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Political Dichotomy of Indonesian Legislation Regulations with Local Law Customary Politics in the Border Area

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***Abstract*— The condition of the border areas inhabited by indigenous and tribal community associations that are separated by the State boundary line has led to the application of different laws. The concept of dualism even more in the application of the law is a reality that exists in the border area. The position of national law which is in line with customary law turns out to still have a gap entered by the laws of other countries which are none other than neighboring countries. The existence of this pluralistic law causes a lack of harmony in the legal arrangements that are applied in border areas so that it has an impact on the application of the fair law and legal certainty in border areas. The results of the analysis show that the dichotomy of regulations often occurs in contradictions and differences in the application of the law from each of these legal arrangements, this is due to the customary politics of the border areas that seek the truth in the application of the law. The position of national law has not guaranteed the existence of legal arrangements that exist in the border area because the customary law in the border area has a strong position in the application of the law in its customary law alliance. National law feels difficult to become a legal basis in border areas because of the existence of stronger customary law in its implementation.**

Keywords*— *Dichotomy, Legislation, Customary Law Politics, Border Regions.

I. INTRODUCTION

A country has a land and sea border (territorial sea). Land borders include nature (mountains, valleys, rivers, trees, lakes) and artificial (fences, barbed wire, walls, monuments including international agreements.). These boundaries functioned as juridical fences, political fences for the enactment of Indonesian national sovereignty and Indonesian national jurisdiction[1]. The Indonesian state has a land border with several countries, namely the State of Malaysia, the State of East Timor, and the State of Papua New Guinea. The three land border areas certainly have almost the same lifestyle and legal features in the lives of their people.

In border areas, it is normal if you have some legal arrangements that apply within the community alliance. Legal dualism (legal pluralism) gives birth to a science that specifically addresses all problems that arise related to legal pluralism, namely, intergroup law (intergentiel recht). In inter-group law, there is a very well-known principle of "Principle of Equity" which means that all legal standards are equal in value to prices[2].

The law was created not merely to regulate, but more than that to create prosperity and justice in society. So the law continues to follow developments in the community. Empirically, the law is seen as part of social phenomena. At first, there was no doubt about the ability of the state to autonomously and absolutely regulate and organize community life. Law becomes a kind of tool in the hands of power to realize what is desired[3]. Current legislation, it is felt that it has not been able to create a sense of justice aspired by justice seekers[4]. So that the existence of law outside the law is that customary law becomes an alternative law that contains the purpose of the law, namely a sense of justice, but the application of customary law only applies specifically to the customary law community that is in an alliance of customary law communities.

One of the land border areas in Indonesia which are very thick with its culture and customs, namely the land border area of Papua and Papua New Guinea (PNG). Based on international agreements between Indonesia and Australia concerning the boundaries of Indonesia and Papua New Guinea, which were signed on February 12, 1973, in Jakarta, the Government of Indonesia subsequently ratified the agreement by establishing Law No. 6 of 1973. In addition to establishing boundaries through international agreements, it was in partnership Customary law communities in the Papua

border area also have customary boundaries that apply to members of the customary law community.

The existence of an alliance of customary law communities in an area of customary land and separated by national borders should make the existence/freedom of the customary community alliance limited by a country's sovereignty, but based on customary law the customary law community in the border area has the freedom to do legal acts in the area of their ulayat area (not affected by the existence of the State border). Customary law communities in Indonesia are free to enter and exit PNG areas, usually live and work in the PNG area and vice versa, PNG residents are often in Indonesian areas to live and work in the territory of Indonesia. In the border area of Merauke, there are several villages that are inhabited by PNG residents, but the application of the law used is diverse, some use Indonesia law, there is PNG law and the last is the use of the customary law[5][6].

Every ethnic group has the ability to solve every problem they experience. This assumption arises because humans as thinking creatures always try to deal with what is in their lives. Every ethnic group in facing problems always depends on how their ancestors faced the same thing. This condition makes the way to deal with problems is the result of hereditary knowledge, sometimes even considered sacred. The pattern of society for generations in dealing with this problem is called culture. This is in accordance with the concept of culture conveyed by Koentjaraningrat[7] which states that "culture" is the whole system of ideas, actions and results of human work in the framework of community life that is made by the human self by learning.

