

Legal Language in the Process of Law Enforcement Against Illegal Business in the Border Region of the Republic of Indonesia with the Democratic Republic of Timor Leste

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Abstract - This research is an empirical legal research because of the gap between the provisions and theories that exist with the legal facts that occur in society, about transactions of goods that cross the boundaries of a country has been regulated nationally by each country through certain procedures through the laws of the country -that. Against illegal business in the border area of the Republic of Indonesia with the Democratic Republic of East Timor, law enforcement must be carried out by law enforcement as an effort to harmonize concrete actualization with the applicable legal rules, with the national legal aspects of each country and agreed aspects of international law. The barriers and solutions to law enforcement against illegal business can be resolved through social and cultural, economic, political and security, while the solution that is used as an alternative is development in the border region specifically directed to accelerate the handling of the 3 fundamental problems faced by the border area, namely the delimitation aspect and Delineation of Boundaries, the aspect of affirming the national boundaries of the watershed area of the Republic of Indonesia with the State of Timor Leste, the aspect of the development gap is the fulfillment of economic infrastructure needs to foster opportunities for border areas to participate and compete in global markets and regional markets.

Keywords: Legal Language, Law Enforcement, Illegal Business

I. INTRODUCTION

The consequence of the rate of economic growth in the dimension of international business relations is the potential for violations of the law that have a high probability of occurring. Moreover, business violations in the form of illegal business (illegal business) may occur in the border area between Indonesia and the

republic of Timor Leste. As stated by Thomas Hobbes in Peter Mahmud Marzuki that the purpose of law is to create social order, so that order is seen as something absolutely created by law. This order would also cover the field of international business. The National Law of the State of Indonesia, the State of Timor Leste and International Law are legal instruments that play

a role in creating order for illegal businesses in the border areas of the two countries. The ideal view places the law as the basis of the necessity for order, the consequence is that in the event of disorder due to violation, the law plays a role again. The role of the law in this case can be a law enforcement scheme. Enforcement of law by Bernard L. Tanya is expressed as the duty of law enforcement officers. Until it can be clarified that law enforcement efforts by law enforcement are a series of efforts to harmonize concrete actualization with the applicable legal rules.

Apart from that, the relationship between language and law is very important to note. The law against illegal business in the border area of the Republic of Indonesia and the Democratic Republic of Timor Leste can be enforced by paying attention to the language used. Language is a tool used by humans to communicate and convey messages to others. This definition is in line with the opinion (Tarigan, 1987) that language is a communication tool.

The language that can enforce the law against illegal business in the border area of the Republic of Indonesia with the Democratic Republic of Timor Leste is legal language or language with legal content. Legal language has firm characteristics that function as differentiators, namely those that include the concept of the language itself (terms). Thus, the legal language in the law enforcement process is very important to study.

Starting from the explanation above, in the next section, a systematic study will be presented regarding law enforcement against illegal business in the border areas of the Republic of Indonesia and the Democratic Republic of Timor Leste. With the Democratic Republic of Timor Leste, to find out the obstacles and solutions to law enforcement against Illegal Business in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste, and to study and analyze the legal language in the law enforcement process Against Illegal Business in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste.

II. METHOD

The type of research used in this paper is empirical legal research, where this research departs from the existence of a gap between *das solen* and *das sein*, namely the "gap between theoretical conditions and legal facts that occur in

society. The research process that will be carried out will use several approaches in order to obtain comprehensive and valid answers to the problems studied. The several approaches used in this study include a conceptual approach, a statutory approach, a historical approach, and a sociological approach. There are two types of data used in this legal research, namely primary data and secondary data. The legal materials consist of primary legal materials, secondary legal materials, and tertiary legal materials. In this study, the data that has been determined will be collected using several techniques, namely document study techniques and interview techniques. Overall data obtained and has been collected either through literature study or by interview, then processed and analyzed qualitatively, namely by connecting the existing data related to the discussion and then presented in a descriptive analysis. Primary data and secondary data that have been collected are tidied up again through the editing process. The collected data is processed and analyzed with qualitatively relevant theories to describe the events and legal conditions of law enforcement on illegal business in the border areas of the Republic of Indonesia and the Democratic Republic of Timor Leste. The analysis process is carried out continuously until it finds validity in the research. After being analyzed, the data is presented in a descriptive analysis that describes thoroughly the problems and answers to the problems.

