

# The Vague of Public Policy Advantages for Regional Border Conflict Settlement in Magelang Case

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**Abstract**—It is been years that Magelang City and Magelang Regency have been in border conflict since 1987. Through continuum mediations by the help of Provincial Government and Central Government (Ministry of Home Affairs) finally it resulted policy called Permendagri Number 64 Year 2017 as law to settle the clearance of border position. Theoretically, the policy should be socialized then during those times of socialization it will be implemented till the Local Governance of regions such as villages know the policy at least yet through some pre surveys in 3 villages (Pancuranmas, Trasan, and Banyurojo) the officials giving vague responses as if the policy seems not impactful enough and they are clueless what to do with it. This indicated that the significances of policy purposes and information's to give important impacts for low level government administration still not being received well. Thus, this research will be presented the factors of the issue, the benefit for the subjects by its policy and the anomaly. Qualitative method is used to analyze the research.

**Keywords**—public policy; regional autonomy; regional border; conflict

## I. INTRODUCTION

The issue of borders often appeared as one of the challenges and problems for the border area management in the regions. The new borders actually may result from the extension or expansion of an area that requires the regions to adjust the conditions. Therefore, the management of the new borders in a region becomes a right and authority of Local Governance in order to maintain the normative way following the existing regulations. Regional border serves as a confirmation of the jurisdiction of local administrative and physical in nature. However, in many Indonesia cases; the determining and management of borders often encounter many problems or conflicts.

One of this case is the border conflict between Magelang City and Magelang Regency. Thus, had been going on since long. Mentioned in the description of Radar Jogja news on August 16, 2016 that it stems from a dispute between the two sides Magelang City Municipality and the Government of Magelang Regency on the expansion claim territory that includes 13 villages. 13 villages originally were included in Magelang Regency but for the City administration; 13 villages deemed to have released by the Government of Magelang Regency since 1987. It was also made clear by the laws

underlying the release of 13 villages. That was made by the both legislatives from both regions. The law named as Keputusan DPRD Kabupaten Dati II Magelang Nomor 6 Tahun 1987 Tentang Persetujuan Prinsip, it is stated that some areas of the administration Magelang Regency would be given to City in order to adjust the borders change. The areas consist of 13 villages from:

- District of Tegalrejo which includes the Girirejo village, Ngasem village, Banyuurip village, Glagahombo village, and Purwodadi village.
- District of Mertoyudan include mostly part of Banyurojo village, some part of Banjarnegoro village and some part of Bulurejo village.
- Then from the District of Secang consist of Jambewangi village and Pancuranmas village.
- From District of Bandongan covers most of the Trasan village, partly Rejosari village, some Sidorejo village and partly Banyuwangi village.

Based on research from Kristiyono, an endless polemic of border is caused by differences of an understanding in terms of the basis for determining the borders from both sides [1]. It is added that historically the policy guidelines for both sides also different so that the process of unification understanding of the borders become increasingly difficult. Mentioned that in addition to local regulations issued in 1987, the two regions are also guided by two different laws at the time. Magelang City has historically been an area of Magelang Regency and became the capital of it at that time. The City was given the right to manage their own region using the legal reference in the form of Law Number 17 Year 1950 on the Establishment of Regions Towns in the East Java Province, Central Java and West Java, while Magelang Regency entitled to set its own regional affairs by referring to Law Number 13 Year 1950 About Governance of Regency Central Java Province. Because of that the Regency moved their own capital to Mungkid. Different place from City area.

From this it can be said that the historical differences in the legal reference has been a major legal thing as a trigger of conflict. In addition to the legal reference, the perception of different areas of the regional map is another factor that makes the unresolved conflict. Perception of borders may change at

any time because each region has their own opinion. Changes of perceptions make the border conflict can be happen again at any particular time even though the border has been clarified through the existing policy decisions. This conflict impacted to the surrounding area, especially in building permit issues, land titling, clarity of people housing or making an ID, investment licensing and management of spatial and urban planning.

After such a long-time conflict, lastly during year 2017 Ministry of Home Affairs issued an ultimate policy to state the clarity of the borders by Ministerial Regulation Number 64 Year 2017 About Regional Border of Magelang City and Magelang Regency. Before that it was known the point why it is resulting the end point or considered “finish” for both parties because the Regency finally agreed to submit 13 villages with reference of guidelines on the map that they believe. Magelang City using the Dutch East Indies heritage map, Bakosurtanal (Badan Koordinator Survei dan Pemetaan Nasional or National Coordinator for Survey and Mapping Agency) maps, and topographic maps from the National Army while Magelang Regency using map from old villages (by folk says). However, at the same time southern part of region is still not given fully to Magelang City so the word “finish” by people assumption or medias have the potential ambiguity. The reason is because the southern part has their own vital role to hold the Regency economic life. Their lands are in the crossroads point between City and Regency area [2]. That is why this can lead to conflict again in at any time though there is fixed policy already (again).

