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EXAMINING THE NEGOTIATION MODEL OF THE DISPUTED BOUNDARY BETWEEN INDONESIA AND MALAYSIA ON SEBATIK ISLAND

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Abstract

Sebatik Island is a disputed territory between Indonesia and Malaysia, known as one of the Outstanding Boundary Problems (OBP). The island was divided into two parts by the Dutch and British, based on the 1891 Boundary Convention and the 1915 Boundary Agreement. In 2019, after a long negotiation process, the two countries agreed to re-demarcate the boundary line by planting new boundary pillars. The results of the re-demarcation have not yet been agreed upon by Indonesia and Malaysia, resulting in unclear boundaries of sovereignty and jurisdiction. This study aims to examine the negotiation model of dispute resolution on Sebatik Island. The research methodology employed is doctrinal or normative legal research, which uses both primary and secondary legal data as sources, such as regulations, treaties, court decisions, and doctrines. The study found that the current bottom-up negotiation model has caused delays in reaching an agreement on Sebatik Island. To speed up the settlement of the dispute, it is recommended to modify the model to a top-down approach with a back-to-back or simultaneous mechanism.

Keywords: boundary, dispute, negotiation, Sebatik Island

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I. INTRODUCTION

The land borders of Indonesia and Malaysia on the islands of Borneo and Sebatik refer to boundaries established in a series of Dutch and British treaties,1 adhering to the uti possidetis juris code,2 viz:

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Between 1975 and 2000, Indonesia and Malaysia conducted an international boundary demarcation process on Borneo Island and Sebatik Island. The demarcation process left disputes in several segments, or Outstanding Boundary Problems (OBP). One of these OBPs is Sebatik Island. These disputes were caused by three things: firstly, differences in the interpretation of the Dutch and British agreements by Indonesia and Malaysia; secondly, the field conditions were not found in the contents of the agreement; and thirdly, the results of the demarcation were considered not to be in accordance with the contents of the agreement.

Sebatik Island was divided into two parts by the Netherlands and the British at 4° 10’ north latitude. The Netherlands and the British placed 18 boundary pillars between 8 June 1912 and 30 January 1913, as agreed in the 1915 Agreement. In 1983, a joint survey with Indonesia and Malaysia revealed that most of the 18 boundary pillars erected by the Netherlands and the United Kingdom were incorrectly located at 4° 10’ north latitude. Since then, the Sebatik Island boundary dispute has never been resolved. The maritime boundary around the Sebatik Island has been affected by the dispute because the island affects the determination of maritime boundary due to its outermost position. Sebatik Island is the outermost island that has a significant impact on maritime boundaries. Additionally, Sebatik Island

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functions as a connecting point for the surrounding area.\textsuperscript{8} The division Sebatik Island is shown in Figure 1.

Figure 1: Sebatik Island

\begin{center}
\includegraphics[width=\textwidth]{sebatik_island.png}
\end{center}

(Source: illustrated by authors)

Indonesia and Malaysia have been engaged in a series of negotiations since 1973. Both countries established a special Joint Working Group on OBP (JWG OBP) in 2005 for the purpose of negotiating a settlement of disputed segments.\textsuperscript{9} The negotiations will lead both countries to mutual understanding\textsuperscript{10} and mutual cooperation.\textsuperscript{11} 13 years after its establishment and a long negotiation


\textsuperscript{9} Minutes of the Twenty Ninth Meeting of the Joint Indonesia- Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak), 2005.


\textsuperscript{11} Michelle K. Westermann-Behaylo, Kathleen Rehbein, and Timothy Fort, “Enhancing the
process, Indonesia and Malaysia reached an agreement to re-demarcate the boundary line in Sebatik Island, based on the 1891 Boundary Convention and the 1915 Boundary Agreement. Continuing the direction, both countries sent a joint survey team to install 148 new pillars at 4° 10’ north latitude, which was completed in 2019. In terms of international law, the 2019 re-demarcation is complicated by the fact that the result is still subject to approval by both Indonesia and Malaysia.

Referring to some of the research findings, clear state boundaries will affect sovereignty and management as well as interactions in border areas. Telesetsky’s study notes the importance of boundaries in determining state jurisdiction, including maritime boundaries. State jurisdiction over the sea will affect the economic value that can be extracted by the state and political activity. Awaludin argues that cultural practices do not conflict with the principles of state sovereignty. Cultural practices cannot be confined to a particular or fixed space. Arsana’s study describes the importance of the boundary line in the Strait of Malacca to avoid disputes and incidents. Hope’s study shows that boundary disputes can affect sociological behavior. Additionally, Grunwald et al. describe how cooperation in border management exists and brings benefits, but on the other hand, it also can lead to conflicts over border control, especially in shared waters. Shimisu states that the


12 Minutes of the Tenth Meeting of Joint Working Group on the Outstanding Boundary Problems (JWG OBP) of the Joint Demarcation and Survey of the International Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2018.


18 Richard Grunwald, Wenling Wang, and Yan Feng, “Modified Transboundary Water
establishment of national boundaries separating domestic and foreign is not always successful.\textsuperscript{19} Kahraman et al. found that it is important to redefine the boundaries of state authority and jurisdiction in the application of international law.\textsuperscript{20} Abramsom et al. found that in areas where borders change frequently, there is potential for a conflict, due to a lack of trust in other people and in the government.\textsuperscript{21}

Territorial disputes generally arise because of different perceptions on the boundary line.\textsuperscript{22} Raharjo argues in his research, stating that territorial disputes are influenced by two factors, namely tangible (physically measurable factors) and intangible (factors that cannot be physically measured).\textsuperscript{23} Sulaeman states that disputes can be resolved through bilateral, multilateral, or arbitration diplomacy.\textsuperscript{24} For example, the Camar Bulan dispute case was resolved through diplomacy.\textsuperscript{25} In her research, Istiqamah stated that diplomacy is to achieve regional sovereignty and defense interests.\textsuperscript{26} According to Irewati’s research, the resolution of border dispute can be achieved through the TAC mechanism.
Nurdin, et. al.

(Treaty of Amity and Cooperation) and mechanisms in the ASEAN Charter. Kaal’s research then recommends a political approach in resolving boundary disputes. Negotiation is a form of social interaction in which the parties involved try to resolve different and conflicting goals by mutual agreement. Negotiation is a method that does not involve a third party as it is a method resolution that directly involves the parties to the dispute.

Sadhana and Bhuvaneswari found in their research that arbitration depends on the principles of natural justice and how they are interpreted. In her research, Lestari gives the example of the Ligitan and Sipadan Islands disputes, which were settled by the International Court of Justice (ICJ). Ramirez’s research shows that many Latin American countries choose the ICJ in cases involving territorial and maritime delimitation disputes. The ICJ has become their ‘natural’ jurisdiction due to the broad jurisdictional clauses included in regional dispute settlement agreements. Schaller’s research recommends the ICJ as a possible solution to the dispute between Turkey and Greece over sovereignty and jurisdiction in the Eastern Mediterranean Sea.

