

# Indonesian Authority to Determine Maps as the Legality of Country Territorial Boundaries

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## ABSTRACT

In determining territorial boundaries, the map existence is very important, because the map includes the outermost starting points that illustrate the Country territorial boundaries. Indonesian map provides spatial information for public about the Indonesian country, also describes the boundaries projection according to Indonesian law, so the Indonesian map is dynamic and will be updated according to developments. In order to renew the country territorial boundaries, the Coordinating Ministry for Maritime Affairs on July 14 2017 launched the map of the Republic of Indonesia. On the map, there are several reasons behind the need for renewal. The problem discussed in this research is how the arrangements in determining the map as the legality of country territorial boundaries and what is the basis of Indonesian country in determining the map as the legality of country territorial boundaries? This research is normative juridical research using statute approach method, namely by examining the laws and regulations related to the legal issues under study. The results are that the arrangement for determining the map is regulated in Law Number 4 of 2011 concerning Geospatial Information, namely in articles 7, 12, 18, 22 and 35. Article 7 mentions the map type, article 12 regulates the map contents, article 18 regulates the map scale, article 22 regulates the map administering agency and article 35 regulates the form of map presentation. A country in establishing a map is based on the provisions stipulated in UNCLOS, namely in articles 16, 75 and 84 which states that the country must include the boundaries of the territorial sea, the exclusive economic zone and the continental shelf on the map with adequate scale, and the country must deposit the country map to the Secretary General of the United Nations.

**Keywords:** *Country Map, Indonesia, Legality, Country Territorial Boundaries.*

## 1. INTRODUCTION

The country territorial boundaries include land, sea and air, the determination of land boundaries in general has been previously resolved between countries, while the determination of sea boundaries is carried out based on the provisions of the law of the sea. Land boundaries have generally been determined at the same time that these countries have acquired rights and sovereignty over their territories, for example as result of victories in wars, discovery of territories, occupation, prescription, and other rights bases that recognized by international law.[1] Borders in the geographical concept mean separation, namely the affirmation of the territorial legal boundaries of a country and also means one of the symbols of state sovereignty existence. Affirmation of borders also means international recognition of the existence of the country, therefore the boundaries of one country with another must be firmly defined. The boundary definition arises because the territory of a country is always continuous or adjacent to the territory

of another country or usually the determination of country boundary is made in the form of treaty which is ratified by law.

Indonesia is country with a collection of large and small islands scattered from the north to the south. Likewise, Indonesia's claim that these islands and the waters between them are an inseparable unit. On December 13, 1957, the Prime Minister of the Republic of Indonesia, Djuanda, signed the "Government Announcement concerning the Waters of the Republic of Indonesia". This Government Announcement is basically a formulation of the application of the principles of the Archipelagic State which became known as the "Djuanda Declaration". The affirmation of Archipelagic State concept is stated in the Djuanda Declaration through the formula "Determination of territorial sea boundaries whose width is measured from the line connecting the outermost starting points on the islands of the State of Indonesia. [2]

In the determination of sea boundaries measured from the outermost starting points, the outermost starting points will be included in map. The map illustrates the territorial boundaries of a country as measured from the outermost starting points. Likewise with the map of Indonesia, in addition to illustrating the boundaries of Indonesia's territory, the map also provides spatial information for the public about the Unitary State of the Republic of Indonesia (NKRI). The map of the Unitary State of the Republic of Indonesia shall include the geographical names of the outermost islands belonging to Indonesia which are located within the baselines of the Indonesian archipelago, and the location of the Indonesian Archipelago Sea Lane is described. In addition, the NKRI map also describes the projection of boundaries according to Indonesian law, so that the NKRI map is dynamic and will be updated according to developments.

In order to renew the country's territorial boundaries, the Coordinating Ministry for Maritime Affairs on July 14 2017 launched a map of the Republic of Indonesia. On the map there are several new things that underlie the need for renewal. There are territorial sea boundaries agreements that have been in effect, namely between Indonesia-Singapore on the west and east sides, as well as the Exclusive Economic Zone (EEZ) boundary agreement between Indonesia and the Philippines that has been mutually agreed upon and has been ratified.

