

URGENCY OF STRENGTHENING INDONESIA BORDER AREA MANAGEMENT

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Abstract

The presence of Law Number 43 of 2008 concerning State Territory (State Territory Law) shows the seriousness of the Indonesian Government in managing border areas. Even so, there are still many problems in border area management that need solutions to be found. This is related to the issue of the authority to manage border areas and the institution for controlling national borders as regulated in State Territory Law. This article aims to analyze the reasons for the need to strengthen border area management. The research method in this article is a normative juridical approach presented in analytical descriptive. This article concludes that State Territory Law has not been optimally implemented to encourage the realization of the border area as Indonesia's front porch. Therefore, the revision of State Territory Law is urgent to be carried out, especially related to the management of border areas where this needs to become a separate law, unlike currently which is only a subpart of State Territory Law. Meanwhile, related to institutions, the National Agency for Border Management needs to be strengthened in its authority in managing border areas, not only for cross-agency coordination but also to be able to carry out executions. This strengthening can even reach the stage of increasing the institutional status in managing border areas, namely to the Ministry stage.

Keywords: *Border, State Territory, Sovereignty*

I. INTRODUCTION

The state represents the symptoms of human life throughout the history of human existence. Developing countries start from the simplest form to the most complex in today's modern era. As a form of organization of shared life in society, the state becomes the center of attention and object of study and the development of human science.³

According to the 1933 Montevideo Convention, the state's four qualifications to be considered a legal subject: population, territory, government, and capacity in dealing with other countries..⁴ More philosophical can refer to the concept of Kelsen,

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³ O. Hood Phillips, Paul Jackson, dan Patricia Leopold. 2001, *Constitutional and Administrative Law*, London: Sweet and Maxwell, p. 4.

⁴ Article 1 the 1933 Montevideo Convention.

which describes his view of the state. According to Kelsen, the elements of the state include: the territory of the state, which outlines the concept of the formation and dissolution of the state, as well as the recognition of the state and government; time element of the state, namely the time of formation of the country concerned; the people of the state, namely the people of the country concerned; the competence of the state as the material sphere of validity of the national legal order, this concept is related to international recognition; conflict of laws, the conflict between legal systems; the so-called fundamental rights and duties of the states, concerning the guarantee of human rights and freedoms; and the power of the state, aspects regarding state power.⁵

In this study, the author will focus on discussing the issue of the country's territory as one of the elements that a country must own. The author focuses on the state's territory because legal certainty regarding state boundaries will provide complete justification for the position of sovereignty and national jurisdiction of a country. Therefore, the entire territory of the country must be protected to maintain the sovereignty of a country. Regulating state boundaries and managing the development of Indonesia's border areas with neighboring countries, there is still a gap between what is aspired to (*sollen*) and what is achieved through governance and national development (*sein*).⁶

The territory of the state is a space that is a place for residents or citizens to live and carry out all their activities.⁷ Constitutionally, the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) has formulated regulations regarding the country's territory, which states that: "The Unitary State of the Republic of Indonesia is an archipelagic State characterized by an archipelago with areas whose boundaries and rights are determined by law".⁸

Strategic issues regarding the management of state territories and border areas consist of five aspects: aspects of boundary determination and affirmation; aspects of defense, security, and law; regional economic aspects; essential social aspects; and institutional aspects. In the author's opinion, the emergence of these five strategic issues leads to one main problem, namely the still weak national resilience of Indonesia related to the management of the country's territory, especially in border areas.⁹

⁵ Jimly Asshiddiqie. 2017, *Pengantar Ilmu Hukum Tata Negara*, Depok: Rajawali Pers, p. 11.

⁶ Muhammad Syafei "Kewenangan Pengelolaan Pembangunan Kawasan Perbatasan Kalimantan Barat - Sarawak (Studi Dari Aspek UU Nomor 43 Tahun 2008 Tentang Wilayah Negara)", *Yuriska: Jurnal Ilmiah Hukum*, Vol. 3, No. 1, 2011, p. 121.

⁷ Ayub Torry Satriyo Kusumo, "Optimalisasi Pengelolaan Dan Pemberdayaan Pulau-Pulau Terluar Dalam rangka Mempertahankan Keutuhan Negara Kesatuan Republik Indonesia", *Jurnal Dina-mika Hukum*, Vol. 10, No. 3, September 2010, p. 331.

