

Dynamics of Border Conflict Resolution Between Indonesia-Timor Leste

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Abstract

Border areas are areas that are geographically directly adjacent to other countries. The border area is also one of the strategic areas, where the area that nationally concerns the lives of many people, both in terms of political, economic, social, cultural, and hankam interests. Border conflicts are usually particularly vulnerable if the contested territory has excellent natural and economic resource potential. The purpose of this study is to describe the factors that cause conflict and the urgency of boundary affirmation and describe efforts to resolve boundaries through regulation and non-regulation. The method used is a qualitative method with a type of descriptive approach through literature study. Based on the results of the study, it is understood that the settlement of Indonesia's border with Timor-Leste will be carried out peacefully, without the threat of violence, and with full respect for international law. This article seeks to understand the Indonesia-Timor Leste border dispute from the perspective of international relations. Three strategies can be taken by Indonesia to resolve this dispute, namely military confrontation, the use of formal institutions such as international organizations, and the use of informal institutions namely norms, beliefs, ideas, and values. This article argues that to resolve the dispute between Noel Besi/Citrana and Bijael Sunan/Oben it is not enough to rely on international treaties alone, Indonesia needs to put more emphasis on the importance of understanding the norms, beliefs, ideas, and values of indigenous peoples living in the disputed area. The role of the government in efforts to maintain the integrity of the country's territory through bilateral communication and cooperation can then be utilized by local actors to resolve conflicts and participate in defending the territory.

Keywords: Border conflict, Indonesia, Timor Leste, Conflict Resolution

INTRODUCTION

A state cannot be called an independent and sovereign state, if it does not have an existential factor called a certain territory with certain boundaries (a defined territory). One of the objective conditions of Indonesia as a unitary state is a country that geographically has a certain territory that is not a continent or land alone, but a country whose territory or national territory dimension is a unity of three territorial dimensions, namely land, sea, and air, so that it has special characteristics as an archipelagic country characterized by the archipelago.

The border is an area that has an important position in the order of state life (Wuryandari, 2017). The territory of the Republic of Indonesia (NKRI) borders many countries. On land, the territory of the Republic of Indonesia is bordered by the territory of 3 (three) other countries, namely Malaysia, Papua New Guinea, and Timor Leste. While in the sea area, the territory of the Republic of Indonesia is bordered by 10 countries, namely Malaysia, Papua New Guinea, Singapore, the Democratic Republic of Timor Leste, India, Thailand, Vietnam, the Philippines, the Republic of Palau, and Australia. Management of State Territory boundaries is necessary and very important to provide legal certainty regarding the scope of state territory, State Territory management authority, and sovereign rights (National Authority For Border Management, 2010).

State borders are the main manifestation of a country's territorial sovereignty. Borders are geographical-spatial concepts. As a geographical concept, the border problem will be resolved when the two countries that have the same border area agree on the boundaries of their country. Article 1 of Law of the Republic of Indonesia Number 43 of 2008 concerning State Territory "State territorial boundaries are boundary lines that separate the sovereignty of a state based on international law". State borders can be viewed in the concept of national boundaries as a geographical space (Geographical space) and or state boundaries as a socio-cultural space (social-culture space).

The land border between Indonesia - Timor Leste has a length of 268.8 km, crossing 3 districts in East Nusa Tenggara Province, namely Belu Regency, North Central Timor, and Kupang. Indonesia's land border with Timor Leste is divided into two sectors, namely: (1) the Eastern Sector (main sector) in Belu Regency which is directly adjacent to Covalima District and Bobonaro District in Timor Leste along 149.1 kilometers; and (2) The Western Sector (Kupang Regency and North Central Timor Regency) directly adjacent to Oecussi District is Timor Leste's enclave area along 119.7 km. Most (99%) of the land boundaries of the two countries are natural boundaries in the form of watersheds and thalweg (the deepest part of the river). The delimitation of Indonesia's boundary with Timor-Leste on Timor Island refers to the agreement between the Dutch East Indies Government and the Portuguese in 1904 and the Permanent Court Award (PCA) in 1914, as well as the Temporary Agreement between Indonesia and Timor-Leste on April 8, 2005.

Border negotiations between Indonesia and Timor Leste began in 2001 with the first meeting of the Technical Subcommittee on Border Demarcation and Regulation (TSCBDR) RI-UNTAET (United Nations Transitional Administration for East Timor). The national border between Indonesia and Timor Leste has as many as 907 coordinate points that have been determined in the agreement on Land Borders (Provisional Agreement) signed by the Indonesian Foreign Minister and Timor Leste Foreign Minister on June 8, 2005, in Dili but there are still segments that have not been resolved and that have not been surveyed/measured by the Survey Team of the two countries (National Border Management Agency, 2010). Until 2013, three segments had not been agreed upon, namely the Noel Besi/Citrana, Manusasi/Oben segment, and the Dilumil/Memo segment. However, in 2013, the Dilumil/Memo segment was completed through the 2005 PA Addendum. Therefore, until 2017, there are still two unfinished segments, namely the Noel Besi/Citrana and Manusasi/Oben segments (Lailissaum, 2015).

The Noel Besi/Citrana border area is located between Kupang Regency, East Nusa Tenggara (Indonesia), and Ambeno Regency which is part of Timor Leste Territory. This area is fed by the Noel Besi River which empties into the Ombai strait where since Portuguese times the river flow to the left of the conflict area. With year-round climate change and natural changes, the river flow shifts to the right of the conflict area which is fertile farmland. The land is a hereditary heritage with the boundary of the Noel Besi River that now exists. While the Bijael Sunan-Oben region is the border between North Central Timor Regency which is part of Indonesia and Oecusse District which is part of Timor Leste. The area is about 142.7 hectares and there are no residents living in this area (nasional.kompas.com in Imelda, 2017).

The conflict over the Indonesia-Timor Leste land border area is an interesting thing to study because Timor Leste was originally part of the Republic of Indonesia. However, since 1999, East Timor or previously known as East Timor broke away from the Republic of Indonesia and became an independent state in 2000. Thus it can be said that Indonesia-Timor Leste were original "brothers". Many people living in the Indonesia-Timor Leste border area also have kinship relations. After East Timor became independent, the people in the border area suddenly had to separate. Community activities must also be adjusted to the situation in

which they live. Seeing the complexity of this case, this article seeks to understand the Indonesia-Timor Leste land border conflict and tries to find a solution to the conflict from the perspective of international relations.

The conflict that occurred on the Indonesia-Timor Leste border can be said to be a threat to the country's defense and security. At the state level, the Timorese government claim that the so-called neutral zones belong to East Timor, which is then manifested in the form of territorial occupation through the creation of gardens and the construction of solar power plants and immigration buildings. This is a form of threat to the sovereignty and territorial integrity of Indonesia which should be guarded every inch. If left unchecked, physical evidence of land management could be a strong reason for Timor-Leste to argue if the conflict is brought to the International Court of Justice, as Malaysia did in the Sipadan-Ligitan case. In the community aspect, conflicts in the form of chasing and throwing stones and sharp objects are a threat to the safety of Indonesian citizens living in the border area. The more frequent the conflict, the more Indonesians may become victims, either dead or injured. Therefore, settlement efforts as part of national defense need to be carried out effectively and as soon as possible so that these threats can be eliminated immediately.

RESEARCH METHODS

This study uses qualitative research methods with a descriptive approach. Primary data was obtained from various books and literature related to the research theme, and secondary data was obtained through social media news and related journals. The data validation technique was carried out using source triangulation.

RESULT AND DISCUSSION

According to the Encyclopedia of Global Studies, borders are signs that demarcate the territory of nation-states and legal jurisdiction, distinguish one state from another, and limit the domestic from the international world. Lucius Cafilisch generally defines borders as a way to identify the territory where state sovereignty resides (Baker, 2015). According to the Center for Political Research LIPI, a border refers to an imaginary line that marks a territorial boundary taken based on a political decision, involving two (or more) countries, contained in a legal written agreement recognized by the parties to the agreement (Noveria, etc. 2017).

• **Dynamics of Indonesia-Timor Leste Land Border Conflict**

The exit of East Timor from part of Indonesia into its state, namely the Democratic Republic of Timor Leste, is considered the beginning or forerunner of the emergence of border conflicts between Indonesia and Timor Leste. (www.viva.co.id, in Imelda, 2017). On 30 August 1999, the United Nations held a referendum to determine the future fate of East Timor and based on that referendum, about 80 percent of East Timorese voted for independence and secession from Indonesia (Handoyo, Sri, 2014). Furthermore, in October 1999, the MPR RI issued MPR Decree No. V / MPR / 1999 concerning the revocation of MPR Decree No. IV / 1978 which contained the integration of East Timor (Defense, 2007).

As a logical consequence of the separation, the governments of Indonesia and Timor-Leste must immediately define national boundaries to serve as the basis for managing their

respective territories. In 2000, the Government of Indonesia and UNTAET (United Nations Transitional Administration in East Timor) representing East Timor made a work plan to establish the land border between Indonesia and Timor Leste concerning the 1904 Agreement between the Netherlands and Portugal and the 1914 Permanent Commission Award (PCA) (Handoyo, Sri, 2014,). Furthermore, in 2001, a joint organization to establish international borders was formed by the two countries, Indonesia and UNTAET representing Timor Leste.

On May 20, 2002, East Timor officially became an independent state and was named the Democratic Republic of East Timor (RDTL). Also this year, Indonesia and Timor Leste carried out a Joint Activity and began to carry out a Joint Interpretation of the 1904 Treaty and a reconnaissance survey to jointly explore findings in the field. The development of border cooperation relations between the Republic of Indonesia and the new Republica Democratic Timor Leste (RDTL) was realized through the implementation of the Joint Border Committee (JBC) conference between RI-RDTL and followed up with the First Joint Border Committee (JBC) Meeting Between the Government of the Republica of Indonesia and the Government of the Republica Democratic Timor Leste (RDTL) held in Jakarta on December 18-19, 2002 (Defense, 2007). At the JBC I RI-RDTL session, an agreement was reached by both parties to form 4 (four) Technical Sub-Committee (TSC) and Border Liaison Committee (BLC), namely:

- a) Technical Sub-Committee on Border Demarcation and Regulation (TSC-BDR) (coordinated by Bakorsurtanal and Ditwilhan-MoD).
- b) Technical Sub-Committee on Cross-Border Movement of Persons and Goods, and Crossings (TSC-CBMPGC) or Technical Sub-Committee on Crossing of Persons and Goods, and Border Crossings (coordinated by Deperindag).
- c) Technical Sub-Committee on Police Cooperation (TSC-PC) or Technical Subcommittee on Police Cooperation (coordinated by Police Headquarters and NTT Regional Police).
- d) Technical Sub-Committee on Border Security (TSC-BS) or Technical Subcommittee on Border Security (coordinated by TNI Headquarters and Pangdam IX Udayana).
- e) Border Liaison Committee (BLC) or Border Intermediary Committee (coordinated by the Deputy Governor of East Nusa Tenggara with its members consisting of the NTT Border District Government and several technical agencies at the central level as observers) (Defense, 2007).

In early 2003, Indonesia-Timor Leste conducted a joint CDBRF (Common border geodetic datum reference frame) survey and on 9 June 2003, a joint delineation survey was initiated which resulted in 907 boundary points that have been verified and accepted by Indonesia and Timor Leste. At present, 8 boundary points still leave problems. In June 2004, the Joint interim report consisted of 3 volumes, namely Volume 1 containing the results of the land border delineation, Volume 2 containing the description of the Process of Land and border delineation and Volume 3 concerning the Joint compilation of reference and auxiliary documents. In September-October 2004, the joint delineation survey was continued mainly in the Western region (Okusi) and resulted in about 250 coordinates of boundary points that had not been verified and accepted together (Handoyo, Sri, 2014).

In October 2004, the TSC-BDR (Technical Sub-Committee on Border Demarcation and Regulation) met in Yogyakarta, Indonesia to discuss solutions to 8 unverified and mutually

accepted boundary points. This meeting completed 5 boundary points while the remaining 3 boundary points were Noel Besi, Biajel Sunan (west), and Dilumil/Memo (east) (Handoyo, Sri, 2014).

On 8 April 2005, Indonesia represented by the Minister of Foreign Affairs of the Republic of Indonesia, Dr. N. Hassan Wirajuda, and Timor Leste represented by the Minister of Foreign Affairs of the Democratic Republic of Timor Leste, Dr. Jose Ramos Horta signed a Provisional Agreement between the Government of the Republic of Indonesia and the Government of the Democratic Republic of Timor Leste regarding land borders. The Provisional Agreement was signed in Dili. The legal basis of the agreement is:

- 1) Border Convention between the Portuguese and the Kingdom of the Netherlands on the island of Timor or called the 1904 Treaty signed in The Hague on October 1, 1904
- 2) Arbitral Award Rendered in Execution of the compromise signed in The Hague on April 3, 1913, between the Netherlands and Portugal regarding the border issue that became part of the ownership of the two countries over the island of Timor signed in Paris on June 25, 1914 (Kohne, 2014)

Then on August 30, 2005, a joint demarcation survey was conducted and 50 new boundary points were found. This survey is a continuation of the first survey conducted at two boundary points on the Motaain Bridge (Handoyo, Sri, 2014). Throughout 2008-2012, Indonesia – Timor Leste attempted to resolve 3 unresolved boundary points, namely the Noel Besi/Citrana, Manusasi/Oben segment, and the Dilumil/Memo segment (Handoyo, Sri, 2014). The Indonesia-Timor Leste negotiations in 2013 were only able to complete the Dilumil/Memo segment through the 2005 PA Addendum (Lailissaum, 2015). From 2013 to 2017, there were still two unfinished segments, namely the Noel Besi/Citrana and Manusasi/Oben segments

The Noel Besi/Citrana area has an area of 1000 hectares. The land near Kupang Regency and Oecusse District is often a source of conflict among farmers. For at least the 2000s, there have been two significant conflicts in the region, in 2012 and 2013. On July 31, 2012, the conflict arose on the border of the North Middle East-Oecussi. Residents of Haumeni Ana village, North Bikomi District, North Central Timor Regency, NTT, clashed with residents of Pasabbe, Oecussi District, Timor Leste. This clash was triggered by the construction of Timor-Leste's Customs, Immigration, and Quarantine Service Office (CIQ) in the disputed neutral zone, even accused of having crossed the border and entered Indonesian territory as far as 20 m. The East Timorese side cut down all the plants and trees on the land. After engaging in mutual "ridicule", citizens from both countries then threw stones and sharp objects at each other before finally being calmed down by border TNI officers and Timorese soldiers (Raharjo, 2013).

Furthermore, on October 14, 2013, conflict occurred between residents of Nelu, Indonesia, and residents of Leolbatan, Timor Leste. The conflict was triggered by the actions of the Government of the Democratic Republic of East Timor which built a road near the Indonesia-Timor Leste border. According to residents of North Central Timor, the road has crossed the territory of the Republic of Indonesia along 500 m and uses a free zone as far as 50 m. Based on the memorandum of understanding between the two countries in 2005, this free zone should not be controlled unilaterally, either by Indonesia or Timor Leste. In addition, the construction of the road by Timor Leste damaged border pillars, damaged the generator

warehouse door of the Indonesian border guard post, and damaged nine graves of parents of Nelu residents, Naibenu District, North Central Timor Regency. The construction of the new road then triggered a conflict between residents of Nelu, Indonesia, and residents of Leolbatan, Timor Leste. They threw stones and wood at each other. This action was even bigger because it involved members of the Timor Leste border police (Cipol) who participated in the stone-throwing and wood-throwing action. The escalation of conflict intensified after an incident involving 19 cows belonging to Indonesians who were allegedly herded by East Timorese into their territory. 10 Indonesians accompanied by six members of the TNI Satgas-Pamtas entered Timor-Leste territory to look for the 19 cows (Raharjo, 2013).

Why are the Noel Besi/Citrana and Manusasi/Oben segments difficult to complete? So far, there are at least two factors that cause it. First, the difference in the use of legal bases in determining territory. Second, customary issues. (www.viva.co.id, 2016) ; (Tuwo, global.liputan6.com, 2017). In the case of Noel Besi/Citrana, the root of the problem is the difference in perception between Indonesia and Timor Leste regarding the initial line of boundary withdrawal. Timor-Leste uses *Uti Possidetis Juris* under the 1904 Treaty while Indonesia is based on the river with the deepest line of the river according to the principles of international law. Meanwhile, in the case of Bijael Sunan/Oben, the main obstacle is that local communities want to resolve the boundary issue with customary law rather than with national positive law or international law. The people want the agreement on the boundary to occur based on the will of the people of the two countries themselves, not the government. In addition, local people are also afraid that if there is an agreement between the governments of Indonesia and Timor Leste, people will not be free to cross between the two countries. In other words, the social and economic life of local communities can be hampered or threatened. The concerns of the people in Bijael Sunan / Oben should be understood considering that based on historical facts, communities in Indonesia have kinship (historical) with communities in Timor Leste and there are customary activities that need to be carried out in areas in Timor Leste (Tuwo, 2017).

- **Conflict resolution efforts**

From the perspective of International Relations, the Indonesia-Timor Leste land border conflict can be resolved in three ways, namely military confrontation, the use of formal institutions, and the use of informal institutions. When viewed in terms of military capabilities, Indonesia has an opportunity to resolve conflicts with military confrontation. The Global Firepower Report 2017 states that Indonesia's military strength ranks 14th out of 106 countries in the world. Indonesia spends around Rp 92 trillion to finance its military power. In addition, the Indonesian armed forces are strengthened by 418 tanks, 441 fighter jets, 221 warships, and 476 thousand active soldiers (Hasugian, 2017). Therefore, the choice to use military confrontation could help Indonesia to resolve the border conflict with East Timor.

However, the choice of using military strategy does not seem to be used by Indonesia because Indonesia considers that Timor Leste has the political will to resolve the dispute peacefully. This was proven by the visit of the Prime Minister (PM) of Timor Leste Rui Maria De Araujo to Jakarta on August 26, 2015. In a Press Statement, the President of the Republic of Indonesia, Joko Widodo stated that Indonesia was honored to be the first country visited by PM Rui Maria De Araujo. This shows that Timor-Leste sees the importance of its relationship with

Indonesia, not only as a friend or closest neighbor but more importantly, as a close relative. During the meeting, Joko Widodo and Araujo expressed their commitment to complete the two unfinished border points by the end of 2015 (Setkab, 2015).

This land border issue is considered crucial because around 53 heads of families from East Timor have settled in Noel Besi, even Timor Leste has built several public facilities in the area that should have been vacant according to the agreement in 2003 because the area was declared a free zone. At the meeting, the two leaders also agreed to resolve the conflict peacefully. The commitment of the leaders of the two countries was further strengthened by a press statement from the Indonesian foreign ministry stating that the border settlement would be carried out peacefully and following international law.

To accelerate conflict resolution, on February 13, 2017, Coordinating Minister Wiranto and Foreign Minister Retno Marsudi held a meeting with the Minister of Strategic Planning and Investment of the Democratic Republic of East Timor Xanana Gusmao in Jakarta. One of the results of the meeting is that the two countries have agreed to form a Senior Official Consultation (SOC) which will discuss the technical resolution of border conflicts. The first SOC meeting was held on 10 March 2017 in Bali and the second SOC meeting was held on 8 April 2017 in Dili.

Until now, negotiations between Indonesia and Timor Leste are still ongoing and both are committed that the conflict will be resolved shortly. However, it seems that the resolution of the Timor-Leste conflict cannot only rely on the use of formal institutions such as treaties. Conflict resolution also needs to pay attention to the interests of local communities living in the border areas of the Noel Besi/Citrana and Bijael Sunan/Oben segments. There has been progress on the agreement made by the Indonesia-Timor Leste delegation. At the second SOC meeting held in Dili on 7 April 2017, the Timorese delegation led by H.E. Roberto Sarmiento de Oliveira Soares, Deputy Minister of Foreign Affairs and Cooperation of the Democratic Republic of Timor Leste, and the Indonesian delegation led by H.E. Ambassador Desra Believe, The Director General of Asia Pacific and Africa of the Ministry of Foreign Affairs of the Republic of Indonesia agreed to determine the remaining border segments by considering the sociocultural relations and welfare of the people living in the two segments (Imelda, 2017)

