



## RESEARCH ARTICLE

### ANALYSIS OF THE AUTHORITY OF LOCAL GOVERNMENT IN RESOLVING CONFLICTS IN THE NAKTUKA BORDER AREA BETWEEN THE NAKTUKA COMMUNITY AND EAST NUSA TENGGARA TIMUR

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#### ABSTRACT

The government's authority to resolve conflicts between the Naktuka Oecusse community can be resolved through a local wisdom approach because these two communities have had a very close kinship relationship since ancient times with a local wisdom approach the conflicts that occur can be reduced and there can be peace from both parties through traditional agreements. , then proceed to the level of diplomatic relations between the two countries to be resolved.

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## INTRODUCTION

The geographical boundary between Timor Leste and Indonesia, where conflicts frequently arise between the Naktuka people and the people of the North Middle East, is important because the two regions can be considered cross-border zones for both citizens and economic purposes. Because the nation Democratic Republic of Timor-Leste (RDTL). Given the existing strategic considerations, spatial planning in border areas must consider various important aspects, including Security and Stability: Regulating borders to ensure security for the country itself and to support good relations with neighboring countries. Economic Development: Utilizing the economic potential present in border areas, such as cross-border trade, tourism, and infrastructure investment to enhance the community's welfare. Natural Resource Management: Ensuring that natural resources in border regions are managed sustainably so that they are not only beneficial in the present but also preserve their viability for future generations. Social and Cultural Aspects: Considering social and cultural aspects, including ethnic diversity and community interactions in border areas that often have cultural ties with neighboring countries. Infrastructure and Public Services: Building and improving infrastructure such as roads, bridges, and other public facilities to support community mobility and

economic activities in border areas. The involvement of local communities in the planning and decision-making process so that the development carried out is by their needs and expectations. Furthermore, design spatial plans that support national resilience goals, both from economic, social, and cultural aspects, to reduce vulnerability in border areas. Thus, spatial planning in border regions functions not only as physical regulation but also as a holistic effort to achieve social, and economic welfare, and environmental sustainability to strengthen the position of the country and its communities in those areas. Research methodology The combination of normative-empirical research, qualitative methods, and a thorough method of gathering data will provide a comprehensive understanding that the Oecusse regional administration has the competence to resolve disputes between neighbors in border areas.. This research aims not only to explore existing legal frameworks but also to capture the practical realities and challenges faced in conflict resolution within this unique geographical and political context.

## ANALYSIS AND DISCUSSION

**The authority of the Oecusse regional government in resolving conflicts between residents in border areas:**  
Article 4, Paragraph 1 of the 2002 RDTL Constitution

encapsulates the essence of Timor-Leste's sovereignty and territorial integrity. It establishes the legal framework for the state to exercise its rights and responsibilities under international law. Understanding this sovereignty is crucial for analyzing the authority of the Oecusse regional government in conflict resolution, as it provides the legal basis for governance and the protection of residents' rights within the region. This sovereignty not only reinforces the legitimacy of the local government but also shapes its interactions with residents, neighboring countries, and international entities. In summary, Timor-Leste, as a sovereign state, operates within a framework defined by both its territorial jurisdiction and the principles of international law. Understanding the interplay between sovereignty and international obligations is crucial for navigating challenges related to governance, conflict resolution, and engagement in the global arena. The balance between internal authority and external respect for legal norms is fundamental for preserving the integrity and independence of Timor-Leste as a nation. 2. the internal and territorial aspects of sovereignty are vital to understanding how states function both domestically and in the international arena. The internal aspect emphasizes a state's authority to govern itself and legislate according to its interests, while the territorial aspect underscores its control over its defined geographic area. Together, these aspects reinforce the principles of sovereignty and equality, which are critical for maintaining order and stability in the international legal system. By protecting these principles, states can assert their independence, uphold their legal rights, and foster cooperative relationships within the global community.

