

## **Maritime Boundary Management and Border Area to Increase Sovereignty Indonesian**

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<b>Article Info</b>	<b>Abstract</b>
<p><b>Keywords:</b> <i>Land Boundaries, Maritime Boundaries, Seabed, Air, Law Enforcement, Sovereignty, Indonesia.</i></p>	<p><i>With the acceptance of UNCLOS 1982 by countries in the world, the Indonesia's sovereign territories from the sea and the air have been increased ten times; hence, the Indonesian authorities on natural resources and other authorities have been widened dramatically. To use the widened and varied of natural resources, and to defend the unity of territories and the rights of Indonesian from the sea and the air, besides on the land, it needs a clear state's boundaries on land and maritime border, seabed, and the air, and the increased ability of law enforcement and state's defense that is widened and varied.</i></p>
<p><b>Corresponding Author:</b> hdh@cbn.net.id</p>	<p>Dengan diterimanya UNCLOS 1982 oleh dunia, maka wilayah kedaulatan NKRI ke laut dan ke udara telah meningkat puluhan kali lipat; lebih luas lagi kewenangan NKRI atas kekayaan alam dan kewenangan lainnya telah bertambah pula dengan sangat dramatis. Untuk dapat memanfaatkan kekayaan alam yang semakin luas dan semakin beragam itu, serta membela kesatuan wilayah dan hak-hak NKRI ke laut dan ke udara, di samping di darat, diperlukan batas negara yang jelas, baik batas darat, laut, dasar laut, maupun udara, dan peningkatan kemampuan penegakkan hukum dan pertahanan negara yang semakin luas dan beragam itu.</p>

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### **Introduction**

Increasing the interest of coastal zone management, offshore oil

and gas exploration, fisheries and maritime environmental conservation, and development of natural resources

(Blake, 1994), many coastal states have not defined their maritime boundaries with their adjacent states.

Blake was described the leading role in portraying maritime limits on its nautical charts that described: (1) Territorial Sea, (2) Contiguous Zone, (3) Natural Resources Limits, (4) Exclusive economic zone.

Political factors, security interests, historical considerations, contemporary usages, or perceived legal constraints affected the negotiation of boundary, e.g. geopolitical power, military power, strategic considerations, contemporary relations between the parties, conflict avoidance, other maritime boundaries or disputes, navigation and over flight interests, historical claims, established resource exploitation activities, and contemporaneous accommodation of related or unrelated interests of parties. Blake (1994) has described that “a consequence of 200-nautical mile maritime claims, every coastal country in the world will eventually have to negotiate at least one maritime boundary with at least one neighboring

country”.

Maritime security has become an important issue from political agenda in many coastal countries, whose national economy can be seriously affected with unsafe sea lanes threatened by piracy and maritime terrorism (Hong, 2010).

According to Charney (1995), there are three new developments on maritime boundary delimitation in Central East Asia. First, the law of Sea Convention 1982, and the provisional application 1994 agreement which modify parts of the deep-sea bed (Part XI). Second, the political relationship between some countries coastal. Third, international legal maritime boundaries have been advanced.

Following investigations indicated that the possible results of the dispute unresolved, while depending on several factors that are unknown. The International legal system has resolved ownership disputes over small islands and other territory by examining evidence related to the issues of: (a) discovery, (b) effective occupation, (c) acquiescence, and (d) contiguity

(Dyke, 2007).

In geography, politics and law, the Republic of Indonesia is an archipelago country. In the sense of the island state, according to article 46 of the Convention 1982 is formed by presence of one or more Islands, including parts of the island, and waters of the natural interconnection. The other closely connected the island, waters and other natural features form a geographical entity, the intrinsic economic and political, or which historically has been considered as a single entity (Forbes, 2014).

Indonesia does not have to enforce the law and defend its sovereignty over the sea which has grown by about 60-fold to about 6,000,000 km<sup>2</sup> air above the land, waters and islands of Indonesia Maritime territory (Karsidi, Sutisna, and Poniman, 2012).