The process of reducing knowledge from ancestors to the next generation is part of the learning process. Thus it can be said that anything derived by the ancestors of a tribe can be said to be culture. This means that almost all human actions are "culture" because there are very few human actions in the framework of people's lives that do not need to be accustomed to learning[7]. Therefore it can be said that the pattern of problem-solving in a tribe is a culture of the ethnic group. It can also be concluded that the culture brought in is a habit or in its legal language referred to as customary law.

Reference from ancestors is a guide for a tribe in solving problems they face. It can even be said to be a reference from the ancestors as the spirit of the culture of the tribe / indigenous law community. According to Rudito and Famiola[8], the series of reference models are based on the core of a culture, the core of culture consists of worldview and belief, both are wrapped in ethos (a system of ethical guidelines regarding good and bad. Based on this, by knowing the patterns of ethnic settlement in dealing with problems, it will also get the views of life and beliefs that they run every day.

The perspective of different ethnic groups on the problems faced, sometimes resulting in the emergence of differences, what is a problem in a tribe, may not be considered important for other tribes. Therefore for an ethnographic researcher avoiding generalization of research results based on ethnicity is highly recommended. The same conditions also arise in the health culture. What is considered a disease in another tribe can be considered normal for other tribes? This is a worldview that is believed to be based on long experience in dealing with the world. The worldview concept is one of the most important elements in the perceptual aspects of intercultural communication[9].

History in the land of Papua has occurred migration of indigenous people in seeking asylum protection into PNG so that in the life of the community also brings a legal cultural meeting between the customary law of the customary law community, Indonesian legal regulations and PNG legal regulations where they migrate. Regarding how migration brings changes to society, Koentjaraningrat [7] stated as follows: "Since a long time in the history of human culture, there has been a movement of migration, movement of movements from ethnic groups on the face of the earth. Migration certainly causes meetings between groups of people with different cultures, and the result is that individuals in these groups are confronted with elements of a foreign culture ".

Ways of inheriting cultural patterns that belong to the community in the form of rules regarding status and role in social institutions that apply in society are often referred to as socialization when related to the inheritance of status and role, while overall these patterns are passed on to generations the next or another person from outside the community is often referred to as enculturation or civilization[8]. The legal existence brought by customary law communities from PNG are habits that have been enshrined in the process of inheritance from their predecessors in the social legal life institution.

The existence of irregularities in the regulations in the application of the law in the border area where the area has even more dualization of the existing regulations. The three regulations in question are the rules of national law (Indonesia), the rules of customary law and the legal regulations of neighboring Papua New Guinea. The regulatory Legalism that occurs is due to the uniformity of the customary law community in the border area, where indigenous and tribal peoples from neighboring countries now live and live in the Indonesian State but still carry the PNG legal system and live in Papua by adhering to the national legal system but still submissive and obedient in an alliance of Merauke indigenous law community.

Based on the description above, the formulation of the problem in this paper is as follows: First, the dichotomy of legal regulations in Indonesia, especially the border region and Second, the position of the laws and regulations in Indonesia and local customary politics in the border area.

The purpose of this study is to examine and explain the dichotomy of existing legal regulations in the administrative area and examine and see the legal position of the existing legal regulations in the border area. This research is intended to explain in general to government policies in the form of laws and other policies with the existence of customary law in the local area with an indication of the laws of neighboring countries in the border area.

II. RESEARCH METHOD

The type of research used is normative legal research using a statute approach, conceptual approach, historical approach, and philosophical approach. The study was conducted with library/documentation studies then analyzed qualitatively based on primary legal materials (statutory regulations), secondary legal materials (library materials and

scientific journals) and tertiary legal materials (legal dictionary).