By this regulation, the territory of Magelang City increased initially from 18.12 km<sup>2</sup> to 18.53 km<sup>2</sup> (Kebumen Ekspres| Paling Tahu Kebumen, 2017). This expansion of the existing borderline is straightly match with the conflict solution demand from the city that is; to get clarity in some areas from the south side. Apart from that at least Magelang City also experienced a slight extension on the north side of the region.

Following up on the facts the problem description above the writers also found that in many existing researches previously found that the issue of conflicts over regional borders were just circling around the circumference of the elite of Local Governance from both regions knowing the fact that the determination of borders is an elite authority.

From description above it can be seen that the areas which conflict does belong to; do not have enough voices or fully involved where are they siding with. In other side, we assumed that the policy does not really reaches that much for the people in part of to know the importance of it. This statement written under the fact from the pre survey conducted in at least 4 villages; showing “how easy the areas” give all the part after such a long conflict but at the same time there are still dissatisfaction quietly happen; both from the local officials such as village leaders and village influential people. Another one is they still not doing coverage for three main borderline areas after the new policy released (south, north, and west) to know how the Local Governance react to; which is why there are still lacking of point of views from overall part in regional borderline area. The latent cause of conflict may it be in southern part but how about the other sides after the release of new policy.

Latest research about the new policy was done in May 2018. The research was using empirical jurisdictional approach to ensure how the effective the law is received by society. The key point of that research analysis is using Islamic fiqh to know and describe about how is society respond toward the range of the need of the law. The field was done again southern side [3]. The several researches before that was done before the new policy happened with same place from southern side or in Mertoyudan District (2008-2016).

Based on description above this research will focus on southern, western and northern part of borderline as the main field of research object. The main focus of research question described as follow: to explain how the last policy is received by locals including the factors and the benefit they get after the policy released before conflict and after conflict. The theoretical approach will be in public administration way to differ the research before.

## II. LITERATURE REVIEW

This section served as explanation part from the main key of issues like public policy, regional autonomy, regional border and conflict. Some can be seen as relationship points between one and another till the finding out the core of the issue mainly all directed to the policy itself.

### A. *The Explanation for Public Policy in Conflict*

Policy and conflict can be tied one another as cause or as solution. Common knowledge would be said the policy is the tool to resolve a conflict but on the other side it can cause a conflict too. The regional border conflict becoming latent problem since there is decentralization. Though this Magelang case is happen long before the decentralization bad issues raised; the multiple of policy amendment about local governance makes it up. The demand of local regions to have their own right to develop and build the regions welfare add up. Not to mention it also raise awareness to build the capacity of local level government such as municipalities or district [4]. Every local region have that right. The more the demand by this economic or political cause the more potential issue to have a conflict. That is why the policy do the function as political way it is by the means of democratic settlement. The public policy in conflict term can be used at least in three approachments. They are consists of democratic approachment, highest accomplishment or low-risk of failure (the method such as using cost, benefit, cost-benefit, risk-value or game theory) and deliberative way.

In development country like in Indonesia the democratic approachment is one of government favorite. This way have goal to please as many as people or conflicted objects hoping it can give benefits for majorities not some of it. It sounds good way but the implementation speaks differences. More difficulties can be found on the field. There are three main obstacles when this kind of policy acted in conflict term. The three are; from elite biases, from technocratic biases and from the limit of public policy knowledge in some so called policymaker or policy expert [5].

Those three relate to one another that can cause endless trouble why the implementation of the policy to settle the

conflict only to cause another conflict and public dissatisfaction toward the conflict settlement. For such a conflict like regional border it needs long time for the policymaker and policy expert to make it done. One key point of the democratic deliberative way is the communication itself between several actors/stakeholders and public participation. The dialouge can create constitutional awareness and political engagement for spreading the excitement of the problem discussion [6,7].

