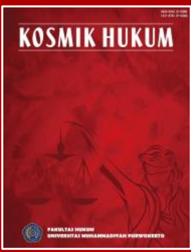

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From Defensive to Cooperative Sovereignty: International Cooperation in Indonesia's Territorial Boundary Delimitation under International Law

Muhammad Darwis[1]✉, Mohd Kastulani[2], Anwar Saleh Hasibuan[3], Maruf Maruf[4]

[1,2] Department of Sharia and Law, Universitas Islam Negeri Sultan Syarif Kasim Riau, Indonesia

[3] Departemen of Law, Universitsas Persada Bunda, Indonesia

[4] School of Law, Fazhou Universitsas, China

Corresponding: m_darwis@uin-suska.ac.id

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Abstract

This study analyses the paradigm shift in the regulation of territorial boundaries and jurisdiction of the Unitary State of the Republic of Indonesia as stipulated in Law No. 43 of 2008 on State Territory. The study focuses on Articles 2, 3, 5, and 14–18 with an International Cooperation approach, which emphasises the importance of shifting from defensive sovereignty to collaborative sovereignty in state border governance. Normatively, this study uses a doctrinal legal analysis method with a conceptual and comparative approach to the principles of international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS). The results of the study indicate that the norms in Law No. 43 of 2008 need to be transformed from an administrative paradigm to a diplomatic-integrative paradigm. The management of state borders not only serves to maintain territorial integrity but also strengthens Indonesia's position as a norm entrepreneur in border diplomacy and regional maritime cooperation. This paradigm shift places international cooperation, mutual benefits, and the principle of equity as the new foundation for the formulation and implementation of state territorial boundary policies. Thus, the concept of state territorial regulation shifts from a closed sovereignty approach to an open, cooperative sovereignty, in line with Indonesia's free and active foreign policy.

Keywords: International Cooperation; International Law; Maritime Boundary Delimitation.

I. Introduction

Indonesia, as an archipelagic country with 17,380 islands based on data from the Geospatial Information Agency (BIG) in 2024, is the largest maritime country in the world.[1] This status places the sea not only as a geographical space but also as a strategic dimension that determines the boundaries of sovereignty and national interests. Law No. 43 of 2008 on State Territory states that state boundaries are divided into two categories: state territorial boundaries and jurisdictional

[1] Geospatial Information Agency, *Regional Data of the Republic of Indonesia* (Jakarta: BIG, 2024), 5.

boundaries.[2] The difference between the two lies in the sovereign territorial boundaries or the zoning of international maritime areas.[3] The regulation of the territorial sea boundaries of a country is comprehensively governed by the 1982 United Nations Convention on the Law of the Sea (UNCLOS) in several articles, namely:

1. Article 15: Delimitation of the territorial sea between States with opposite or adjacent coasts Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.[4]
2. Article 74: Delimitation of the exclusive economic zone between States with opposite or adjacent coasts
   (1) The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be affected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
   (2) If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
   (3) Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardise or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.
   (4) Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.[5]
3. Article 83. Delimitation of the continental shelf between States with opposite or adjacent coasts.
   (1) The delimitation of the continental shelf between States with opposite or adjacent coasts shall be affected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
   (2) If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
   (3) Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardise

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[2] Law No. 43 of 2008 concerning State Territory, Article 1.
[3] Dwi Grace Rosalia Silalahi, "Analysis of the Development of Indonesia's Maritime Boundaries in Indonesian Waters According to Indonesian Maritime Law and International Maritime Law," *Indonesian Law Journal* 2, no. 2 (April 2023): 64.
[4] United Nations Convention on the Law of the Sea (1982), Article 15.
[5] United Nations Convention on the Law of the Sea (1982), Article 74.

or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

(4) Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.[6]

These three articles differ in their determination of national boundaries and jurisdictional areas. This article emphasises that the determination of boundaries is based on agreement between states[7] taking into account the principles of equity and mutual consent.[8] The Indonesian Constitution, through Article 25A of the 1945 Constitution, affirms that Indonesia is an archipelagic state whose territorial boundaries are regulated by law. This provision is elaborated in Law No. 43 of 2008 on State Territory. Article 3 of this regulation explains that the purpose of regulating the state territory is to: guarantee the integrity of the state territory, state sovereignty, and order in border areas for the welfare of the entire nation; uphold sovereignty and sovereign rights; and regulate the management and utilisation of the state territory and border areas, including the supervision of its boundaries.[9]

However, until 2025, Indonesia still faces a number of challenges in finalising the determination of its territorial boundaries. Based on data from the Ministry of Foreign Affairs of the Republic of Indonesia, these challenges include:[10]

1. Determination of national boundaries in the Territorial Sea: There is one segment of the agreement that has not been ratified (Indonesia-Malaysia) and twelve segments that still require agreement with Malaysia, Singapore, Timor Leste, and Papua New Guinea.
2. The establishment of jurisdictional boundaries in the Exclusive Economic Zone (EEZ): There are three segments from two countries that have been negotiated but not yet ratified (Indonesia-Australia and Indonesia-Papua New Guinea), as well as fifteen other segments that still require agreement.
3. Determination of jurisdictional boundaries in the Continental Shelf: Bilateral negotiations on continental shelf boundaries have not yet been conducted with the Philippines (in the Sulawesi Sea), Palau (in the Pacific Ocean), and Timor Leste.