The rule of law and the authority to maintain the boundaries of countries should develop according to the needs and new situations. In defending and maintaining the boundaries of the Republic of Indonesia to consider three main

pillars of the Homeland must always be maintained, are: the determination of the nation as stated in the Youth Oath, declaration of independence, Pancasila, Constitution the Republic of Indonesia, and unity, and unity of the Declaration of land, sea, and Juanda's Declaration.

Indonesia as a target for other countries to take part directly or indirectly. The sea traffic, exploration, and exploitation of marine resources is permanently encouraging the various parties to conduct business Indonesian maritime territory. The existence of such a free opportunity if not carried out strict supervision will lead maritime boundaries are threatened. Therefore, efforts are needed to expand the jurisdiction of the waters and safeguard the integrity of the coastal state.

The number of pirate attacks worldwide has increased three-fold in the last decade and new evidence suggests that piracy is becoming the main tactics of the terrorist group. Recalling the purpose of al Qaeda to target the weak link in the global economy, it is the nexus of a serious

threat: most of the world's oil and gas shipped through pirate infested waters (Korin, 2004).

Indonesia has been the country's Warexternal and internal forces, including from terrorist attacks and other political and economic disruption (Forbes, 2014).

In determining the outer limits of the jurisdiction is an establishment of the starting point of all the measurements by making the baselines (Riesman, Michael & Westerman, 1992). While the rules for drawing the baselines set by convention distinguishes between normal and straight baselines (Roach & Ashley, 1999).

Measurement of the maritime area by normal baseline is the low-water line along the coastline (Jamine, 2007), with a normal tidal range, intertidal zone can be extended up to the limit of the low water line at the time of low tide (Kapoor & Kerr, 1986). Normally, the baseline may consist of low-water line along the coast of the Mainland and Islands of the line base straight including the mouth of the River, delta and line the

edges. While the use of straight base lines are assumed by specifying the identasi nature of the line and the existence of banks Island (Jasmine, 2007)

Maritime management areas are designed to protect or manage resources within the marine environment and promote boundary descriptions that will benefit all jurisdictions within the coastal zone and marine waters. It can include areas not necessarily established for conservation purposes, such as shellfish closure sites, anchorage areas, no-discharge zones, sewage discharge areas, safety zones, and pipeline and cable corridors. Whether areas shelter resources, human activity, or follow a design to enhance ocean use, they define zones for managing resources or activities.

A constitutional state must be responsible to maintain and defend any national borders, as mandated by the 4th paragraph of the Preamble of 1945. Constitution which states that countries should "protect the entire Indonesian nation and the entire homeland of Indonesia". In defending

and maintaining the boundaries of the Homeland, must be considered three main factors, which is maintaining the determination of the Nation, State, and territorial integrity.

### ***Airspace Boundaries***

Airspace in aeronautics are the portion of the atmosphere controlled by a country above its territory (IVAO, 2015), include the lateral limits of an airspace control area, airspace control sector, high density airspace control zone, or airspace restricted area. Airspace boundaries as the aircraft approaches to within a predetermined distance of the restricted airspace (Bentley, 2006). Blake (2000) describes the boundaries of the airspace that vertically from the boundary, and extends to the territorial sea boundary 12 nm offshore.

Although airspace boundaries are invisible, airspace is a mosaic of closely regulated zones, strongly reflecting state sovereignty (Blake, 2000). Until now, there is no upper limit to state sovereignty in airspace has yet been agreed in international law (Sachdeva, 1982). As for the configuration of airspace by Martinez

(2007) that is generally understood as a partition of airspace into a smaller area with air traffic control through to maintain the separation.

### ***Land Borders***

The Land boundaries field to decompose that field into pairs of countries and corresponding border lengths (Naveen and Knoblok, 1997). Williams et al. (1998) reasoned that land reform would probably contribute to the consolidation of areas of the former bantustans, because the demand for land is most intense along the borders of the former bantustans, and argued that, in most provinces, the historical divisions between (white-owned) land held as private property and land occupied but the boundaries between them will shift”.

In the same vein, Levin and Weiner (1997) concluded that “market-led land and agrarian reform in the context of national democratic transformation is likely to reproduce historical forms of natural resource ownership, access and use”.

### ***Sea Borders***

Information on the surface of the sea near the coast to be interesting,

this is due to the sea surface slopes appear along the coastal boundary (Sturges, 1974).