The boundary dispute between Indonesia and Malaysia on Sebatik Island remains unresolved despite the completion of the re-demarcation process in 2019. The boundary line on the island has not been agreed upon by Indonesia and Malaysia due to the lengthy negotiation process to ratify the results of the

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Negotiation Model of Disputed Boundary on Sebatik Island

re-demarcation. The results were negotiated by the Team Leaders (TL) of the two countries in the field. They will also be negotiated by the Chief of Field Parties (CFP). The CFP then reports to the Co-Project Director (CPD). In the next stage, the CPD reports to the Joint Chief of the Joint Border Technical Committee (JBTC) and finally, the JBTC reports to the Joint Chief of the Joint Boundary Committee (JBC) before the Memorandum of Understanding (MoU) is signed.

Negotiations over Sebatik Island dispute began in 1983 following a joint survey by Indonesia and Malaysia. The survey revealed that the 18 boundary pillars installed by the Dutch and British were not precisely located at 4° 10’ north latitude. Furthermore, most of the boundary pillars were inclined towards the south. The survey results were reported at the 14th CPD Meeting in April 1983. The results of the 14th CPD Meeting were subsequently reported and negotiated at the 15th JBTC Meeting in June 1983. The findings of the 15th JBTC Meeting were subsequently presented during the 10th JBC Meeting in May 1984. However, no agreement was reached on the boundary line on Sebatik Island. As a result, Indonesia and Malaysia agreed to form the OBP JWG in 2005 to negotiate boundary disputes, including the Sebatik Island boundary dispute. At the 10th JWG OBP meeting in 2018, a re-demarcation agreement was reached and implemented in 2019. However, the two countries have not yet agreed upon the results of the 2019 re-demarcation.

This study aims to examine the current negotiation process model for resolving the Sebatik Island boundary dispute. The examination focuses on the mechanism and structure of the negotiation model, as well as the personnel manning the boundary organization and resources. A recommended model is then outlined as an alternative to the current negotiation process.

This study carries out doctrinal or normative legal research. Normative legal research uses both primary and secondary legal data as the sources, such as regulations, treaties, court decisions, doctrines. Doctrinal legal research is

35 Directorate of Topography, Indonesian National Army Forces, Laporan Hasil Operasi Survey, 5.
36 Minutes of the Fourteenth Meeting of the Co Project Director for Kalimantan Timur and Sabah 1983, 3.
37 Minutes of the Fifteenth of the Joint Indonesia-Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1983, 8-11.
38 Minutes of the Tenth Meeting of the Joint Indonesia- Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1984, 4-5.
conducted for the purpose of producing theory, argument or legal concept.\textsuperscript{40} In this research, the material used are: Memorandum of Understanding (MoU) between Indonesia and Malaysia, minutes of the meeting of the Co-Project Director, minutes of the meeting of the Joint Indonesia-Malaysia Boundary Technical Committee, minutes of the meeting of the Joint Indonesia-Malaysia Boundary Committee, minutes of the meeting of the Joint Working Group on the Outstanding Boundary Problems, and other relevant documents. Analysis data processing as described by Miles and Huberman was also applied includes the activities: data collection, data reduction, and data presentation leading to the formulation of conclusions.\textsuperscript{41}

The results of the study show that the form of border organization or negotiation as an ad hoc organization causes administrative problems. The lengthy negotiation process does not speed up the dispute settlements. One of the causes is territorial clarity with regards to international relations.\textsuperscript{42} Other consequences of territorial ambiguity includes legal ambiguity,\textsuperscript{43} jurisdictional ambiguity,\textsuperscript{44} difficulties in law enforcement,\textsuperscript{45} and violation of sovereignty,\textsuperscript{46} such as illegal trespassing, drug smuggling, human smuggling, and conflict over natural resources management. A border also has fundamental function; for defending from both external and internal threats as well. A border similarly aims to strengthen the territorial clarity. In general, the structure of this paper is as follows: background, land boundary making between Indonesia and Malaysia, legal basis of Sebatik Island demarcation process, negotiation models that discuss both the existing model and the recommended model, and the concluding remarks.

\textsuperscript{40} Soerjono Soekanto and Sri Mamudji, 	extit{Penelitian Hukum Normatif [Normative Legal Research]} (Depok: Raja Grafindo Press, 2018), 12-13.
\textsuperscript{41} Matthew B. Miles and A. Michael Huberman, 	extit{Qualitative Data Analysis} (Jakarta: UI Press, 2007), 12.
\textsuperscript{42} Walter Carlsnaes, Thomas Risse, and Beth S. Simmons, 	extit{Handbook Hubungan Internasional [International Relationship Handbook]} (Bandung: Penerbit Nusa Media, 2021), 341.
\textsuperscript{43} Haim Srebro and Maxim Shoshany, 	extit{International Boundary Making} (Copenhagen: FIG Publication, 2013), 17.
\textsuperscript{45} Sudjito Atmoredjo, 	extit{Hukum dalam Pelangi Kehidupan [Law in Dynamic Life]} (Yogyakarta: Dialektika, 2018), 65.
\textsuperscript{46} I Made Andi Arsana, 	extit{Beyond Borders, Multi Dimentions of the Indonesian Borders} (Yogyakarta: Galangpress Printing, 2009), 45.
II. INDONESIA AND MALAYSIA LAND BOUNDARIES

The land border starts from Tanjung Datoe in the westernmost part of Borneo Island to Sungai Pancang in the easternmost part of Sebatik Island with the distance of 2,004 km. Referring to the theory of boundary making by Jones, he stated that the determination of international boundaries consists of four stages, namely: allocation (political decision to allocate territory), delimitation (delimitation of the boundary in a treaty); demarcation (demarcation of the boundary on the ground); and administration (administration of the boundary). The determination of state boundaries is examined from several perspectives and the types of boundaries are classified as follows:

a) Physical types: Boundaries are determined according to natural features: mountains, deserts, lakes, bays, straits, rivers, canals, and swamps. For example, the boundary between Indonesia and Malaysia in the island of Borneo is determined by following the watershed or dividing water line located in the top of mountains.

b) Geometric types: Boundary determined by straight lines that disregard the topography, which are meridian, parallel or loxodrome. For example, Sebatik Island is determined by following the parallel 4° 10’ north latitude.

c) Anthropogeographic types: Boundary is determined by taking into account the human occupation of the land.

d) Complex types: Boundary is determined by considering adapted to various aspects.

