Vol. 4 No. 3 (2023): 375-405



Border Area Management: How Should Indonesia Reform?

Muhammad Syafei;¹ M. Rafi Darajati;² Adityo D. Sudagung.³

^{1, 2} Faculty of Law Universitas Tanjungpura

³ Departement of International Relations Universitas Tanjungpura

*Coresponding author: rafidarajati@untan.ac.id

Submission : 22 Agustus 2023 Revision : 26 September 2023 Publication : 07 Oktober 2023

Abstract

This article examines how state territorial regulation can encourage development in Indonesia's border regions. This article also tries to explain the need for better management of borders between countries because there are several obstacles in implementing cross-border regulations. This research uses qualitative methods by taking the perspective of international law and constitutional law and collecting data through field research and reviewing related literature. Field research was carried out for 3 months by conducting in-depth interviews with several informants. Secondary data was obtained from reviewing books, journals, writings and mass media regarding international law, international relations and constitutional law. This research shows that the idea of reforming border management between countries must be based on several aspects, namely law, institutions, development approaches and spatial planning.

Keywords: border area management; governance; state territory



This work is licensed under a Creative Commons Attribution 4.0 International License

Abstrak

Tulisan ini mengkaji bagaimana pengaturan wilayah negara dapat mendorong pembangunan di wilayah perbatasan Indonesia. Tulisan ini juga mencoba menjelaskan perlunya manajemen batas antarnegara yang lebih baik karena terdapat beberapa hambatan dalam mengimplementasikan regulasi lintas batas negara. Penelitian ini menggunakan metode kualitatif dengan mengambil sudut pandang hukum internasional dan hukum konstitusi serta mengumpulkan data melalui penelitian lapangan dan peninjauan literatur terkait. Penelitian lapangan dilakukan selama 3 bulan dengan melakukan wawancara mendalam dengan beberapa informan. Data sekunder diperoleh dari meninjau buku-buku, jurnal, tulisan, dan media massa mengenai hukum internasional, hubungan internasional serta hukum konstitusi. Penelitian ini menunjukan bahwa gagasan reformasi manajemen perbatasan antar-negara haruslah berlandaskan pada beberapa aspek vaitu hukum. kelembagaan, pendekatan pembangunan, dan tata ruang.

Kata Kunci: kewenangan; manajemen kawasan perbatasan; tata kelola; wilayah negara

A. Introduction

State border is the manifestation of territorial sovereignty of a country that can be defined as imaginary boundaries on the earth's surface that separates one state's territory to the others consists of land, sea, and air borders.¹ and determined by historical processes, politics, and international relations, crystalised into national and international law.²

¹ Adesina, Olubukola. "Conceptualizing Borders and Borderlands in a Globalizing World." (2019). Vol.22 No.1 2019 AJPSSI, Available at SSRN: https://ssrn.com/abstract=3392706

² Lee, Daniel. "Defining the rights of sovereignty." American Journal of International Law 115 (2021): 324.

Indonesia proclaimed its independence in 1945. Yet, the country still has not completed the drawing of its borders with its neighbouring countries, especially Malaysia. The management of Indonesia's border lines is still facing complex problems concerning delimitation and demarcation, defence and security, law enforcement, and development gaps in a particular borderland.³

The existing problem arises due to the outer border of Indonesia's territory is directly adjacent to the territory of a neighbouring country that leads to the needs for Indonesia to consider the sovereignty of the neighbouring countries that also strongly related to the people's welfare.⁴ This paper argues that dealing with these two issues requires specific approache, which are focused, responsive, effective, have legal certainty, and people prosperity-oriented. There have been problematic land boundaries in the negotiation process between Indonesia with Malaysia, Papua New Guinea, and East Timor. Indonesia and Malaysia have seven segments known as Outstanding Boundary Problems (OBP); four in West Kalimantan Province, while the other three in North

³ Bangun, Budi Hermawan. "Konsepsi dan pengelolaan wilayah perbatasan negara: perspektif hukum internasional." Tanjungpura Law Journal 1, no. 1 (2017): 60.

⁴ Partoga, Edward Yohanes Yohanes, and Joko Setiyono. "Optimizing the Security of the Indonesian State through Strengthening International Cooperation between Indonesia and Malaysia in the Land Border." Jurnal Hukum Prasada 7, no. 1 (2020): 2.

Kalimantan Province.⁵ Meanwhile, the condition of the border gate between Indonesia and Papua New Guinea in Jayapura City, Indonesia, does not have complete Custom, Quarantine, Immigration, and Security facilities yet. The cross-border activities in the border area are dominated by traditional border crossers, such as close relatives of Papuaan people who cross the border to Papua New Guinea and vice-versa.⁶ However, the problems of unofficial border-crossing occur when law enforcement of border agreement is very low and it happens in the borderland of Indonesia-East Timor.⁷

Problems mentioned above lead to five strategic issues. First, state sovereignty that related to several segments of the state's boundaries has not reached any agreements yet.⁸ Second, there is welfare issue of people who live around the border area with the neighbouring states. This gap has resulted in high numbers of underprivileged families, low-quality human resources, and minimal socio-economic

⁵ Rachmawati, Iva, and Machya Astuti Dewi. "A Note for Indonesia's Border Diplomacy in Tanjung Datu, West Kalimantan." Jurnal Hubungan Internasional 9, no. 1 (2020): 9.