Despite progress, such as the Indonesia-Malaysia EEZ Agreement (2023) and the Indonesia-Vietnam EEZ Agreement (2025),[11] there are still several segments of national and jurisdictional boundaries that have not been agreed upon. The main factors causing this are institutional fragmentation, differences in technical approaches to geospatial mapping, and the weak integration of international norms into national law.[12] This condition causes a lack of synchronisation between national policy and the principles of international maritime law, which has the potential to weaken Indonesia's bargaining position in negotiations on national boundaries and jurisdiction.

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[6] United Nations Convention on the Law of the Sea (1982), Article 83.
[7] Maria Anna Muryani, *International Law: Concepts of International Dispute Resolution and Islamic Law Perspectives* (Lawwana, First Edition, January 2025). 13
[8] Constitution of the Republic of Indonesia 1945, Article 25A.
[9] Law No. 43 of 2008 on State Territory, Article 3.
[10] Appendix to Presidential Regulation No. 118 of 2022 concerning the Master Plan for the Management of State Borders and Border Areas for 2020–2024.
[11] Ministry of Foreign Affairs of the Republic of Indonesia, *Progress Report on Indonesia's Maritime Boundary Negotiations* (Jakarta: Ministry of Foreign Affairs of the Republic of Indonesia, 2024), 12–15.
[12] Damos Dumoli Agusman, *International Treaty Law: A Study of Theory and Practice in Indonesia* (Bandung: Refika Aditama, 2020). 89.

Ni Made Risma Damayanthi, in an article entitled Review of Border Management from an International Law Perspective, states that border management is a strategic issue in the modern international system because it is closely related to state sovereignty, national security, and regional stability. 's study shows that international legal principles such as *uti possidetis juris*, state sovereignty, and the principle of non-intervention are fundamental to the process of establishing, recognising, and resolving territorial boundary disputes.[13] Another study conducted by Maswandi (2022) indicates that border disputes between Indonesia and Malaysia often arise due to differing views on the boundary lines, despite the existence of international legal frameworks and colonial-era agreements. This aligns with your discussion, which emphasizes the importance of the principles of *uti possidetis juris*, state sovereignty, and self-determination to minimize conflicts. Maswandi also highlights the need for bilateral cooperation and the development of local community capacity to strengthen law enforcement based on local wisdom.[14] Another study conducted by Abidin and Deliarnoor (2018) highlights that the management of Indonesia's border areas and outer islands has not been optimal due to a lack of synergy between central and local governments as well as other stakeholders. This aligns with your discussion, which emphasizes the importance of harmonizing national law and international principles to ensure effective border governance. The study also underscores the need for institutional coordination, legal harmonization, and capacity building to strengthen governance and law enforcement in border regions, taking into account local wisdom and the unique challenges of Indonesia's archipelagic form.[15]

From the perspective of international cooperation, this article presents a novel and strategic approach to strengthening the effectiveness of Indonesia's maritime legal framework. It highlights the critical role of institutional coordination, interdependence, and mutually beneficial collaboration in fostering strong and sustainable relations between states. By applying this approach, the delineation of Indonesia's territorial boundaries and jurisdiction can be carried out in a more adaptive, coherent, and effective manner, promoting greater synergy between national law and international legal norms. This framework not only enhances legal certainty and reinforces state sovereignty but also strengthens Indonesia's strategic position in maritime governance and its ability to engage constructively in international negotiations. The significance of this research lies in its potential to provide policymakers and stakeholders with a practical and integrated guide for managing maritime boundaries, ensuring that national interests are safeguarded while fully complying with international legal standards.

II. Research Problems

The problems in this article are formulated into the following issues:

1. How can international cooperation transform national law in terms of establishing Indonesia's territorial boundaries and jurisdiction?
2. How can legal norms be developed to improve progress in determining Indonesia's territorial boundaries and jurisdiction based on international cooperation?

