



The Phenomenon of Border Dispute Resolution in Elpaputih Sub-District

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ABSTRACT

The perspective of Central Maluku Regency and West Seram Regency in resolving boundary conflicts in Elpaputih District in its development continues to be an interesting phenomenon to be studied, which until now has not answered the demands of the community in a solution that is as expected. The Regional Government is considered unable to provide the best solution to resolve the boundary conflict, so it attracts attention to be researched and studied in depth. From the results of qualitative assessment in this study, several strategic steps need to be taken by local governments in resolving border conflicts in Elpaputih District, namely First. realizing recognition, namely both parties (District Government) must recognize the reality and conflict situation that occurs between them (recognition of the interests fought by the community). Second, considering interests, namely the government needs to accommodate the interests that are fought for must be neatly organized, not scattered and compartmentalized so that each party does not feel disadvantaged by government decisions and clearly understands the scope of interests and needs of the community. Third, building an agreement, namely the two parties (District Government) agree on the rules of the game which become the basis and guide in relations and interactions between the government and the community. Fourth, prioritizing firmness, namely the government must be wise and firm in executing every decision that has been agreed upon by prioritizing socialization in a reel to the community.

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INTRODUCTION

Autonomy has had a significant impact on improving public services and breaking the chain of command between regions within a single province. However, border disputes have become a ticking time bomb in every formation of new autonomous regions that separate from their parent regency. One of the most notable impacts is the border dispute between Central Maluku Regency—established in 1956 as the parent regency—and West Seram Regency, which was formed in 2003 as a result of regional division (Ramadhan, 2023).

This dispute has affected several villages, including Samasuru, Sahulau, and Paulohi in Elpaputih District. Samasuru Village, in particular, is still not registered with the Maluku Provincial Government due to the border conflict between Central Maluku Regency and West Seram Regency. As a result of the territorial struggle, the residents of Samasuru have suffered greatly (Hasim et al., 2025).

To this day, Samasuru Village is not officially recognized as a village by the Maluku Provincial Government—neither by Central Maluku Regency nor by West Seram Regency. This border issue has also affected administrative affairs such as the issuance of ID cards, as well as the education sector (Rochgiyanti, 2022). For over 10 years, residents in the affected villages have not received any government funding from the provincial, regency, or national government. Although follow-up actions have been taken through legal and governmental channels, both regencies must resolve the matter, ideally under the direction of the Ministry of Home Affairs (Surata, 2023).

According to a commissioner from the National Commission on Human Rights (Komnas HAM), the settlement of the border dispute in Teluk Elpaputih District between the governments of West Seram Regency (SBB) and Central Maluku must be based on previously issued legal decisions. These legal decisions form the primary legal foundation for resolving the conflict between the two parties.

The legal instruments used as references for resolving the conflict between SBB and Central Maluku include Constitutional Court Decisions No. 123/PUU-VII/2009 and No. 1/SKLN-VIII/2010, Supreme Court Decisions No. 46 P/HUM/2010 and No. 10 P/HUM/2011, and Minister of Home Affairs Regulations No. 29/2009 and No. 62/2012. Although the legal basis exists and is clear, several of these rulings contradict one another and have created confusion among the public in exercising their rights and fulfilling their obligations. For example, Constitutional Court Decision No. 123/PUU-VII/2009 states that Elpaputih District should be returned to Central Maluku, while Minister of Home Affairs Regulation No. 29/2009 declares the district as part of SBB. These conflicting rulings have led many residents of Elpaputih District to abstain from participating in regional elections in both SBB and Central Maluku (Puja Sastrawan, 2023).

Several pieces of evidence illustrating the complexity of the boundary dispute between these two regencies can be found in the Court Transcript of Case No. 123/PUU-VII/2009 concerning the Judicial Review of Indonesian Law No. 40 of 2003 on the Establishment of East Seram, West Seram, and Aru Islands Regencies in Maluku Province (Sagala, 2023). On December 18, 2003, the President, with approval from the DPR (House of Representatives), ratified and enacted Law No. 40 of 2003 on the formation of East Seram, West Seram, and Aru Islands Regencies in Maluku Province.