III. RESULT AND DISCUSSION

Law Enforcement Against Illegal Businesses in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste

Diplomatic relations between Indonesia and RDTL have officially been running since East Timor officially announced its independence on May 20, 2002 (Wuryandari, Ganewati. (2009). Since then, approximately 24 years after becoming part of the Republic of Indonesia, East Timor was established as an independent country and changed its name to become the Democratic Republic of Timor Leste (RDTL). The opening of diplomatic relations between Indonesia and Timor Leste since then was marked by mutual visits between high-ranking officials from the two countries and a number of cooperation agreements signed by the two governments in

Jakarta and Dili, are a reflection of This is evident from the spirit of reconciliation and commitment to new relations between the two countries.

Since the start of diplomatic relations between the two countries, these relations have experienced ups and downs which sometimes often lead to conflicts and often violence in border areas. Diplomatic relations between the two countries are colored by various strategic issues that greatly affect the relationship between the government and the government or between citizens at the border.

Several strategic issues related to the relationship between the two neighboring countries, such as the incomplete demarcation of border points, the problem of human rights crimes before and after the referendum, the existence of unilateral claims regarding land and area ownership between residents at the border, problems regarding citizens East Timorese ex-refugees and various other sensitive issues often lead to conflicts, either between residents at the border or differences of opinion among stakeholders who are in conflict with each other regarding this border issue. The conflicts that occurred as a result of strategic issues on the border between Indonesia and Timor Leste had implications for relations between governments and the population residing on the border in terms of economy, social culture, economy, politics and security.

The relationship between Timor Leste and Indonesia is a foreign bilateral relationship between Indonesia and Timor Leste. Since the year of independence of Timor Leste until now, Timor Leste and Indonesia have continued to share the island of Timor. Indonesia took the western part of Timor Island, while Timor Leste took the eastern part of Timor Island. Indonesia invaded the former Portuguese colony in 1975 and annexed East Timor in 1976, retaining East Timor as its 27th province until the 1999 UN-sponsored referendum, in which the people of East Timor voted for independence. After the interim administration of the United Nations, since the Reformation Era, there have been many disputes between the East Timorese parties gaining independence in 2002.

Barriers to Law Enforcement on Illegal Businesses in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste

Various issues and problems that occur on the border between Indonesia and Timor Leste, both between the people at the border or between the governments of Indonesia and Timor Leste itself, have caused various implications for the bilateral relations between the two countries. The implications that occur as a result of issues and conflicts in the border area itself have an impact on various aspects of people's lives around the border. Some of the implications of this issue include:

a. **Social and Cultural**

With the establishment of this cross-country traditional market, the residents of the border hope to reunite with their families who are in Timor Leste now. This market can be used as an economic activity but also as an opportunity to meet families separated by the separation of East Timor from the Republic of Indonesia in 1999, this is because if you want to meet family officially, you need official documents and it costs a lot of money to do it. While the economic condition of the population at the border is more than half below the standard of living. With this cross-border market and free area, ex-refugees and other border residents really hope to be able to meet their families at no cost.

b. **Economy**

As a result of not having agreed on the implementation of cross-border between Indonesia and Timor Leste, it has caused disruption of economic activities in the border area. The Indonesian government has tried to build several common markets between Indonesia and Timor Leste to help the economic activities of the people at the border. However, due to the Transboundary problem that has not been implemented by Timor Leste, the joint market was finally closed for security reasons. Access that is far from the city and development that does not touch the border aspect has also brought negative implications in the economic sector to residents around the border. Very poor road access has made it difficult to get essential goods easily and quickly. Residents at the border sometimes have to smuggle either to sell

or to buy goods for their basic needs. The smuggling of goods that occurs in the border areas also has a negative impact on the economic condition of the population around the border. Goods that go out or enter either into Indonesia or into Timor Leste illegally have an impact on the economic instability of residents around the border.