⁶ Teturan, Yohanis Endes, Sri Suwitri, Yacob Warella, and Hardi Warsono. "The Management of Border Area Between Indonesia Republic and Papua New Guinea in Sota Region of Merauke District." Prizren Social Science Journal 3, no. 1 (2019): 18.

⁷ Mangku, Dewa Gede Sudika. "Sejarah dan Fungsi Perbatasan Darat antara Indonesia dan Timor Leste." Tanjungpura Law Journal 3, no. 1 (2019): 14.

 $^{^8}$ Elden, Stuart. "Contingent sovereignty, territorial integrity and the sanctity of borders." The SAIS Review of International Affairs 26, no. 1 (2006): 13.

infrastructure.⁹ Third, the lack of basic infrastructure to promote economic activity has slowed down the development in most border areas. Conditions in the border areas, especially in the Kalimantan region, are quite apprehensive, with unequal socio-economic that are very striking compared to border areas in Malaysia.¹⁰ Fourth, institutions dealing with border areas are ad hoc and tend to be sectoral and not integrated. The practice of inter-sectors coordination and collaboration (central government-local government and inter-local governments) is still relatively weak. Fifth, weak law enforcement caused many illegal cross-border activities such as human trafficking and illegal logging.

This paper believes those strategic issues could weaken Indonesia's national resilience. Therefore, the arrangement and management of land and sea border areas require special attention and fast action from the central government and local governments, including the border area of West Kalimantan, which has a direct access to the State of Sarawak, Malaysia, territory. At least two factors caused the existing reality. First, the social, political, and security conditions in the

⁹ Huang, Michelle Viandy. "A Review of The Non-Demarcation Border Cooperation Between Indonesia And Malaysia." Verity: Jurnal Ilmiah Hubungan Internasional (International Relations Journal) 11, no. 22 (2020): 47.

¹⁰ Hutabarat, Leonard F. "Prospek dan Permasalahan Pembangunan Pos Lintas Batas Negara (PLBN) di Kawasan Perbatasan Kalimantan Barat dan Kalimantan Utara." Badan Strategi Kebijakan Luar Negeri: Policy Brief 7, no. 8 (2022): 7.

past, as well as the paradigm that the border area is the backyard of the territory of the Indonesia, carry implications for the lack of government attention.¹¹ It has resulted in the development gap in the Indonesian border areas compared to the border of neighbouring countries.

Second, the approach used in managing border development still puts more emphasis on the security rather than prosperity. However, current security situation is increasingly conducive with a globalisation process marked by various cooperative relations in the economic and trade sectors, both regional and sub-regional levels. Therefore, the security approach must be accompanied by a balanced welfare approach in managing border areas.

On the other hand, Malaysia, which is directly shares borders with Indonesia, has developed its border areas into an advanced economic community by providing adequate basic infrastructures with quality human resources. For example, there are hotels with sufficient facilities in the border area of Lubok Antu, which takes approximately nine kilometres away from Badau District, Kapuas Hulu Regency.¹³

¹¹ Alunaza, Hardi, and Adityo Darmawan Sudagung. "Kebijakan Nawa Cita Sebagai Dasar Pembangunan Di Kawasan Perbatasan Kalimantan Barat." JRP (Jurnal Review Politik) 10, no. 2 (2020): 3.

¹² Saherimiko, et. al. "Economic Security in the Border Region of Indonesia and Malaysia." International Journal of Humanities and Social Science Invention (IJHSSI), vol. 11(03), 2022, 43.

Anuar, Abdul Rahim, and Sandy Nur Ikfal Raharjo.
"Indonesia-Malaysia cross-border governance during the Covid-19"

Considering that the border area is a strategic area to maintain a State's territorial integrity, the Indonesian government then established Law Number 43 of 2008 on State Territories, which mandated central and local government to form a Border Management Agency at the central and local levels to manage border areas. However, the commitment through the State Territory Law is not well implemented due to various obstacles ahead, both in terms of development conceptions and policies that need to be formed, as well as the existing border area management systems and procedures. This obstacle is reflected in the solid sectoral approach, weak synergy between central and local government sectors, and the unintegrated management of development programs in border areas. ¹⁴

If we look closely at the regulation on the State Territory Act, it contains two primary substances. First, state borders on land, waters, seabed, and subsoil, as well as the airspace which determined in accordance with bilateral and/or plurilateral agreements based on international law; and the second, the management and utilisation of state territory and border areas.

.

pandemic: Challenges and adaptation in the integration of the Tebedu-Entikong border region." Journal of International Studies 18 (2022): 101.