Allocation is the political division of territory between two countries. In modern times, allocation is usually the result of a compromise between the two parties representing the boundaries of the two countries. During the colonial period, it was also used for agreements between two colonial powers. This allocation is determined in several ways. The first method of dividing a territory refers to general boundaries, such as a line separating tribe, villages, or a line along watershed. The second method is to refer to previously known

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49 Ibid, 5.
international or administrative boundaries. The next method is to refer to natural geographical elements. The geographical elements commonly used are mountain ranges, rivers, lakes, and valleys. The fourth method is the method used in the colonial period, namely the geometric method. This method refers to straight lines of meridians or parallels used mainly in unimportant areas or less populated regions.\textsuperscript{50}

Delimitation is the process of selecting a boundary position, which is then defined in terms and set out in a treaty or agreement. The delimitation stage is the most complex stage of the process. Allocation refers to the boundary situation in general, leading to uncertainty about the actual boundary line. Delimitation specifically defines the boundary line and its location, therefore solving the problem of uncertainty and possible disputes, allowing the State to carry out developments along the border. The main task of the expert team is to prepare the delimitation, including field studies (field reconnaissance), the definition of geodetic parameters and their implementation, and the definition of graphical information, including maps required as a background for the presentation of boundary lines in the agreement. The geodetic datum is of fundamental importance in the delimitation process, since it affects the coordinate position of the boundary pillars. Delimitation must be carried out carefully and with honesty by both parties to obtain the best data to ensure successful demarcation and permanent boundaries in the future.\textsuperscript{51}

Demarcation is a process that includes the installation of boundary markers (monuments/pillars), surveying and recording, coordinate calculation, and map production. Demarcation is the final application and marks the boundaries on the field. Demarcation is more of a mechanical process compared to delimitation, which involves the installation of beacons or numbering of pillars or signs and recording of these signs on the map.\textsuperscript{52} Demarcation defines the final boundary on the ground. Most of the demarcation work is technical, such as establishing control points, triangulation, aerial photography, mapping the boundary area, and erecting monuments. At this stage, the map plays a central role because it serves as a reference for determining the boundary lines or the position of boundary marks. The map must be produced on an appropriate scale.\textsuperscript{53}

\textsuperscript{53} Ralf Wolfgang Schroth and Hans-Dieter Arnold, “Demarcation of International Border
The demarcation phase is very important for several reasons. Firstly, it clarifies the requirements for being a sovereign country with clear territorial boundaries. Secondly, it emphasizes the limits of sovereignty, power, and rights of a country or state sovereignty over its territory and citizens. Thirdly, it clarifies the limits of the sovereignty and rights of a neighboring country and its citizens. It also emphasizes the rights, duties and responsibilities of citizens within the territory of their country. Finally, it clarifies the boundaries of a country’s management of the resources within its territory.\(^{54}\)

Border administration involves the relationship between the two countries at the border with regards to the movement of people, goods, and security control, including border crossings, roads, communications, water use, agriculture, border management, and border line maintenance. Since boundary administration is very important for maintaining various types of relations between the countries and preventing conflicts, it is highly recommended that a joint committee is formed to carry out boundary administration activities.\(^{55}\) Boundary administration is also required when the boundary has not been properly demarcated, and administration is also required when the boundary is disputed. In the case of international boundaries, it is very important to maintain the boundary markers on the ground, such as boundary pillars and other appropriate markers erected along the border. For land boundaries, where there is no detailed boundary documentation, the position of the demarcated pillars is the evidence of the location of the boundary. This evidence is also important for the continuation of boundary administration to prevent intentional or unintentional violations of sovereignty. Examples of such illegal activities are illegal construction of road and other infrastructure and illegal exploitation of natural resources. At certain times, these illegal activities give rise to disputes between countries and can even lead to armed conflict.\(^{56}\)

The four stages of boundary making were not always carried out as a linear sequence of work. The stages of allocation and delimitation stages are sometimes carried out simultaneously. At the time of delimitation, both the political and the agreed boundaries are established. In some places, demarcation takes place even though there is no governing agreement yet.

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\(^{55}\) Ibid.

The stages of delimitation also take a long time. The determination of the boundaries between Indonesia and Malaysia took hundreds of years, starting from the allocation stage by the Dutch and the British in 1891.\textsuperscript{57}

The allocation and delimitation stages of the boundaries between Indonesia and Malaysia on the islands of Borneo Island and Sebatik was carried out by the Netherlands and the United Kingdom. The results of this stage were an agreement between the Netherlands and the British, namely the 1891 Convention, 1915 Agreement, and 1928 Convention.\textsuperscript{58} The Netherlands and the British had also carried out limited demarcation activities in special areas in 1912-1913. The demarcation was carried out by installing Green Pillar (GP) 1 (2 boundary pillars) at the intersection of the Pensiangan River, GP 2 at the intersection of the Seboeda River, and GP 3 at the intersection of the Agisan River. GP 1, GP 2, and GP 3 are set to intersect with each river at 4° 20’ north latitude, in accordance with the 1891 Convention and 1915 Agreement. A further demarcation was made by the Netherlands and the British on Sebatik Island by erecting 18 boundary pillars at 4° 10’ north latitude. This demarcation was then recorded in the 1915 Agreement.\textsuperscript{59} After the independence of Indonesia and Malaysia, the two countries continued the process of demarcation. The stages of international boundary making between Indonesia and Malaysia can be seen in Figure 2.

In Figure 2, the author combines the stages of boundary making with the time period for conducting the boundary survey. From the figure it can be seen that the processes of allocation and delimitation were theoretically completed during the colonial period. The next stage, demarcation and administration, took place in the post-colonial period. From the time period it can be concluded that the country is currently in the administrative stage, where the previous stages should have been completed.

\textsuperscript{57} Asmoro, \textit{Catatan Konvensi 1891}.
\textsuperscript{58} Saru Arifin, \textit{Hukum Perbatasan Darat antar Negara [Law of Land Boundary among Countries]} (Jakarta: Sinar Grafika, 2014), 82-100.
\textsuperscript{59} Asmoro, \textit{Catatan Konvensi 1891}. 
The positive aspect of this demarcation model is that the process is linear, which makes it easier to apply on the ground. A systematic sequence of stages provides guidance on the stages of activities that need to be carried out in the boundary making process.

III. LEGAL BASIS OF DEMARCATION PROCESS IN SEBATIK ISLAND

The legal basis for the division of the Sebatik Island between the British and the Netherlands is the Boundary Convention of 1891, signed in London on 20 June 1891. This convention allocated the northern part of the island to the British and the southern part to the Netherlands, based on the 4°10’ north latitude.\textsuperscript{60} The convention served both as an allocation stage between the

\textsuperscript{60} Convention between Great Britain and the Netherlands Defining Boundaries in Borneo (signed 20 June 1891).
two colonial powers and as a delimitation stage. The demarcation process was directed by the Boundary Convention of 1891, which resulted in the demarcation process outlined in the Boundary Agreement of 1915. This agreement, signed in London on 28 September 1915, established two pillars on the east and west coasts and adhered to the $4^\circ 10'$ north latitude as directed in the 1891 Convention.