⁸ Article 25A the 1945 Constitution of the Republic of Indonesia.

⁹ Muhammad Syafei, *op.cit.*, p. 122.

As a follow-up to the constitutional mandate regarding the country's territory, the Government of Indonesia has established Law Number 43 of 2008 concerning State Territory (Law on State Territory), which provides legal certainty for the existence of the territory of the Unitary State of the Republic of Indonesia. As an archipelagic country characterized by an archipelago, Indonesia has full sovereignty within its territory and has sovereign rights outside its sovereign territory to be managed and utilized as much as possible for the prosperity of the Indonesian people.

The existence of the State Territory Law does indicate an improvement in managing the country's territory, especially the border. One concrete form of this improvement is establishing a national and regional management agency to manage border areas at the central and regional levels.¹⁰ Based on these provisions, the Government of Indonesia then issued Presidential Regulation Number 12 of 2010 concerning the National Border Management Agency (BNPP) as amended by Presidential Regulation Number 44 of 2017 concerning Amendments to Presidential Regulation Number 12 of 2010 concerning the National Border Management Agency.

The existence of rules governing state boundaries aims to provide legal certainty regarding the scope of state territory regulation, including, among others, regarding the authority to manage state territory and sovereign rights of the state. Meanwhile, the regulation on the management of border area development is intended to realize the welfare of the Indonesian people in the border area, whose condition is still lagging compared to the condition of the people in neighboring countries. In other words, the development of Indonesia's border areas with neighboring countries has strategic value for the survival of the Indonesian people, both from the aspects of ideological, economic, political, socio-cultural, and defense and security aspects.¹¹ In addition, there are several functions of the territory of the Indonesian state bordering other countries, namely legal functions, control functions, and fiscal functions.¹²

Nevertheless, so far, there are still many problems in the management of the country's territory that need to be resolved. This can be seen as related to the issue of the authority to manage state borders. The management of state borders covers a very broad aspect, starting from securing the country's physical borders, controlling the entry and exit of people, goods, animals, to the development of state border areas as the front porch of Indonesia. Although the management of state borders has a lot to do with foreign relations, which is the application of the sovereignty of the Indonesian state to other countries, there are also many internal

¹⁰ Article 14 paragraph (1) Law Number 43 of 2008 concerning the Territory of the State.

¹¹ Muhammad Syafei (1), *op.cit.*, p. 19

¹² Lutfi Muta'ali. 2014, *Pengembangan Kawasan Perbatasan*, Yogyakarta: Badan Penerbit Fakultas Geografi, Universitas Gadjah Mada, p. 15.

tasks related to economic development, infrastructure, social and other aspects at the border to improve people's welfare and safeguard the welfare of the people and national image. The task of managing state borders can be divided between government structures which include the tasks of the central government, provincial, regional governments, district/city regional governments.

The division of authority for managing state border areas in the State Territory Law has the following problems: (1) the division of authority is not firm, unclear, and not concrete related to what kind of government structure is the authority of the central government in the development of border areas; (2) the authority of the provincial government in the form of coordinating and supervising authority contains confusion and conflict of authority with the duties and authorities of the governor as the representative of the central government; and (3) regencies/municipalities are given the task of maintaining and supervising boundary markers, which is difficult to understand because boundary markers are the boundaries of state sovereignty related to the sovereignty of other countries. Regencies/municipalities do not have the power, both personnel, and information on national boundary markers, which the central government developed based on agreements with neighboring countries carried out by the central government..

This can be seen in Article 9, Article 10, Article 11, and Article 12 of the State Territory Law, where these articles do not indicate a clear division of authority between the central government, provincial, regional governments, and district/city regional governments. Each level of government can do whatever they want to do in the border area. Each level of government can also do absolutely nothing in the border area. The State Territory Law also does not regulate the obligations of each level of government in developing border areas. The same thing can be seen regarding budgetary obligations, which only stipulates that each government level is obliged to determine the cost of developing border areas. The current State Territory Law does not stipulate with certainty the limits on the amount and who is most responsible.

Therefore, giving an unequivocal amount of financing responsibility, let alone the same between each level of government, will increase the gap between the border areas and neighboring countries.