Establishing marine boundaries can be a daunting exercise because there is no feasibility or practicality to establishing a physical boundary, the establishment of a reproducible and legally binding boundary holds value (Boemre and Esri, 2011).

#### ***Other Indonesian interests in the Sea***

Indonesia has always attached great importance to the airspace outside its territorial Sea, due to low interest and defense against threats from outside the territorial sea and the air. Indonesia is also concerned over the Mediterranean region free outside the EEZ to protect sailing ships on the wide ocean and the interests of the fishery migrating away (highly migratory species) and that migrate between EEZ Indonesia with ZEE neighboring countries, or between ZEE Indonesia Sea Non-nearby (straddling fish stocks). From the description, Indonesia concerned over the use of natural resources, and management because it is closely

related to the use, exploitation and management of natural resources similar to the waters and in the area of land such as copper, nickel, and others.

#### **Research Methods**

This research using qualitative method with descriptive approach. Creswell (2014) stated that qualitative research is a research strategy that includes researchers “produce” a general and abstract theory of a process, action, or specific interactions derived participants' views.

The technique used in this research is triangulation, is defined as data collection techniques are combining of various data collection techniques and data sources that already exist.

#### **Result**

There is insecurity in the border region of Indonesia, for example: First, unclear land border is causing problems residents of the border. smuggling, illegal entry, terrorist infiltration, transfer of border markers, theft of natural resources, and others. Second, there are problems of sea transit and foreign vessels.

Third, the natural wealth of many fisheries is looted and destroyed by illegal fishing. Various crimes at sea eperti theft of valuable objects or historical and cultural (treasure) in ships that wrecked, smuggling, including fuel smuggling, illegal immigration, terrorism, pirates and overhaul, illegal logging and others require increased enforcement law and defense. Fourth, the Indonesian border, whether by land, sea, and air requires greater attention from both central government and local, national and regional parliaments.

Based on insecurity above, Indonesia needs a border security system, considered be: (1) Outline of Communication and coordination between central border and local government that related issue in land, sea, seabed, or air (2) arrangement between border authorities (Police and Local Government) between the neighboring countries, especially in the field of intelligence and information exchange, mutual understanding requirements and cross-border procedures respectively, and if necessary, law enforcement cooperation across borders, and (3)

improve law enforcement in each negaraterutama in the border area.

Among these things that need to be considered in maintaining the security of our border areas are: (1) Immediately solve various border maritime with neighbors, either through bilateral agreement, as well as trilateral, or by depositing the coordinates of points and baselines waters the islands of Indonesia to the United Nations (already deposited), (2) Improving the provisions of Indonesia on ALKI, especially about ALKI East-West, (3) Completed and perfected various statutory provisions (4) Indonesia in the field of regional and authority in the sea, including the boundaries of maritime, as the determination of inland waters Indonesia, understanding the baselines straight Nusantara Indonesia that has been registered at the United Nations, the determination of the outer limit of the continental margin Indonesia, as well as defending the interests of Indonesia in the sea Free and on the seabed International, (5) Increase the ability of Indonesia in the field of Law Enforcement, Defense, Scientific Research marine, Science and

Technology in order to be able to utilize the natural resources in the sea and protecting the marine environment for the sake of progress and development of Indonesia, (6) The improvement of people's lives, especially in border areas, as well as repair and improvement the ability of state apparatus, and eliminate fraud and corruption, (7) Socialization is widespread among border communities, both land and sea, on the boundaries of the state and the need for society to respect these boundaries and help the state apparatus to secure the frontier, in addition important for the country as a whole, it is also important for the border communities themselves. (8) Respect and organize cross-border inter-ethnic in the border areas so that more potential cooperation rather than potential conflicts, (9) government officials, both central and regional governments, need to understand the various provisions of International Law concerning regional programs, including maritime, and a variety of border agreement and bilateral cooperation, regional and international, relating to border

security, both on land, lauttermasuk seabed, and in the air, and further improve the understanding and handling of the border issue more integrated among various relevant agencies either vertical, or horizontal, (10) Utilize and empower sailors and fishermen in Indonesia to help the state apparatus in securing and enforcing the law in the area and the sea area as well as the Indonesian air through an integrated information system.