The third legal basis is the minutes of the 10th JWG OBP, signed at Genting Highlands on 13 April 2018. This legal basis states that the resolution of the OBP should refer to the related agreement as mentioned in the MoU of 1973. The fourth legal basis is the minutes of the 42nd JIM signed at Bandung on 11 October 2018. The 42nd JIM ratified the minutes of the 10th JWG OBP and gave directions for a joint survey team from Indonesia and Malaysia to conduct another survey on the boundary line on Sebatik Island.

Based on the joint survey team’s direction, both countries conducted a re-demarcation in 2019 through three steps. The first step involved rectifying the East Pillar position, which will become the latitude of a boundary pillar on the west coast of Sebatik Island and all other boundary pillars in between the two aforementioned pillars. The adopted latitude of the East Pillar was then used as the alignment of the international boundary in Sebatik Island. The geodetic coordinates of East Pillar to be adopted are Latitude $4^\circ 10’ 0.53742”$ North and Longitude $117^\circ 54’ 3.56458”$ East. The first step was conducted during the survey period from June to July 2019.

The second step of re-demarcation was conducted during the survey period from August to September 2019. The aim of the second step was to stake out 24 reference markers in the territories of Indonesia and Malaysia. Reference markers are not boundary markers. Their only function is as a control point.

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61 Arifin, Hukum Perbatasan Darat.
62 Agreement between Great Britain and the Netherlands relating to the Boundary between the State of North Borneo and the Dutch Possessions in Borneo (signed 28 September 1915).
63 Minutes of the Tenth Meeting of Joint Working Group on the Outstanding Boundary Problems (JWG OBP) of the Joint Demarcation and Survey of the International Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2018, 2-3.
64 Minutes of the Forty Second Meeting of the Joint Indonesia-Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2018, 13-15.
65 Minutes of the Forty Eighth Meeting of the Joint Indonesia-Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2019, 20.
66 Minutes of the Eleventh Meeting of Joint Working Group on the Outstanding Boundary Problems (JWG OBP) of the Joint Demarcation and Survey of the International Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2023, 3.
67 Ibid.
for guidance in establishment of new boundary markers in Sebatik Island. The third step was conducted during the survey period from September to November 2019. The goal was to investigate, demarcate, and survey for new boundary markers. In total, the joint technical team of Indonesia and Malaysia succeeded in establishing 148 new boundary pillars during the survey period. The composition includes three new markers of type A; PA01, New West Pillar and rectified East Pillar, as well as 10 new markers of type B, and 135 new markers of type C.

IV. NEGOTIATION MODELS

A. EXISTING MODEL

The negotiation process was initiated by the organization after studying the relevant documents. The discussion of this negotiation began with an informal meeting between Indonesia and Malaysia in Kuala Lumpur on 6 December 1972, regarding the demarcation of national boundaries. The results of the first stage of negotiations led to an MoU being signed on 26 November 1973 in Jakarta. In addition to forming boundary organizations, agreed on several matters, including determining priority areas for surveying, survey procedures, operational stages, finance, security personnel, logistics and communications, migration clearance and custom clearance.

Subsequent negotiations took place in 1974 finalized the organizational structure below the Technical Committee and provided a detailed of the demarcation’s implementation. The negotiations resulted in the signing of documents known as Minutes of the First Meeting Boundary Committee, or 1st JIM, on 16 November 1974 in Kota Kinabalu, Malaysia. The organizational structure below the Technical Committee consists of the Co-Project Director (CPD), Chief of Field Parties (CFP), and Team Leader (TL). The 1st JIM agreed to conduct a demarcation survey from 1 April 1975 simultaneously in the western sector and the eastern sector of Borneo Island, starting from Tanjung Datoe on the west coast and Sungai Ular (Bukit Sikapal) on the east coast. The roles and responsibilities of the CPD, CFP, and TL are explained below:

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68 Ibid.

69 Ministry of Home Affairs of the Republic of Indonesia and Ministry of Water, Land and Natural Resources Malaysia, Memorandum of Understanding.

70 Minutes of the First Meeting of the Joint Indonesia- Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1974, 7-8.
1. Co-Project Director
   a. Planning and phasing operations of the project.
   b. Formulate rules pertaining to field technique and procedure.
   c. Standardization of field books and booking procedure.
   d. Decide on types of field plan uses.
   e. Organization of security arrangement.
   f. Hold monthly Co-Project Director meetings to discuss any field problems that arose during the course of the survey and to implement decisions. If there are disagreements, the matter will be referred to the respective Technical Committee. The meeting is to be held alternately in Indonesia or Malaysia.

2. Chief of Field Parties
   The task of Chief of Field Parties is to see that the survey operations are carried out smoothly and implement all decisions made by CPD.
   a. Plan the organization of the whole project in detail.
   b. Liaise with the security force for security protection during insertion and withdrawal of survey team from the camp site.
   c. Arrange the logistics for land and/or sea, river, air.
   d. Organize supplies for boundary marker construction.
   e. Visit each team at least once a month.
   f. Make a monthly joint progress report to be submitted to the CPD.
   g. Seek close liaison with their counterpart at all phase of the project.
   h. Solve any technical or field problems that arises. If there are disagreements, they will refer to the CPD.
3. Team Leader

The Team Leader of each team is responsible for executing the survey work expeditiously in the field.

a. Carry out all instructions as directed by the CFP.

b. Seek close liaison with their counterpart and the security force in detailed planning and execution of the work.

c. Endeavor to solve any filed problems that arise. If no decision can be made, he will refer the matter to his CFP.

d. Seek close consultation with his counterpart and security force in the selection of camp site with regard to the close proximity of the working site and the source of water supply.

e. Organize the supply of materials.

Based on the tasks described above, it can be inferred that the CPD, CFP, and TL were granted both technical and negotiation authority to address any issues that may arise during the demarcation survey. This indicates that the negotiation process has already begun in the field due to technical problems related to the interpretation of the agreements between the Netherlands and the British when implemented in the field. In addition to the technical capabilities, personnel within the border organization must possess diplomatic skills.

Unlike the Malaysian border organization, the Indonesian border organization is formed ad hoc consisting of various ministries/institutions. This condition creates several weaknesses when the personnel appointed have limited knowledge about border issues, resulting in longer time required to meet the requirements as border practitioners. During survey activities, negotiations, or meetings, individuals were unable to suggest appropriate solutions. Additionally, budget administration poses a challenge as ministries/agencies all have different budgets, leading to administrative problems. This issue arises due to differing program priorities among ministries/institutions. These budgetary constraints also make it difficult to conduct field activities and demarcation surveys.