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[13] Ni Made Risma Damayanthi, "A Review of Border Management from an International Law Perspective," *Konsensus: Journal of Defence, Law and Communication Studies* 2, no. 3 (June 2025), phttps://doi.org/10.62383/konsensus.v2i3.984

[14] Maswandi, "The Management Of The Border Region In Perspective International Law (Indonesia-Malaysia)", *International Asia Of Law and Money Laundering (IAML)*, Vol. 1 No. 1 (2022), https://doi.org/10.59712/iaml.v1i1.4

[15] Abidin, N. E. J., & Deliarnoor, N. A, The Authority of Borderland Management in Indonesia. Advances in Social Sciences Research Journal, Vol. 5 No. 4 (2018), https://doi.org/10.14738/assrj.54.4336

III. Research Methods

This article uses a normative legal method by examining written legal norms and legal principles governing the determination of Indonesia's territorial boundaries and jurisdiction.[16] This article uses the following approaches: First, a legislative approach, to examine the 1945 Constitution, Law No. 43 of 2008, Presidential Regulation No. 118 of 2022, and UNCLOS 1982; Second, a conceptual approach, to increase the relevance of international cooperation in the regulation of Indonesian maritime law. The analysis is conducted using qualitative legal methods, interpreting and assessing the coherence between national norms and international maritime law principles. The aim is to identify the root of normative problems, find points of legal disharmony, and formulate a model for harmonising national law in line with the 1982 UNCLOS regime.

IV. Result and Discussion

1. Transformation of National Law Through International Cooperation in Determining Indonesia's Territorial Boundaries and Jurisdiction

International cooperation is described as interactions between countries carried out to achieve common goals when the preferences of the actors involved are not entirely identical (harmony), but also not entirely contradictory (conflict).[17] The application of international cooperation is not only relevant as an academic framework,[18] but also as a normative and strategic approach in building synergy between national law and international law.[19] By strengthening the dimension of international cooperation through changes to national legal instruments, [20] Indonesia can increase the effectiveness of its maritime diplomacy and accelerate the establishment of state boundaries based on principles of international law that are fair and justice.[21]

International Cooperation can provide an analytical framework that the settlement of territorial disputes should not be seen as a zero-sum game,[22] but rather should be oriented towards achieving mutual benefits, carried out with transparency, and based on the principles of equity. Operationally, this concept requires the transformation of Indonesian national law to be more responsive and adaptive to international cooperation mechanisms,[23] particularly in the

[16] N. D. Rizkia dan H. Fardiansyah, *Metode Penelitian Hukum (Normatif dan Empiris)* (Bandung: Widina Press, 2023), 120

[17] Sebastian Paulo, *International Cooperation and Development: A Conceptual Overview, German Development Institute/Deutsches Institut für Entwicklungspolitik Discussion Paper* 13/2014 (24 April 2014), http://dx.doi.org/10.2139/ssrn.2430206

[18] G. A. E. Candra, "Perspektif Hukum Internasional Mengenai Kerja Sama Bilateral," *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 3 (2022): 271

[19] M. F. Aljundi et al., "The Function of International Law in Realizing a Just and Peaceful World Order," *JUSTICES: Journal of Law* 4, no. 3 (2025): 221, https://doi.org/10.58355/justices.v4i3.206

[20] F. M. Iqbal dan I. Irawati, "Hukum Internasional sebagai Perangkat Politik: Pembuatan Perjanjian Internasional oleh Pemerintah Daerah di Indonesia," *Caraka Prabu: Jurnal Ilmu Pemerintahan* 7, no. 2 (2023): 62, https://doi.org/10.36859/jcp.v7i2.1833

[21] F. A. Samekto dan M. SH, *Negara dalam Dimensi Hukum Internasional* (Bandung: PT Citra Aditya Bakti, 2018), 1.

[22] Alf Hornborg, "Cornucopia or Zero-Sum Game? The Epistemology of Sustainability,"*Journal of World- Systems Research* 9, no. 2 (2003): 205–216, https://doi.org/10.5195/jwsr.2003.245

[23] S. U. Firdaus dan P. A. N. Panjaitan, "Reformulasi Hukum untuk Mewujudkan Sistem Perundang-undangan Adaptif dan Responsif," *Proceeding APHTN-HAN* 2, no. 1 (2024): 356, https://doi.org/10.55292/2thnr771

settlement of territorial boundaries and jurisdiction.[24] International cooperation[25] must have the following inherent principles:

a. Mutual Benefits.[26] This principle emphasises that the results of delimitation negotiations must create a win-win solution for all parties. In the Indonesian context, this principle can be realised through a package deal that combines maritime boundary settlement with cooperation in other areas, such as a joint development zone for oil and gas exploration or integrated fisheries cooperation.[27]
b. Good Faith.[28] The principle of good faith (*pacta sunt servanda*) requires consistent political and legal commitment from all parties.[29] For Indonesia, implementing this principle requires consistency in its negotiating position, transparency in the exchange of hydro- oceanographic data, and a commitment to ratify the agreed results of the agreement.
c. Peaceful Settlement of Disputes.[30] This principle promotes the settlement of disputes through peaceful mechanisms as stipulated in Article 33 of the UN Charter.[31] In the context of Indonesia's maritime boundary delimitation, this principle is relevant to anticipate potential disputes with neighbouring countries through compulsory conciliation or arbitration mechanisms in accordance with Chapter XV of UNCLOS 1982.[32]
d. Sovereign Equality.[33] The principle of sovereign equality guarantees equal legal standing in negotiations.[34] For Indonesia, this principle is important to maintain its sovereignty as an archipelagic state while respecting the sovereignty of neighbouring countries in determining base points and baselines.[35]
e. Sustainability.[36] The principle of sustainability emphasises the importance of considering aspects of cross-border marine resource conservation. In the delimitation of Indonesia's maritime boundaries, this principle can be integrated through the regulation of marine protected areas in border zones and cooperation in the management of transboundary fish stocks.[37]