¹⁴ Fadhiil, Muhammad Dzaki, and Arie Afriansyah. "Strategic Development of Indonesia's Outermost Islands as an Enhancement of National Maritime Defense and Sovereignty.", 84

According to Article 10, Article 11, and Article 12 of Law Number 43 of 2008, the central government, provincial government, and district/city government has been mandated to manage the territory of Indonesian jurisdiction including the border areas. However, the implementation of that provisions will be further elaborated by the Government Regulation, which unfortunately still has not come into force until today.

This paper discovered several pieces of research on the management of Indonesia's border areas. The main issue they discussed was the object of this border management and how the national security issue dominates the whole discussion. The first group of papers focused on the people, while the other focused on the government as the regulatory actor. Itasari¹⁵, Ningtias, et al.¹⁶, and Sudagung and Rezasyah¹⁷ highly emphasise the importance of people as the sources and goals of border management. A different perspective then addressed by Itasari, mainly elaborates the socio-economic development at the border area would strengthen the

¹⁵ Itasari, Endah Rantau. "Border Management Between Indonesia And Malaysia In Increasing The Economy In Both Border Areas." Jurnal Komunikasi Hukum (JKH) 6, no. 1 (2020): 222.

¹⁶ Ningtias, Kartika, Adityo Darmawan Sudagung, and Muhammad Rafi Darajati. "Society Security Vulnerability In Indonesia-Malaysia Border, Sajingan Besar District, Sambas Regency." *Indonesian Journal of International Law* 15, no. 3 (2018): 421.

¹⁷ Sudagung, A. D., & Rezasyah, T. (2020). Sekuritisasi Keamanan Sosial Masyarakat Perbatasan, Studi Kasus Indonesia-Malaysia. Analisis CSIS 49 (3), pp. 335

security.¹⁸ In comparison, Ningtias et al. argues that Indonesia's national security was threatened by the societal security that arose from an intense socio-economic relations among the people at the border of Indonesia-Malaysia.¹⁹ Sudagung and Rezasyah agreed on the threat and further discussed the security process conducted by the Indonesian government.²⁰

Rochmawati et al. argued that the border area is a new arena for the Central Government as the leading actor in political affairs and public policies to support the means undertaken by the government through securitisation. This condition leads to a conflict of authority among the actors. The local government plays a role as the second actor, acting as a passive object. In reality, central and local governments have not taken any serious actions concerning border area management, especially on distribution, autonomy, and reinforcement of authority.²¹

Moreover, Setiawan et al. agreed that Indonesia should form border management and border control policies to

¹⁸ Itasari, E. R., op cit.

¹⁹ Ningtias, Kartika, Adityo Darmawan Sudagung, and Muhammad Rafi Darajati., op.cit.

²⁰ Sudagung, A. D., & Rezasyah, T, op.cit.

²¹ Rochmawati, Ida, Rusdiono Rusdiono, and Arifin Arifin. "The Involvement and Conflict of Authority of Actors Managing the Indonesia-East Malaysia Border Area." Journal of Governance 7, no. 3 (2022): 611.

overcome those challenges with a Coordinated Border Management strategy. ²²

In addition to both arguments, Zein stated that border areas have strategic values in supporting the success of national development. The understanding of securing border areas concerning state sovereignty can be interpreted that a threat to a border area also means a threat to the integrity and sovereignty of the state. This argument supports the previous idea of Itasari, Sudagung and Rezasyah, and Ningtias et al. that Securing the State's borders in maintaining the sovereignty of the State needs to be optimised.²³

The previous research shows the needs for more specific legal arrangements to manage the development of Indonesia's border areas which could escalate into a national security threat. However, the literature reviews do not address specific regulatory and operational issues. The research gap from those publications is that juridically and sociologically, this paper would explore the regulatory aspects of the management and implementation of the development of Indonesia's border areas after the promulgation of Law

²² Setiawan, Mochamad Rizqi Setiawan, Erza Lasoturia Anansih Mendrofa Mendrofa, and Gede Maha Aditya Pramana Pramana. "Border Management: Challenges And Issues at The Border In Indonesia." Customs Research and Applications Journal 2, no. 2 (2020): 100.

²³ Zein, Yahya Ahamad. "Politik Hukum Pengelolaan Wilayah Perbatasan Berbasis Pemenuhan Hak Konstitusional Warga Negara." Jurnal Hukum Ius Quia Iustum 23, no. 1 (2016): 98.

Number 43 of 2008 and the formation of the National Border Management Agency. This paper found out it is relevant to discuss this matter, after the promulgation of Law Number 43 of 2008, there are still problems with operational arrangements that could be more complex in terms of the substance, authority, duties, functions, and institutional responsibilities, as well as coordination culture. To fill that gap, this research focuses on whether or not the regulation on the authority to manage the development of border areas based on Law Number 43 of 2008 can accelerate improve border areas' role as the front yard of the Indonesia that delivers prosperity to the people.