In terms of personnel, the border committees of Indonesia and Malaysia have different sources. The Chief of JBC is Secretary General of the Home Affairs Ministry, while the Chief of JBTC is the Director General for Territorial
Defense Area of the Defense Ministry. The CPD is a senior officer from the Directorate of Topography of the Indonesian Army, while the CFP and TL are junior officers from the same directorate. In Malaysia, the JBC is chaired by Secretary General of the Ministry of Water Land and Natural Resources, while the Chief of JBTC is the Director General Survey and Mapping Department of the same ministry. The CPD serves as the Divisional Director of Survey for the Sabah Topographical Mapping Division of the Department of Survey and Mapping. The CFP and TL are also part of the Sabah Topographical Mapping Division Department of Survey and Mapping under the Malaysia Ministry of Water, Land and Natural Resources. Being a member of the border organization of Malaysian side provide advantages such as effective coordination and administration, as all members belong to the same Ministry of Water, Land and Natural Resources.

An organization is a system comprising of various elements or subsystems, each of which interacts with the others to achieve the goals or objectives of the organization.\textsuperscript{71}\ The main goals or tasks can only be achieved if each part of the system functions properly. The organization is governed by specific procedures that all elements within it must follow. Indonesian border organizations are groups made up of several related ministries/institutions, both technical and diplomatic, with varying backgrounds and interests.

According to the result of study, there is still overlap in the ministries/institutions that have the authority to manage the boundary area. This is due to inadequate coordination between the agencies responsible for implementing border area management policies. The ad hoc boundary committee has several weaknesses in terms of leadership, structure, programs, and resources.

The study’s results indicate that the Chairman of the JBC, who is also the Secretary General of the Ministry of Home Affairs, lacks full control over the personnel assigned to the border organizations due to their diverse agency origins. The Chairman of the JBC does not possess the authority to appoint personnel for the border organizations under their coordination. According to this condition, the JBC Chairman does not possess the authority to replace staff who do not meet the required qualifications. The authority to do so remains with the original institution. The current negotiating model consists of different agencies chairing each level, but it lacks integrated control and supervision.\textsuperscript{72}


\textsuperscript{72} Ikhwanudin, Kajian Penyusunan Kelembagaan Pengembangan Kawasan Perbatasan Antarnegara [Study on Institutional Development of Interstate Border Areas] (Jakarta: Bappenas, 2006), 9.
The border organization’s current structure comprises multiple agencies, leading to suboptimal coordination and communication due to their differing main tasks. Reporting ongoing negotiation results sequentially, from the CPD Meeting level to the JBTC Meeting and then to the JBC Meeting, requires a lengthy mechanism. The 45th CPD Meeting, which took place in Bandung in November 2017 was reported at the 47th JBTC Meeting that was held in Bandung in April 2018. Subsequently, the 47th JBTC Meeting was reported at the 42nd JBC Meeting held in Bandung in October 2018. The data in this document indicates that the negotiation process and reporting mechanism are ineffective. To achieve the set goals, it is vital to expedite the reporting procedures and implementation of negotiations at each level.

At each level of the CPD, JBTC, and JBC meetings, an agreement is reached in the form of a program, such as the Investigation Re-fixation and Maintenance (IRM) survey program. This survey program is influenced by resources, such as budgets and implementation staff. The respective ministries/institutions retain the resources for implementing the survey program, which can lead to administrative problems in the field, including a shortage of staff. The documents provide several examples of program failure due to suboptimal resources.

According to the 34th MICD document of 2007 for the 2006 IRM survey program of sectors C 001 to C 200 Priority Area III (C-D), there was a personnel imbalance between the Indonesian and Malaysian survey teams. The 2006 IRM survey program of 30.70 km was only completed in 10 km. The 35th IMCD document in 2008 and the 36th MICD document in 2009 both reported an imbalance of personnel between the Indonesian and Malaysian survey teams in sector B 3300 to C 001 Priority Area II (B-C) and sector C 700 to D 001 Priority Area III (C-D). The survey coverage was only 9,591

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73 Minutes of the Forty Fifth Meeting of the Co Project Director for Kalimantan Utara and Sabah 2017.
74 Minutes of the Forty Seventh Meeting of the Joint Indonesia- Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2018.
75 Minutes of the Forty Second Meeting of the Joint Indonesia- Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2018.
76 Minutes of the Thirty Fourth Meeting of the Co Project Director for Kalimantan Timur and Sabah 2007, 2-3.
77 Minutes of the Thirty Fifth Meeting of the Co Project Director for Kalimantan Timur and Sabah 2008, 2-3.
78 Minutes of the Thirty Sixth Meeting of the Co Project Director for Kalimantan Timur and Sabah 2009, 2-3.
km, which is significantly less than the agreed 30,486 km between the two countries.

During the demarcation stage, there was a close relationship between statesmen or politicians and technical experts. Technical experts carry out fieldwork based on political decisions made by the Indonesian and Malaysian governments. Politicians received input and directions from technical experts when negotiating the results of the demarcation in the field. Personnel within the boundary organization are granted negotiation and technical authority based on their level. Demarcation activities are reported in stages, starting from the Team Leader (TL), Chief of Field Parties (CFP), Co-Project Director (CPD), Joint Boundary Technical Committee (JBTC), and Joint Boundary Committee (JBC). This reporting mechanism is carried out annually at meetings, alternating between Indonesia and Malaysia, according to the level of authority.

The framework for the demarcation stage and the process of negotiating the boundaries of Indonesia and Malaysia is illustrated in Figure 3. This model has been in use since Indonesia and Malaysia conducted a continuous demarcation and survey in 1975, following the Netherlands and the British. During the negotiation period until 2022, Indonesia and Malaysia signed 23 MoU’s regarding land boundaries segments, excluding the disputed segments.
The initial meeting is the Joint Indonesia-Malaysia Co-Project Director Meeting (IMCD/MICD). During this meeting, the CFP of both countries report the results of their field work to the CPD. The next level is the Joint Indonesia-Malaysia Boundary Technical Committee Meeting (IMT/MIT), where the CPDs of both countries submitted reports to the Co-chair of the JBTC. The subsequent meeting is the Joint Indonesia-Malaysia Boundary Committee Meeting (JIM/JMI). During the meeting, the JBTC Co-chairs from both countries, presented their reports to the JBC Co-chair.