The thorough implementation of international cooperation can transform the role of national law from merely an instrument of sovereignty to an effective means of maritime

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[24] Suryokusumo, "Yurisdiksi Negara vs. Yurisdiksi Ekstrateritorial," *Indonesian Journal of International Law* 2 (2004): 685.
[25] E. E. br Ketaren et al., "Prinsip Kerja Sama dalam Diplomasi Multilateral pada High-Level Forum on Multi-Stakeholder Partnerships dan Indonesia–Africa Forum 2024," *Padjadjaran Journal of International Relations* 7, no. 2 (2025): 282, https://doi.org/10.24198/padjir.v7i2.59864
[26] Craig Browne, "A Moral Order of Mutual Benefit," Thesis Eleven 86, no. 1 (2006), https://doi.org/10.1177/0725513606066243
[27] Q. J. Loupatty, C. D. Massie, dan J. V. L. Pontoh, *Penyelesaian Sengketa Batas ZEE yang Tumpang Tindih melalui Mekanisme Perjanjian Internasional* (Disertasi, Universitas Katolik De La Salle, 2016), 50.
[28] Samuel Reinhold, "Good Faith in International Law," *UCL Journal of Law and Jurisprudence* 2 (2013): 40.
[29] A. Iffan, "Keberadaan Asas Pacta Sunt Servanda dan Good Faith Menurut Hukum Internasional dan Hukum Islam," *Journal Equitable* 3, no. 1 (2018): 37.
[30] L. M. Goodrich, "The Peaceful Settlement of Disputes," *Journal of International Affairs* (1955): 12–20.
[31] P. A. Ruslijanto et al., *Hukum Penyelesaian Sengketa Internasional* (Malang: Universitas Brawijaya Press, 2022), 13.
[32] Cuicui Chen, Yaxin Geng, and Jialong Nie, "Research on the Compulsory Conciliation System," *Science of Law Journal* 2, no. 1 (2023): 3.
[33] Colin Warbrick, "The Principle of Sovereign Equality," in *The United Nations and the Principles of International Law,* 214–239 (London: Routledge, 2002).
[34] E. Purwanti, "Dekonstruksi *Equitable Principle* dalam Hukum Laut Internasional," *Tanjungpura Law Journal* 1, no. 1 (2017): 76, https://doi.org/10.26418/tlj.v1i1.18332
[35] M. Triatmodjo et al., *Pulau, Kepulauan, dan Negara Kepulauan* (Yogyakarta: UGM Press, 2022),172.
[36] Daniel Levine, *Recovering International Relations: The Promise of Sustainable Critique* (Oxford: Oxford University Press, 2012).
[37] A. Rizki, "Pengelolaan Marine Protected Area," *Journal of Oceanography and Aquatic Science* 2, no. 1 (2024): 22, https://doi.org/10.56855/joane.v2i1.964

diplomacy. Based on an analysis of Indonesian maritime law, this transformation can be realised through several key articles.

a. Law No. 43 of 2008 on State Territory Article 2

This article states that the regulation of the state territory is carried out based on the principles of: sovereignty; nationality; archipelagic nature; justice; security; order and legal certainty; cooperation; benefit; and protection.[38] The explanation states that the management of Indonesia's state territory is based on the principles of sovereignty, namely maintaining the integrity of the Unitary State of the Republic of Indonesia; the principle of nationality, which reflects the values and character of the diverse Indonesian nation; and the principle of archipelagic statehood, which emphasises the interests of the entire territory of the Unitary State of the Republic of Indonesia.[39] In addition, territorial management must be guided by the principle of justice, which is to provide proportional treatment for all citizens; the principle of security, to ensure stability in supporting national development; and the principle of order and legal certainty, so that territorial administration runs in an orderly and regular manner. Furthermore, the principle of cooperation is also applied, which encourages synergy between stakeholders; the principle of benefit, to ensure that regional management provides the greatest possible benefit to the people; and the principle of protection, which protects and pays attention to the interests of the community, especially in border areas.[40]

This article tends to function as a defensive boundary mechanism that prioritises sovereignty. Through an international cooperation approach, a shift from an instrument of sovereignty to a means of active diplomacy is necessary. This article can be transformed into a proactive bridging mechanism by integrating the principles of mutual benefits and good faith into it.[41] The creation of a new paradigm where the law not only serves to protect sovereignty but also builds bridges of cooperation with neighbouring countries.[42] In practice, adopting the package deal principle within the framework of this article allows Indonesia to combine discussions on national boundaries and jurisdiction with cooperation on fisheries resource management.[43] This approach will result in a more comprehensive and mutually beneficial agreement, while accelerating the negotiation process that was previously hampered by the sovereignty approach.

b. Law Number 43 of 2008 concerning State Territory Article 3

This article states that the purpose of national territorial management is to: guarantee the integrity of the national territory, the sovereignty of the state, and order in border areas for the welfare of the entire nation; uphold sovereignty and sovereign rights; and regulate the management and utilisation of the national territory and border areas, including the supervision of its boundaries.[44] This article emphasises that the regulation of the state territory aims to maintain the integrity and sovereignty of the Unitary State of the Republic of Indonesia, ensure

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[38] Law No. 43 of 2008 on State Territory, Article 2.