From this research problem, it is interesting to study how the regulation on state territory can encourage development in Indonesia's border areas. Therefore, this paper concludes that it is necessary to formulate better arrangements on authority, management, and implementation of the state's territory in the border area. This paper argues that efforts to accelerate the development of border areas could be more optimal and to prevent another failure in developing the border areas as it occured in the past.

This research uses a qualitative method based on international and constitutional law perspectives and chooses the research location by considering the four unresolved-outstanding-boundary problems with Malaysia in West Kalimantan. The disparity between the international border

area of West Kalimantan (Indonesia) and Sarawak (Malaysia) has created a higher orientation of mobility, legal and illegal, from Indonesia to Malaysia.²⁴ The other reason is that this bordering area of West Kalimantan and Sarawak the scene of transnational crime. Even in the post covid era, where the border crossing is not effectively opened, there are a total of 53 cases of immigration, quarantine, and smuggling in 2022.²⁵

B. Discussion

1. The Concept of State Border Area

The management of state borders have a comprehensive aspect to understand. It has a lot to do with foreign relations as a form of actualisation of state sovereignty over other countries, yet it still have numerous domestic tasks related to economic, infrastructure, and social development of people who live nearby the borders to enhance their welfare and maintain the nation's image in the eyes of international community. Management of state border areas also includes aspects of supervision that focuses on maintaining the security of the country's physical borders and border traffic

²⁴ Sudagung, Adityo Darmawan. "Indonesia's Strategies in Dealing with Nationalism Problems of Border Societies at Indonesia-Malaysia Border Area (2009-2014)." International Journal of Environment, Architecture, and Societies 1, no. 01 (2021): 3.

²⁵ Timotius, T. (2023). Polda Kalbar-PDRM bahas ancaman kejahatan perbatasan. Antaranews.com. https://kalbar.antaranews.com/berita/536022/polda-kalbar-pdrm-bahas-ancaman-kejahatan-perbatasan

activities and development which focuses on providing public services and economic and socio-cultural development.²⁶

The state border area is also holding a strategic role and position as a "front veranda" that have a solid inherent function as defence and security as an embodiment of a country's political sovereignty, welfare, and the environment...²⁷ As the gateway to the state, the border area certainly has the advantage of a strategic location for dealing with neighbouring countries, especially for economic and trade activities. This means, instead of being seen as a separator between two bordering countries, state borders are seen as an area of cooperation to improve the welfare of each country's people who live around the borders.²⁸

This welfare aspect is very critical, considering the socioeconomic conditions of border communities generally still showing the characteristics of underdeveloped areas due to border locations are primarily remote or isolated with low

²⁶ Manik, Jeanne Darc Noviayanti. "Pengaturan hukum perbatasan negara kesatuan republik Indonesia berdasarkan undangundang wilayah negara." PROGRESIF: Jurnal Hukum 12, no. 1 (2018): 2019.

²⁷ Tjilen, Alexander P., and Ransta L. Lekatompessy. "Border Area Security Policy in Geopolitical and Geostrategic Perspective." In International Joined Conference on Social Science (ICSS 2021), pp. 422. Atlantis Press. 2021.

²⁸ Arifin, Saru. "Cross border approach sebagai alternatif model kebijakan pembangunan kawasan perbatasan." Jurnal Hukum Ius Quia Iustum 20, no. 1 (2013): 41.

accessibility.²⁹ If the improvement of welfare for people who live in the state border areas can be realised, it will positively impact various aspects of the life of border communities. The embodiment of this ideal condition can prevent various illegal economic activities and provocative attempts by outsiders that can endanger the state sovereignty. In other words, implementing a stable welfare function in the border region can effectively help to strengthen the defence and security of a country.

The third aspect attached to the border is the function of the environment. This function has an influence for activities carried out in other border areas, both nationally and regionally that aligns with the spatial planning policies of Indonesia's border areas which are functionally divided into three areas: buffer zones in the form of frontier areas covering all border districts, supporting areas in the form of areas that have direct links with border areas covering border districts, and hinterland areas or areas that have regional links covering all provincial areas.

²⁹ Madjid, Udaya, and Irfan Setiawan. "Governance In Overcoming Social Problems at The Country Border In Entikong District, Sanggau Regency, West Kalimantan." Jurnal Ilmu Pemerintahan Suara Khatulistiwa 6, no. 1 (2021): 30.

2. National Border Area Management Reform Strategy

The state's role in economic development is co-related with the function of the state in understanding the welfare of the state. Based on this theory, the state is a guarantor of people's welfare and a regulator to formulate fair standards regarding the economic sector, especially in the context of national economic development and Indonesia's border areas.30 From the perspective of authority, in the State Territories Law, there are powers vested on the central government (Article 10), provincial governments (Article 11), and district/city governments (Article 12) in terms of managing and utilising State territories and border areas. However, this authority can only be implemented with a Government Regulation as the implementing regulation to promote a consistent legal order and certainty in the implementation of the government's authority in managing the development of border areas.