#### *B. The Relationship between the Public Policy and Regional Autonomy*

The complicated of the issues relate to public policy also can be seen by the fact that Local Governance rule and law being revised for so many times. Historically, Indonesia government started the policy relate to regional subject like Local Governance after the fall of New Order. It was stated in Law Number 22 Year 1999 then it was revised in Law Number 32 Year 2004. Lastly, it was revised by Law Number 23 Year 2014. These 3 main laws about Local Governance also added by several explanation rules and regulation from Government and from Local Governance. Why it is relating to the issue of conflict? This case as mentioned above already been there since Old Order and goes along after Reformation Era. The point is the awareness of decentralization needs can trigger the regions to expand their area for development. Either it is for welfare or the needs for economically like natural resources or housing land. The landscape for society itself has some values point to add their benefit for their region. The values can be consisting of socio-cultural values, ecological values, and economic value [8]. Note of this decentralization causing regional autonomy resulting such a consequence like local egocentrism and institutional fragmentation. This is can be the other cause to why the policy making of spatial dan territory planning become kind of “privilege” for its region to build their own place in the name of “rights”. They can develop urban planning or build the infrastructures as their plan to do for people goodness but at any time ignoring the essential part of “why they do this and what for” this service is [9]. The changes into governance embracing the local citizens and local stakeholders of regions to have more democratic chances to participate in local policy making, thus particular of several civil society organizations also can make a voice in here after the previous authoritarian government system [10]. This complexity show that simple local policy can be made through some network between actors. Participation is the key to call it as democratic way. It is also affirming the policy making approachment of how it is be made to settle such conflict though the irony itself is; this democratic way can be biased by the elites existing in policy making that may rule the political interest for it.

#### *C. The Relationship between Public Policy and Regional Border*

According Article 31 Paragraph 2 of Law Number 23 Year 2014 About Local Governance, regional arrangement is crucial because one of them aims to realize the effectiveness of regional governance, improve the quality of public services in the regions and for the provision of welfare services to surrounding communities. A further consequence of this

regional arrangement can be in the form of regional expansion, regional merger or regional adjustment. One form of regional adjustment is the existence of new territorial borders in an area of a region (Article 48 Paragraph 1 of Law Number 23 Year 2014)

The process of regional border determination as following the issue of main laws above at least going through four stages: (1) doing the regional allocation (political decision dominance before practically done with the form of firm and constitutional decree. It is said for regional autonomy context, the practice done according to Article 18 Paragraph 1 of Constitution of Republic of Indonesia that republic is divided into provinces and regions. The province is divided into districts and cities. It has a Local Governance regulated by Law), (2) Establishment, this is legal step and public administrative area which is mainly handled by national Government, (3) Fixing the regional border physically and legally by fixing the location and coordinat point of border for the map. It is should be done by the Regulation from Ministry of Home Affairs Number 76 Year 2012, (4) Long negotiation process from boundary architects, delimitation and law affirmation about regional forming then demarcation step from boundary engineers. Lastly it is administration step and border managerial step for Local Governance. This is crucial way cause it is the peak of political, law and technical term in regional border determination process. The way of negotiation and compromise about location choosing and determining the coordinat points may cause the conflict itself. Political interest for legal determination about the border can be happen here [11]. Several actions such as lobbying and campaign inside the policy making may done by this elite of organized political group to get higher impact and maximize their goal. This way is the irony of democracy bargaining for equality purpose only to cause inequality in-between internal part of policy making [12].

#### *D. The Way of the Policy Vagueness*

The premise as stated before; how is the policy being received by the people for such problem like regional border conflict and why it can/cannot be the settlement of issue. Public policy toward the final form that is physical “paper” which bound the people obligation, rights or conflict by its power of law have to go several process/stages. That stages like arranging policy agenda, formulation, adoption, implementation and evaluation [13]. The stage where it delivered to public named as the implementation. It is the point where government and people have back to back each other; declare the policy, giving it done for the people, people react to the effect and impact, giving their response as feedback then the government respond their issues give direct solution or going through cycle again; making new policy to solve the previous fail or bad policy [14]. It goes on like systemic theoretical of policy process if we use David Easton’s analysis where the policy running through input, political system as black box, output and feedback [15].

To know how the policy effectively done and being received well by the public it can be seen through the public reaction for it. As consequences for the governance system so a policy process can include non governmental element like

public participation and reaction to know the range how good and bad it is. This type of reactions can be derived into four types by two main variables (Values of the Actor and Resource of the Actor).

The Values of Actor be divided again into two nominal categories of Pro-policy and Contra-policy and Resource of Actor be divided into scale of Strong and Weak. The 4 type of reactions are derived from those two main variables consist of Co-operation, Counter-action, Conformity and Detachment. The well received or best respond of the public policy is; when the resource of actor is Strong and the values of the actor is Pro-policy with the reaction they give are Conformity and Co-operation. The worst respond is; when the values of actor is Contra-policy and the resource is Weak so their reaction are Contra-action or Detachment [16]. These reaction also follow up the point of why it is successfully done if the form of policy itself is clear. The policy clarity is one of four main requirements for form of the policy message by Goggin for successful implementation (policy consistency, policy clarity, frequency and receipt of message). The vagueness of policy form can create confusion for the problem solving. The source of vagueness mainly it comes from the policy content itself. The way the policy maker narrates words for goals, benefits and guidelines inside the "paper" can make the policy done in such a trouble like igniting the inequality between ideal textual and field facts this may inviting the conflict in the process of implementation [17].