The division of authority that is unclear cannot be implemented, or the resources are not available has become the root of problems in managing state border areas. This problem stems from the norms in the law, which are inadequate, causing further problems in the management of border area development such as planning, development, budgeting, institutional problems, and so on. Rearrangement of authority is a must to improve and increase the effectiveness of the management of state border areas.

Another problem seen from the substance of the Law on State Territories is related to the state border monitoring institution. If one observes the provisions of

Articles 14 to 17 of the State Territory Law, it appears that the task of managing state boundaries and border areas is attributable to the National Management Agency and the Regional Management Agency. This agency does not have an operational function and only has a coordinating function.¹³ This will weaken the integration of supervision and development of border areas, resulting in difficulties in controlling field activities in border areas. Therefore, the existence of the BNPP that has been established has not been able to function optimally, considering that the handling of the problem is still partial.¹⁴

Based on the description of the legal issues above, the author will discuss why it is necessary to strengthen the management of border areas in this article. This issue is increasingly relevant because after enacting the State Territory Law, the management of border areas still contains quite complex operational and regulatory problems, both in substance, authority, duties, functions, institutional responsibilities, and the culture of coordination.

This article is expected to provide advice to the Government on the form of state territory management arrangements that need to be completed so that policies and implementation of development programs related to the management of state territories, especially border areas, can be implemented more effectively.

II. DISCUSSION

1. Border Area Concept

Indonesia has border areas with other countries in land, sea, and air dimensions. The meaning of the phrase border in political geography is divided into two parts, namely, boundaries and frontiers. The two phrases have different meanings but complement each other and have strategic value regarding a country's territorial sovereignty. Borders can be categorized as frontier because of their position in front or behind a country, so frontier can be interpreted using the terms foreland, borderland, and march. The term boundaries are used to bind or limit (bound or limit) to a political unit or state. Therefore, the term boundary is more appropriate when talking about a country that is seen as a sovereign spatial unit. In simple terms, Bambang Istijono distinguishes between border and frontier. The border is defined as a national boundary, while frontier is defined as a border area.¹⁵

The concept of state territory provides the principle of non-intervention in matters that include national jurisdiction and the principle of recognizing and respecting the territorial sovereignty of other countries.¹⁶ So far, the management

¹³ Article 16 Law Number 43 of 2008 concerning the Territory of the State.

¹⁴ Yahya Ahmad Zein. 2016, *Hak Warga Negara di Wilayah Perbatasan: Perlindungan Hukum Hak Atas Pendidikan dan Kesehatan*, Yogyakarta: Liberty, p. 3.

¹⁵ Bambang Istijono, "Pengelolaan Batas Wilayah Negara Dan Kawasan Perbatasan, Arah Kebijakan Menuju Kebijakan Yang Terarah", *Jurnal Puskastra* Vol. 1 No. 1, Juli-Desember 2012, p. 48.

¹⁶ Ayub Torry Satriyo Kusumo, op.cit., p. 331.

of the country's territory has been carried out by using a holistic approach to welfare, security, and environmental sustainability.¹⁷

State boundaries can be interpreted as imaginary boundaries on the earth's surface that separate the territory of a country from other countries consisting of land, sea, and air areas. A country must have clear territorial boundaries, both on the land, sea, and air, determined based on national law and international agreements. This legality provides full justification for the existence or absence of the country's national sovereignty and jurisdiction.¹⁸

Border management leads to a sense of security and order in the region and includes many dimensions, including human development in economic, education, health, and infrastructure aspects in the country's territory, especially border areas.¹⁹ Therefore, it is now necessary to apply the right strategy to manage Indonesia's border areas.²⁰

The territorial boundaries of a country are also a manifestation of a country's territorial sovereignty. State boundaries are determined from historical, political, and inter-state relations processes, which are concretized into national and international law provisions. Sovereignty is absolute power over a specific area. Complete authority over the territory became the basis for forming a state. Concerning sovereignty, it can be said that the existence of law is an urgent aspect. Law is the foundation for the creation of political order.²¹ In this case, Jean Bodin put forward the doctrine that sovereignty is the primary source for establishing law. Sovereignty is a source of authority that is at the highest level in the legal hierarchy.²²

Based on the explanation above, the sovereignty of the state is related to several things: (1) the existence of a nation-state, (2) is the highest right or power to regulate an area absolutely or not divided, (3) the issue of making and applying the rules of the game or laws that must be obeyed and bind all citizens, (4) respect and recognition by other nations, (5) the existence of internal and external links and challenges.²³

¹⁷ Grace H. Tampongangoy, "Penegakan Hukum Di Kawasan Perbatasan Indonesia", *Lex et Societatis*, Vol. 4, No. 5, Mei 2016, p. 26.

