Referring to the principle of uti possidetis juris, the establishment of the boundary line on Sebatik Island was based on a previous agreement between the Netherlands and the British. It was stated in the 1915 Agreement between the Netherlands and the British, which declared that the boundary line follows a parallel line of 4º10' North Latitude. Unfortunately, The Boundary Agreement of 1915 does not mention the datum and reference ellipsoid used to determine the abovementioned 4º 10' North Latitude. The absence of a datum and reference ellipsoid causes disputes in determining the precise location of boundary pillars during the field reconstruction procedure. A joint survey between Indonesia and Malaysia in 1983 found that most of the boundary pillars on Sebatik Island were not precisely located along the 4º 10' North Latitude. This area exchange generates uncertainty about land ownership by citizens in border zones.
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the datum or reference ellipsoid used to determine the 4° 10' N parallel line. The absence of a datum and ellipsoid reference causes disputes in determining the precise location of boundary pillars during the reconstruction in the field. A position measured using a different datum and reference ellipsoid will result in a different position value.

Attempts to resolve the dispute have been made through diplomacy. Diplomacy has been widely used as an important way to resolve conflict between two conflicting parties. The practice of diplomacy can include the role of politics in overcoming social problems and inequality (Westermann-Behaylo et al., 2015). In the context of border disputes, the governments of Indonesia and Malaysia chose diplomacy in the form of negotiation because of its ability to reduce tensions and conflicts related to border disputes between countries. Through dialogue and negotiation, the two countries can seek mutual understanding and peaceful solutions and avoid conflict escalation that has the potential to harm both parties (Bils & Spaniel, 2017). This diplomacy also allows the two countries’ governments to create a platform to reach mutually beneficial agreements.

Indonesia and Malaysia have held a series of meetings at various levels every year since 1976, until this research was conducted. The eighteen boundary pillars that the Dutch and British had installed at 4° 10' North Latitude were incorrect, according to a 1983 joint survey between Indonesia and Malaysia. Most boundary pillars tend to be south of the latitude of 4° 10' LU (Dittopad, 1983). The survey teams of the two countries also could not find all the pillars built by the Dutch and the British. Pillars IV and VI were not found, while Pillar XVI and the West Pillar were the only ironwood stakes.

This prolonged diplomacy has been unable to resolve the boundary dispute because Indonesia and Malaysia still adhere to their respective positions regarding interpreting the Dutch and British agreements. This dispute resulted in the absence of a common perception between Indonesia and Malaysia regarding settling boundary disputes. One of the decisive factors that contributed to the ineffectiveness of this diplomatic process was political tension and strong national interests in the context of the border on Sebatik Island. When the two countries insist on their position without compromise, mutual agreement tends to be challenging to reach (Toktogulov, 2018). The difficulty is that border disputes often relate to national identity, sovereignty, or strategic resources, which in turn complicate diplomacy. However, only some of the diplomacy succeeded. The two countries formed a joint agency, the Joint Working Group on Outstanding Boundary Problems (JWG OBP). At a meeting of JWG OBP 10 in Genting Highlands, Pahang, Malaysia, in 2018, an agreement was reached to complete OBP, including Sebatik Island. Based on the agreement, in 2019, Indonesia and Malaysia agreed to install new boundary pillars along the parallel line of 4° 10' North Latitude (Dittopad, 2019).

Referring to Jones (1945), the stages of determining boundaries consist of allocation, delimitation, demarcation, and administration. Theoretically, after demarcation activities, border administration activities will continue. Post-demarcation area disputes are included in the border administration stage, which covers many aspects. The boundaries on Sebatik Island were re-demarcated in 2019 by erecting 148 new pillars consisting of 3 type A pillars, 10 type B pillars,
and 135 type C pillars. Referring to Srebro and Shoshany (2013), the border administration framework includes several stages, namely negotiations and agreements or treaties, which include delineating boundaries. Due to international law, the 2019 re-demarcation raises problems because the two countries have yet to approve the results of the re-demarcation. Thus, the absence of a final legal status for the boundary line on Sebatik Island implies that the disputed area does not yet belong to any country.