[39] Y. A. Zein, "Politik Hukum Pengelolaan Wilayah Perbatasan Berbasis Pemenuhan Hak Konstitusional Warga Negara," *Jurnal Hukum Ius Quia Iustum* 23, no. 1 (2016): 110, https://doi.org/10.20885/iustum.vol23.iss1.art6

[40] A. Asfar, *Harmonisasi Perencanaan Pembangunan Wilayah Pesisir* (Yogyakarta: Deepublish, 2025), 23.

[41] N. M. R. Damayanthi, "Tinjauan terhadap Pengelolaan Perbatasan Menurut Perspektif Hukum Internasional," *Konsensus* 2, no. 3 (2025): 163–174.

[42] J. A. C. Likadja, *Revitalisasi Sistem Pertahanan dan Keamanan Nasional sebagai Pilar Kedaulatan Negara* (Fakultas Hukum – Undana, 2023), 181.

[43] Y. A. Hasan dan M. SH, *Hukum Laut Konservasi Sumber Ikan di Indonesia* (Jakarta: Prenada Media, 2021), 168.

[44] Law No. 43 of 2008 on State Territory, Article 3.

order and security in border areas, and support the welfare of all people.[45] In this context, the state is obliged to uphold sovereignty and sovereign rights over land, sea and air territories in accordance with national and international law, including the right to manage resources in the Exclusive Economic Zone (EEZ) and continental shelf. In addition, this regulation covers the sustainable governance and utilisation of the country's territory, accompanied by effective supervision of the country's borders to prevent violations and jurisdictional conflicts,[46] involving inter-agency coordination such as the BNPP, TNI, and Ministry of Foreign Affairs to ensure that Indonesia's borders are clear, valid, and internationally recognised.

The implementation of International Cooperation in this article needs to emphasise the acceleration of the determination of national boundaries and jurisdiction in the national interest.[47] This acceleration is carried out by applying this theory systematically. This acceleration aims to expedite the establishment of national boundaries and jurisdiction without sacrificing national interests. The reciprocity mechanism promoted by this theory creates a framework in which concessions in one aspect can be offset by advantages in another aspect. The principle of reciprocity states that national interests in boundary negotiations can be offset by strategic advantages for Indonesia in economic, security, or diplomatic aspects.[48] With the application of this theory, the regulation of national boundaries is not only a legal instrument, but also a means of progressive diplomacy that strengthens Indonesia's position in the regional and global maritime order.

c. Law Number 43 of 2008 concerning State Territory Article 5

This article states that the territorial boundaries of the state on land, in waters, on the seabed and subsoil, and in the airspace above it are determined on the basis of bilateral and/or trilateral agreements on land, sea and air boundaries and based on legislation and international law.[49] This article emphasises that the determination of Indonesia's territorial boundaries, whether on land, at sea, on the seabed and subsoil, or in the airspace above, must be based on valid international agreements,[50] namely through bilateral or trilateral mechanisms with neighbouring countries. This indicates that the determination of territorial boundaries is not a unilateral decision, but rather the result of a mutually binding agreement in accordance with the principle *of pacta sunt servanda* in international law. In addition, the determination of these boundaries must be in line with national legislation and international legal provisions such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS), in order to ensure legal certainty, justice and international recognition of Indonesia's sovereign territory. Thus, this article serves as a legal basis that emphasises the importance of diplomacy and cooperation between countries in maintaining the integrity of the territory and sovereignty of the state.

Through this article, International Cooperation emphasises the strengthening of regional positions. This theory explains the objective of strengthening Indonesia's position as a norm

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[45] D. G. S. Mangku, “Peran Badan Nasional Pengelolaan Perbatasan (BNPP) dalam Menjaga Kedaulatan Wilayah Negara Kesatuan Republik Indonesia,” *Jurnal Ilmiah Ilmu Sosial* 4, no. 2 (2018): 168.

[46] A. Bormasa, J. D. Pasalbessy, dan E. Ubwarin, “Penegakan Hukum di Wilayah Laut pada Wilayah Perbatasan Negara,” *PATTIMURA Legal Journal* 1, no. 1 (2022): 41.