On the other hand, local governments are still facing obstacles in developing border areas to adjust to the autonomy status granted to them which makes the central government tends to dominate socio-economic development in border areas as well as the coordination from higher

³⁰ Yuanitasari, Deviana, and Susilowati Suparto. "Peran Negara Dalam Sistem Ekonomi Kerakyatan Berdasarkan Pancasila Untuk Mewujudkan Kesejahteraan Sosial." ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan 4, no. 1 (2020): 38.

institutions is still needed to integrate various cross-administrative socio-economic activities between central and local governments. As a further consequence, the local government are significantly less involved in formulating and implementing border area development policies.

In addition, handling border areas is also still ineffective due to the absence of a clear legal regulation that specifically regulates security management at the border as well as less efficient structure and authority of the National Border Management Agency, an institution specifically appointed by the central government to manage all aspects of development in border areas. The ambiguity of authority mentioned above has resulted in competition on each level of government to impose their influence in the border areas, especially when there is potential budget and this tends to lead to the negligence of responsibilities vested to them when problems arise.

The concept of one regulating body can be applied in managing the new border area to overcome those issues. This paper argues that it would be better if the National Border Management Agency is upgraded to the status of a State Ministry led by the Minister of Border Area Development which may make the management of border areas in the future more effective, efficient and focused.

Based on the previous mapping of socio-economic problems, efforts to manage border areas are required to

provide significant benefits to increase people's welfare in the border areas. Through a welfare approach, the management of border areas will be directed to fulfill various basic needs, promote people's welfare, and develop human resources.

In order to realise that idea, several strategies can be implemented. First, by exploring the economic, social, and cultural superior potential in each border area and the advantage of a strategic geographical location for dealing with neighbouring countries. Second. accelerating the improvement of the quality of life of the community through meeting the needs of basic infrastructure and facilities, health services, improve the quality of human resources, empower the capacity of government apparatus and institutions, and increase the mobilisation of funds to stimulate economic activity. Third, developing economic centres in the subdistricts that directly border with other countries selectively and gradually according to priorities and needs.

It requires serious effort and commitment from all components of the nation to reach this target. From the central government to policies and strategies for the development and investment of basic infrastructures and facilities. Also, the funding support is needed for the communities around the border areas and broad participation space to realise the community's role as a centre for development actors at the

border so that the development of the border area can provide a sense of justice and transparency.³¹

The second approach is security aspect. As it has mentioned previously, border areas are directly adjacent to other countries.³² The border areas are essential to the state's economy because it is a route for international trade and preserve enormous natural resources. Efforts to secure and protect mean realising conditions in the border areas under control and can be used as much as possible for the national interest. Thus, besides seeing border areas as areas with strategic value for territorial integrity, the security approach is also for protecting national development interests.

The following approach is the environment. Environmental aspects is an essential factor in border management and crucial in maintaining environmental sustainability and minimising the impact that will be caused by development activities in the border areas.³³ The environmental approach is operationalised with the necessary development steps, among others, by maintaining

³¹ Rusmiyati, Mesy Faridah Hendiyani, Afni Nooraini, and Alma'arif Alma'arif. "Manajemen Perbatasan." (2022), Jakarta: Cendekia Press, pp. 87

³² Setiawan, Irfan, Udaya Madjid, and Sadu Wasistiono. "Development of Distric Institutions In The Entikong State Border Area, Indonesia." Transformasi: Jurnal Manajemen Pemerintahan (2022): 160.

³³ Raharjo, Sandy Nur Ikfal. "Indonesia's policy on the land border area management with Malaysia (an evaluative study in the Entikong District)." Widyariset 16, no. 1 (2013): 76.

environmental balance during the development process, especially in controlling the use of space in the land border area.

The actual embodiment of this strategy is reflected in actions to control and prevent illegal activities in protected and conservation area areas. In addition, it is also manifested in efforts to maintain environmental balance from over exploitation of natural resources, especially for the potential of coal, gold, and petroleum mining materials.

Through this approach, the development of border areas is directed to always pay attention to aspects of environmental sustainability which is a form of sustainable development. Balanced and sustainable development between economic, social, security, as well as environmental aspects, must become the principle of development and the primary basis for consideration for all sectors and regions to ensure the sustainability of the development process in border areas.

In this context, the success of developed border areas is significantly influenced by the ability to manage natural resources and the environment. In managing border areas, a management model is needed to synergise between authorities (central, provincial, and district/city), which is reflected in regulations that specifically regulate the management of state border areas.

The management of state boundaries and border areas is carried out with the principle of area-based management, the essence of which is to develop regional potential and solve border problems in specific "Development strategic Concentration Areas" in an integrated manner. Priority locations in Development Concentration Areas are needed as of integrated border management.³⁴ the focus management of border areas by implementing area-based management will be facilitated by having identified priority locations from the start where various development inputs from relevant ministries and the regions will be brought into priority locations in an integrated manner according to the needs of the area, including the private sector where possible.

The sectoral inputs referred to include programs and supporting devices, including budgets, infrastructure, and other facilities needed. Then, in general, border management has a scope of handling that includes various strategic objectives.

The first objective is related to the management of territorial boundaries, which contains various strategic steps to stipulate and affirm the boundaries of the State's territory and the outer boundaries of jurisdictional waters with neighbouring countries, securing territorial boundaries on

Uti Possidetis: Journal of International Law, Vol. 4, No. 3 (2023)

³⁴ Kennedy, Posma Sariguna Johnson. "Pengelolaan Wilayah Perbatasan Negara Republik Indonesia." (2021).

land and at sea, and reforming the management of crossborder management.

Meanwhile, managing border areas is related to various strategic steps to improve the welfare of the local community through regional development in a balanced and sustainable manner, geographical target land boundary management is directed at land boundary segments with neighbouring countries, and setting priorities for managing territorial boundaries is carried out by considering the boundaries that have not been agreed yet upon with neighbouring countries and strategic issues related to cross-border aspects.

The target areas for border area management are directed at Development Concentration Areas, namely regencies/cities within the border area coverage, both in land and sea areas. Priority determination for Development Concentration Areas is done by considering strategic issues in each Development Concentration Area in the defence, sociocultural and economic aspects.

The focus of prioritised handling locations in each Development Concentration Area is the sub-districts in land border areas that meet one or more of the following criteria: First, the sub-district is directly bordered with neighbouring countries in the land area. Second, the district location of the Outermost Small Islands. Third, the sub-district functions as the National Strategic Area Centre, with a concept that refers

to a commitment to making the border the centre of regional and national economic development.

With this plan, the centres for developing national strategic activities will be in the border gate area or the main road leading to the gate. The development of National Strategic Area Centres as a gateway to neighbouring countries on the border requires various other strategic and integrated efforts at regional centres, significantly accelerating the development of basic facilities and infrastructure to support economic development and public services.

Fourth, the sub-district became the Cross Border Pass with an ideal description of the Cross-border Pass is an integrated service area for cross-borders, in which some checkpoints reflect the elements of Customs, Immigration, Quarantine, and Security (CIQS). This CIQS service element is integrated, one with the other interrelated, in a cross-border pass coordination system, supported by a work unit or support service unit that can provide facility support and coordination control in the area.

The condition of the Cross-Border Pass, as described above, is an ideal description that consists of International Cross-Border Passes and Traditional Cross-Border Passes. The International Cross-border Pass is a cross-border checkpoint for Passport holders and Cross-Border Pass identity holders. Meanwhile, the Traditional Cross-Border

Pass is a cross-border checkpoint for holders of the Cross-Border Pass identity (*Pas Lintas Batas*).³⁵

Based on the four criteria described above, several priority locations are obtained in Development Concentration Areas, where development inputs will complement each other in integration coordinated by the National Border Management Agency. Meanwhile, management will focus on unresolved boundary line segments for managing State boundaries. Development on the boundary lines will be directed to the focus areas determined by priority locations for border area development in areas with no boundary disputes. Therefore, the strategy for developing border areas is essential, where development policies are constantly faced with the best choice of development approach.

There are seven strategies for developing border areas to catch up with society issues, poverty in isolated areas, and gaps between countries. First, strengthen, repair and maintain, and guard the boundaries of the State territory. Second, create centres of economic growth in sub-districts in underdeveloped and isolated areas selectively and gradually according to priorities and needs.

Third, provide the basic infrastructure such as liveable housing, clean water, and electricity, as well as places for

³⁵ Firdaus, Insan. "Optimalisasi Pos Lintas Batas Tradisional dalam Pelaksanaan Fungsi Keimigrasian Studi Kasus Imigrasi Entikong." Jurnal Ilmiah Kebijakan Hukum 12, no. 1 (2018): 57-71.

business activities under the resources available in the environment, including transportation facilities. Fourth, carry out community empowerment in the context of overcoming poverty. Fifth, improve the quality of human resources in border areas. Sixth, improve national insight through outreach, provide access to information and communication and national electronic media. Seventh, develop service centres with capacities and service hierarchies that can balance service centres across the borders of the neighbouring state to reverse the relationship so that Indonesia will experience a surplus.

Gradually developing the dominant community business sector by existing business conditions will encourage an increase in community business results, ultimately increasing the community's capacity to independently develop their business which will provide a multiply effect on the development of other activities both upstream and downstream.

The regional development strategy is based on the principle of inter-region linkage strategy. A strategy based on inter-regional linkages can initially be realised by developing physical relations between regions by building various physical infrastructures to create synergistic links between regions. Besides that, it is necessary to pay attention to a development strategy that has wisdom and is sustainable. Policymakers in border areas between countries must

understand and utilise the local potentials available in those places, including natural and human resources.