In addition, it is related to the Arbitration decision of the Philippines and China in which the decision provides international legal jurisprudence that a small island or small reef in the middle of the sea that cannot support human life does not have EEZ rights of 200 nautical miles and the continental shelf. Therefore, there are several small islands belonging to our neighboring countries which are only given a limit of 12 nautical miles. Next, there is update on the sea column in the north of Natuna that the continental shelf in the area since 1970 has used the names North Natuna Block, South Natuna Block, East Natuna Block, Southeast Natuna Block which uses the reference cardinal directions. So that there is one clarity, the similarities between the water column above it and the continental shelf, the water column was agreed upon by the national team to be named the North Natuna Sea. The name of the North Natuna Sea is used to match the names of the oil and gas blocks on the continental shelf below. Furthermore, the government wants to strengthen claims in the Malacca Strait by simplifying boundary line claims to facilitate law enforcement. In addition, in the area near the Singapore border, there is already a clear boundary line. With this position, the map of the Republic of Indonesia needs to be updated so that security and law enforcement officers from the Indonesian Navy and Customs can easily carry out patrols.

## PROBLEM FORMULATION

1. How are the arrangements in determining map as the legality of country territorial boundaries?
2. What is the basis of the Indonesian country in determining the map as the legality of country territorial boundaries?

## 2. LITERATURE REVIEWS

### *A. State Authority to Set Country Territorial Boundaries*

Territory can be interpreted as a space where humans who are citizens or residents of the country concerned live and carry out all their activities. In today world conditions, a country's territory will be bordered by another country's territory, and there will be many related aspects that affect the situation and condition of the border concerned. Country territorial boundaries are often defined as an imaginary line above the earth's surface that separates the territory of one country from the territory of another country. To the extent that the border is explicitly recognized by treaty or generally recognized without a clear statement, then the border is part of a state's right to territory. However, the border is not just an imaginary line that separates one country from another, but also a line within the country where there is a sovereign boundary with rights as a state that must be carried out by law as a legal basis. A border is said to be clear and firm if it meets the following criteria: The limit has legal product that regulates and stipulates; the exact geographical coordinates of the point can be known and manifested in the form of a map. [3]

Boundaries determination is basically to separate some of the rights and obligations of one country from another. Boundary determination must be made according to clear legal basis, because it is identification of the rights and obligations of countries that arise based on the legal relationship between these countries. In the international law field, the determination of country territorial boundaries is usually made in the treaty form which is ratified by law.

The boundaries determination will be related to the regulation of sovereignty, sovereign rights and jurisdiction of a country.[4] If a country does not or there is no legal basis for its territorial boundaries, there will be a risk that the sovereignty and jurisdiction over the entire territory of the country will not be guaranteed and the international recognition of the country's borders and jurisdiction will not be strong. In addition, the clarity of these boundaries can also create the welfare of citizens through ensuring the utilization of potential resources such as fisheries activities, offshore exploration and exploitation, marine tourism, sea transportation and various other marine activities.

As country that has very wide area, including its sea area, the potential that Indonesia has will be meaningless if Indonesia's sea area does not have clear boundaries. The absence of marine area boundary will be like home yard without fence, so to claim how big the potential wealth of marine resources is, it must first be followed by clear boundaries. This fact shows that the boundaries clarity of a country has very important strategic value, including the clarity of the boundaries of the marine zone. As a country that has very wide sea area, Indonesia has wealth of marine resources potential that have not been fully exploited and even some of their potential existence is unknown, the sea can be alternative resource.

A sovereign state means that within that state it has full power and responsibility for the nation and state, both internally and externally with all policies in various fields as well as politics, economics, law, defense and security as well as establishing relations with other countries and nations in the world. The right, power and authority to do something in this case is to regulate, implement and implement the regulations that have been made. The rights, powers and authorities of the state are aimed at objects that can be subject to regulations made by the state.

With regard to the State authority, International Law gives full rights and authority to each country to regulate its own domestic problems, including matters within its territorial boundaries. Thus, the state authority is the right, power and authority of state to regulate, implement and impose its national law on everything that is within its territorial boundaries, which includes land areas, water areas and the seabed and the land below which lies under territory.

### ***B. Map as Legality of Territorial Boundaries***

As stated in the Convention on the Law of the Sea (UNCLOS) that every coastal state must deposit data on the boundaries of its jurisdiction at sea to the Secretary General of the United Nations in the form of sea map that is officially recognized by the government of the country concerned or in the form of a list of geographic coordinate points describing a geodetic datum.