To complete the descriptions the public respon toward its clarity or successful implementation showed by these requirements: public have good knowledge about the program while also giving the input, public understand the benefit and obstacles of the policy, public know about the mechanism of implementation, and they do control if they know the mechanism.

### III. METHODS

Mostly part of this research done by several interviews and observations. The method use qualitative approach The sampling using purposive sampling to narrow the focus of research. There are 6 informants as main key roles to explain the problem and answer of reasearch. They are belong to southern borderline (Banyurojo village), western borderline (Trasan village) and northern borderline (Pancuranmas village). The 3 of it consists of local leaders and 3 of influential people who live near the borderline.

### IV. RESEARCH RESULTS AND DISCUSSION

#### A. Policy Descriptions

The role of policy as the ministerial regulation from Ministry of Home Affair for affirming the borderline between the two regions after having long lasting conflict. This policy been stated by the Ministry himself in Jakarta at 27th July 2017. The regulation officially declared and being implemented started from 4th August 2017. The paper have five articles. The content mainly explaining the coordinates of the borderline in the map. We can see on the first sections of policy that many previous policies been done as the consideration and decision

point why this policy declared. That part also showing the longevity of Old Order regulation is as the main source of both regions to claim the borderline point though the governance system already changed a lot and the times too. The layer of policies being made many times accumulate each other till the current era.

Historical point of policy that being adored by both regions represent the characteristic of the people of regions. Both of sides treasure it as precious as it is. Knowing the fact there are historical memories that the regions used to be ruled by Dutch colony, story of national war heroes, folk struggled to gain the regional independence and landmark of borderline are signs of that historical point. They are added the point of view; why even the new policy created by every government being ignored badly for many times or if they receive it, they still have the dissatisfaction feeling about who is the right claimant. (Interview in southern side of borderline; Banyurojo village with local leader, March 2019). Such a normative way like doing what it is should be done is not easy. The existence of this policy itself becoming like "this is not really important". Having too many times conflicts to make clear declaration of law to state the clarity of physical points of dispute already drain the elites. But who knows; this finishing point still invite future interest again to ignite the conflict (Interview in southern side of borderline; Banyurojo village with village local leader, March 2019).

This explain that such democratic way even in organized group like local governance sometimes is not really working. There always interest to put in though the environment already looks "peaceful". Even after the change of governance system from centralization to decentralization with multiple governance complex; for low level of local governance such as village; the hierarchic way to follow the orders from the top part is still strong. The theoretical of deliberative or democratic way to settle the issue not actually done a lot. The people figures still being favorite of many than who is capable to speak the voices with their ability such as intellegence or good personality as leader or expert. This statement signed that the local leader to do what should be done is better than speak up against it though circumstances not benefitting them. Top down policy case find this dominant way of that better accepted though it is not satisfying (from bottom side of view).

The case of this Magelang become complicated than just being "accepted and done" by the policy. The actual landscape of the City itself is really small; maybe smallest than any city in Central Java. The desire of the City to expand the area for urban development may ignites the sensitivity of the neighborhood side (Regency) to protest against it in particular time. Historical background and the natural background are the cultural point and physical point why this long conflict about borderline really difficult to reach "finish". Added by the fact of growing the population so it needs more spatial for housing. This actual finish by the new policy still being received in unsure way.

#### B. The Responds of Village (Factors and Benefits)

This section will sum up the result of the observation and the interview coverage of informants from three villages.

As the questions; 1) how the policy received by them, 2) what factor of it and 3) benefits they get so this explanation will follow that.

The three villages locate in 3 borderline section; west part (Trasan), south part (Banyurojo) and north part (Pancuranmas). As what it is stated before the three of them (informants) just like the actual premise of top-down policy; we follow the rules. This sign of acceptance actually not end to that statement. The west and north part asking it back that they actually did not follow the actual conflict issues but if they have experience just like the south part they will speak up about it. They say this conflict actually have already been long time like what even is the function of the policy because the physical borderline do not give significance benefit to both of sides. What are the benefits they get; they say. Because in the end as the area who support the City and Regency well-being, they will keep doing the job as natural resources providers such as ricefields and horticulture products. When the author asked if they also get involved to voice their opinion for the conflict settlement; they answered that they did not get it. They know well that this is authority rights to decide it but for the south part they offer more arguments or requirements that policy should given them better part. The reason is they have awareness about historical background of the borderline landmark. This should not be easy to giving up. While the north and west mostly they are being grateful because of their awareness that the City needs more spatial area for natural purpose or housing. Note in this; the south is (actually) still belong to Regency (only small part of them given to City) and the two left (some part of them) already belong to City. The south have their own big reason as their economic support is bigger if they still included in Regency. They have many economical point like the existence of big mall which stand in intersection between City and Regency. The tourism spot like Borobudur added that pride for not giving up their area for City.