Based on the reviewed documents, the standard process for this model typically takes one to two years to complete a survey program, excluding the MoU. For instance, the demarcation survey program for segment priority area II (B-C) boundary pillars numbered B1800-B2000 in Borneo Island was conducted in the period of June to October 1977. The demarcation and survey result were reported by CFP during the 11th IMCD Meeting in November 1978. The CPD then reported the result during the 9th IMT Meeting at the

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79 Minutes of the Eleventh Meeting of the Co Project Director for Kalimantan Timur and Sabah 1978, 4.
The process of a demarcation survey program should be reported step by step for technical approval. This process requires significant effort, time, and expense. Once the survey has gone through a tiered reporting process and has been approved, the results of the demarcation are decided politically through the MoU. The demarcation stage produces an MoU, which is the initial resolution between the two countries without dispute. In case of disputed areas, the two countries have agreed not to sign the MoU. This established model requires time to achieve an agreement on the demarcation outcome. In fact, a survey program must be approved, which may take several years due to the lengthy negotiation process. The lack of legal certainty regarding line boundary segments can lead to various problems such as illegal trespassing, illegal trading and other threats to the mobility of people and goods. Moreover, the uncertain legal status of boundary markers can result in dispute over the management of natural resources and the border area.

B. RECOMMENDED MODEL

Implementing the mentioned model on Sebatik Island will ensure that the settlement of the dispute remains. The dispute is unresolved because the existing model lack opportunities to speed up the negotiation process. According to the findings of the data demarcation, the result of 2019 demarcation have only been signed by the Team Leader. The Field Plan of Sebatik Island, which is attached to the MoU, has not been signed at any level of negotiation. Additionally, the Team Leader must be approved by the CFP. In the following stages, the CFP must report to the CPD and the CPD must report to the JBTC. After being approved, the JBTC will report to the Chairman of the JBC, and a draft of the MoU will be prepared. Meetings at higher levels

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80 Minutes of the Ninth Meeting of the Joint Indonesia-Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1978, 8.
81 Minutes of the Sixth Meeting of the Joint Indonesia-Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1978, 3.
82 Ministry of Home Affairs of the Republic of Indonesia and Ministry of Water, Land and Natural Resources Malaysia, Memorandum of Understanding between the Government of Malaysia and the Government of the Republic of Indonesia on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak), 2018.
will only be held after lower-level meetings have been conducted, following bottom-up mechanism. This mechanism takes several years to complete. The description above suggests that the border organization structure, which involve ministries/agencies results in weak coordination and control, which in turn affects the implementation of surveys and negotiations. The bottom-up model makes it impossible to expedite the resolution of the Sebatik Island dispute.

The postponement of the resolution of the Sebatik Island boundary line dispute has led to complex effects. Based on documents examination, it was found that are currently two boundary lines on Sebatik Island. The first boundary line consists of a series of boundary pillars installed by the Netherlands and the British in accordance with the 1915 Agreement. The second boundary line is a series of boundary pillars constructed by Indonesia and Malaysia in 2019 during the re-demarcation survey. The Sebatik Island border is a matter of great importance due to the dispute over both the 1915 and 2019 boundary lines. The existence of two frontier lines on the ground raises doubts in management concerning the border area. The lack of a final legal status indicates that the disputed area does not yet belong to either Indonesia or Malaysia.

Boundary lines that have been agreed upon as a result of negotiations will have a clear legal status. If the boundary line has been agreed upon at a certain level in the negotiation process, it is an early indication that the boundary line will be agreed upon in the final agreement. The clarity of the boundary status is crucial in maintaining the integrity and sovereignty of a country. The results of the re-demarcation that have not been ratified do not have legal force, which means that the international border line dividing Sebatik Island is not legally binding. This has implications for territorial certainty and sovereignty. In international law, territory is central to confirming a state’s existence and its ability to exercise sovereignty. A sovereign state is a country that possesses independent and supreme authority, both internally and externally, free from the influence of other nations.

To expedite the resolution process of the Sebatik Island dispute through negotiations, this study recommends a modified top-down model. This model refines and complements the alternative negotiation process currently in practice. The model begins with a political decision to issue orders to lower levels to hold meetings, followed by the application of the mechanism back-to-back or simultaneously. This mechanism makes it possible to speed up the process by holding CPD and JBTC level meetings together to facilitate the joint signing of CPD and JBTC Cochair in the same year. The stage in the blue
box represents a reverse mechanism to the existing model. The recommended model is presented in Figure 4.

Figure 4 shows that negotiations can be accelerated through an order from the Chairman of JBC to Chairman of JBTC to conduct bilateral meetings. The blue box represents an accelerated process with a reverse mechanism compared to the conventional model, where bilateral meetings are conducted bottom-up and converted to top-down. The Joint Indonesia-Malaysia Boundary Technical Meeting (IMT/MIT) includes the Joint Indonesia-Malaysia Co Project Director Meeting (IMCD/MICD). This mechanism shorten the negotiation time. After the acceleration process, the Joint Indonesia-Malaysia Boundary Meeting (JIM/JMI) takes place, and the MoU is signed.

The mechanism process of accelerating can be described as follows. In the first step, CFP and TL prepare all data related to re-demarcation result, such as the joint progress report both TL and CFP, coordinate calculations and the Field Plan. In the second step, CFP presents the results to the IMCD/MICD Meeting. During the meeting, all data is signed by CFP and CPD, including the Field Plan. In the third step, is the CPD presents the result to the IMT/MIT meeting the following day. During the IMT/MIT meeting, the Chairman of JBTC will sign all data and the Field Plan. Finally, the Chairman of JBTC will present the results to the JIM/JMI Meeting. During the JIM/JMI Meeting, the Chairman of JBC will give approve to the re-demarcation results. After its approval, the re-demarcation results of Sebatik Island will be ready for the MoU. This simultaneous meeting can be held in only one week.

For the recommended model to work, several conditions are necessary. These include a commitment from various Ministries/Agencies involved in the boundary organization to resolve boundary disputes. This commitment is related to the assignment of personnel to the organization and the negotiation process. Ministries/Agencies must assign personnel who meet the requirements of experience, knowledge of science and technology, knowledge of international law, and good communication skills.

This commitment is related to providing sufficient budget for implementing the agreed program. Ad hoc boundary organizations result in the budget remaining with the technical ministries/agencies that implement the program of activities. The negotiation process requires an adequate budget. The recommended top-down model can save budget by conducting meetings simultaneously.

The leadership factor is a significant condition that can greatly influence the management process of a boundary organization. Effective leadership
from the top can ensure smooth operations and passionate personnel. Optimal work productivity can be achieved if the leader applies appropriate leadership type, style, and manner. The achievement of the boundary organization’s goals is largely dependent on the leadership skills of the leader. Leadership is a process that involves a relationship between a leader and others, with the goal of achieving a desired outcome. It is important to organize and achieve performance in order to make decisions effectively.