c. Political

The implications of various strategic and urgent issues on the border between Indonesia and Timor Leste also affect the political relations between the two governments. The two country representatives who work together in a committee on technical border issues seek to negotiate for the resolution of border issues. By using the border diplomacy method, the Indonesian government hopes that the implementation of border diplomacy through the Joint Border Committee (JBC) will finally be able to touch all aspects of the life of border communities. Because, the two border residents have very close family ties but also have personal interests.

d. Security

As a result of strategic issues and conflicts that occur at the border, it has implications for handling security in border areas. The security forces and the TNI in the Indonesia-Timor Leste border area were forced to carry out fairly tight security in protecting their respective sovereign territories. This is proven by the tight security at the Cross-Border Posts, which are the places for checking official documents for visitors both entering and leaving the territory of Indonesia and Timor Leste. The security forces are also more aware of the existence of residents who enter and exit illegally through forest routes or rivers. The existence of former East Timorese refugees is also considered a source of threat to security and stability in Indonesian territory.

Solutions to Barriers to Law Enforcement on Illegal Businesses in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste

The development of border areas requires a strategic and comprehensive step. The border area, including the outermost small islands, has a large potential for natural resources, and is a very strategic area for national defense and security. However, development in some border areas is still very far behind compared to development in neighboring countries. The socio-economic conditions of the people living in this area are generally much lower than the socio-economic conditions of the citizens of neighboring countries. This has resulted in the emergence of various illegal activities in the border areas which are feared in the long term can cause various social vulnerabilities. The main problem of lagging development in border areas is the direction of regional development policies which so far tend to be 'inward looking' oriented, so that it seems as if the border area is only the backyard of state development. As a result, border areas are considered not to be development priority areas by the central and regional governments. The development of border areas must change the direction of development policies that have tended to be inward looking to be outward looking, so that these areas can be used as gateways for economic activity and trade with neighboring countries. The Border Area is a broad development area with an uneven pattern of population distribution, making it difficult for the government to carry out the range of government control, supervision and territorial development in a steady and efficient manner. All forms of activities or activities that exist in border areas if not managed properly will have an impact on defense and security conditions, at regional and international levels, either directly or indirectly. Areas of Implementation of Development Policies in the Defense Sector in Border Areas between countries in the Context of Regional Autonomy (Case Study in the Border Region of Indonesia and Timor Leste) borders are very vulnerable to hiding GPK groups, smuggling and other crimes including terrorism, so there is a need for integrated cooperation between relevant agencies in handling. Development in border areas is specifically directed at accelerating the handling

of 3 (three) fundamental problems faced by the development of border areas, namely those related to the aspects of boundary delimitation and delineation, development gaps, as well as political, legal, and security aspects.

1. Aspects of Delimitation and Delineation of Boundaries

- a. Accelerating delimitation and delineation of boundaries This strategy is directed at accelerating the process of establishing baselines and drawing boundaries and seeking agreement on state boundaries on land and sea with Timor Leste. After Timor Leste's independence, there are several segments of land and sea boundaries that need to be determined and mutually agreed upon. Boundary delimitation and delineation are urgently needed to prevent territorial sovereignty disputes between the two countries. In addition, with the clarity of land and sea boundaries, both countries can exercise their jurisdiction in the use of natural resources, such as in the fields of fisheries and mining. The target to be achieved by this strategy is to ensure the sovereignty and jurisdiction of the Republic of Indonesia in the border area of East Nusa Tenggara.
- b. Affirmation of state boundaries in the watershed (DAS) The reaffirmation of the boundaries of the Republic of Indonesia with the state of Timor Leste is one of the government's policies in arranging and establishing permanent boundaries and boundary markers, especially those concerning cross-country watersheds. It is very important to implement government policies related to boundary markers concerning the watershed, considering the typology and characteristics of the rivers in Belu Regency which generally have a unique topography. The watershed can only be drained of water during the rainy season, while in the dry season the river can dry up and do nothing. The character of the water that flows is not fixed or always changes paths every season, so that if the river is the benchmark for state boundaries, then the country's

boundaries can move, which until now has shifted far into the territory of the Republic of Indonesia. The target to be achieved is the Implementation of the Development Policy in the Defense Sector in the Border Area between countries in the Context of Regional Autonomy (Case Study in the Border Region of Indonesia and Timor Leste) with clear national boundaries in the watershed area.