The factors like that is the reason why the policy being treated as normative way or that is the law so it is. The south also give the impression that they will support the legislative body if at any time there is lawsuit against the City.

This sums up that current policy still have the hidden potential trigger of conflict because some part in the south still pessimist that it is clearly done. When this research happened there is a funny assumption why such 0.41km<sup>2</sup> really important like the Regency not large enough. They stated that actually the City do have the right to struggle for the expansion of borderline because the lack of physical point and administrative point.

The administrative requirements for City to be called "City with proper governance" is if they have at least 4 districts (Law Number 23 Year 2014 Article 35 Paragraph 4c). Meanwhile the City only have 3 districts. The obstacles to expand the area in order to fulfill the administrative requirements facing difficult challenge because of the Regency area in the borderline will against it or the fact they have powerless in term of spatial area, so no matter what it is they will make it to follow the rule. This challenge by City and the surpress side from the Regency calling it as long term conflict which may happen in latent way.

On the other side this weak administrative background make requirements for safety such as police operational area become less too. According to Keputusan Kepala Kepolisian Daerah Jawa Tengah Nomor : Kep / 2256 / XI / 2015 tanggal 19 November 2015 the operational area should include 4 areas. That is why the police office in Bandungan District (Regency area where some part of Trasasan village belong to City) being demanded to become operational area for City Resort Police. This one of the cases that villagers have confusion about it. The police rules the law of safety for the City but the land of the office still belong to Regency. This case is not about borderline or conflict but at least this field fact show the lack of spatial area can make it difficult to develop the urban potential and obstacles in some administrative issue. This why they said the City really put an effort to adjust their area to get what they deserve and the Regency have to neck to neck for not losing their area carelessly. The policy states what it is so the City should obey the rules.

For the informants of three villages; they answered that probably it is better if at any time conflict is rise again, they should get right to have policy about referendum to choose where side they belong to instead given policy about clarity of borderline. The three answered that actually it is more benefit if they join the Regency instead joining the City. The main reason is choosing the comfort zone than fight against the above for many times yet still dissatisfying. They already being comfort to live as Regency people not "grey one" (hesitate to call as City man but they cannot deny that they already belong to City), they don't need to go to City for administrative things like making an ID or house permit and they think this borderline issue is unnecessary to be happen because there is no actual benefit they can get. As they said, this just benefitting the governance elites. This show that village actually would like to if they can get the chances to involve their voice for future consideration if the conflict may rise again because of the dissatisfaction toward the policy.

## V. CONCLUSION

The vagueness of the policy if we aim to the village people is not really the important. The policy context and content would be unnecessary to be known by them even with the fact there is long conflict happening. What they need is the willingness of governance to go down asking what they really want. This is the ideal hope of democratic way for policy making and policy implementation for conflict settlement. While for the local village leaders the normative way by declaring policy may become ambiguous since they hesitant it will solve the problem once for all. Both of sides do not think at all what kind of policy form is because they still do not get or feel the benefit of it. The positive sides from this research is there already awareness to have democratic way to settle the issue. Instead being decided in one side for governance only they offer about to have dialouge for all people in every borderline area. Not just for the conflicted side because there is need to make it clear for all people about the policy and about the solution.

## VI. LIMITATIONS AND SUGGESTION

This research still need fully focus with proper one or two theories with deeper explanation about complexity of the issues. The actual happening is in large scale it would be great if not only done in two or three months range of observation. Previous researches and this; are mainly talk about the public policy; the layer of decision making and several conflicts follow in the process.

Suggestions for the future research; this might be done with complex governance analysis or in sociological way. This issue actually really interesting cause it is include many things like culture, urban planning, human behavioral, village/rural areas, political and economic. It is not enough if we use policy analysis again after many times. This paper purpose as light review and light description about same issue with different additional places as to differ previous one (we use another area of borderline not only the conflicted one). It would be good to catch the 13 villages who become the historical background why did they finally release their areas and what are the factors or motives behind that act not only one or three villages. Deeper research ideally should be done with it.

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