Figure 4: Recommended Model of Demarcation Stage and Negotiation

(Source: analyzed and prepared by authors)
The Sinapad-Sesai River segment OBP case provides an example of the application of the back-to-back or simultaneous mechanism. The technical method for resolving the Sinapad-Sesai River dispute was agreed upon at the 47th CPD Meeting in March 2023. A joint survey was conducted in May-July 2023 based on the agreement, and the CPD reported the results of the joint survey at the 12th OBP JWG Meeting held on 24-25 July 2023. Additionally, the CPD presented the findings of the survey at the 12th JWG OBP Meeting during the 49th JBTC Meeting on 26-27 July 2023, which was held concurrently with the 12th JWG OBP Meeting. During the 49th JBTC Meeting, the joint survey results were presented and the next survey, scheduled for the end of 2023, was approved. This was demonstrated by the accelerated approval process of the survey program for the settlement of the Sinapad-Sesai River segment boundary dispute case through this simultaneous mechanism. The suggested model was proven to accelerate the settlement of boundary disputes by reducing negotiation time.

A peace agreement between two countries is typically the outcome of a lengthy negotiation process between their respective governments. The aim of this negotiation is to reach an agreement that benefits from previous conflict situations and reflects the interests of all parties involved. Through negotiations, the parties involved in a dispute or disagreement can re-examine their rights and obligations in mutually beneficial manner, leading to a win-win solution.

Mondy suggests that for work to be implemented properly, the organization must adjust to the abilities and expertise of its personnel. Therefore, personnel should be assigned based on the principle of “the right man in the right place”. As for organizational structure, both the existing and recommended model should be run by personnel or human resources that meet the necessary

83 Minutes of the Forty Seventh Meeting of the Co Project Director for Kalimantan Utara and Sabah 2023.
84 Minutes of the Twelfth Meeting of Joint Working Group on the Outstanding Boundary Problems (JWG OBP) of the Joint Demarcation and Survey of the International Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2023.
85 Minutes of the Forty Ninth Meeting of the Joint Indonesia- Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2023.Minutes of the Twelfth Meeting of Joint Working Group on the Outstanding Boundary Problems (JWG OBP) of the Joint Demarcation and Survey of the International Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2023.
requirements and qualifications. Human resources play a crucial role in the negotiation process. The ad hoc organization can pose difficulties in assessment due to the varied backgrounds and expertise of personnel assigned to the border organization. Proper management of human resources is essential for achieving border organizational goals. Human resource management is essential in this border organization to ensure accurate operations and achieve the country’s goals in setting boundaries.

The individuals involved in the negotiation process must meet specific criteria. Firstly, they must be experienced personnel who have previously served as Team Leaders or Chief of Field Parties, providing them with a comprehensive understanding of international delimitation in the field. This experience is invaluable when negotiating based on factual evidence. Secondly, they must possess expertise in mapping science and technology. Proficiency in the science and technology of mapping is crucial for interpreting the Dutch and British agreements concerning technical aspects, such as coordinate systems and geodetic datums. The position of boundary coordinates is affected by the geodetic datum. Additionally, it was beneficial during negotiations, particularly in drafting standard operating procedures for boundary line measurement methods. Individuals lacking technical knowledge may encounter challenges when negotiating technical aspects, and errors in determining technical procedures can result in disputes during field measurements implementation.

Thirdly, personnel involved in the process should have adequate knowledge of international law to ensure adherence to it. Fourthly, they must be able to effectively communicate, which is crucial for achieving the goals.

The criteria were not met for several reasons, as explained earlier. Firstly, the ad hoc structure of the border organization, which comprised personnel from various ministries/agencies, made it difficult for the negotiations chairperson to determine which personnel met the criteria. Secondly, personnel were frequently replaced, resulting in a lack of comprehensive understanding of the negotiation process. This frequent personnel change led to an absence of a comprehensive understanding of a boundary dispute case. Personnel are appointed by the ministries/institutions of origin without considering their technical, legal, or communication skills.

Regarding leadership, this top-down model ensures strong leadership by the Secretary General of the Home Affairs Ministry as the Chairman of the JBC

88 Abidin, “Geodetic Datum,”
to manage personnel in the boundary organizations under their coordination. Leadership involves distributing arrangements and managing situations at a certain time. This model allows the Chairman of the JBC to effectively control all personnel during the current duty period through a simultaneous or concurrent meeting mechanism. This ensures overall charge of the negotiation process. In the recommended model, the Chairman of the JBC can organize activities, work mechanisms, and set goals during the negotiation process.

The negotiation process was completed more quickly than the current model. However, personnel from various ministries/agencies were not replaced before its completion. This top-down model ensures strong leadership from the Chairman of the JBC, which will influence all personnel in the boundary organization. The purpose of this leadership is to achieve the organization’s target or the target of the negotiation process, which is dispute settlement. All personnel can be directed to carry out orders or directions from the Chairman of the JBC. Leadership is the ability to influence others through direct or indirect communication with the intention of people so that they are willing to follow the will of the leader (Chairman of the JBC). If all personnel obey orders, the negotiation objectives will be achieved more expeditiously.

The programs that have been set and negotiated are more likely to be achieved under the top-down model. The mechanism in the existing model is that programs agreed at each level of negotiation must be approved at a higher-level meeting. For example, a survey program agreed at the CPD Meeting level must be approved at the JBTC Meeting level. The program agreement must also be approved at the JBC Meeting. Once approved at the JBC Meeting, the program can only be implemented in the field. Similarly, any legal agreement reached at the lower meeting level must first be reported to the higher meeting level. This mechanism causes delays in the implementation of the agreed program. As explained above, under the current mechanism, decision-making takes a long time. In fact, programs agreed at the lower level may be rejected by the higher level, which often prevents programs from being implemented. Delays in program activities at the border affect the settlement of disputes.

The approved programs can be implemented immediately based on the recommended model. This is because the program decisions have been approved at the highest level (JBC Meeting). The JBC Chairman then ordered the lower levels, namely the JBTC Meeting and the CPD Meeting, to be carried out simultaneously. Programs that have been approved at the JBC Meeting

do not require approval at the lower levels (JBTC and CPD Meeting). The program that has been set is implemented solely by the Chairman of the JBTC and the CPD. The approved program cannot be rejected or cancelled by the JBTC and CPD Meeting.

Negotiations for OBP began in 2000 with discussions about drafting a Term of Reference (TOR) for OBP. According to the document study, the JWG OBP was only able to hold an official meeting on 4 July 2012 in Bandung, since its inauguration on 4 February 2005 at the 29th JMI meeting in Johor Bahru, Malaysia. The JWG OBP Meeting was consistently postponed during this period for various reasons. There are two main reasons why border agreements cannot be withdrawn under international law. Firstly, it is a fundamental principle of international law. Secondly, parties have interests of each party that have not been fulfilled. Asserting the boundaries of a country’s territory is a top priority for every nation, as these boundaries determine a country’s sovereign territory. It is certain that each country will defend for its maximum claims over areas negotiated.