¹⁸ Victor Prescott dan Gillian D. Triggs. 2008, *International Frontiers and Boundaries, Law, Politics and Geography*, Leiden: Martinus Nijhoff Publishers, p. 139.

¹⁹ Ane Permatasari, "Otonomi Khusus Daerah Perbatasan, Alternatif Solusi Penyelesaian Masalah Perbatasan Di Indonesia", *Jurnal Media Hukum*, Vol. 21, No. 2, Desember 2014, p. 227.

²⁰ Tri Poetranto, "Bagaimana Dengan Perbatasan Laut Kita", *Buletin Litbang Dephan*, Vol. 11, No. 20, 2008, p. 9.

²¹ Sigit Riyanto, "Kedaulatan Negara Dalam Kerangka Hukum Internasional Kontemporer", *Yustisia*, Vol. 1, No. 3, September-Desember 2012, p. 6.

²² Jean Bodin. 1992, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, Edited by Julian H. Franklin, Cambridge: Cambridge University Press, p. 1.

²³ Mita Noveria dan Firman Noor. 2016, "Kedaulatan Indonesia Di Wilayah Perbatasan", dalam Mita Noveria, *Kedaulatan Indonesia Di Wilayah Perbatasan Perspektif Multidimensi*, Jakarta: Yayasan Pustaka Obor Indonesia, p. 9.

Therefore, the territory of the state that has been controlled must be maintained and managed optimally to strengthen sovereignty and improve people's welfare. This territory must be managed by a legitimate government, not under the influence of another ruling country. The state has rights, powers, and obligations from this territorial control.²⁴ The embodiment of a country that adopts the concept of the rule of law, it becomes essential to guarantee the government as a state apparatus to run the government. In addition, from a citizen's perspective, he also has the right to obtain guaranteed protection for what is done by the government. The government authority that arises from statutory provisions makes it easy for the public to find out to adjust it. The consequence of this principle means that every action of the state administrative body/official must be based on formal law as a manifestation of the recognition and appreciation of the sovereignty of the people.²⁵

The border area signifies the end of a state's sovereignty. This indicates that nationally and internationally, the state's sovereignty is limited to the pre-determined border areas of the state. Border areas also have strategic value in the form of the potential for the existence of resources that have a significant impact on the economy and utilization of regional space; become a driving factor for improving the welfare of the community's economy inside and outside the region; have strong relations with activities in other bordering areas, both nationally and internationally; and has a political impact and a national defense function.²⁶

Several factors cause the border area has a strategic impact:²⁷

1. Border areas have a strong influence on state sovereignty
2. The border area is a driving factor for improving the socio-economic welfare of the people living in the region.
3. The border area has a close connection with activities carried out in the territory of a country that is directly adjacent to it.
4. Border areas influence defense and security conditions both at regional and international levels.

2. Current Land Border Management Practices

The main task of the post-independence government is how to create prosperity for all Indonesian people through development activities. It is hoped that with the development in the border area, the community's economic activity can grow and develop, which in the end has implications for increasing the welfare of the people living in the border area.

²⁴ Iwan Satriawan dan Siti Khoiriah. 2016, *Ilmu Negara*, Jakarta: Rajawali Press, p. 17.

²⁵ Abdul Rokhim, "Kewenangan Pemerintahan Dalam Konteks Negara Kesejahteraan (Welfare State)", *Jurnal Dinamika Hukum*, Vol. 19, No. 36, Februari-Mei 2013, p. 140.

²⁶ Suryo Sakti Hadiwijoyo. 2012, *Aspek Hukum Wilayah Negara Indonesia*, Yogyakarta: Graha Ilmu, p. 54.