[47] B. S. Irianto, “Penegakan Hukum di Zona Ekonomi Eksklusif Indonesia (ZEEI) dalam Rangka Kepentingan Nasional Indonesia di Bidang Kelautan,” *Jurnal Justiciabelen* 4, no. 2 (2021): 27, https://doi.org/10.30587/justiciabelen.v4i2.3564

[48] I. V. M. Kapahese, “Tinjauan tentang Penyelesaian Sengketa Batas Wilayah antar Negara Menurut Perspektif Hukum Internasional,” *Lex Administratum* 9, no. 3 (2021): 158.

[49] Law No. 43 of 2008 on State Territory, Article 5

[50] J. D. N. Manik, “Pengaturan Hukum Perbatasan Negara Kesatuan Republik Indonesia Berdasarkan Undang-Undang Wilayah Negara,” *Progresif: Jurnal Hukum* 12, no. 1 (2018): 2017, https://doi.org/10.33019/progresif.v12i1.954

entrepreneur in regional maritime governance.[51] Indonesia, with its Archipelagic State concept recognised by UNCLOS 1982, has strong capital to become a norm entrepreneur. However, this capital can only be optimised when national laws consistently adopt and develop the principles of international cooperation. The implementation of strengthening Indonesia's position shows that national legal reforms in line with UNCLOS 1982 also enhance Indonesia's credibility in international forums and strengthen the legitimacy of its position in bilateral negotiations.[52]

d. Law No. 43 of 2008 on State Territory Articles 14 - 18

This article concerns institutions. The institutions in this article affirm that the management of state borders and border areas is carried out through the establishment of Management Agencies at the national and regional levels.[53] These agencies are the government's main instruments for formulating, coordinating, and supervising development policies and the management of border areas.[54] At the central level, these agencies are directly responsible to the President, while at the regional level, they are responsible to regional heads in accordance with their authority. The membership of the Management Agency is cross-sectoral, consisting of elements of the central government and regional governments that are directly related to national border issues. Functionally, the Management Agency has four main tasks: establishing border development programme policies, formulating budget requirements, coordinating policy implementation, and conducting evaluation and supervision.[55] However, the technical implementation of development in the field remains the authority of technical agencies in accordance with their respective main tasks and functions, such as sectoral ministries and related technical institutions. The relationship between the national and regional Management Agencies is coordinative in nature, meaning that it is not hierarchical but emphasises synergy and division of roles according to the level of authority.[56] To support the smooth running of its tasks, the Management Agency has a permanent secretariat located in the ministry in charge of home affairs, as an administrative centre and liaison between agencies. Furthermore, regulations regarding the position, duties, functions, and work procedures of the Management Agency at the central level will be stipulated through a Presidential Regulation, while at the regional level they will be regulated through Regional Regulations.[57] This reflects the principle of decentralisation and vertical-horizontal coordination in border governance, which enables national policies to be implemented effectively while taking into account the characteristics and local needs of border areas. The technical regulations governing this arrangement are stipulated in Presidential Regulation of the Republic of Indonesia Number 44 of 2017 concerning Amendments to Presidential Regulation Number 12 of 2010 concerning the National Border Management Agency (BNPP).[58]

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[51] F. Fransiskus dan A. Rifawan, "Peran Indonesia sebagai Norm Entrepreneur dalam Konsepsi Sentralitas ASEAN melalui Inisiatif Karbon Lintas Batas Berbasis CCS," *Padjadjaran Journal of International Relations* 7, no. 1 (2025): 84.

[52] A. H. Oegroseno, *Memaknai Kedaulatan Indonesia dalam Hubungan Antarbangsa* (Yogyakarta: UGM Press, 2024), 55.

[53] Law No. 43 of 2008 on State Territory, Article 14 - 18

[54] P. S. J. Kennedy et al., "Kajian Normatif Pengelolaan Perbatasan dan Kelembagaan Pusat–Daerah Berdasarkan Rencana Induk Pengelolaan Perbatasan Negara," *Ikraith Ekonomika* 1, no. 2 (2018): 72.

[55] D. Abdullah, "Hubungan Pemerintah Pusat dengan Pemerintah Daerah," *Jurnal Hukum Positum* 1, no. 1 (2016): 101.

[56] Joko Christanto, Widiyana Riasasi, dan Dwi Sudaryati Fathonah, "Overview Kebijakan Pengelolaan Perbatasan Negara Kesatuan Republik Indonesia (NKRI)," dalam *Pengelolaan Wilayah Perbatasan NKRI*, ed. Lutfi Muta'ali, Djaka Marwasta, dan Joko Christanto (Yogyakarta: UGM Press, 2018), 15.

[57] R. Beni, "Menata Ulang Urusan Pemerintahan dan Kelembagaan Kementerian Negara dan Pemerintah Daerah," *Proceeding APHTN-HAN* 1, no. 1 (2023): 579, https://doi.org/10.55292/09yg6e92

[58] P. W. Widiartana, "Kedudukan dan Kewenangan Badan Nasional Pengelola Perbatasan di Indonesia," *Jurnal Hukum & Pembangunan* 51, no. 1 (2021): 128.