III. RESULTS AND DISCUSSION

A. The dichotomy of Legal Regulations in Border Areas

1) Definition of legal dichotomy in the border area

The Indonesian state adheres to several forms of legal systems, namely the legal system of civil law, common law, the customary law system and the Islamic legal system, the concept of legal pluralism that develops in the realm of dichotomy in this writing, namely between Indonesian law and customary law and the law of the State neighbor, PNG in the border area which is used within the sovereignty of the Republic of Indonesia. At this stage, the concept of legal pluralism emphasizes more on the interaction and co-existence of various legal systems that influence the operation of norms, processes and legal institutions in society.

Literally, the dichotomy comes from the English word "dichotomy" which means to distinguish and contrast two different things. The word "dichotomy" in English, is used as an absorption into Indonesian to be a "dichotomy" which literally means in the Big Indonesian Dictionary is the division of two conflicting groups[10]. Pius A. Partanto and M. Dahlan Al-Barry mean that dichotomy is a division of two conflicting parts[11].

Referring to the above opinion, the author relates to the regulation of law so that draws the conclusion that the legal dichotomy is the division or separation of legal arrangements that are mutually contradictory or mutually supportive in the application of community life. The legal dichotomy in the existing legal system in Indonesia is the division of Indonesian legal arrangements in the form of laws and customary laws that exist and develop within the community. The state of legal pluralism that exists in Indonesia makes the existence of legal arrangements diverse. In Merauke's land border area is more diverse, this is because in social life there are several legal arrangements in the customary law community.

The process of surgery and differentiation of a legal arrangement that exists in a society must see that the existence of the law develops and lives in a social life. Communities living in border areas that are not aware of national law regulation are very identical to their customary law, the existence of PNG legal arrangements brought by customary law communities with PNG authority is also inherent in their daily lives even though they are in the Indonesian legal environment.

The dichotomy that occurs in border areas is sometimes often contradictory and sometimes mutually supportive, it can be seen that the existing legal pluralism in the customary law community is in line and in harmony with national law. The existence of customary law is usually used as an intermediary law in deciding a legal problem that occurs in the border area. In the land border area of Papua, especially in Merauke, the existence of the community is very pluralistic so that existing and developing law is also very plural and diverse. Surgery and differentiation of existing law enforcement in the community must see the position and position of the customary law community in the border area. Most of the customary law communities in the border areas who are Indonesian citizens are subject to Indonesian national law, but there are also PNG customary law communities who live in the Indonesian law area and do not submit and continue to use the PNG law they bring from neighboring countries which are applied to fellow citizens of the legal community custom. However, if faced with customary issues between the two different customary law communities, citizenship uses customary law that applies in the customary law community alliance.

Differences and contradictions that often cause problems are the involvement between Indonesian customary law communities and PNG who often use their respective legal applications. The dichotomy that is required in the application of the law is that must be distinguished first the position of the customary law community in the border area where the legal application should be used. If a fellow Indonesian legal community member has an Indonesian citizenship, the problem must be resolved by Indonesian law and customary law in accordance with Indonesian law provisions. If a fellow PNG customary law community is resolved with the PNG law that applies between PNG citizens, but if a legal problem occurs in the territory of the Indonesian State Jurisdiction it should be resolved by Indonesian law or customary law in accordance with Indonesian law. If a legal problem occurs between the two different customary law communities, citizenship must be used to implement the customary law in accordance with Indonesian law.

2) Politics of Legislation in Indonesia

The legislation is a part or subsystem of the legal system. Therefore, discussing the politics of legislation is essentially inseparable from discussing legal politics. The term legal politics or legislative politics is based on the principle that law and/or legislation are part of a political product because the legislation is basically a design or outcome of a political body design. Legislative politics is the direction of the government or state policy regarding the direction of regulation (substance) of law as outlined in the legislation (written law) to regulate the life of the nation and state.