Managing border areas requires a firm, comprehensive, and binding legal basis for all parties. One of the most basic legal foundations is clarity of authority and coordination pathways in managing border areas. Thus, the development of the Indonesian state's border areas should ideally consider the embodiment of the above state border functions: security, welfare, and the environment. This is necessary for efforts to develop border areas, namely to encourage the Indonesian state borders to transform from the "back yard" to the "front porch" of Indonesian territory. We hope that the revision of the State Territory Law will further clarify the management arrangements for state territories so that various problems that have so far occurred in the management of state territories.

C. Conclusion

State territorial arrangements related to managing border area development based on the State Territory Law have not yet been optimally implemented to encourage the establishment of border areas as the front yard of Indonesia that is orderly, safe, and prosperous. The idea to reform the border area management lies on several demands, such as legal, institutional, development approach, and spatial aspects. This paper argues that it is necessary to revise the

state territory law to define central and local government authority clearly. This legal action is closely related to the institutional reform to improve the status of the National Border Development Agency into a state ministry of border area development.

The development approach was dominated by the security approach, thus it is necessary to reframe the policymakers to prioritise welfare rather than the security and environment approach. This paper also finds a prospect of an integrated border area starting from the entry point in every border area. This spatial aspect is expected to affect the socio-economic development of the people and directly impact their prosperity.

This paper suggests the government of Indonesia take at least four practical actions to stimulate border management reform. First, finalised the revision of the State Territory Law that will clarify the authority of the central government, provincial and regency/city regional governments in managing border areas and strengthen the duties of the National Border Management Agency. Second, enhance coordination and collaboration among stakeholders who govern the border areas. Third, create an integrated border area supported by better public services at the border post, infrastructure, and connectivity across regions to boost local socio-economic development. Finally, establishing empowerment through collaboration with community

universities or the business sector to improve the quality of human resources and eradicate poverty in the border areas.

Reference

- Adesina, Olubukola, "Conceptualizing Borders and Borderlands in a Globalizing World". (2019). Vol.22 No.1 2019 AJPSSI, Available at SSRN: https://ssrn.com/abstract=3392706
- Alunaza, Hardi, and Adityo Darmawan Sudagung. "Kebijakan Nawa Cita Sebagai Dasar Pembangunan Di Kawasan Perbatasan Kalimantan Barat." JRP (Jurnal Review Politik) 10, no. 2 (2020): 1-23.
- Anuar, Abdul Rahim, and Sandy Nur Ikfal Raharjo. "Indonesia-Malaysia cross-border governance during the Covid-19 pandemic: Challenges and adaptation in the integration of the Tebedu-Entikong border region." Journal of International Studies 18 (2022): 89-123.
- Arifin, Saru. "Cross border approach sebagai alternatif model kebijakan pembangunan kawasan perbatasan." Jurnal Hukum Ius Quia Iustum 20, no. 1 (2013): 37-58.
- Bangun, Budi Hermawan. "Konsepsi dan pengelolaan wilayah perbatasan negara: perspektif hukum internasional." Tanjungpura Law Journal 1, no. 1 (2017): 52-63.
- Elden, Stuart. "Contingent sovereignty, territorial integrity and the sanctity of borders." The SAIS Review of International Affairs 26, no. 1 (2006): 11-24.
- Fadhiil, Muhammad Dzaki, and Arie Afriansyah. "Strategic Development of Indonesia's Outermost Islands as an Enhancement of National Maritime Defense and Sovereignty."

- Firdaus, Insan. "Optimalisasi Pos Lintas Batas Tradisional dalam Pelaksanaan Fungsi Keimigrasian Studi Kasus Imigrasi Entikong." Jurnal Ilmiah Kebijakan Hukum 12, no. 1 (2018): 57-71.
- Huang, Michelle Viandy. "A Review of The Non-Demarcation Border Cooperation Between Indonesia And Malaysia." Verity: Jurnal Ilmiah Hubungan Internasional (International Relations Journal) 11, no. 22 (2020): 41-50.
- Hutabarat, Leonard F. "Prospek dan Permasalahan Pembangunan Pos Lintas Batas Negara (PLBN) di Kawasan Perbatasan Kalimantan Barat dan Kalimantan Utara." Badan Strategi Kebijakan Luar Negeri: Policy Brief 7, no. 8 (2022): 1-10.
- Itasari, Endah Rantau. "Border Management Between Indonesia And Malaysia In Increasing The Economy In Both Border Areas." Jurnal Komunikasi Hukum (JKH) 6, no. 1 (2020): 219-227.
- Kennedy, Posma Sariguna Johnson. "Pengelolaan Wilayah Perbatasan Negara Republik Indonesia." (2021).
- Lee, Daniel. "Defining the rights of sovereignty." American Journal of International Law 115 (2021): 322-327.
- Manik, Jeanne Darc Noviayanti. "Pengaturan hukum perbatasan negara kesatuan republik Indonesia berdasarkan undang-undang wilayah negara." PROGRESIF: Jurnal Hukum 12, no. 1 (2018): 2015-2027.
- Mangku, Dewa Gede Sudika. "Sejarah dan Fungsi Perbatasan Darat antara Indonesia dan Timor Leste." Tanjungpura Law Journal 3, no. 1 (2019): 1-16.
- Madjid, Udaya, and Irfan Setiawan. "Governance In Overcoming Social Problems at The Country Border In Entikong District, Sanggau Regency, West Kalimantan."