²⁷ *Ibid*, p. 55

Law Number 43 of 2008 concerning State Territories (Law on State Territories) has mandated establishing a Border Management Agency, both at the central and regional levels. At the central level, the Government has established the National Border Management Agency (BNPP), which has the task of determining policy on border area development programs, establishing plans for budget needs, coordinating implementation, and carrying out evaluation and supervision of the management of State Boundaries and Border Areas. While at the regional level, several Regional Border Management Agency has been established, including the West Kalimantan Provincial Border Management Agency, which was established based on West Kalimantan Governor Regulation Number 67 of 2019 concerning Position, Organizational Structure, Duties and Functions, and Governance of the Regional Border Management Agency of West Kalimantan Province.

In this study, the authors focus on field research in West Kalimantan, which is directly adjacent to the Sarawak, East Malaysia. There are 4 (four) regencies in West Kalimantan Province whose territory is directly adjacent to Malaysia: Sambas, Sanggau, Sintang, and Kapuas Hulu. Meanwhile, in West Kalimantan Province, there are 3 (three) National Cross-Border Posts (PLBN): Entikong in Sanggau Regency, Nanga Badau in Kapuas Hulu Regency, and Aruk in Sambas Regency.

The length of the land borderline between Indonesia and Malaysia is 2,004 kilometers, stretching from Tanjung Datu (West Kalimantan) in the west to the east coast of Sebatik Island in the east (East Kalimantan). Meanwhile, the land boundary line in West Kalimantan Province has a length of 966 kilometers which separates the territory of the Unitary State of the Republic of Indonesia from the Sarawak, East Malaysia. The borderline crosses five regencies: Bengkayang Regency, Sanggau Regency, Sintang Regency, Kapuas Hulu Regency, and Sambas Regency.²⁸

The arrangement of the territory of the State is influenced by various regimes of regulating laws and regulations. Various laws and regulations governing the territory of the State include:

1. Law Number 26 of 2007 concerning Spatial Planning.
2. Law Number 27 of 2007 in conjunction with Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands.
3. Law Number 1 of 2009 concerning Aviation
4. Law Number 23 of 2014 concerning Regional Government
5. Law Number 32 of 2014 concerning Marine Affairs.

Various state territorial arrangements in Law Number 26 of 2007 concerning Spatial Planning, Law Number 27 of 2007 in conjunction with Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, and Law Number 32 of 2014 concerning Marine

²⁸ Muhammad Syafei, *op.cit.*, p. 172

Affairs has caused overlapping authorities, especially on the issue of managing coastal areas and small islands in jurisdictional and non-jurisdictional areas.

Various arrangements related to the arrangement of the country's territory require immediate completion due to various overlapping authorities and the lack of clarity over who is the executor of authority. The many problems of structuring the state's territory as described above must be resolved immediately so that overlapping arrangements, conflicts of authority, and sectoral management of state territories do not occur again..

The State Territory Law has stipulated the division of authority between the Central Government and Regional Governments in the management and utilization of state territories and border areas as regulated in Article 10, Article 11, and Article 12. However, several central authorities are less detailed and multi-sectoral, such as developing national strategic activity centers, so there is a need for synergy and integration in the development of border areas. The role of the Regions also needs to be optimized so that any lagging that occurs in the border areas can be addressed immediately. An example is a need for involvement in economic development, such as market development in border areas.

The authority possessed by local governments will not have implications for the development of border areas because to make a policy, one has to wait for coordination from the central government. On the other hand, the central government does not understand the actual conditions on the ground regarding border areas. This affects the inhibition of development in the border area.

This potential conflict of authority needs to be eliminated so that it does not have a juridical impact on legal certainty for the successful implementation of development in Indonesia's border areas. Especially in the border area of West Kalimantan and Sarawak, East Malaysia, where people have long wanted to raise their dignity, welfare, justice, human rights, and national security.

Field problems that occur in the border area of West Kalimantan and Sarawak are from the aspect of the policy authority of the border area development program the management has not been carried out in an integrated manner by integrating all related sectors and is still being handled partially; the authority of the Regency Government is still limited so that it cannot be maximized to carry out technical tasks that specifically manage the development of border areas; Unclear authority and coordination, handling the area requires cooperation between institutions. In reality, it is not uncommon in its management to struggle for influence in border areas when there is a potential for budget receipts and release responsibility if there are problems; and it is necessary to regulate at the level of a separate law relating to the management of border areas.