As part of a concept of development, legislative politics is certainly based on a (juridical) basis, namely, among others: (1) Pancasila. the initial foundation of the politics of law and legislation is that the policies and strategies (politics) of law and legislation are in line with the prevailing values in Indonesian society by keeping themselves open to various good things which are the results of changes that occur in various fields of life in the community, nation, and state both in the national and international circles. (2) The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) constitutes a constitutional formal and material foundation in the politics of law and legislation so that every policy and strategy in the field of law and legislation gets constitutional legitimacy as wrong a form of state elaboration based on law (rechtstaat) and the principle of constitutionalism. (3) Implementing regulations or policies from the laws and regulations. What is meant here is a regulation or policy that contains rules relating to politics of law and legislation that are implementing from a philosophical, constitutional, operational, formal, and procedural basis, for example, among others Law Number 10 of 2004, Law Law Number 23 Year 2014 concerning Regional Government, National

Legislation Program (Prolegnas), Medium Term Development Plan, and so on.

Legislative politics is part of legal politics. Because of that as a basis, the legal political policy applies to legislative politics. The direction of the policy is in the form of legislation both past regulations, current regulations and existing regulations[12]. Legislative politics regarding the development of legal material include: first, the establishment and renewal of the law; second; inventorying and adjusting the elements of the legal order that apply to the national legal system. The meaning of self-regulation is a responsibility to maintain more compliance and law enforcement held by the public[13].

The establishment and reform of legislation are directed at new legal products that are urgently needed to support the general tasks of national governance and development. So there are two main areas of a target for the formation of legislation, namely; (1) Legislation concerning the general task of government is all laws and regulations that govern or involve the administration of the duties of the authority of the state government in the field of political state administration. (2) Legislation concerning national development is all laws and regulations that government can provide support for national development.

Regarding inventorying and adjusting the elements of the legal order that apply to the national legal system is related to the legislation of the colonial society which is still valid today. The inventory assessment includes: (1) Inventory of laws and various legislation including regional regulations that are composed and formed for a certain period of time; (2) Conduct internal and external evaluations of various laws and various other laws and regulations. Internal assessment is an assessment of consistency into the design system between various laws and regulations. While the assessment is relevant to the objectives of legal development in particular and development in general.

Legal arrangements for border areas are regulated in the 1945 Constitution of the Republic of Indonesia, namely in Chapter IXA concerning the State territory Article 25A which reads the Unitary State of the Republic of Indonesia is an archipelagic State which encompasses the archipelago with borders and rights set by law. Article 25A has been set forth in Law Number 43 of 2008 concerning State Areas. National arrangements for the territory of the State in relation to this border region are policies taken to safeguard and protect the integrity and sovereignty of the Unitary State of the Republic of Indonesia.

The politics of national law has not been implemented well into the realm of the people of the Papua border region where they still have customary laws that are binding on the alliance of indigenous and tribal peoples, namely the customary law community (Indonesian citizens and PNG citizens). Law enforcement related to border areas is still lacking in law enforcement efforts towards the existence of customary law community alliances. A special regulation has not been regulated in an effort to show the position and position of customary law in the border area as different communal customary law community alliances make a legal vacuum occur in the border area.

Other policies taken by the government by making a National body that takes care of the border area is the National Border Management Agency is the Management Board of State and Border Regions as referred to in Act Number 43 of 2008 concerning State Areas. Based on the mandate of the Act, the Government through Presidential Regulation No. 12 of 2010 established the National Border Management Agency (BNPP). In the context of managing the borders of countries and border regions, BNPP prioritizes the synergy of policies and programs, so that the weaknesses and limitations that have existed so far, namely the handling of state borders in an ad-hoc and partial and egosectoral manner, which has resulted in overlapping and redundancy and misdirected and inefficiencies in border management, it is hoped that it can be improved. The scope of BNPP's main task is to manage the State Borders and improve the welfare of the people in the border region which is the crystallization of the mandate of Law Number 43 of 2008 Article 15 and Presidential Regulation Number 12 of 2010 Article 3, as follows: Establishing a border development program policy; Establish a plan for budget needs; Coordinate implementation; and Carry out evaluation and supervision of the management of the State and Border Area Boundaries.

3) Customary Law Politics in the local area

Customary law has never been a static law, even though the people adhered to and lived up to their customs as they had been determined by their ancestors for once and forever not to commit irregularities. The customary law becomes a law that moves continuously for dynamic conditions. People understand the structure that occurs in their area. Taking into account the social structure, and obtaining an understanding of the rules of law and the characters contained therein.