The application of international cooperation in the implementation of national boundary and jurisdiction demarcation within institutions requires strong institutional support. This institutional support is highly dependent on the institutional capacity of the BNPP as the main coordinator.[59] The integration of diplomatic, technical and legal drafting functions within a single institutional framework has proven to increase the efficiency and effectiveness of the national boundary and jurisdiction demarcation process. Integrated coordination enables effective negotiations that were previously fragmented. Strengthening the establishment of national boundaries and jurisdiction must be accompanied by strengthening institutional capacity.[60] An explanation of this issue can be seen in the following table:

Table 1. Paradigm Shift in Articles of Law Number 43 of 2008 on State Territory

No.	Article Law 43/3008	Paradigm Shift	Description
1	Article 2 Principles of State Territory Management	From a defensive paradigm (sovereignty alone) to a proactive one (cooperation based on justice and mutual benefit).	This article has transformed from an instrument for safeguarding sovereignty to a means of active diplomacy. The principles of mutual benefits and good faith are integrated through a package deal approach, which combines territorial boundary issues with economic cooperation and cross- border resources.
2	Article 3 Objectives of State Territory Management	From a territorial security orientation to an orientation of accelerating boundary determination and strategic diplomacy.	Through international cooperation, this article aims to accelerate the delimitation and demarcation process while maintaining national interests. The principle of reciprocity is applied so that concessions in negotiations can be balanced with strategic advantages in the economic or security fields.
3	Article 5 Establishment of State Territorial Boundaries	From a formal legalistic approach to a normative-diplomatic approach.	The establishment of territorial boundaries not only follows formal legal agreements, but also strengthens Indonesia's position as a norm entrepreneur in the regional arena. The principles of sovereign equality and peaceful settlement form the basis of bilateral and trilateral diplomacy in accordance with UNCLOS 1982.
4	Articles 14–18 Institutional Management of Territorial Boundaries	From sectoral and administrative coordination to integrative and strategic coordination.	The BNPP and regional institutions are strengthened to integrate diplomatic, technical, and legal drafting functions into a single system. This is in line with the principles of sustainability and mutual benefits to ensure efficient, adaptive, and sustainable territorial boundary governance.

[59] F. F. Sidiq, *Menyigi Batas Negeri: Faktor-Faktor yang Mempengaruhi Koordinasi Pengelolaan Batas Wilayah Negara Indonesia* (Yogyakarta: Bintang Pustaka Madani, 2021), 6.

[60] R. Nugroho dan A. Wicaksono, “Menata Sejengkal Tanah di Ujung Batas Negara,” *Nomor* 1 (2013): 290.

2. Establishing Legal Norms to Improve Progress in Determining Indonesia's Territorial Boundaries and Jurisdiction based on the concept of International Cooperation

The development of legal norms in determining Indonesia's territorial boundaries and jurisdiction must be oriented towards transforming the national legal paradigm from a defensive sovereignty approach to collaborative and adaptive maritime diplomacy. Based on the concept of international cooperation, relations between countries in resolving territorial boundaries should not be understood as a zero-sum game, but as a negotiation process based on mutual benefits, good faith, equity, and reciprocity. The legal norms established must create a balanced framework for international interaction in which the protection of national interests is maintained, but which is open to mutually beneficial cross-border cooperation schemes.[61]

First, Article 2 of Law Number 43 of 2008, which contains the principles of sovereignty, nationality, and archipelagic sovereignty, needs to be transformed into the principle of active diplomacy, which not only maintains territorial integrity but also integrates the principles of mutual benefits and good faith. This new norm directs national law to function as a bridging mechanism, an instrument that bridges sovereignty interests with international cooperation needs through approaches such as package deals and joint development zones. Thus, the law acts not only as a defensive fortress but also as a means of strategic collaboration.

Secondly, Article 3 of Law Number 43 of 2008, which affirms the objective of regulating the country's territory, can be reinforced by the norm of accelerating the determination of Indonesia's territorial boundaries and jurisdiction through the application of the principle of reciprocity. This norm stipulates that any concessions in border negotiations must be balanced with strategic benefits for Indonesia, whether in the economic, security or diplomatic fields. This reciprocity mechanism provides a legal basis for Indonesia's maritime diplomacy to be adaptive, proactive, and based on rational national interests.

Third, Article 5 of Law No. 43 of 2008 concerning the basis for determining territorial boundaries through bilateral or trilateral agreements needs to be developed into a norm that strengthens Indonesia's regional position as a norm entrepreneur. This norm emphasises the obligation of the state to not only comply with the provisions of UNCLOS 1982, but also to actively initiate norms for fair and sustainable regional maritime cooperation. This reform strengthens Indonesia's legal legitimacy in international forums and increases its bargaining power in border negotiations.