- Jurnal Ilmu Pemerintahan Suara Khatulistiwa 6, no. 1 (2021): 21-34.
- Ningtias, Kartika, Adityo Darmawan Sudagung, and Muhammad Rafi Darajati. "Society Security Vulnerability In Indonesia-Malaysia Border, Sajingan Besar District, Sambas Regency." Indonesian Journal of International Law 15, no. 3 (2018): 405-423.
- Partoga, Edward Yohanes Yohanes, and Joko Setiyono. "Optimising the Security of the Indonesian State through Strengthening International Cooperation between Indonesia and Malaysia in the Land Border." Jurnal Hukum Prasada 7, no. 1 (2020): 1-7.
- Rachmawati, Iva, and Machya Astuti Dewi. "A Note for Indonesia's Border Diplomacy in Tanjung Datu, West Kalimantan." Jurnal Hubungan Internasional 9, no. 1 (2020): 1-14.
- Raharjo, Sandy Nur Ikfal. "Indonesia's policy on the land border area management with Malaysia (an evaluative study in the Entikong District)." Widyariset 16, no. 1 (2013): 71-80.
- Rochmawati, Ida, Rusdiono Rusdiono, and Arifin Arifin. "The Involvement and Conflict of Authority of Actors Managing the Indonesia-East Malaysia Border Area." Journal of Governance 7, no. 3 (2022): 608-622.
- Rusmiyati, Mesy Faridah Hendiyani, Afni Nooraini, and Alma'arif Alma'arif. "Manajemen Perbatasan." (2022), Jakarta: Cendekia Press
- Saherimiko, et al. "Economic Security in the Border Region of Indonesia and Malaysia." International Journal of Humanities and Social Science Invention (IJHSSI), vol. 11(03), 2022, pp 41-43. Journal DOI- 10.35629/7722
- Setiawan, Irfan, Udaya Madjid, and Sadu Wasistiono. "Development Of District Institutions In The Entikong

- State Border Area, Indonesia." TRANSFORMASI: Jurnal Manajemen Pemerintahan (2022): 158-172.
- Setiawan, Mochamad Rizqi Setiawan, Erza Lasoturia Anansih Mendrofa Mendrofa, and Gede Maha Aditya Pramana Pramana. "Border Management: Challenges and Issues at The Border In Indonesia." Customs Research and Applications Journal 2, no. 2 (2020): 84-104.
- State Territory Law Number 43 2008
- Sudagung, A. D., & Rezasyah, T. (2020). Sekuritisasi Keamanan Sosial Masyarakat Perbatasan, Studi Kasus Indonesia-Malaysia. Analisis CSIS 49 (3), pp. 330-346.
- Sudagung, Adityo Darmawan. "Indonesia's Strategies in Dealing with Nationalism Problems of Border Societies at Indonesia-Malaysia Border Area (2009-2014)." International Journal of Environment, Architecture, and Societies 1, no. 01 (2021): 1-11.
- Sudiar, Sonny, and Bambang Irawan. "Indonesia's Development Policy to Increase Prosperity of the People in the Border Area." In 2018 3rd International Conference on Education, Sports, Arts and Management Engineering (ICESAME 2018), pp. 216-219. Atlantis Press, 2018.
- Teturan, Yohanis Endes, Sri Suwitri, Yacob Warella, and Hardi Warsono. "The Management of Border Area Between Indonesia Republic and Papua New Guinea in Sota Region of Merauke District." Prizren Social Science Journal 3, no. 1 (2019): 18-31.
- Timotius, T. (2023). Polda Kalbar-PDRM bahas ancaman kejahatan perbatasan. Antaranews.com. https://kalbar.antaranews.com/berita/536022/polda-kalbar-pdrm-bahas-ancaman-kejahatan-perbatasan
- Tjilen, Alexander P., and Ransta L. Lekatompessy. "Border Area Security Policy in Geopolitical and Geo-strategic

Perspective." In International Joined Conference on Social Science (ICSS 2021), pp. 419-426. Atlantis Press, 2021.

- Yuanitasari, Deviana, and Susilowati Suparto. "Peran Negara Dalam Sistem Ekonomi Kerakyatan Berdasarkan Pancasila Untuk Mewujudkan Kesejahteraan Sosial." ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan 4, no. 1 (2020): 36-51.
- Zein, Yahya Ahamad. "Politik Hukum Pengelolaan Wilayah Perbatasan Berbasis Pemenuhan Hak Konstitusional Warga Negara." Jurnal Hukum Ius Quia Iustum 23, no. 1 (2016): 97-122.