Every community has its own legal structure and substance. What determines whether the substance and legal structure are adhered to or otherwise violated is the social attitudes and behavior of the community, and therefore to understand whether the law is effective or not highly dependent on customs, culture, traditions (traditions), and informal norms that are created and operationalized in the community concerned.

Customary law is actually an Indonesian folk law system as an embodiment of the living law that grows and develops co-existence with other legal systems that live in the Indonesian state. Even though it is realized that state law tends to dominate and in certain circumstances, it also happens, state law displaces, ignores, or marginalizes the existence of the rights of local communities and the people's (adat) legal system in the implementation and enforcement of the state law[14].

In the perspective of the Customary Law community, genealogy and territorial border communities, that the tribes in the border areas of Papua and Papua New Guinea are still one descendant. The kinship relationship created between the two communities in the border area is very strong so that it raises perspectives in social life about borders at a different level from the political perspective constructed by the State. Where there is a custom/habit that is maintained from generation to generation in generations. Custom is a system of norms that grows, develops and is upheld by the community. Customs that have institutionalized and applied for generations are called traditions or habits. Habit, in the simplest sense, is something that has been done for a long time and becomes part of the life of a community group, where this habit can be written or unwritten. So that these habits are very easy to become extinct or disappear if not preserved.

Customary law community arrangements in the border areas of this country are more subject to the customary law that is applied downhill each generation in deciding a legal problem based on the customary law in the border area. Changes to national legal politics are unable to eliminate social solidarity from the relationship of indigenous law communities separated by national boundaries. Customary law community members have their customs and customary law that apply to their alliance, which violates custom or habit, in general, will be subject to sanctions. Such sanctions are in the form of exclusion or expulsion from the community environment where the customs apply. Although the sanctions are not written but effective. This is because customs are respected by the community.

In Indonesia, customs are a complement to written law. Culture is a way of life that is developed and shared by a group of people and passed down from generation to generation. Culture is formed from many complex elements, including religious and political systems, customs, language, tools, clothing, buildings, and works of art.

Customary law in the local area is very much determined by the policies adopted by the customary law community in their customary territories. Policies or rules that are applied from generation to generation are preserved and carried out and applied in everyday life well by indigenous law communities. Customary policies are absolute and cannot be contested by the alliance of customary law communities and constitute a regulation that must be fulfilled and adhered to during the implementation of the law. Customary law community is happy to submit and obey the existing legal decisions and is determined by the Customary Head of the customary law community association.

Customary law is an unwritten rule of law, it lives, grows and develops in indigenous communities and will continue to live as long as its people still fulfill the customary laws that have been passed on to them from their ancestors before them. Therefore, the existence of customary law and its position in the national legal system cannot be denied even though the customary law is not written but the customary law will always exist and live in the community in the border area as an ancestral heritage from generation to generation.

B. The position of Legislation and Customary Law Politics in Border Areas

Pancasila assertion as a source of legal order is very significant for the customary law because customary law is rooted in folk culture, so that it can manifest a real and living legal feeling among the people and thus reflect the personality of the Indonesian people and society. As a philosophic grondslag, Pancasila essentially as a source of legal order in Indonesia. In its position, Pancasila as a source of elaboration in the process of law drafting in Indonesia. Pancasila that contains religious values, the value of moral law, the value of natural law, and religious value as a legal source of material for the positive law of Indonesia[15].

With the affirmation of the Pancasila as a source of legal order in its opening, the 1945 Constitution essentially places the customary law in a new position in the Indonesian constitution[16]. Implicitly, customary law can actually be found in article II of the statutory transitional rule which still stipulates that all nations and countries and regulations that are still directly applicable as long as they are not yet new[16]. After the amendment to Article II of the 1945 Constitution of the Republic of Indonesia NRI, the transitional rules were transferred to Article I.

