crimes and Law*. New Delhi:
Commonwealth Publ, 2002., pp. 5

Victor Prescott dan Gillian D. Triggs, *International
Frontiers and Boundaries*, Leiden – Boston:
Martinus Nijhoff Publishers, 2008, pp. 139.

Yahya M. Zein, *Pemenuhan Hak Atas Pendidikan
Dan Kesehatan Sebagai Hak Konstitusional
Warga Negara Di Wilayah Perbatasan
Kabupaten Nunukan Kalimantan
Utara*, Yogyakarta: Disertasi Program Doktor,
Fakultas Hukum Universitas Islam Indonesia,
2014, pp. 422.

Copyright holder :

Maswandi

First publication right :

International Asia Of Law and Money Laundering

This article is licensed under:

