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Political Territorial Boundary Dispute (Kupang City and Kupang Regency)

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Abstract

The territorial boundary dispute between Kupang City and Kupang Regency that occurred in the Nasipanaf area has been relatively long, but the problem of boundaries has been allowed to drag on without any clear certainty. It has had a negative impact on the people living in the Nasipanaf area both physically and mentally. Based on the existing problems, a study was conducted entitled 'Territorial Boundary Dispute for Kupang city and Kupang Regency (Case study of the impact of disputes in the Nasipanaf area)'. This study aims to determine the impact of the territorial boundary dispute between Kupang Regency and Kupang City in the areas that occurred in the Nasipanaf area. The research method used was descriptive qualitative. The data analysis used refers to Milles and Huberman's opinion, including: data reduction, data display and draw conclusions. Based on the discussion and research results, it is concluded that the dispute over the boundaries of Kupang City and Kupang Regency in Nasipanaf region has occurred since 1996. The protracted problem of territorial boundaries which is relatively long without any clear certainty to the society has a negative impact on the social life of the society, land administration services, and infrastructure development.

Keywords: Dispute; Conflict; Territorial Boundary

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INTRODUCTION

The boundaries between Kupang City and Kupang Regency physically in the field there are still unclear boundary points, especially in the Nasipanaf area that has not been agreed upon between the two parties. The problem that occurred was not only a technical boundary problem that came from the regional formation law but also the physical form in the field, but of course it was more complex than it, so that an agreement between the two parties has not been reached until now. In this case, the issue of confirming territorial boundaries is a protracted institutional conflict between Kupang City and Kupang Regency governments.

The dispute over regional boundaries that occurred in the Nasipanaf region has begun since the enactment of Law Number 5 of 1996 on the Establishment of a Level II District Municipality in Kupang on April 25, but regional boundaries were not taken seriously by the Government and were left unresolved, since the era of regional autonomy where the government widely, independently, and responsibly to DAU and implementation. The central government gives the authority to the regions to manage the area broadly, freely and responsibly where the size of the area affects the General Allocation Fund (DAU) and the Special Allocation Fund (DAK). There have been a number of cases regarding disputes over regional boundaries both as a result of the division of new autonomous regions involving old regions with new regions. Ministry of Home Affairs, states that since 1999, out of 33 provinces, only 11 of them have completed or implemented territorial boundary affirmations and only 42 districts / cities out of a total of 465 districts / cities have confirmed their territorial boundaries. For provinces it has disputed regional boundaries, there are 19 regions and 81 cities / regencies, (Arifin, 2016). This is usually due to a juridical aspect, namely the unclear regional

boundaries in the statute attachments and the statute appendix maps that did not qualify as maps, cultural aspects (issues of separation of ethnicity or sub-ethnicity), political aspects (relating to the number of voters and votes acquired by members of the political elite such as the DPRD or others), social aspects such as the emergence of social jealousy between local residents and immigrants. Other factors are aspects of government, government services,

The results of the affirmation were approved by both parties, which was marked by the signing of the boundary map by the Regent of Kupang (Drs. I. A Medah) and the Mayor of Kupang (Drs. Daniel Adoe). For the affirmation referred to, the Governor of East Nusa Tenggara proposed to the Minister of Home Affairs to be stipulated in the Minister of Home Affairs Regulation, but the submitted documents were returned to the Governor of East Nusa Tenggara in the field that the submitted documents were incomplete because there was no decision/confirmation from the Governor of East Nusa Tenggara regarding the boundaries of Kupang Regency and Kupang City (The decree referred to is in accordance with Minister of Home Affairs Regulation number 1 of 2006, while the mandate of Minister of Home Affairs Regulation number 76 of 2012, in dealing with regional boundary issues between regions, it is enough with an affirmation made by the Governor).

Several points in the disputed area can reach a mutual agreement, namely from the north to the back of the Undana Campus and from the outskirts of the Indonesian Air Force field to Bolok. However in the Nasipanaf area and around El Tari Kupang Airport, there was no point of agreement between Kupang Regency government and Kupang City government so that the affirmation was not continued. The conflict over boundaries has been going on for a long time without any

solution from the government. The problem that occurred was not only a technical problem of determining juridical boundaries from the regional formation law to the physical form in the field, but of course it is more complex than the problem so that an agreement between the two parties of Kupang Regency and Kupang City governments which have not been reached yet.

Previous researches have carried out many analysis of territorial boundary disputes between regions. However, the issue of territorial boundary disputes between regions is a complex problem that is difficult to resolve.

There are several previous studies that can be used as a reference in this study. Research by Nanang Kristiono on "Conflict Confirmation of Regional Boundary Between Magelang City and Magelang Regency" (Analysis of Causes and Impact Factors), (Kristiyono, 2008). Research by Trivina Dumanau on "Settlement of Boundary Disputes Between North Minahasa and Bitung City", (Dumanau, 2013). Research by Nurbadri on "Conflict Boundary Conflicts in the Era of Regional Autonomy and efforts to resolve case studies of territorial boundary conflicts between Tebo Regency and Bungo Regency" (Nurbadri, 2008). Research by Ade Laurens on "Territorial dispute over the border area of Mount Kelud between Blitar Regency Government and Kediri Regency in terms of Law number 32 of 2004 concerning Regional Government, (Laurens, 2013). Research by Gerard Infandi on "The Role of the Regional Government of Papua Province in Settling Regional Disputes between Biak Numfor Regency and Supiori Regency", (Gerard Infandi 2009). Research by Em Osyikar on "Settlement of Territorial Dispute " (Study on the Efforts of the Bangka Belitung Islands Provincial Government to Resolve the Dispute Boundary Area of the Seven Islands Clusters with the Provincial Government of

the Riau Islands)", (Osyikar, 2014). Research by Arifin on "Settlement of regional border disputes using a regulatory approach", (Arifin, 2016). Research by Neti Herawati Nainggolan "Settlement of PT Enha's land rights dispute with Sekar farmer group in Sei Suka District, Batubara Regency", (Nainggolan 2016). Research by Agung Firmansyah and Efendy, entitle "Political Economy of Conflict Resolution on Regional Boundaries between Cirebon City and Cirebon Regency", (Firmansyah and Efendy, 2014). Research by Yuli Utomo entitle "Settlement of Territorial Disputes of Dinas Village (Case Study of Territorial Dispute between Dinas Tuliku Village and Dinas Sidan Village in Giannyar Regency)" (Utomo, 2015). Research by Ngadimin et al entitle "The Role of North Sumatra Government in the Process of Land Area Dispute/Land Area Conflict" Ngadimin, (Heri Kusmanto & Isnaini 2018) "

The research in this article basically the researcher takes a different position in several respects with previous studies where this research emphasizes on analyzing the territorial boundary dispute between Kupang Regency and Kupang City in Nasipanaf area regarding (1) the Role of the East Nusa Tenggara Provincial Government in efforts to resolve territorial boundaries disputes between Kupang Regency and Kupang City. (2) What are the impacts on the society from protracted territorial boundaries disputes.

RESEARCH METHOD

This study used a descriptive qualitative approach, in terms of the types of problem being investigated, the techniques and tools used in researching, and the place and time were carried out with case study research. Case research is research on the status of research subjects which is related to a specific or typical phase of the whole personality (Nazir, 2014)

The target of this research was the society in Nasipanaf area which is on the border of Kupang City and Kupang Regency as well as the agencies involved.

This study on territorial boundary disputes focused on the role of the East Nusa Tenggara Provincial government in efforts to resolve disputes that occurred between Kupang City and Kupang Regency governments in Nasipanaf area and the people who live in the area who are directly affected by the disputed boundaries.

This study used qualitative data analysis technique of the Miles and Huberman model. Activities in the qualitative data analysis include: data reduction, data display, and drawing conclusions (Miles & Huberman, 2007).

RESULTS AND DISCUSSION

Kupang Regency was formed based on Law Number 9 of 1958 concerning the Establishment of Level II Regions in the Regions of Bali, West Nusa Tenggara and East Nusa Tenggara, while the City of Kupang was formed based on Law Number 5 of 1996 concerning the Formation of Level II Regional Municipalities in Kupang.

In terms of its historical development, Kupang Regency and Kupang City have a close relationship (Jefry, 2003). According to the law on regional formation, Kupang City is the capital for two autonomous regions, namely Kupang City itself and Kupang Regency, but in October 2010 Kupang Regency moved the capital to Oelamasi.

According to Rauf (in Soeharto, 2013), conflict is any conflict or difference of opinion between at least two people or groups.

After the enactment of Law Number 5 of 1996, until recently the boundaries between Kupang Regency and Kupang City cannot be confirmed because there were differences in the views of two parties, especially in Nasipanaf segment and its surroundings.

The main factor in the conflict over territorial boundaries in Nasipanaf area was the dualism of understanding the boundaries between Kupang Regency Government and Kupang City Government which used different references in making maps of each region.

Kupang City Government in making administrative maps refers to Law No. 5/1996 concerning the Establishment of the Kupang Level II Region, which is stated in Article 3 paragraph 1 section C that in the formation of the Municipality of the Level II Kupang District, part of the Central Kupang District includes. Oesapa Village, Lasiana Village, Naimata Village, Liliba Village, Penfui Village, Oebufu Village, Maulafa Village and Kolhua Village. Based on the law, Nasipanaf area which at that time entered the administrative area of Naimata Village, legally entered the administrative area of Kupang City as well as after being transferred to Penfui Village (now it is Penfui Village, Maulafa District, Kupang City).

The understanding of Kupang Regency government had a different view regarding Nasipanaf area seen from the historical factor of the region before the formation of Kupang City, Nasipanaf area was included in Baumata village area, which in fact is the administrative area of Kupang Regency as well as after the formation of Kupang City, Nasipanaf area remains included in the administrative area of Kupang Regency.

The dualism of understanding the boundaries of this area lasted a long time so that the Provincial Government of East Nusa Tenggara was mandated by the 2006 Minister of Home Affairs Regulation, while the mandate of the Minister of Home Affairs Regulation Number 76 of 2012, disputes that occur between regions within the province of the Governor can confirm as an extension of the arm of the central government.

Conflict resolution theory based on Fisher's conflict resolution theory of

British Council, there were three ways to resolve the conflicts, namely (1) negotiation, (2) mediation, (3) arbitration. Based on this theory, in the provincial government's efforts to resolve the protracted territorial boundaries disputes between Kupang Regency and Kupang City, the provincial government had made several attempts to mediate between the two disputing parties in order to reach a mutual agreement.

In October 2010, East Nusa Tenggara provincial government facilitated both parties to trace the problematic spots, but a dispute occurred from the front of the Undana to the BASARNAS office. Kupang City did not agree and left the location because Kupang City government assumed that the location had entered Kupang City area. Therefore the tracking cannot be continued.

In February 2012, the Ministry of Home Affairs facilitated the settlement of disputes between two parties which took place in Jakarta, but the two disputing parties did not reach an agreement so that the Ministry of Home Affairs returned the matter to East Nusa Tenggara Provincial Government to facilitate its resolution.

In May 2013, East Nusa Tenggara Provincial Government held a facilitation meeting which was attended by Kupang Regency and Kupang City government, each region provided a map of the results of a map study of each region to East Nusa Tenggara Provincial Government and East Nusa Tenggara Provincial BPN Regional Office to conduct a study on the boundaries of Kupang Regency and Kupang City. Kupang refers to Law No. 5/1996 on the formation of the Kupang District Military Command in NTT Province. From the results of the study, the Kupang Regency Government rejected the results and methods of settlement made by East Nusa Tenggara Provincial Government.