Involving the principles of sovereignty along with the guidelines laid out in national constitutions like that of Timor-Leste is essential for resolving conflicts, especially as they relate to international border issues. The active diplomatic efforts of the government and its Ministry of Foreign Affairs are vital in fostering good relations and ensuring peaceful interactions between neighboring nations. By applying conflict theory, a more thorough comprehension of the dynamics at work can help in developing effective conflict resolution strategies, ultimately leading to lasting peace and cooperation in border areas. The conflicts between the Naktuka and TTU communities are complex and multifaceted, driven by economic interests, provocations, and unresolved customary disputes. To effectively address these conflicts, a collaborative approach involving both regional and central governments is essential. By leveraging local wisdom and recognizing the historical and cultural ties between the communities, it is possible to develop solutions that are respectful, inclusive, and conducive to long-term peace and cooperation. Emphasizing dialogue, understanding, and mutual respect will be critical in resolving these conflicts and fostering harmonious relations between the two communities.

**Authority to Conduct Diplomacy:** As previously explained, the Oecusse regional government has the authority to organize a special economy, but diplomatic relations remain with the central government. Diplomatic relations can be understood as relations between countries that use state instruments, also known as state missions/representatives or more familiarly known as diplomatic representation. Many areas are the basis for each country to carry out multilateral and bilateral cooperation and relations, in supporting the interests of their respective countries. The Vienna Convention on Diplomatic Relations has been instrumental in maintaining stable and

predictable diplomatic relations between countries, despite the potential for conflicts and disagreements. It serves as the foundational framework that governs the conduct of diplomacy in the international system., which consists of a Preamble, 2 Protocols, and 53 Articles. Based on the concept of diplomatic relations between countries as outlined in the Vienna Convention, as a country it certainly has the right to carry out diplomatic relations with other countries, especially countries that border directly with Timor-Leste, one of which is Indonesia, which has land and sea borders. So far, relations between Timor-Leste and Indonesia after 1999 have gone very well. Through bilateral cooperation, including economics, education, border settlement, Oecusse, and Indonesia. Regarding the boundary between Indonesia and Oecussi, it has been resolved diplomatically and reached a mutual agreement. However, the a conflict between the two Naktuka communities and TTU (Indonesia). If issues in diplomatic relations are allowed to persist without being addressed, they pose a significant threat not only to the countries involved but also to international peace and security. Nations need to reaffirm their commitment to diplomatic norms, engage in dialogue, and work towards rebuilding trust to prevent escalation and foster a more stable global environment.

Addressing these problems proactively can help ensure that diplomacy remains a viable tool for conflict resolution and international cooperation., it will create a rift in diplomatic relations between the two countries. Therefore, there needs to be special attention from the Timor Leste government to resolve the conflict that has occurred through the diplomatic relations that have existed so far. The word diplomacy comes from the term diploma which comes from Latin and Greek and can be interpreted as a letter of trust. The word diplomacy then transformed into the terms diplomat, diplomacy, and diplomatic. Most legal experts who write about the meaning of diplomacy only provide the boundaries and meaning of "diplomacy" itself, although there is still no uniformity among them. The use of the word "diplomacy" varies according to its use, including a) Some people equate the word with "foreign policy" b) Diplomacy can also be interpreted as "negotiation" c) Diplomacy can also be interpreted as "foreign service" d) There are also those who use it figuratively e) According to Canadian Prime Minister Pierre Elliott Trudeau, "megaphone diplomacy" f) Diplomacy is defined as "Struggle Diplomacy" which was the main content of President Soeharto's speech at the working meeting of Heads of Representatives of the Republic of Indonesia, March 1977. g) Diplomacy is also defined as "multitrack diplomacy" which has become popular among diplomats. In summary, diplomacy is multifaceted, combining art, science, and practical application rooted in intelligence and tact. The definitions provided by notable scholars highlight its essential role in fostering peaceful relations and negotiations between states. Understanding diplomacy is crucial for grasping the complexities of diplomatic law, which safeguards the conduct of diplomacy and promotes international cooperation. As articulated by Dr. N. Hasan Wirajuda and others, the practice of diplomacy remains foundational to stable and constructive international relations.. diplomacy is a vital mechanism for fostering cooperative relationships between countries like Timor-Leste and Indonesia. By focusing on mutual progress through various agreements and employing both geographical and customary approaches, these nations can effectively manage their relations and resolve conflicts.