This causes development in border areas, in general, to be relatively lagging when compared to neighboring countries. The existing potential has not been maximally managed, thus creating an economic gap between people living in border

areas and citizens of neighboring countries. This condition causes people at the border to be more oriented and have a higher dependence on neighboring countries. It triggers the occurrence of various illegal activities in border areas and the high interest of local people to become border crossers with the aim of neighboring countries to get job offers with relatively large salaries.

If the border area which stores extensive natural resources is appropriately managed, it can become the center of regional economic growth. The non-optimal management of potential resources in border areas triggers the increasingly lagging economy in border areas with other regions. This is due to the lack of infrastructure availability, so it is less attractive to investors and is also influenced by the quality of human resources living in border areas.

3. Future of Border Area Management

The management of border areas in Indonesia currently has 2 (two) strategic issues, namely the issue of managing state boundaries and the issue of managing border areas. The still not optimal development, utilization of potential, and lack of basic facilities/infrastructure in border areas are problems that occur and are faced in all border areas of Indonesia. This condition causes border areas always to be left behind and isolated. The level of community welfare is low, and accessibility is lacking, primarily related to access to border areas with government, public service, or other relatively more advanced areas. On the other hand, the Malaysian border region has made improvements to its cultural infrastructure, recreation, and green open spaces, so that the economy also has a positive impact which leads to an increase in income from the tourism sector.²⁹

As regulated in Law Number 43 of 2008 concerning State Territory, the Government of Indonesia stipulates the status of the border management institution in the form of a Board, namely in Article 14 paragraph (1): To manage State Boundaries and manage Border Areas at the central level and regions, the Government and regional governments shall form the National Management Agency and the Regional Management Agency.

BNPP has duties related to determining policy on border development programs, determining budget needs plans, coordinating implementation, and carrying out evaluation and supervision of the management of State Boundaries and Border Areas.³⁰

In carrying out these duties, BNPP takes out the functions of:³¹

²⁹ Firdaus, "Dampak kebijakan pembangunan Pos Lintas Batas Negara (PLBN) Aruk di Desa Sebunga Kabupaten Sambas, Kalimantan Barat", *Jurnal Ilmiah Ilmu Pemerintahan*, Vol. 3 No. 2, 2018, p. 111.

³⁰ Article 3 Presidential Regulation Number 12 of 2010 concerning the National Border Management Agency

³¹ Article 4 Presidential Regulation Number 12 of 2010 concerning the National Border Management Agency

- a. Preparation and stipulation of the master plan and action plan for the development of State Boundaries and Border Areas;
- b. Coordinating the determination of policies and implementation of development, management, and utilization of State Boundaries and Border Areas;
- c. Management and facilitation of affirmation, maintenance, and security of State Boundaries;
- d. Inventory of potential resources and recommendations for establishing zones for economic, defense, socio-cultural, environmental, and other development zones in the Border Zone;
- e. Preparation of programs and policies for the development of transportation facilities and infrastructure and other facilities in Border Areas;
- f. Preparation of budget for development and management of State Boundaries and Border Areas by the priority scale;
- g. Implementation, control, supervision, evaluation, and reporting on the implementation of development and management of State Boundaries and Border Areas.

To carry out its duties and functions, BNPP has a permanent secretariat whose duty is to support the Agency, namely assisting the duties and functions of the Head of BNPP, providing technical, coordinating, and administrative support to the Head of BNPP.³² When comparing the mandate of the assignment with the status of the Agency, there is a discrepancy in the implementation of the duties carried out by the permanent secretariat. The secretariat should still carry out coordinating, fostering, and providing administrative support to the Head of the National Border Management Agency, not carrying out operational tasks for border area management such as building and maintaining state border markings. On the other hand, there is also a lack of clarity about the functions carried out by the Regional Border Management Agency.

The existence of BNPP is the spearhead of border area management or, in other words, is the only institution in charge of managing border areas. Other institutions with interests in border areas must belong to the BNPP. Therefore, its duties and functions should not conflict with the duties and functions of the BNPP. Other institutions must cooperate with BNPP regarding the management of border areas, especially in the development of border areas.