The fact that the people of Indonesia and Malaysia and several Malaysian companies have operated on and controlled the lands in the disputed areas for decades complicates the issue. The Indonesian communities on Sebatik Island have controlled land used for settlements and agricultural activities, and after the re-demarcation, the land in question fell within Malaysian territory. Meanwhile, on the other hand, several Malaysian companies used the land for oil palm plantations, and the land had to be handed over to Indonesia after the 2019 re-demarcation. With this 2019 re-demarcation, the state boundaries on Sebatik Island have changed compared to the old boundaries. Based on the background, this study aims to analyze the impact of the re-demarcation process on the lives of the community, nation, and state. Re-demarcation's effects, which cast doubt on the community's claim to land in the disputed area, are the cause of these implications. The impact of re-demarcation also causes a change in the boundaries of the state's territorial sovereignty.

METHOD

The research uses a qualitative approach. Qualitative research uses natural conditions as direct data sources, and researchers are key instruments. Data collection techniques used in this study include making observations directly in the field, following the object under study, and interviewing informants using interview guidelines. Informants in this research came from ministries and institutions in charge of borders, local governments, and the people of Sebatik Island in the study area. This research also applied related document studies. Data analysis refers to the steps Miles and Huberman (2014) describe, consisting of three activity lines simultaneously, including data collection, reduction, display, and conclusion.

RESULT AND DISCUSSION

Unsettled Agreement Due to the Re-Demarcation Process

State boundary lines become territorial boundaries for neighboring countries. Territorial boundaries manage the rights and obligations of individuals, organizations, or the state. Territorial boundaries are needed for territorial management and administration, so international boundaries must be determined. Unclear international boundaries are one of the leading causes of territorial disputes and, at a later stage, can lead to war (Srebro & Shoshany, 2013). In addition to rights and obligations, determining boundaries between countries is vital to guaranteeing jurisdictional clarity and certainty (Prescott & Schofield, 2005). One example of enforcing Indonesian national law, which is still challenging to implement in the disputed area of Sebatik Island, is the agrarian law, which is a means to anticipate the emergence of various conflicts over
ownership and control (Sudjito, 2018). Even though Indonesia and Malaysia adhere to the principle of using the property of the right, the 2019 re-demarcation emphasized that Indonesia and Malaysia, as two sovereign countries, have the right to redefine their boundaries. An independent country has the right to self-determination, including the right to determine or redefine the boundaries of its territory (Supriyatno, 2019).

The document study found that all land boundary agreements with Malaysia have only been signed as MoUs. As of 2019, Indonesia and Malaysia have signed 22 MoUs, including the agreed boundary segments. However, these MoUs have yet to make border agreements and be ratified into law. Hence, Malaysia and Indonesia agreed to use MoUs as a legal instrument to express the results of the joint survey agreement in a more manageable arrangement. Arifin (2014) stated that the MoU is the easiest and fastest instrument compared to other agreement instruments. Besides that, the nature of the MoU is a pre-agreement instrument. The joint survey results are included in the MoU as an initial initiation to form a land border agreement between Indonesia and Malaysia. The MoU is arranged according to the segments that have been surveyed and has agreed that there is no dispute. The demarcation stage produces the final product in the form of an MoU, which is the agreement of the two countries as an initial agreement that the segment is no longer disputed.

According to Srebro and Shoshany (2013), an agreement is a formal document that legally defines all relevant issues between the parties and regulates their relationship. An essential part of international agreements is dealing with territorial issues, including the boundaries between them. Setting international boundaries is an integral part of the treaty; a particular article is usually dedicated to it. However, the agreement is not the end of the border problem. Implementation and law enforcement at the border are complicated things. For example, no matter how accurate the coordinates of the boundary pillars are, the issue of shifting the boundary pillars between Indonesia and Malaysia always occurs. Geodetic surveyors can accurately determine boundary coordinates, but it is only sensible with a commitment from both parties to honor existing agreements (Arsana, 2009).