The 1945 Constitution of the Republic of Indonesia does not explicitly stipulate, specific provisions for customary law therein, but implicitly, customary law is stated in it, namely at the opening and explanation of the 1945 Constitution of the Republic of Indonesia. Because the customary law is the only law that develops above the basic framework of people's views Indonesian people, then the customary law will then be the most important source in fostering the national legal system of the Republic of Indonesia.

Recognition of customary law refers to the 1945 constitution where customary law is recognized in a legal system in Indonesia. The existence of a customary law can be said to have a position similar to the higher national law of the 1945 Constitution. The existence of a customary law that is not codified, invisible and existed before the Indonesian State is established is proof that customary law is more powerful than national law. Customary law is the values that live and develop in the community of a region. Although the most customary law is not written, it has a strong binding power in society. The customary law that lives in this community, especially for the indigenous Papuans of the border area, which is still thick in its original culture, will be felt. The application of customary law in daily life is also often applied by Papuan customary law communities.

Law is not something that happens naturally but is the resultant result of the various processes of internalization, intrusion, and negotiation of various interests between factions and actors in society[17]. If you look at the legal ideals according to Gustav Radbruch, legal ideals are calcified in 3 (three) general principles, namely: Purposivines (Benefits / Zweckmassigkeit), Justice (justice / Gerechtigheit), and legal certainty (legal certainty / rechtssicherheit). The idea is must be contained in the law, even so, to make the law truly proportional, it is actually very difficult because the legal aspirations of one another basically have conflicting values[18].

Although the law is an orderly system and has a mechanism to overcome inconsistencies, there are also aspects of the rule of law. Thus the rules can occur in acts that are not in accordance with the law or they feel they act according to their rights and obligations according to their respective perceptions[19]. Likewise, the existence of customary law communities in border areas despite the existence of Indonesian legal arrangements that are bound to their sovereignty, but the existence of other legal systems in the border areas cannot be avoided. This can be seen from the application of the legal law in the jurisdiction of the Republic of Indonesia, national legal inconsistency is also seen from the existence of a customary law that affects the legal system in border areas. The existence of a customary law can overcome the existence of existing national law so that there should be a division or separation in the legal units in the border area.

Law as a rule (legislation) operationally cannot be passed from the sources of science and philosophy that underlie its formation, so that when the rules cannot provide certainty and justice, principles, theories and philosophy become important in the framework of renewal and harmonization to

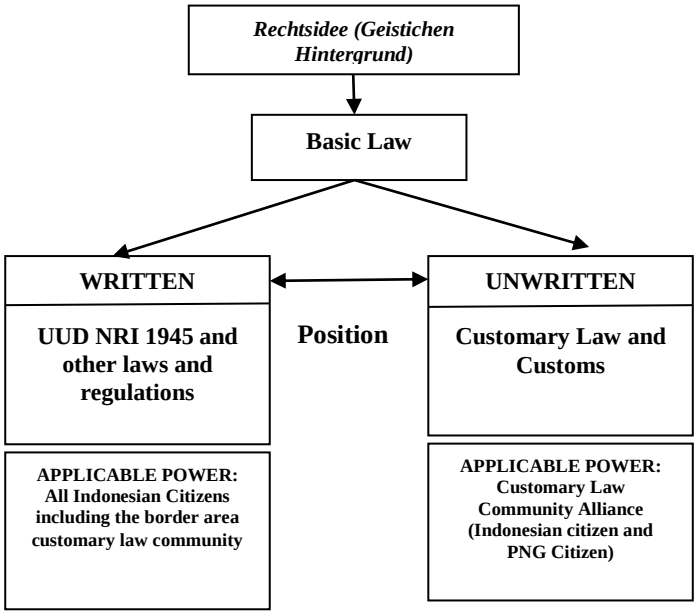
provide a meaningful scientific understanding of a problem arising from the formation process to the implementation of a law[20].