For a country that will determine the boundaries of its maritime zone with other countries, a sea map is needed to describe the starting points, baselines, maritime zone boundaries, and the determination of the marine zone area that will be claimed by each country. Determination of the marine zone area to be determined is obligation that must be carried out by the state that will determine the boundaries of its marine zone. Based on this sea map the coordinates of the starting point of the sea boundaries are determined and described. The scale of the nautical map that presents the territorial boundaries of jurisdictions at sea must be adequate to describe the boundaries of the sea, which includes the boundaries of the territorial sea

and other parts of the sea, namely the exclusive economic zone and the continental shelf. The scale of the nautical map used will depend on the nautical map for the marine zone owned by the countries concerned. Some countries may have large-scale nautical charts, while others may only have small-scale nautical charts. The most important thing is that the scale is sufficient enough for the determination of the baseline and its existence is officially recognized by all parties concerned. Based on this description, the purpose of publishing the map is so that all people can have a general picture of the territory of the country concerned.

Regarding the map, Indonesia already has a map of the Unitary State of the Republic of Indonesia which is an illustration of the territory of the Unitary State of the Republic of Indonesia and the existence of its sovereign rights which informs the general description of the territory of the Unitary State of the Republic of Indonesia on land and sea along with information on the boundaries of its sovereign rights.

In addition to this information, the map of the Republic of Indonesia also includes the geographical names of the islands belonging to Indonesia which are located within the baseline of the Indonesian archipelago, both the outermost small islands and other large islands, the Indonesian Archipelagic Sea Lane. Given the limitations of the map scale used (1:5,000,000 scale), then the information on the boundaries of both land and sea in certain segments is not described in detail. Likewise, the small islands which are very numerous cannot be described as a whole. However, the coordinates value of the agreed borders between countries, the coordinates of the starting point located on the outermost small islands and others in Government Regulation Number 38 of 2002 which has been amended by Government Regulation Number 37 of 2008 concerning Lists The Geographical Coordinates of the Indonesian Archipelago Baseline Points have been set correctly. Thus the map of the Republic of Indonesia has fulfilled the geometric and cartometric aspects.

The map of the Unitary State of the Republic of Indonesia is also intended to illustrate the results of the agreement which states that Indonesia needs to have a map of the Unitary State of the Republic of Indonesia that describes the boundaries of the country that have been achieved since the Djuanda Declaration until now, both those that have not been and those that have been agreed upon through various bilateral, trilateral and multilateral negotiations. The NKRI map illustrates the Unitary State of the Republic of Indonesia and its boundaries. The map also includes the geographical names of the outermost islands belonging to a country. Thus, the map is spatial information for the public in formal juridical manner about the general description of the territory of a country and is dynamic and will always be refined according to the regional development of the country concerned.

The National Survey and Mapping Coordinating Board as the national survey and mapping authority, in collaboration with several relevant agencies (Ministry of Foreign Affairs, Ministry of Home Affairs, Ministry of Maritime Affairs and Fisheries, Indonesian National Army - Navy and Ground Army) has published a map of the Republic of Indonesia. The purpose of publishing this map is so that the entire community and all stakeholders can have an overview of the territory of the Republic of Indonesia to date. The NKRI map is illustrative map of the territory of the Unitary State of the Republic of Indonesia and the existence of its sovereign rights which provides a general description of the territory of the Unitary State of the Republic of Indonesia on land and sea along with information on the boundaries of its sovereign rights.

To complement other spatial information from the NKRI map, the NKRI map needs to be supplemented with other thematic map information, especially information on land and sea border areas in special segments with adequate or larger scale. The NKRI map is also intended to describe the results of Border Diplomacy, which states that Indonesia needs to have NKRI map that describes the Country territorial boundaries that have been achieved since the Djuanda Declaration until now, both those that have not been or have been agreed upon through various bilateral, trilateral and multilateral negotiations. Thus the map of the Republic of Indonesia must always follow the development of the territory of the Republic of Indonesia.

### **3. RESEARCH METHOD**

This research was normative juridical research, which is research that focused on examining the application of positive legal rules or norms whose object is the law itself. This study used statute approach. The legal materials used were primary, secondary, and tertiary legal materials. The legal materials obtained were analyzed using descriptive-analytical techniques, namely by examining the laws and regulations related to the legal issues under study.

### **4. DISCUSSION**

#### ***A. Arrangement In The Determination of The Map of Indonesia***

The 1945 Constitution of the Republic of Indonesia Article 28F mandates that everyone has the right to communicate and obtain information. Information in the broadest sense as mandated in the article includes Geospatial Information. Geospatial Information is tool in policy formulation, decision making, and/or implementation of activities related to terrestrial space. Geospatial information is very useful as a policy-making support system in order to optimize development in the

economic, social, cultural, and national security fields, especially in natural resource management, spatial planning, investment location planning and economic business, determining regional boundaries, land, and tourism. Geospatial information is also information that is indispensable in disaster management, environmental preservation, and defense and security. By realizing the importance of Geospatial Information in development in various sectors, Geospatial Information must be guaranteed up-to-date and accurate and organized in an integrated manner. This is to avoid mistakes, errors, and overlapping of information which results in legal uncertainty, development budget inefficiency, and information ineffectiveness. Geospatial information is generally open and must be easily accessible by users so that it can be utilized optimally.