The intent and purpose of enacting the law were to improve public services in governance, development, and community affairs (Sitompul, 2023). The division of Central Maluku was aimed at encouraging better service delivery and providing opportunities for regional potential development. However, in practice, the intentions behind the law have not been fully realized due to the inclusion of a specific article—Article 7, paragraph (4) and its explanatory note—which pertains to the territory of West Seram Regency. In reality, the appendix to the law, which serves as the legal umbrella for Article 7 paragraph (4), has caused constitutional harm to the petitioners (Hubanova et al., 2021).

This constitutional harm manifests in several ways: First, in relation to the number of villages in Teluk Elpaputih District. Second, the article has created legal uncertainty by implying the existence of two governments. Third, financially, it has led to constitutional losses as residents from West Leihitu District are recorded as residents of a different district in West Seram. This has resulted in the issuance of dual ID cards, the establishment of parallel institutions (two districts, two health centers, and two education offices within a single territory). While some may benefit from overlapping services, in terms of taxation, residents feel burdened as they may be required to pay taxes either to Central Maluku or to West Seram.

In the democratic process, even though the governor has declared that residents of Wasia, Sanau, and Teluk Elpaputih are listed as voters in Central Maluku, in practice many residents abstain because they are uncertain which DPRD (Regional House of Representatives) their votes support—Central Maluku or West Seram.

Another constitutional harm is the disruption of traditional kinship relations (*patuanan*) that have existed for generations in Leihitu and West Leihitu Districts, relating to the administrative map of Central Maluku and West Seram Regencies. However, according to the Ministry of Home Affairs' expert staff, after reviewing all the issues, this matter is not merely about constitutionality (Fauzi, 2023). Instead, it concerns the broader issue of implementing regional autonomy, particularly in enforcing administrative boundaries and delivering government services.

Thus, the debate and problems over border demarcation continue to evolve into an institutional conflict in Elpaputih District. Therefore, it is crucial for local governments to take strategic steps to address the border dispute in Elpaputih as a conflict resolution measure to establish clear territorial boundaries, especially since the district lies exactly on the border between Central Maluku and West Seram Regencies.

METHODS

The qualitative research method is also referred to as *Participant-Observation* because the researcher themselves must serve as the primary instrument in data collection by directly observing the object being studied. The data produced by this method are descriptive in nature, consisting of written or spoken words focused on the research object (Kusumastuti & Khoiron, 2019). The object of this study relates to the predetermined research variables, specifically focusing on the “Phenomenon of Boundary Conflict Resolution in Elpaputih District.” The scope of the study includes the Government of West Seram Regency, the Government of Central Maluku Regency, and the people of Elpaputih District .

Each research activity will be carried out systematically through the use of research methods designed as an approach to generate empirical facts, by applying a series of methodological steps to the data collected and presented (Abdussamad & Sik, 2021). This involves a qualitative data analysis process conducted systematically, beginning during the data collection phase and carried out thoroughly both in the field and after leaving the field.

The analysis process is conducted qualitatively through data reduction, data summarization, and drawing conclusions. During data reduction, all notes obtained from document studies, participant observations, and qualitative interviews are reviewed to identify significant matters closely related to the research problem for analytical purposes (Soendari, 2012). Data summarization involves reorganizing and compiling the collected data into a more

systematic form to facilitate better understanding. Based on this summarized data, meaningful conclusions are drawn through *member checks* (checking, rechecking, and cross-checking), or triangulation, carried out during or after data collection to verify the reliability and validity of the findings in accordance with the qualitative analysis method (Ramdhan, 2021).

This approach facilitates the analysis of qualitative data related to the substance of the research object with great precision, ensuring that critical commentary results in research findings that are detailed, trustworthy, and recognized for their rationality, objectivity, credibility, and empirical qualitative rigor.

RESULTS AND DISCUSSION

Causes of the Boundary Dispute Between Central Maluku Regency and West Seram Regency

The boundary dispute between Central Maluku Regency and West Seram Regency is rooted in several common factors found in territorial conflicts across Indonesia. These include differences in interpreting maps attached to regional formation laws due to unclear sketches; inconsistencies between laws that establish neighboring regions; discrepancies between the main text and map attachments of these laws; emotional attachments of communities affected by regional divisions; and competition over natural resources for local revenue, such as water, land, forest products, oil, gas, and minerals—factors which Patrick Barron classifies as economic. However, each region has its own unique characteristics that can contribute to boundary disputes, including varying interpretations of legal documents and boundary markers (both natural and man-made), inconsistencies in boundary determinations and measurements, conflicting territorial maps, and contested recognition of administrative areas (FATHIR, 2024).