Observing the tasks, the composition of positions, and membership of BNPP above, the characteristics of BNPP are more appropriate if interpreted as a Border Management Coordinating Board rather than an independent Non-Ministerial Government Institution. Therefore, it is pretty reasonable if, in the future, the idea

³² Article 9 paragraph (2) Presidential Regulation Number 12 of 2010 concerning the National Border Management Agency

of one regulation one body can be applied to the position of BNPP. The revision of the country's territorial law and the establishment of a separate law related to border management are integrated with the new status of BNPP. Currently, according to the author's view, there is no legal certainty regarding the position of BNPP as a State Ministry or as a Non-Ministry of State Government Institution because the Head of BNPP is the Minister of Home Affairs.

Revision of the State Territory Law will be able to clarify the management of the state territory further, so that various problems that have occurred in the management of the state territory, including border areas, such as overlapping authority and sectoral management of state territory, will be resolved through clarity on which institution's authority arrangements are given the authority to carry out the authority to manage state territory, whether in the scope of defense, security, and management/utilization of state territory.

Furthermore, the revision of the State Territory Law is expected to strengthen the role of state border management institutions because they will not only carry out the task

of setting policy on border area development programs, determining budget needs plans, coordinating implementation, and carrying out evaluation and supervision but will also carry out the following tasks:

1. Prepare a master plan for the management of the country's territory;
2. formulate policies for the implementation of spatial management of the country's territory, both land, and sea;
3. Carry out development and management of national strategic road infrastructure in border areas and border buffer areas;
4. Supervise and examine the land boundary markers of the country supported by a task force from the Indonesian National Armed Forces;
5. Build and manage Posts across National Borders;
6. Manage customs, immigration, and quarantine task forces in border areas;
7. Coordinate the development of border areas that are under the authority of the Regional Government
8. carry out supervision of the use of space in the territory of the state nationally; and
9. carry out technical supervision on the preparation of spatial plans, which are the authority of the regions.

In the author's opinion, it would be better if BNPP was upgraded to a State Ministry, led by the Minister of Border Area Development so that future border area management would be more effective, efficient, and focused on implementing the development of Indonesia's border areas with neighboring countries as the front porch of the Unitary State of the Republic of Indonesia. BNPP must become a separate institution and no longer be a joint secretariat from an institutional

perspective. BNPP should no longer be in the shadow of the Minister of Home Affairs but as an autonomous institution itself.

Border areas must receive more attention from various stakeholders, the government, the private sector, and the community. Several reasons that support better management of border areas are, first, the border area is a strategic area that becomes a symbol of a country because the border area is the entrance for citizens of other countries with interest in Indonesian territory. Second, people living in border areas tend to fall into being left behind in various dimensions. Third, there is still a lack of studies on the impact on the development of border areas.³³ This reason reinforces that various stakeholders must consider the border area.

Management of border areas certainly cannot rely on a single agency or related agency. There must be cooperation between various stakeholders supported by a strong political commitment from all parties at various levels of government. In addition, there is a need for a comprehensive legal umbrella so that the management of border areas in Indonesia can be maximized. Good management of the country's territory, especially in the border area, is necessary not to reduce the sovereignty of the Indonesian state.

III. CONCLUSION

The state territory regulation related to the management of border area development based on the State Territory Law has not been implemented optimally to encourage the realization of the border area as the front page of Indonesia. Therefore, one form of strengthening the management of border areas is to revise Law Number 43 of 2008 concerning State Territories, especially related to the management of border areas where it needs to become a separate law. Revisions need to be made so that it is not like today, where the management of border areas is a subpart of Law Number 43 of 2008 concerning State Territory, which regulates state boundaries but ignores its management. This is because the problems in the border area are complex. Therefore, the National Border Management Agency needs to strengthen its authority in managing border areas, not only for cross-agency coordination but also to carry out executions. In the future, the position and authority of BNPP deserve to be reviewed to be upgraded to equal status with the Ministry of State (e.g., Minister of Border Area Development) and given special authority to handle government affairs in the field of management and development of Indonesia's border areas with neighboring countries. The party that manages the border area ideally is no longer a coordinating body consisting of State Ministries, non-State Ministry Government Institutions, relevant Governors, and the head of which is concurrent with the Minister of Home Affairs.

³³ Zaenudin Hadi Prasajo, "Dinamika Masyarakat Lokal Di Perbatasan", *Jurnal Walisongo*, Vol. 21 No.2, November 2013, p. 418.

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