In Law Number 4 of 2011 concerning Geospatial Information it is stated that the Unitary State of the Republic of Indonesia as archipelagic country characterized by the archipelago with all its natural resources and other resources must be managed properly and with full sense of responsibility to become source of prosperity for all people of Indonesia, and in managing natural resources and other resources as well as disaster management within the territory of the Unitary State of the Republic of Indonesia and its jurisdiction, geospatial information is required. In the Geospatial Information which includes Geospatial Data is a base map. The basic map is in the form of Topographical Map of Indonesia; Indonesian Coastal Environmental Map; and National Marine Environment Map (Article7). Base map consists of. coastline; hypsography and territorial boundaries (Article 12). Furthermore The provision of Geospatial Information as referred is carried out by Agency called the Geospatial Information Agency in lieu of the National Survey and Mapping Coordinating Board (Article 22). And The presentation of Geospatial Information in the form of. printed maps, both in the form of sheets and atlas books (Article 22). . Thus the determination of the map carried out by the State of Indonesia has been regulated based on Law Number 4 of 2011 concerning Geospatial Information.[5].

#### ***B. Legal Basis for Maps Determination As Legality of Country Territorial Boundaries***

In relation to the authority of the state to set maps, as stated in UNCLOS article 16 which sets the baseline for measuring the breadth of the territorial sea. Furthermore, in Article 75 which sets the outermost boundary of the exclusive economic zone and the delimitation line. Article 84 which sets the outermost boundaries of the continental shelf and the delimitation lines. The coastal State shall duly publish such maps or lists of geographical coordinates and shall deposit one copy of each such map to the Secretary-General of the United.

Based on the articles in UNCLOS, it is stated that the outermost boundaries of the territorial sea, the exclusive economic zone and the continental shelf must be listed on a map of a scale sufficient to include a list of geographical coordinates points and details of the geodetic datum, and then the map must be deposited to the Secretary General of United Nations, so that each country can know the boundaries of its territory based on the map that was deposited.[6] In connection with the determination of the boundaries of marine zone, if country is to claim its marine zone bordering the maritime zone of another country, the existence of a map is very important, because based on the map it can be seen the boundaries of the territory of the bordering country, and if the existence of the map creates a dispute over the boundaries determination, the parties can resolve by negotiation or submit the dispute to the dispute settlement agency. Thus the map existence owned by a country is very important as the legality of the country's borders and as described above as the legal basis for the country to determine the map of the country has been regulated in UNCLOS.

- [5] Articles 7, 12, 18, 22, 35 of Law Number 4 of 2011 concerning Geospatial Information
- [6] Articles 16, 75, 84 United Nation Convention on The Law of The Sea 1982 (UNCLOS) Concerning Maps and Lists of Geographical Coordinates

## 5. CONCLUSIONS

1. The arrangement for determining the map is regulated in Law Number 4 of 2011 concerning Geospatial Information. Geospatial Information is Geospatial Data that assists the Government in formulating policies and making decisions related to terrestrial space. One form of Geospatial Data is a base map. The settings for the base map are listed in articles 12, 18, 22 and 35.
2. A country that will determine its territorial boundaries with other countries, then the basis is the map existence, in this case sea map that describes the starting points, baselines, boundary lines of the maritime zone, and the determination of the marine zone area to be claimed by each country. A country in establishing country map is based on the provisions stipulated in UNCLOS, namely articles 16, 75 and 84.

## REFERENCES

- [1] Hasbullah F. Sjawie, Indonesian Archipelagic state and International Law of the Sea, Serambi Ilmu Semesta, Jakarta, 2001
- [2] J.G. Starke, An Introduction of International Law, adaptation F. Isjwara, Introduction to International Law, Alumni, Bandung, 1972, p. 96
- [3] Adi Sumardiman, The Territory of Indonesia and Its Legal Basis, International Law Series, Book I, Cet.I, Pradnya Paramita, Jakarta, 1992
- [4] Joko P Subagyo, Indonesian Law of the Sea, Rineka Cipta, Jakarta, 2002