2. Aspects of the Development Gap

- a. Fulfilling the need for economic infrastructure This strategy is directed at growing opportunities for border areas to participate and compete in global and regional markets. This needs to be done through the provision of economic infrastructure (markets, roads, transportation, etc.); business support institutions (cooperatives, banks, microfinance institutions), development of a conducive investment climate, as well as the development of a high entrepreneurial spirit in the community.
- b. Accelerating the development of regional accessibility This strategy is directed at facilitating the flow and movement of people and goods entering and leaving between regions and intra regions. Efforts that can be made are by:
 - 1) Develop a land transportation system (roads, bridges, land transportation) to further improve the smooth process of collection and distribution of goods/services
 - 2) Develop a system of sea and air transportation infrastructure (ports, airports, crossing facilities, aircraft and pioneer ships) to improve accessibility

- between regions and between islands
- 3) Develop communication and information networks (postal, telephone, internet, radio, television, etc.) The target to be achieved by this strategy is the existence of an integrated land, sea and air transportation system as well as adequate communication and information networks so as to increase accessibility border areas, particularly between growth centers and border areas, as well as increasing inter-island interactions.
- c. Preparation and determination of border area spatial planning This strategy is directed to produce a concept of Regional Spatial Plan as a planning concept that must be owned by border areas in the context of sustainable development and development efforts. The regional spatial plan can also be used as a regional development model Master Plan seen from the Implementation of the Development Policy in the Defense Sector in the Border Areas between countries in the Context of Regional Autonomy (Case Study in the Border Region of Indonesia and Timor Leste) the needs and utilization of the space of a region. The target to be achieved is the preparation and stipulation of a border area spatial plan.
- d. Improvement of health facilities and infrastructure This strategy is directed at improving the quality of health services for border communities through the activation of posyandu, promotion of maternal and child health, family planning, improvement of nutrition, environmental health, eradication of infectious diseases, basic treatment and optimizing the function of puskesmas. The target to be achieved is to improve the quality of health which is reflected in healthy living behavior, decrease infant mortality, increase nutrition, and reduce the spread of disease so that the community is able to play an active role in the process of developing border areas.
- e. Improvement of educational facilities and infrastructure This strategy is directed at improving the quality of education services for border communities by increasing the reach of educational services and providing more equitable, quality, and well-located facilities and infrastructure, especially in areas where education participation rates are still very low than the average. national average. The targets to be achieved are increasing public accessibility to education services and increasing the achievement of 9-year compulsory education.
- f. Improvement of Regional Basic Facilities and Infrastructure This strategy is directed at increasing community accessibility to basic regional facilities and infrastructure such as electricity, clean water, and settlements. To be able to compete with other regions, the quality of human resources through the provision of good basic facilities and infrastructure is absolutely necessary. The targets to be achieved are the availability of electricity, clean water, and decent housing for the people on the border.

- g. Development of leading regional sectors This strategy is directed at accelerating economic development in border areas through the development of leading sectors. The business capacity of the community in border areas is optimized through the development of local economic potential and leading sectors supported by increasing community accessibility to production factors, increasing the capacity of local economic institutions in supporting the process of production and marketing activities, as well as creating a climate for investors in areas that ensure the Implementation of the Development Policy in the Defense Sector in the Border Areas between Countries in the Context of Regional Autonomy (Case Study in the Border Region of Indonesia and Timor Leste), the continuity of productivity and the continuity of the community's business as well as the increase in employment. The target to be achieved by this strategy is the development of inter-regional economic activity that supports job opportunities for local communities and contributes greatly to the regional economy.
- h. Resolution of refugee problems This strategy is directed at dealing with the problems of ex-East Timor refugees through repatriation or resettlement efforts. This is important to do so that the refugees can live properly and do not cause social conflict with the local community. The target to be achieved is the restoration of economic, social and political stability in the border areas through the proper handling of refugees.