The technical heads of the two nations should have signed the data for the 2019 re-demarcation on Sebatik Island in 2021 to continue preparing for the MoU. However, the fact is that there has not been progress since this study was conducted. Meeting forums that are held every year cannot be held during the COVID-19 pandemic. At a time when COVID-19 was rampant, all the resources of the two countries, including funds, were used for handling COVID-19. The two countries agreed that the MoU on the re-demarcation of Sebatik Island would be signed in 2020. This agreement is as found in the documentation plan completion of OBP Sebatik Island, namely Minutes of the Forty-Second Meeting JMI 2018 and Minutes of the Forty-Third Meeting JMI 2019, detailed in Minutes of the Special Discussion of the Co-Project Directors on the Joint Investigation, Demarcation, and Survey for the Outstanding Boundary Problems (OBP) between Malaysia (Sabah) and Indonesia (North Kalimantan) 2019. The problem is that even though ratifying the results of the re-demarcation of Sebatik Island has been carried out on time according to plan, the MoU still cannot be carried out. The MoU is absent
due to an agreement between Indonesia and Malaysia that the Sebatik Island MoU will be carried out simultaneously with the Sinapad-Sesai River segment MoU. These findings can be seen in the Minutes of the Forty-Third Meeting of JMI 2019 as follows: "After deliberation, the meeting agreed to sign the MoU on Pulau Sebatik simultaneously with the MoU on Sinapad and Sesai rivers in 2020."

This study also found that the re-survey of the Sinapad-Sesai OBP River could not be carried out due to the COVID-19 pandemic. The re-survey, scheduled to be carried out in 2020, only started in August 2022. Judging from the action plan, the revised Sinapad-Sesai OBP is estimated to be fully completed in 2024. After the demarcation process is complete, it must go through the tiers. Of course, this condition will significantly affect the completion of the OBP on Sebatik Island, which must take time to complete. Legal uncertainty about the boundary line on Sebatik Island will be more prolonged. This uncertainty will significantly impact the problems that arise. For example, agrarian problems in disputed lands will drag on and become increasingly complex.

The Implementation of the Management of the Border Area of Sebatik Island

Indonesian-controlled land is mainly used for settlements, agriculture, and plantations. Instead, Malaysian companies use the land for oil palm plantations. The study found that the most affected lands were in Seberang Village, North Sebatik District; Aji Kuning Village; and Sungai Limau Village, Central Sebatik District. Part of the affected land on Sebatik Island is land used for settlements, for example, Seberang Village and Aji Kuning Village. They had inhabited the land for decades, starting when they arrived on Sebatik Island as migrants. An example of land tenure can be seen in Figure 1.

![Figure 1. Land Disputing of Seberang Village (Processed by the researcher, 2022)](image-url)
This study found that the land tenure was legalized with various proofs of ownership, namely: ownership certificates (SHM); land grant statement letters (SKPHT); land certificates (SKT); land rights release statements (SPPH); and a statement of land tenure (SPPT). The village government issued the land tenure letters, while the Nunukan Regency BPN issued the ownership certificates. An interesting finding is the issuance of property rights certificates in 2020 through the Complete Systematic Land Registration Program (PTSL), which is still ongoing on Sebatik Island.

The issuance of certificates is a mandate of the Basic Agrarian Law (UUPA) of Indonesia to provide legal certainty for land ownership and guarantee the principles of justice for the community. However, the certificate issuance in 2020 after implementing the re-demarcation of state borders in 2019 is certainly not appropriate, although the process has been carried out before. In 2019, 148 boundary pillars were installed in the field with new boundary markers, making it easier to see the established state boundaries. Even though the two countries have not legalized it, the boundary pillars in the field can be used as a guide. The certificate cannot simply be issued because the boundary pillars of 1915 are still disputed (OBP).