The time period for the negotiation process depends on ensuring national interests. In negotiation practice, an unspecified period of time is determined to settle disputes over boundaries. The settlement of border negotiations is subject to an agreement and the readiness of the parties to accept the results of negotiations based on specific considerations explicitly political, legal, technical and security. The process of defining a country’s territory involves technical elements from various agencies involved in the boundary delimitation process. The technical agency’s role is to provide specific technical input during negotiations in line with national interests.

Negotiation offers several advantages. Firstly, it allows the parties to negotiate directly with each other. Secondly, the parties have the freedom to determine how a negotiated settlement is carried out according to the agreement. Thirdly, the parties supervise and directly monitor the settlement procedure. Fourthly, in negotiations, the parties seek a solution that is acceptable and satisfactory to all involved. Finally, negotiations avoid public attention and domestic political pressures. Negotiation can be used at every stage of dispute resolution, whether in writing or verbally, bilaterally or multilaterally. The top-down model, combined with professional and qualified personnel, strong leadership and ensured approval program can speed up the settlement of boundary dispute on the Sebatik Island.
V. CONCLUSION

The negotiation process model currently employed by Indonesia and Malaysia, which utilizes a bottom-up mechanism, has several weaknesses. Firstly, tiered meetings at higher level should only be held after reports from the lower-level meetings. The sequence of meeting should be as follows: Co-Project Director Meeting (IMCD/MICD), followed by the Joint Indonesia-Malaysia Boundary Technical Meeting (IMT/MIT), and finally the Joint Indonesia-Malaysia Boundary Meeting (JIM/JMI). The second weakness of the tiered mechanism is that it takes a longer period of time to reach an agreement. These weaknesses have resulted in delays in the settlement of boundary disputes on Sebatik Island. The recommended model, namely top-down with a back-to-back or simultaneous mechanism, provides several advantages. The first advantage, is that the meetings at several levels can be held simultaneously without having to wait for meetings at the lower levels. The advantage of the meeting sequence is that both of the Co-Project Director Meeting (IMCD/MICD) and the Joint Indonesia-Malaysia Boundary Technical Meeting (IMT/MIT) can be held simultaneously during the Joint Indonesia-Malaysia Boundary Meeting (JIM/JMI). This simultaneous mechanism provides the possibility of accelerating the negotiation process for the settlement of boundary disputes on Sebatik Island.
REFERENCES

Journals and Articles
Lestari, Tri Ditaharmi. “Sengketa Batas Laut Indonesia Malaysia (Studi atas Kasus Sipadan Ligitan: Perspektif Indonesia) [The Maritim Boundary Dispute between Indonesia and Malaysia (A Study of Sipadan Ligitan Case: An Indonesian Perspective)].” Jurnal Panorama Hukum 4, no. 1 (2019).


Books and book chapters


**Legal Documents**

Agreement between Great Britain and the Netherlands relating to the Boundary between the State of North Borneo and the Dutch Possessions in Borneo (signed 28 September 1915).

Convention between Great Britain and the Netherlands Defining Boundaries in Borneo (signed 20 June 1891).


Directorate of Topography, Indonesian National Army Forces.


Negotiation Model of Disputed Boundary on Sebatik Island

(Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak), 2018.

Minutes of the Eleventh Meeting of the Co Project Director for Kalimantan Timur and Sabah 1978.

Minutes of the Eleventh Meeting of Joint Working Group on the Outstanding Boundary Problems (JWG OBP) of the Joint Demarcation and Survey of the International Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2023.

Minutes of the Fifteenth of the Joint Indonesia- Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1983.

Minutes of the First Meeting of the Joint Indonesia- Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1974.

Minutes of the Forty Eighth Meeting of the Joint Indonesia- Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2019.

Minutes of the Forty Fifth Meeting of the Co Project Director for Kalimantan Utara and Sabah 2017.

Minutes of the Forty Ninth Meeting of the Joint Indonesia- Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2023.

Minutes of the Twelfth Meeting of Joint Working Group on the Outstanding Boundary Problems (JWG OBP) of the Joint Demarcation and Survey of the International Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2023.

Minutes of the Forty Second Meeting of the Joint Indonesia- Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2018.

Minutes of the Forty Second Meeting of the Joint Indonesia- Malaysia Boundary Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2018.

Minutes of the Forty Seventh Meeting of the Co Project Director for Kalimantan Utara and Sabah 2023.

Minutes of the Forty Seventh Meeting of the Joint Indonesia- Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 2018.

Minutes of the Forty Seventh Meeting of the Co Project Director for Kalimantan Timur and Sabah 1983.

Minutes of the Ninth Meeting of the Joint Indonesia- Malaysia Boundary Technical Committee on Demarcation and Survey of the International Boundary between Indonesia (Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1978.

Minutes of the Sixth Meeting of the Joint Indonesia- Malaysia Boundary Committee
on Demarcation and Survey of the International Boundary between Indonesia 
(Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1978. 
Minutes of the Tenth Meeting of the Joint Indonesia- Malaysia Boundary Committee 
on Demarcation and Survey of the International Boundary between Indonesia 
(Kalimantan Timur & Kalimantan Barat) and Malaysia (Sabah & Sarawak) 1984. 
Minutes of the Tenth Meeting of Joint Working Group on the Outstanding Boundary 
Problems (JWG OBP) of the Joint Demarcation and Survey of the International 
Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2018. 
Minutes of the Tenth Meeting of Joint Working Group on the Outstanding Boundary 
Problems (JWG OBP) of the Joint Demarcation and Survey of the International 
Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2018. 
Minutes of the Thirty Fifth Meeting of the Co Project Director for Kalimantan Timur 
and Sabah 2008. 
Minutes of the Thirty Fourth Meeting of the Co Project Director for Kalimantan Timur 
and Sabah 2007. 
Minutes of the Thirty Sixth Meeting of the Co Project Director for Kalimantan Timur 
and Sabah 2009. 
Minutes of the Twelfth Meeting of Joint Working Group on the Outstanding Boundary 
Problems (JWG OBP) of the Joint Demarcation and Survey of the International 
Boundary between Malaysia (Sabah) and Indonesia (Kalimantan Utara) 2023. 
Minutes of the Twenty Ninth Meeting of the Joint Indonesia- Malaysia Boundary 
Committee on Demarcation and Survey of the International Boundary between 
Indonesia (Kalimantan Utara & Kalimantan Barat) and Malaysia (Sabah & 
Sarawak), 2005.