These factors specifically underlie the conflict between Central Maluku and West Seram, centered around the village of Samasuru. On December 18, 2003, Law No. 40 of 2003 was enacted with the approval of the President and DPR, establishing the East Seram, West Seram, and Aru Islands Regencies. While the implementation of this law proceeded, disputes emerged regarding boundary demarcation between the two regencies, revealing an intergovernmental conflict that involves Samasuru Village as the main contested area. Although agreements had been reached concerning physical boundary markers at certain points, the outcomes have not always aligned with the provisions of the law, even after prolonged efforts (RAMADHANNY, 2024).

According to interviews with officials from both regencies, strategic steps have been taken to resolve the boundary conflict in Elpaputih District, particularly concerning Samasuru Village. The local governments asserted that the dispute had been resolved, and in 2023, acting regents from both regencies met with the central government to secure a definitive solution. Part of Samasuru's population expressed a desire to remain under Central Maluku's administration, while some residents of both Samasuru and neighboring Elpaputih declared allegiance to West Seram. This divergence complicates efforts to reach a mutual agreement on boundary points and sustainable solutions for the village.

Given this situation, an effective conflict resolution strategy is essential, and must be analyzed across three dimensions: cognitive, affective, and conative. The cognitive dimension relates to knowledge of the legal basis for boundaries, which has sparked the conflict; the affective dimension reflects community attitudes toward the boundary issue; and the conative dimension

involves government actions and behavioral patterns in handling the conflict between Central Maluku and West Seram.

Understanding the Origins, Developmental Conditions, and Strategic Steps That Must Be Taken by Local Governments in Resolving the Border Conflict Between Central Maluku Regency and West Seram Regency

Based on the initial research findings underlying this study, public perceptions regarding the border conflict between Central Maluku and West Seram Regencies reveal that some Samasuru residents in the border area support and favor the border defined by the Central Maluku Regency. They hold firmly to the provisions of Law Number 40 of 2003, particularly Article 7 Paragraph (2), which states that West Seram Regency borders the east with North Seram District and Amahai District. Referring to this provision, the border between the two regencies should be at Kalitala or Waytala, in accordance with the pre-law conditions, and they support the governance conducted by the Central Maluku Regency Government (Jaya & Delmiati, 2022).

This is evident through the three dimensions of perception: cognitive, affective, and conative. Public perception is a process starting from observation leading to individual responses and awareness of an issue, in this case, the border dispute. This perception is shaped by the flow of information starting from the historical origins of the Samasuru and Elpaputih communities (as the cognitive dimension), forming opinions (affective dimension), and resulting in actions such as protests and road blockades against the West Seram Government (as the conative/behavioral dimension). On the other hand, the West Seram Regency insists that the eastern border lies at Kalimala or Waimala, as stated in Annex 2 of Law Number 40 of 2003. The distance between Kalitala (Waitala) and Kalimala (Waimala) is about 25 kilometers, which includes the villages of Sia, Sanahu, and Samasuru.

Field visits by researchers reveal that while the current situation in the border area is relatively peaceful, there remains latent conflict potential due to the community's polarization into three groups: supporters of the Central Maluku Regency Government, neutral parties, and those recognizing the authority of West Seram Regency. On the ground, administrative overlap exists, indicated by the presence of two sub-district offices in the same area: the Teluk Elpaputih Subdistrict Office in Saholaho (claimed by Central Maluku) and the Elpaputih Auxiliary Subdistrict Office in Paolohi or Samasuru (claimed by West Seram). Similarly, there are overlapping public services, especially in health care, and residents have suffered from political rights violations, such as being denied voting rights in seven elections (Febriana, 2025).

The study also finds that Law Number 40 of 2003 has caused constitutional harm due to Article 7 Paragraph (4) and its annex on regional boundaries. From a legal-anthropological perspective, this has disrupted social and cultural rights, including human rights, and undermined harmonious relationships, especially among communities in Teluk Elpaputih and Samasuru. This legal uncertainty contradicts Article 28D Paragraph (1) of the Constitution, which guarantees legal certainty and fairness.