Certification of the Sebatik Island OBP land certainly adds to the complexity of dispute resolution from an international and national law perspective. Based on the 2019 re-demarcation, Malaysia must receive a portion of the disputed land that the community has certified and has control over. On the other hand, from the perspective of national law, there is a problem with how to resolve agrarian conflicts between communities and the government. The agrarian conflict in the OBP area certainly has implications for ideological, political, economic, socio-cultural, defense, and security aspects. Several things can cause this condition. First, due to the lack of outreach by the border technical team regarding the status of OBP Sebatik Island, especially the management aspect, the official socialization regarding the 2019 commemoration of demarcation was only carried out once, to be precise, on March 24, 2021. Second, the authorities should have cared about the OBP status of Sebatik Island. All officials should have the same understanding that in disputed areas, it is not permissible to carry out activities that do not follow international legal provisions. Also, there is a need for caution in issuing certificates in OBP areas so as not to cause problems in the future. Third, the regional government's role, especially the Regional Border Management Agency (BPPD), needs to be more optimal in managing the Sebatik Island OBP area, resulting in a need for more understanding of the fundamental problems that occur in the OBP area. Fourth, the legal provisions related to the implementation of PTSL have yet to be implemented.

Two categories of land will be subject to the 2019 re-demarcation: First, in the context of international law, namely, the existence of territories transferred to each other between the countries, the OBP Sebatik Island case was the first case for Indonesia and Malaysia. Second, in the context of national law, namely, the existence of areas that must be abandoned by the Indonesian people and areas handed over by Malaysia that the people want to control. The first problem is, of course, a bilateral one that the two governments must resolve. The second problem is the problem between the government of Indonesia and its citizens.
Within the framework of national law, the most appropriate is agrarian law, which regulates land. National agrarian law is a means to anticipate the emergence of various conflicts of ownership and control (Sudjito, 2018). This agrarian law regulates land ownership and the management of natural resources in the border area. With independence, the Indonesian nation has the opportunity to regulate its earth, water, and space, as well as the natural resources contained therein, under the values of Indonesia (Sudjito, 2014). Land use in the disputed area is in the form of land for gardening and buildings used as residences. Furthermore, Sudjito (2017) states that according to the 1960 Basic Agrarian Law (UUPA) conception, “a person uses land, of course, using the body of the earth and the space on it following the intended use.”

One of the solutions to agrarian conflicts in disputed areas is to use the concept of agrarian reform. Social analysis is also an essential factor in the success of agrarian reform. The social analysis is an effort to deeply identify the lives of the people who are the target of agrarian reform, which in this case are the people of Sebatik Island who control the disputed areas. The results of this social analysis serve as a reference for formulating strategic steps for implementing agrarian reform. The aim of agrarian reform in the disputed area is to realize justice and welfare for the people of Sebatik Island. In other words, according to Sudjito (2018), agrarian reform must be successful if it takes a holistic approach that integrates the integrity of the law, society, nature, culture, power, politics, economy, and aspects of human life.

The Impact of Unsettled Re-Demarcation and Territorial Exchange Between Indonesia and Malaysia

Each country has the authority to determine its boundaries, where the outer border of the territory will always be adjacent to the territory of neighboring countries. The legal status of the international border on Sebatik Island is critical because the border area has several functions. First is the legal function, namely the existence of a boundary line that defines the boundaries of an area with a legal jurisdiction and applicable state regulations. Second, the control function, namely, every movement of people and goods entering or leaving a border area, is regulated and becomes under the control of that country. This movement is due to trade interactions between residents of Sebatik Island, Indonesia, and Tawau, Sabah, Malaysia. Third, the fiscal function, which is the right of a country to apply the fiscal price of the destination country (Arifin, 2014; Wangke, 2018), due to customs duties on goods traffic in and out of Sebatik Island.

Jones (1945) also confirmed that the boundary function is related to people and goods. The traffic of people includes restrictions on immigration, visitors, and workers from abroad. The traffic of goods includes tax collection on exported or imported goods, prevention of smuggling of goods, prevention of the flow of goods from abroad affecting domestic production, control of the movement of money, control of flights and aircraft crossing territorial boundaries, and prevention of diseases by quarantine of plants and animals. In elaborating the border function, the legal status of the boundary line on Sebatik Island is crucial. The boundary line must have a clear and legally strong status to avoid friction and ensure the sovereignty and national laws that apply on either side of the borderline. Based on the principles of international law, two lines
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exist. At present, where both have not been agreed upon, the legal status of the boundaries of Sebatik Island remains unclear. The limits of state sovereignty in the context of international law on Sebatik Island are uncertain.