Additionally, leveraging local wisdom not only enriches the diplomatic process but also strengthens community ties and promotes sustainable peace. This comprehensive understanding of diplomacy, conflict resolution, and local wisdom will be essential for navigating the complexities of international relations in the region.

## CONCLUSION

The traditional conflict resolution process between communities in the Naktuka border area of Oecusse, Timor-Leste, and TTU, Indonesia, exemplifies the importance of local wisdom and community involvement. By prioritizing the roles of traditional and influential figures, and by engaging local customs and norms, both parties can navigate conflicts constructively. The approach not only resolves disputes but also strengthens relationships, promotes cultural heritage and fosters a spirit of cooperation that is essential for long-term peace in the region.

## REFERENCES

- Bos. A.M. 1984. Sistem Hukum Adat di Indonesia, PT. Paramita Pradny. Bandung:
- Achmad Jusnadi, (dkk), 2005, Platform Penanganan Perbatasan Antarnegara, Ditjen Pemerintahan Umum–Depdagri, Jakarta,
- Adolf, Huala. 2018. Hukum Penyelesaian Sengketa Internasional. SinarGrafika.Jakarta:
- Anwar, Khaidir. 2011. Hukum Internasional II.: Universitas Lampung. Bandar Lampung
- Arhaeni Ria Siombo dan Henny Wiludjeng 2020, Hukum Adat Dalam Perkembangannya, Universitas Katolik Indonesia Adma Jaya, Jakarta.
- Bambang Waluyo, 2002, Penelitian Hukum Dalam Praktek, Sinar Grafika, Jakarta.
- Binsasi, H. (2019). Peran Publik Dalam Upaya Penyelesaian Sengketa Perbatasan Negara Indonesia Dan Timor Leste Melalui Pendekatan Budaya Kewarganegaraan (*Civic Culture*): Studi Kasus pada Perbatasan Darat Kabupaten Timor Tengah Utara Dan Distrik Oekusi (Doctoral dissertation, Universitas Pendidikan Indonesia).
- Bill Nicol, Timor 2002: A Nations Reborn, Equinox Publishing, Singapore
- Boer Mauna, 2013, Hukum Internasional: Pengertian, Peranan, dan Fungsi Dalam Era Dinamika Global,: PT. Alumni, Bandung.
- C. Van Vollenhoven, 1918 Het Adatrecht van Nederlandsch Indie,
- Departemen Pertahanan Republik Indonesia 2008, Buku Putih Pertahanan Indonesia, Departemen Pertahanan, Jakarta:
- Endah Rantau Itasari, 2015, Memaksimalkan Peran Treaty of Amity and Cooperation Southeast Asia 1976 (TAC) Dalam Penyelesaian Sengketa di ASEAN, Pontianak: Fakultas Hukum Universitas Tanjungpura Pontianak, Vol. 1,
- F.J Ormeling, 1956 The Timor Problem: a Geographical Interpretation of an Underdeveloped Island, Groningen, J.B. Wolters,
- Hadimulyo, 1997 “Mempertimbangkan ADR, Kajian Alternatif Penyelesaian Sengketa di Luar Pengadilan” ELSAM, Jakarta..
- Hadiwijoyo, Suryo S. 2011. Perbatasan Negara “Dimensi Hukum Internasional”: Graha Ilmu, Yogyakarta.
- Husen Alting, 2010. Dinamika hukum dalam pengakuan & perlindungan hak masyarakat hukum ada atas tanah: Masa lalu, kini & masa mendatang. Cetakan I. Yogyakarta.
- Parthiana, I. W. (2002). Hukum perjanjian internasional. Mandar Maju..
- Sianipar, I. M. J. (2017). Upaya penyelesaian sengketa wilayah perbatasan darat Indonesia –timor leste. *Sociae Polites*, 18(01), 1-12.
- Merrills, J. G. (2017). *International dispute settlement*. Cambridge University Press.