Traditional lands (ulayat rights) once recognized as part of Maluku Tengah's customary territory have now become a source of confusion and uncertainty for Samasuru villagers due to conflicting policies from both regencies (Ramadhani, 2023). Community leaders and traditional authorities in Teluk Elpaputih have officially expressed their preference to remain under Central

Maluku through signed statements, indicating a collective will. The legal uncertainty and customary conflicts rooted in Law Number 40 of 2003 also contravene Article 28G Paragraph (1), which upholds citizens' rights to security and peace.

Continuing from the initial findings, this research proceeds to explore strategic steps that local governments must take to resolve the boundary dispute in Elpaputih Subdistrict. According to an interview with the Government Bureau of West Seram Regency: "The government continues to provide public services as usual. The border conflict in Elpaputih was officially resolved and finalized by both regencies, but the main issue lies with Samasuru residents who still want to remain part of Central Maluku due to previous official designation as a village by Central Maluku."

A further explanation from the Village Administration Bureau of West Seram Regency reveals that Samasuru was reclassified from a village to a hamlet (RT) when it was administratively included in West Seram. However, West Seram's government plans to accommodate the residents' wishes by reclassifying Samasuru as a preparatory village, with the intent to restore its village status within a year.

An interview with the Government Bureau of Central Maluku adds that while the government continues to deliver public services, the issue of Samasuru still requires mutual understanding between both governments. Strategic steps have been taken, including a meeting between the Acting Regents of both regencies and the Minister of Home Affairs in Jakarta. Normative criteria for village feasibility include territory size and population. Regarding customary rights, both regencies have implemented customary legal development, initiated through Regional Regulation Number 14 of 2005, which reaffirms customary villages. This has been followed by other regions, starting with Southeast Maluku. Such policies offer protection and recognition to indigenous communities, as outlined in Article 18A. For some Samasuru residents, remaining under Central Maluku is a voluntary, not forced, decision.

This border conflict has led to social frictions within the Teluk Elpaputih area, especially Samasuru, threatening values of kinship, solidarity (*masohi*), and mutual cooperation (*gotong royong*). Despite the daily appearance of normalcy, the presence of a police post indicates a latent threat to security—what legal anthropology describes as "organized antagonism" or enduring conflict. The result is overlapping and confused jurisdictional claims that leave indigenous communities in uncertainty, something the Constitution seeks to prevent.

Law Number 40 of 2003, specifically Article 7 Paragraph (4) and its annex, has caused significant constitutional harm. Legal uncertainty has jeopardized customary land rights and created overlapping administrative control. The conflict also stems from top-down policies by the two regencies, often implemented without inclusive deliberation or consensus. This goes against universal principles of governance and violates the rule of law. The failure of regional division cannot solely be blamed on local governments or elites; the central government also bears responsibility—particularly for its failure to clearly define territorial boundaries, which should be officially set by the Ministry of Home Affairs.

A joint evaluation involving the government and the community is essential to resolve this issue, as it directly affects residents' rights and responsibilities. The government must fully assume accountability and apply local values in its resolution efforts.

Strategic steps to be taken by local governments include instructing both conflicting parties to prepare for conciliation by focusing on four key factors. First, recognition—both parties must acknowledge the reality and roots of the conflict, especially the interests being defended by

affected communities. Second, consideration of interests—the government must organize and accommodate public interests in a structured way, ensuring no party feels disadvantaged. Third, consensus building—both regencies must agree on a framework (rules of the game) guiding their interactions with each other and with communities. Fourth, assertive implementation—the government must be firm yet prudent in executing agreed-upon decisions, ensuring transparent and real socialization among the people.

CONCLUSION

Finally, it is necessary to carry out continuous activities related to border conflict resolution and workshops involving the communities, the Regional Government of Central Maluku Regency, and the Regional Government of West Seram Regency. These efforts aim to identify the most appropriate approach to resolve the ongoing boundary dispute, while prioritizing and implementing strategic steps based on empirical research findings. This serves to strengthen and contribute to the local government's decision-making process in addressing the conflict. It is hoped that through effective communication, coordination, and cooperation among all elements of the local governments and communities of Central Maluku and West Seram, the border conflict in Elpaputih District can be resolved properly, conclusively, and formally recognized in accordance with the administrative territorial regulations between the two regencies.

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