### **Discussion**

Indonesia has claim that “geo-stationary orbit” (GSO) which is located approximately 36 thousand kilometers above the Earth's surface as its territory. However, nothing gained world recognition and international law because Indonesia does not implement “effective occupation and control” over the GSO. The Indonesian airspace to be recognized is the air above the ground, the archipelago waters and territorial sea in Indonesia (for a total of approximately 5.297.027 km<sup>2</sup>).

The Indonesia Boundary region is agreed by the Dutch government and the British and



Portuguese, land boundaries are being followed: (1) The parts of the deepest in the rivers of border like in the Fly River between Papua and Papua New Guinea, (2) Following the “watershed” (tops of mountains/height that separates the flow of water) as in the mountains of Borneo, and (3) There is also the straight lines drawn between specific points such as at most of the border between Papua and Papua Guinea and in parts of East Kalimantan (Sebatik).

Indonesian sea border, includes some marine areas; *First*, The Inland Indonesian Waterway, the Convention on the Law of the Sea (UNCLOS 1982) set the inland waters (internal waters) legal status equal to the land area of a country. Until now Indonesia has not set a limit on inland waters.

*Second*, Archipelagic waters is water surrounded by straight lines connecting the outermost points of the outermost islands of Indonesia and the outer limits of Indonesian waters the has been announced and have been deposited at the UN. Changes baselines Nusantara Indonesia set with

PP 61/1998 around Karimata and Sea South China Sea has also been registered with the UN Secretariat with the change due to the case of Sipadan and Ligitan and Timor Leste.

*Third*, ALKI (Indonesian archipelagic sea lanes), ALKI I of the South China Sea through the Sea Karimata, Java Sea and the Sunda Strait, ALKI II of the Sulawesi Sea through the Makassar Strait, Flores Sea and the Lombok Strait, and ALKI III of the Pacific Ocean via the Maluku Sea, the Seram Sea, the Banda Sea Savu Sea , the Timor Sea and Arafura Sea.

*Fourth*, the Territorial Sea/Sea Water as wide as 12 miles around the archipelago, namely 3.380.402 km<sup>2</sup>. *Fifth*, adjacent Zones/Supplementary have the authority to control/supervise the immigration, customs and customs/finance, health quarantine, and the implementation of the law in the territory of the objects of cultural value and historic yet have provisions to legislation on “Contiguous Zone”.

*Sixth*, Exclusive Economic Zone (EEZ) have sovereign rights over natural resources (fishery) , powers to

regulate marine scientific research, marine environmental maintenance and construction of artificial islands, bridges, and buildings in the sea.

*Seventh*, Indonesia limits EEZ with ASEAN countries of the Continental Shelf, has sovereign rights over the natural resources contained inconsistencies in both the types of fisheries on the seabed (“sedentary species”) or other minerals to a depth of 200 meter. Law No. 32/2004 stipulates that each province has a “sea area” 12 miles from the coast and district/city has “sea area” to 4 miles from its shores. Provisions of this new law has caused confusion regarding the maritime boundaries and rights of each the use and management of natural resources in the sea

### **Conclusions**

Enhanced cooperation with neighboring countries in determining the borders can be accomplished first by seeking and negotiating national boundaries clearly. Along the land border, given the existing agreements in the colonial period, the business that needs to do is understand these agreements, surveying, mapping, and

set boundaries with stakes clear boundaries in the border areas of land through negotiation and cooperation with the neighboring countries concerned.

Supervision of the Indonesian territory, whether by land, sea and air as well as the authority of Indonesia seabed itself. Similarly, monitoring activities, both nationally and internationally, in the Adjacent Zone, EEZ and Continental Shelf is Indonesia's own authority.

### **Recommendation**

Research has led to the conclusion about the importance of keeping the management of the maritime boundary in the Homeland. However, the authors recognize there are still many shortcomings in exploring the facts relating to the problem of the study. Therefore, in future studies should be conducted more in-depth literature review so that it can explain the root of the problem. Likewise, the research methods will be more objective when using quantitative methods that research results can be used as an accurate basis for formulating maritime border

management policy.

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