- Starke, J. G. (1995). *Pengantar Hukum Internasional I*.
- Thontowi, J. (2015). Pengaturan masyarakat hukum adat dan implementasi perlindungan hak-hak tradisionalnya. *Pandecta Research Law Journal*, 10(1)..
- Setiawati, J. I., & Oktaviyani, R. E. N. (2023). Analisis Penyelesaian Sengketa dalam Perspektif Hukum Internasional (Studi Kasus Sengketa Perbatasan Wilayah Darat Noel Besi-Citrana dan Bidjael Sunan Oben antara Indonesia dengan Timor Leste). *Jurnal Hukum Lex Generalis*, 4(2), 130-154..
- Permana. 2019. Indonesia - Timor Leste sepakat akhiri sengketa perbatasan darat. <https://www.aa.com.tr/id/dunia/indonesia-timor-leste-sepakat-akhiri-sengketa-perbatasan-darat/1538267> diakses pada tangapl 03/03/2024.
- Peter Wallensteen, *Understanding Conflict Resolution War 2002, Peace and The Global System.*, Sage Publishing, London.
- Sabalius Uhai, Firman Sinaga, 2017. Kearifan Lokal Dayak Kutau Dalam Perayaan Tolak Bala Untuk Menangkal, Dampak Covid19, Denpasar: Universitas Mahasaraswati.
- Rijal, S. (2023). The importance of community involvement in public management planning and decision-making processes. *Journal of Contemporary Administration and Management (ADMAN)*, 1(2), 84-92.
- Sandy Nur Ikfal Raharjo, 2014, Analisis dan Upaya Penyelesaian Konflik Antara Warga Perbatasan Timor Tengah Utara, Indonesia Dengan Warga Distrik Oecussi, Timor Leste pada 2012-2013, Pusat Penelitian Politik, Lembaga Ilmu Pengetahuan Indonesia.
- Novera Asri, A. (2023). Nilai Kearifan Lokal Pada Prosesi Kegiatan Mangkal Luagh Di Kecamatan Kedurang Ulu (Doctoral dissertation, UIN Fatmawati Sukarno)
- Saru Arifin, 2012. Hukum Perbatasan darat antara dua negara Sedarmayanti & Hidayat, S. 2011. Metodologi Penelitian, Mandar Maju. Bandung.
- Sefriani, 2016, Hukum Internasional: Suatu Pengantar Edisi Kedua, PT. Raja Grafindo Persada, Jakarta.
- Social Conflct; Dean G. Pruitt dan Jeffrey Z. Rubin 2004-2011, Teori Konflik Sosial, Pustaka Belajar, Penerbit, Pustaka Pelajar, Yogyakarta
- Soedharyo Soimin, 1992 Status Hak dan Pembebasan Tanah, Penerbit Sinar Grafika, Jakarta.
- Soekanto, Soerjono. 1983. Beberapa Aspek Sosial Yuridis Masyarakat. Offset Alumni, Bandung.
- Soepomo. 1993 Hukum Adat, PT Pradnya Paramita Jakarta.
- Soerjono Soekanto, 1984, Metode Penelitian Hukum, Penerbit Universitas Indonesia. Jakarta.
- Sri Warjiyati 2020, Ilmu Hukum Adat, Deepublish, Yogyakarta,
- Sulpi Affandy, Penanaman Nilai Nilai Kearifan Lokal Dalam Meningkatkan Perilaku Keberagaman, Atthulab, Vol 02. No 02, 2017, Bandung
- Sumarto, P. 2012. Penyelesaian Konflik Pertanahan dengan Prinsip Win Win Solution oleh Badan Pertanahan Nasional

RI. Disampaikan pada Diklat Direktorat Konflik Pertanahan Kemendagri RI tanggal, 19.  
Tolib Setiady, 2009, Intisari Hukum Adat Indonesia, Alfabeta : Bandung,  
Van Vallenhoven dan Abdulrahman 1983 & 1984 Orientasi Dalam Hukum Adat Indonesia, Jambatan, Jakarta.

Wasis .SP. 1996. Pengantar Ilmu Hukum. Malang. Ikapi Malang.  
Wiratraman, H. P. 2022. Adat court in Indonesia's judiciary system: A socio-legal inquiry. Journal of Asian Social Science Research, 4(1), 43-62.

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