Fourth, Articles 14–18 of Law No. 43 of 2008 on institutions need to be operationalised through institutional integration norms based on cross-sector collaboration. This norm requires the optimisation of the BNPP's role as a centre for border diplomacy coordination, with a mandate to strengthen the synergy between diplomatic, technical and legal drafting functions in an integrated system. Responsive and coordinated institutions will ensure that every stage of territorial boundary determination, from negotiation and determination to supervision, is carried out efficiently, transparently, and in accordance with international law.

Thus, the new legal norms developed through the International Cooperation approach serve as a conceptual and operational foundation to accelerate the process of establishing Indonesia's territorial boundaries and jurisdiction. These norms not only strengthen sovereignty but also position Indonesia as an active, adaptive, and constructive maritime actor in the international maritime legal order.

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[61] E. Yoesry et al., *Pengantar Hukum Internasional* (Jakarta: PT Sonpedia Publishing Indonesia, 2025), 69.

Table 2. Changes in Norms in Law No. 43 of 2008 on State Territory

No	Article	Paradigm Shift	Wording of the Change in Norms
1	Article 2	From a defensive sovereignty paradigm to a collaborative sovereignty paradigm, placing the principles of cooperation and mutual benefit as instruments of active diplomacy	The regulation of national territory is carried out based on the principles of adaptive sovereignty and mutually beneficial international cooperation, to strengthen territorial integrity and accelerate the settlement of national borders through the principles of mutual benefits and good faith in accordance with international law.
2	Article 3	From the paradigm of territorial protection to strengthening state border diplomacy through the acceleration of border demarcation and reciprocal cross- border cooperation.	The regulation of the country's territory aims to accelerate the determination of territorial boundaries and jurisdiction while ensuring national sovereignty and welfare through international cooperation mechanisms based on the principles of reciprocity, equity, and mutual benefits.
3	Article 5	From a paradigm of formal agreement-based border demarcation to normative leadership-based (norm entrepreneurship) and active maritime diplomacy-based border demarcation.	The establishment of national boundaries on land, at sea, on the seabed, and in airspace is carried out through bilateral or trilateral agreements with a cooperative framework approach, which positions Indonesia as a norm entrepreneur in regional maritime governance in accordance with the principles of UNCLOS 1982 and international law.
4	Article 14	From an administrative bureaucracy paradigm to an integrative-diplomatic institution, which connects legal, technical, and international diplomatic aspects.	The government has established an integrative and cross-sectoral State Territorial Boundary and Border Area Management Agency, involving diplomatic, technical, and legal elements, to strengthen Indonesia's position in negotiations and management of state territorial boundaries.
5	Article 15	From an administrative development paradigm to one based on maritime diplomacy and international cooperation.	The Management Agency establishes border development policies that are adaptive to international dynamics by integrating diplomatic, economic, and legal functions to strengthen the establishment of sustainable national borders and jurisdiction.
6	Article 16	From a vertical administrative coordination paradigm to horizontal and collaborative coordination.	The working relationship between the national and regional Management Agencies is coordinative and collaborative based on the principles of shared responsibility, synergy, and efficiency in the implementation of state territorial boundary policies.

7	Article 17	From a passive administrative secretariat paradigm to a strategic inter-agency coordination centre.	The secretariat continues to function as a strategic coordination centre that facilitates technical diplomacy, data exchange, and policy harmonisation between institutions in the process of determining national boundaries and jurisdictions.
8	Article 18	From a static top-down regulatory paradigm to adaptive and flexible regulation.	Regulations concerning the position, duties, and functions of the Management Agency are adapted to developments in international negotiations and regional needs, in order to ensure harmony between national policy and local implementation in determining national boundaries and jurisdiction

V. Conclusion

The transformation of Indonesian national law through international cooperation is a strategic approach to strengthen maritime diplomacy and accelerate the determination of territorial boundaries and jurisdiction. International cooperation reframes border negotiations as a process of mutual benefit rather than a zero-sum game, emphasizing principles such as equity, reciprocity, good faith, peaceful dispute settlement, sovereign equality, and sustainability. Applying these principles requires national law to be adaptive and proactive, shifting from a purely defensive sovereignty framework to an instrument of active diplomacy. Key legal articles in Law No. 43 of 2008 Articles 2, 3, and 5 can be transformed to incorporate these norms, enabling Indonesia to integrate package deals, joint development zones, and reciprocal benefits into boundary negotiations, while aligning national sovereignty with international law obligations under UNCLOS 1982.

Institutional capacity is essential for effective implementation. Strengthening the BNPP and regional management agencies ensures coordinated, transparent, and adaptive governance, integrating technical, legal, and diplomatic functions. This institutional integration supports efficient negotiations, supervision, and cross-border cooperation, transforming national law into a tool that not only safeguards sovereignty but also positions Indonesia as a proactive norm entrepreneur in regional maritime governance. Ultimately, these reforms create legal norms that accelerate boundary determination, enhance Indonesia's credibility in international forums, and provide a framework for sustainable and mutually beneficial maritime diplomacy.

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