Paying attention to the interests of local communities is crucial because indigenous peoples demand that the determination of boundaries must be done through customary oaths. This happened in the case of the Bijael Sunan/Oben segment. On September 6, 2016, dozens of residents together with traditional leaders of Manusasi Village, West Miomafo District, North Central Timor Regency, East Nusa Tenggara held a ritual at Bijael Sunan Hill. The ritual is a medium to communicate to ancestral spirits about the 200-hectare land conflict between West Miomafo residents and Ambenu residents, Timor Leste who still have sibling relations. The ritual is marked by the slaughter of chickens by traditional chiefs whose blood is then dripped on stone monuments resembling the heads of buffaloes belonging to the local tribe, Valia Anunmut. Before slaughtering chickens, traditional chiefs recite verses in the local language. The ritual is also marked by the slaughter of cows whose heads are then consumed by residents.

According to Primus Lake, a Cultural Researcher from Nusa Cendana University (Undana) Kupang, the essence of this ceremony is that they convey to ancestors that there will

be land conflict talks between brothers. The people in Bijael Sunan Hill demanded that the delimitation of the area use the first pillar planted by the Government of Indonesia in 1966 so that this area is included in Indonesia. Instead, East Timor wanted the boundary benchmark to use the second pillar jointly built by Portuguese and Dutch colonizers in 1915 so that this area was included in Timor Leste's territory. Different perceptions regarding boundary determination cause people to hold traditional rituals to show the truth. In the traditional ritual, the staff of the Indonesian Ministry of Foreign Affairs, Elvis Napitupulu, was also present. The staff followed rituals and collected evidence and statements from citizens before the matter was brought to negotiations between the governments of the two countries. This proves that the Indonesian side has shown its commitment to listening to the aspirations of the people.

Based on this case, Indonesia and Timor Leste need to use values, beliefs, and norms to encourage the settlement of territorial boundaries. The governments of both countries need to dialogue and listen to community input at conflict sites because people on the border who have similar cultures and customs are more obedient and subject to customs than positive state or international law. For 10 years, Indonesia-Timor-Leste negotiated with an emphasis on international law, the result of which was that the conflict between land and sea borders was not resolved. Therefore, at present, if the government of Indonesia – Timor Leste is seriously committed to paying attention to the aspirations of local people, it is hoped that the conflict can be resolved.

CONCLUSION

Broadly speaking, there are three main issues in border area management, namely boundary line determination, border area security, and border area development. Ironically, in efforts to implement policies related to borders, these three aspects have not been integrated into synergy, which then causes conflicts. In this case, the state is considered a failure, because it allows the potential possessed by border space to be controlled by capitalists, and not infrequently the state also enjoys this potential in the form of border space empowerment projects/programs which are only an annual agenda. The Indonesia-Timor Leste border also has another very important function, namely the welfare function. The spirit of the country that considers the border as the front door of the country certainly has the advantage of a very strategic geographical location to cooperate with neighboring countries.

In this context, the border area is seen as a gateway to economic activity, this should focus on developing cooperation with Timor Leste to improve the social welfare of people in the border area. In the political context, the spatial planning of the RI-RDTL border has not been resolved because there are still forces competing to control the space. Social space should be produced and reproduced about the forces that influence the production of space and also the relations formed in the production of physical or material space. These forces are not simply a competition for physical space that is empty or empty or even neutral, but a process of attraction of interests between various forces that influence each other's efforts to inhabit space.

To resolve state border disputes, several approaches need to be made depending on the characteristics of the border area. The border between Indonesia and Timor Leste in Kupang Regency can be said to be a unique border because it has the same cultural characteristics. This

emphasizes that borders are not only political issues but social and cultural issues are also related to them, for that in the process of resolving border disputes, it is necessary to involve indigenous peoples or local figures who are powerful and have influence in the border area. The role of the government in efforts to maintain the integrity of the country's territory through bilateral communication and cooperation can then be utilized by local actors to participate in defending the territory of their kingdom. Because they see the characteristics of potential border areas, local actors (local kings/rulers) use sociocultural approaches to resolve border disputes.

In this context, the state is only present as a facilitator to support the resolution of the dispute, in other words, there is a weakening of state power by local actors on the border. In the future, it is hoped that Indonesia will equate perceptions with local communities living in the Indonesia-Timor Leste border area before making a formal agreement with Timor Leste. Because when the agreement is reached, it is the people in the border area who spearhead the implementation of the results of the agreement.

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