Legal Language in Law Enforcement on Illegal Businesses in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste

- a. Various legal languages, including official languages. This is because the language of law has special characteristics that are different from the characteristics of other scientific varieties. The legal language has characteristics in the official language. A concrete example is the language in a decree (SK) of an official institution or community organization. Another example is the language used in a law (the language of the legislation).
- b. Understanding the legal language will provide efficiency and effectiveness as well as validity in communicating the law in an effort to achieve the objectives and legal functions required, both in a normative juridical context and in an empirical context.
- c. According to Bruggink, for us to underline whether we should qualify the language of law as a social language or as a scientific language.²² If positive law is to function in society, then positive law must be open to the citizens of the society where the law is addressed. positive legal decisions must therefore show the use of language that is not far from the language of association. Language and law are the incarnation of human life in society which is also part of the incarnation of a culture at a place and time. So language according to Sutan Takdir Alisjahbana, is nothing but the incarnation of human life in society, if certain people do not live with their language then language is it will disappear. For example, in modern families, there is a tendency to no longer use regional languages in their family environment, but Indonesian or perhaps foreign languages, so that it can result in the disappearance of regional languages.
- d. Legal language should be an integral part of the social language of society, considering that there is no aspect of human activity in the social community that is not in contact with the law, so

- understanding legal language has a positive impact on humans in the essence of their existence as legal persons (perzoonlijke).
- e. Legal language should be an integral part of the social language of society, considering that there is no aspect of human activity in the social community that is not in contact with the law, so understanding legal language has a positive impact on humans in the essence of their existence as legal persons (perzoonlijke).
 - f. The legal language in Law Enforcement on Illegal Business in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste is as follows:
 - g. a. The principle of legality: Where a crime cannot be punished or is called a crime if an act is committed but there is no information in the Law or the Criminal Code or the act was committed only then the law regarding the act is made, then the law does not apply to this act or the lighter law is adopted for the defendant.
 - h. b. Illegal (logging): Activities in the forestry sector or a series of activities that include logging, transporting, processing to buying and selling (export-import) of timber that is illegal or contrary to applicable laws, or acts that can cause forest damage.
 - i. c. Nullum delictum nulla poena sine praevia lege poenali: No act can be punished except by the force of the criminal rules in the legislation that existed before the act was committed (principle of legality, article 1 paragraph 1 of the Criminal Code).

IV. CONCLUSION

1. Law enforcement against Illegal Business in the Border Area of the Republic of Indonesia and the Democratic Republic of Timor Leste has not run optimally. This can be seen from the rise of business activities between countries that are against the law in each country (illegal), but still running even though each country already has a legal system as well as its own rules and law

- enforcement. This is due to the emergence of various obstacles in its enforcement efforts.
2. Law Enforcement Efforts Against Illegal Businesses in the Border Areas of the Republic of Indonesia and the Democratic Republic of Timor Leste have not been optimal due to several factors, including the unclear boundaries between Indonesia and Timor Leste, social and historical factors of the population in the border areas as well as economic factors and inequality. development. Solutions that can be taken can be identified into several steps, all of which need to be based on international agreements between the two countries to agree to jointly tackle the problems of border areas as well as the legal aspects in them.
 3. Legal language originating from a foreign language, for example in the field of criminal law, includes offenses (delictum), exceptions (excusatio), demands (requisitoir), defense (pledoi). The field of civil law, for example agreement (contract), owed (crediteur), debtor (debtor). The field of civil procedural law, for example, is the cause of the lawsuit (fundamentum petendi), the reason for the lawsuit (posita/positum), the claim in the lawsuit (petitum), the plaintiff's reply (repliek), the defendant's answer to the repliek (duplik). Decisions outside the presence of the defendant (Verstek), resistance to the verstek decision (verzet), third party resistance to the decision (derden verzet), legal remedies for first-level court decisions (appeal/Appel), resistance to appeal decisions (cassation). Judges of first instance and appeal (judex factie), judges of cassation level (judex juris). The fields of Constitutional Law and Administrative Law, for example basic law (constitution), state administrators (bestuur), positions (ambtsdrager), officials, office holders (ambst) etc.

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