Analysis of the issue of dichotomies that have not yet been felt fairly places social dominance theory[21] as a reference in mapping customary law issues and national law regulations and PNG legal rules. Indonesia tries to make a regulation that focuses on the politics of government law to maintain and protect its integrity and sovereignty without seeing the existence of the law that lives in a society. This can be seen from the many application of laws in the form of legislation that is sectoral and beneficial for the government in an effort to maintain the integrity of state sovereignty. This principle is not wrong to see that the Indonesian State is a legal state and has legitimate sovereignty and jurisdiction in the international and national world. However, it cannot be denied that the existence of indigenous peoples is also in the Indonesian territorial territories and PNG's neighboring countries and their existence explains that in reality this State border must be considered more because of the dualism of customary rights ownership in a border area owned by a legal community group different customs of citizenship. In customary law, the land has a very important position[22].

In this context, when collided between national law and customary law and PNG State law will be a legal problem that will never be resolved because these three forms of legal regulation are very different to be applied simultaneously. In a case like this, it is supposed to see the existence of living law that develops in a community life. Appropriate law application will obtain effective results.

The position of the legislation in Indonesia is absolute and must be obeyed in the legal process, seeing from its position that the law applicable in the jurisdiction of the Unitary Republic of Indonesia should apply. If you look at the customary law alliance means customary law in force, but the existence of indigenous law communities who are PNG citizens who live and live in Indonesia should use Indonesian law instead of using the law that was once under him from PNG. Indigenous peoples are being marginalized globally from a socioeconomic perspective and are often excluded from mainstream communities for social and/or geographic reasons[23].

The reality of the life of indigenous and tribal peoples in border areas remains in the environment of their customs and customs, although there have been frictions from global influences. They continue to maintain the order of social life with a bond of togetherness, which is principled to calm, harmony and peace in social life between indigenous peoples. The existence of customary law communities is not disturbed by the issue of national law because essentially the position of customary law in the border area of Papua, is the highest law in the alliance of customary law communities that have existed from the past until now has never been lost in indigenous law communities in the border area of Papua. This proves that the position of customary law in Indonesia is the law of indigenous Indonesians that is always maintained by the people concerned. If national law abolished the customary law, national law would lose its resources and the customary law would never die, because customary law is the base of all Indonesian legal sources, which manifested in Pancasila.



Picture. 1.1. Dichotomy chart of Legal position in the Border area

The Constitution (UUD) and customary law are derived from legal receptions so that the Constitution and customary law follow and are subject to the ideals of the law. Legal interests as a testosterone for all kinds of legal norms, because they are located as souls or the basis of basic law. According to Von Savigny that law comes from the soul of the nation, then the basic law departs from the law that lives and develops in accordance with the values of life in society. Based on the explanation above the position of customary law and the 1945 Constitution is different where the constitutional rechtidee is Indonesian customary law because in the 1945 Constitution of the Republic of Indonesia NRI contains the soul of the nation and the legal values that live in a developing society. Whereas the position of customary law is the legal aspiration of the basic law which has the strongest position in the Indonesian legal system whereby customary law animates all existing laws in the Indonesian legal system which are used as the basis for the testing of the laws created.

Thus the position of the regulation of customary law that applies in the border area has the strongest legal standing in the legal system in the border area where customary law is the basic and basic law between the customary law community associations as well as the regional politics of the existing local government policy is an inspiration from developing customary law in society.

IV. CONCLUSION

The dichotomy of the regulation of the legal system in border areas is a form of plural and diverse legal arrangements. However, essentially the legal dichotomy in the border area must be distinguished in the process of its application, where the rules of national law, customary law, and PNG law are different and must be separated. Indonesian

law applies to Indonesian citizens, the customary law applies to customary law community associations and PNG law applies to indigenous and tribal peoples from PNG. However, the conformity of the synergy with the application of law between the alliance of customary law communities living in the border area can use their customary law which only applies between their customary community alliances.

The position of national law and the politics of customary law in the border region are essentially the same, where national law must apply to all citizens of the community, including the indigenous and tribal peoples in the jurisdiction of the State of Indonesia, as well as the PNG customary law community must comply with the law that is Indonesian law if he lives and lives in the jurisdiction of the State of Indonesia. Although the position of Indonesia's national law is so high, the existence of a customary law cannot be ruled out because in the alliance of customary law the customary law has a high position because it is the original law of a tribe that exists in the border area.

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