In October 2019 meeting was held in Bogor, a meeting was facilitated by the

Ministry of Home Affairs which was attended by the Deputy Governor of East Nusa Tenggara, the Regent of Kupang Regency, the Mayor of Kupang and the Head of East Nusa Tenggara Border Agency. From the results of the meeting, it would be continued with a review of the existing boundary pillars.

The meeting that had been facilitated by East Nusa Tenggara provincial government from 2010 to the end of 2019 had not been able to resolve the dispute that occurred. The Provincial Government encountered the obstacles in affirming the area as a result of the mediation, each disputing party retained the results of their respective studies.

Each map of the results of the study conducted by both parties tends to have its own disadvantages and advantages for each party. Therefore what happens was that each camp preferred and emphasized the Provincial government which was in this case as the decision maker to use the map of the results of the study which provided benefits for the region so that it can get the widest possible area, but on the other hand, the other party did not want to be harmed.

The obscurity of the boundaries that occurred in Nasipanaf area which had not been resolved heretofore and as if it was allowed to drag on without any clear certainty to the society, has an impact on the people who inhabit in Nasipanaf area.

The impact on the social sector, prolonged conflict had an impact on the social life of the people who lived in the area, social jealousy between residents who are pro Kupang Regency and those who are pro Kupang City so that they are prone to clashes between residents.

The impact in land administration services, based on the Basic Agrarian Law (UUPA / UU No. 5/1960), that strong proof of ownership of land rights is a certificate of land rights. The certificate was obtained through land registration, land management was carried out in the local

village before proceeding to the advanced level (PP No. 24 of 1997).

In processing land certificates in the village area, a letter of release of rights by the previous land owner was required. Some residents did not have a certificate because they did not have a land release certificate by the previous land owners (Landlord), this is due to the different choices regarding the choice of choosing Kupang Regency or Kupang City.

Land owners (landlords) who chose to join Kupang Regency did not provide letters of release of land rights to residents who chose to enter Kupang City if the land measurement and management was carried out in Penfui Village. The residents had to do measurement and arrangements in West Baumata village and enter West Baumata Village.

The impact of slow infrastructure development, since the dispute over territorial seizure in Nasipanaf area, the development of facilities and infrastructure in this area has not been paid attention by both Kupang City and Kupang Regency governments.

In fact, the people in Nasipanaf area were obedient in paying taxes, both people of Kupang City and people of Kupang Regency.

The slowest development of infrastructure and lack of attention from the government was the road construction in this area.

The roads in this area had been badly damaged for a long time so that many accidents had occurred and the activities of people were hampered. Because the roads in this area were damaged very badly and there was no attention from the government, the people took the initiative to repair the roads with makeshift equipment and funds obtained from voluntary donations from the people. Slow infrastructure development also affected the slow economic growth of the society.

CONCLUSION

The East Nusa Tenggara Provincial Government in an effort to resolve the disputes had made several efforts to facilitate meetings and mediate between the two parties related to territorial boundary disputes in Nasipanaf area but has not reached a mutual agreement because each party still observed their own selfishness without thinking about the impact on the people who inhabit the area.

The territorial boundary dispute that occurred in Nasipanaf area has begun since the enactment of Law Number 5 of 1996 concerning the establishment of the Kupang Municipality. The protracted dispute settlement has a negative impact on Nasipanaf society, (1) The impact on the social life of the community where clashes often occurred between people who are pro Kupang Regency and people who are Pro Kupang City due to social jealousy and developing negative issues, (2) Impact on land administration services, (3) Impact in infrastructure development in Nasipanaf area where the construction of infrastructure facilities reduced and the main road where the level of damage was very frequent accidents but there is no improvement.

The territorial boundary disputes between Kupang Regency and Kupang City that drags on without any certainty to the society had a negative impact on the society, such as clashes between people who chose to enter Kupang Regency and people who chose to enter Kupang City. Besides the clashes between affected people, another impact also occurs due to unclear boundaries directly in the field, such as the development of infrastructure/ low services and obscurity in the management of land rights.

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