The unsettled agreement on the border on Sebatik Island between Indonesia and Malaysia has created legal uncertainty. This legal uncertainty has implications in various aspects. This research identifies various impacts of the unsettled agreement. Firstly, from a geographical aspect, there are still two borderlines without permanent legal status. The absence of permanent legal status leads to ambiguity regarding the territorial boundaries of Indonesia and Malaysia on Sebatik Island. Additionally, it has come to light that Indonesian residents control some areas that ought to be part of Malaysia and use them for trading purposes.

Furthermore, some residents possess certificates for land that will be handed over to Malaysia. Therefore, careful steps must be taken when exchanging territories to avoid creating a sense of inequality and injustice among the people involved (Kimengsi & Awah, 2021). Some individuals or groups may feel disadvantaged or uninvolved in the area exchange process. The community's concern is due to the emergence of risks of inequality in access to resources, basic rights, or the economic opportunities that are created. Therefore, gradual steps are needed to carry out spatial resocialization and a cultural approach to avoid conflict escalation (Bringa, 2016).

Secondly, from the aspect of natural resources, it involves agricultural land for food crops, oil palm plantations, and cocoa plantations in the disputed area. Managing these natural resources has led to disputes over who has the right to manage them. Before the 2019 re-demarcation, the communities in Seberang and Aji Kuning villages on Sebatik Island had access to and managed crops and oil palm plantations without interference from Malaysia. Conversely, Malaysian companies could access and manage their oil palm plantations in the area without disruptions. Therefore, in the exchange of territories, it is crucial to ensure that the distribution of natural resources is fair and sustainable. The consideration includes whether the land will be divided between individuals or on behalf of groups (Kristiansen & Sulistiawati, 2016). The efforts to achieve justice can be made through cooperation agreements and mechanisms that ensure all parties benefit from existing resources. In addition, an environmental impact evaluation should be carried out before a territory exchange to understand the potential impact on ecosystems and the environment. Efforts to protect and manage the environment sustainably must be integrated into the planning and implementation of regional exchanges.

Thirdly, concerning population mobility, Indonesian and Malaysian residents, especially those engaged in trading activities, continue to engage in free activities within the disputed area with beneficial mutualistic relationships. One reason for this is the finding that the border communities share a common ethnicity, primarily Bugis. Additionally, some Indonesian residents residing in the disputed area have familial ties to Malaysian residents, despite having different nationalities. The cross-border mobility is further reinforced by the fact that essential commodities such as rice, sugar, oil, eggs, flour, and electronic goods on Sebatik Island are imported from Tawau, Sabah, Malaysia, which is located in front of Sebatik Island, and are
difficult to be self-sufficiently provided by the Indonesian community due to limited access. Malaysia has supportive facilities such as factories and processing industries that can support economic activities on Sebatik Island by converting raw materials into finished products. Thus, trade between countries on the border of Sebatik Island provides opportunities for the economic growth of people in both countries (Boonchai & Freathy, 2020). However, this must be addressed wisely regarding cross-border regulations between Indonesia and Malaysia.

Fourthly, in terms of citizenship, this study found that some residents of Sebatik Island hold dual citizenship. Dual citizenship is based on the economic opportunities provided by Malaysia. Although these opportunities may bring economic benefits, they can also reduce nationalism. The possession of dual citizenship also has implications for elections in both countries. Dual citizenship has several other impacts, for example, increasing community integration in border areas, functioning as a securitization tool, and even expanding economic access (Agyare, 2020; Midtbøen, 2019). Although Malaysia recognizes dual citizenship, Indonesian law does not allow this practice. So, this rule must be socialized in the community.

Furthermore, the research shows that some of the community's wishes are related to the affected land in the disputed area. The first is the desire of the community to get profit compensation. This demand for compensation is due to compensation in the construction process of the Sei Nyamuk National Border Post, so this compensation is used as a reference by the owners of the land in the disputed area. Another reason is that they already have a certificate, which can be the basis for obtaining compensation for the plots of land they control located in the disputed area that will be handed over to Malaysia. With this profit compensation, they do not demand that the government provide a new location as a substitute. They will look for it with the capital from the profit compensation.

The second is relocation. Communities wish to join the relocation program if the government cannot accommodate demands for compensation. However, they submitted a condition that the relocation should be close to the current residence. This condition was put forward because their lives depended on cross-border trading activities with the city of Tawau, Sabah, which were carried out in the disputed area. If the relocation is too far away, they must start a life from scratch, which is not necessarily better than the present one. Third, the community can also manage the land handed over by Malaysia as an oil palm plantation in the western part of Sebatik Island. This desire is commensurate with compensation for the land that must be abandoned.

The Solutions to the Issue of Indonesia-Malaysia Boundary Line’s Re-Demarcation

Several strategic steps can be implemented to reduce the risks arising from the exchange of areas as well as to respond to the wishes that arise from the community regarding this process. The first is to define the terms of the exchange. In the context of a territorial exchange resulting from a re-demarcation process between two countries, it is crucial to clearly define the terms of the exchange (Powell & Wiegand, 2014). A clear definition entails specifying the precise areas that will be exchanged and considering relevant factors such as land value and the rights of the
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people residing in the affected area. By clearly defining these terms, potential conflicts or misunderstandings can be minimized (Guo, 2011), and the exchange process can proceed smoothly and fairly. The second is to conduct a thorough survey of the area. This survey should thoroughly assess the environmental conditions, identifying potential hazards or risks arising from the exchange. Additionally, a detailed analysis of the security situation should be conducted to ensure the safety and well-being of the people in the area during and after the re-demarcation process. By conducting a thorough survey, both countries can proactively address potential problems and mitigate their impact on the affected area and its inhabitants.

The third is to involve the local communities in the process. By including them, their concerns and perspectives can be considered, fostering a sense of ownership and ensuring their support for the exchange. This involvement can be achieved through consultation, dialogue, and active participation, allowing for a more inclusive and transparent decision-making process (Idler et al., 2015). The fourth is to develop a plan for the transition. This plan should encompass a clear timeline for the exchange, outlining specific milestones and deadlines to ensure a smooth process (Emmers, 2009).

Additionally, it should address potential disruptions that may arise, such as logistical challenges or legal complications, and provide strategies for effectively managing them. With a well-structured transition plan, both countries can navigate the re-demarcation process with minimal disruptions and uncertainties. Furthermore, the last is to monitor the situation closely after the exchange. Regular monitoring identifies any problems or challenges arising from the territorial exchange (Merrills, 2017). Appropriate measures can be taken to mitigate potential negative consequences and ensure a smooth transition for both countries involved by promptly addressing these issues.

CONCLUSION

The dispute over the Sebatik Island area is still ongoing between Indonesia and Malaysia. After the 2019 re-demarcation, two national boundaries in the field still need to have a definite legal status, raising doubts about managing border areas. From the perspective of international law, borderline legal status is determined by the property of the right and its implications for the territory of sovereignty. The absence of a boundary line agreement on Sebatik Island raises sovereignty uncertainties in the disputed area between Indonesia and Malaysia. The absence of a policy or procedure for transferring territory between countries has caused unrest among those who control the disputed land. The mechanism for handling affected land is also unclear, which is caused by the lack of understanding of the relevant officials. The issuance of certificates in the disputed areas added to the complexity of the problem and gave rise to several community demands in the form of compensation, relocation, and replacement land tenure. Some strategic steps to reduce the risk arising from the territorial exchange in the re-demarcation process include clearly define the terms of exchange, conduct a thorough survey of the area, involve the local communities in the process, develop a plan for the transition, and monitor the situation.
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closely after the exchange. Hopefully, future research can discover more details of the issue and find more solutions.

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