

State Accountability in Securing the Disputed Tanjung Berakit Waters Border Area through the Implementation of Priority Activities of the Indonesian National Police as an Application of the Principle of Effective Occupation

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Abstract

This study examines the application of occupation theory in the context of securing disputed border areas, particularly in the waters of Tanjung Berakit. Using a qualitative approach, this study identifies two crucial elements in the effectiveness of occupation: the state's will to act as a sovereign party and the actual exercise of sovereignty. Through priority activities of the Indonesian National Police (Polri), such as securing anchorage areas (hotspots) and maritime patrols to monitor and secure border areas, particularly in the waters of Tanjung Berakit, the state can demonstrate its presence and control in disputed areas that are vulnerable to maritime crime. The findings indicate that historical claims without concrete action can undermine the legitimacy of sovereignty. This study emphasizes the crucial aspects of managing disputed border areas: first, the existence of clear rules regarding territorial boundaries to prevent disputes and prevent crime as part of the state's efforts to maintain national stability and international relations. Second, the state's ability to realize security as a form of state accountability for its sovereignty. Thus, a comprehensive and collaborative approach is needed to address challenges in border areas and ensure the state's sovereignty is well maintained.

Keywords: State, Border Dispute, Indonesian National Police, Principle of Effective Occupation

INTRODUCTION

Border disputes are often complex issues involving multiple parties and can lead to diplomatic tensions (Kompas, 2022). States have a crucial responsibility to manage and resolve these disputes to protect their sovereignty and the rights of their citizens. The principle of effective occupation is a relevant legal framework in this context, while support from state institutions, particularly the Indonesian National Police (Polri), plays a crucial and strategic role in maintaining security and stability in border areas. State accountability under international law refers to a state's obligation to respect and implement international law, including in resolving disputes. States must protect their citizens, ensure the security of national and international shipping activities, and resolve disputes in a just and peaceful manner.

The principle of effective occupation states that a country can claim sovereignty over territory it has effectively controlled and managed. This includes administration, control, and respect for the rights of local communities. The Indonesian National Police (Polri) plays a strategic role in securing border areas through various activities, such as patrols, intelligence gathering, and cooperation with relevant agencies. These activities aim to prevent conflict and maintain security and order.

The situation in border areas presents complex and dynamic challenges that require comprehensive handling by the state through its organs. Geographically, Indonesia has a strategic location in addition to being an international shipping lane that holds the lifeblood of world trade, Indonesia also has border areas with neighboring countries. Indonesia shares land and sea borders with 10 neighboring countries, namely Singapore, Malaysia, the Philippines, Timor Leste, Thailand, Papua New Guinea, India, Palau, Australia, and Vietnam (Azmi, 2011). Among these ten borders, there are areas that are vulnerable to security disturbances, especially in disputed waters, which have implications for the disruption of various maritime activities, both national and international.

Border disputes, particularly in maritime areas, significantly impact a state's ability to protect its territory, including through various activities that directly impact the nation's defense and security. In the context of national life, defense and security, particularly in border areas, are crucial and require significant attention, as they are crucial for maintaining the nation's survival. Without the ability to defend against threats, both external and internal, a nation's security stability could be compromised. National defense must be designed with Indonesia's geographical location as an archipelagic nation in mind.

Indonesia adopts a defense principle that does not attack, but actively responds to, prevents, and overcomes all threats to the sovereignty and safety of the nation and its territory, known as the principle of active defensive defense. The country's defense strategy is designed to face all types of threats, both military and non-military. Indonesia's border areas, especially those related to the outermost islands, face various problems of border crimes, both conventional and transnational, such as border violations, smuggling of goods and people, terrorist infiltration, illegal fishing, illegal logging, pollution, petty theft, piracy, human trafficking, and shipping violations. These various violations have a serious impact on the country's sovereignty and the security of its citizens. Currently, Indonesia still has maritime areas with an indefinite status regarding its sovereign rights (Contiguous Zone, Exclusive Economic Zone, and Continental Shelf), which has the potential to trigger conflict.

Unclear borders and territorial status often trigger disputes between bordering countries. These disputes arise from differing principles in determining territorial waters, creating overlapping areas and potentially leading to disputes. An example is the dispute over Sipadan Island and Ligitan Island, where the International Court of Justice ruled that both islands fall under Malaysian jurisdiction (Kompas, 2022). Security in border waters is crucial because it relates to state sovereignty, national security, and regional stability (Asyono, 2020). In an era of increasingly rapid globalization, border security and territorial waters are becoming increasingly important, especially in areas disputed between countries with conflicting interests. Territorial security and upholding state sovereignty are crucial to maintaining stability and security in the region.

Regarding maritime security issues, the IMB Piracy and Armed Robbery Annual Report 2023 shows that Asia is the region with the highest maritime crime rate among the five other regions. The report also describes incidents occurring in border areas, especially the Singapore Strait, which remains high, with 37 incidents in 2023, a slight decrease from 38 incidents in 2022. Ninety-five percent of reported incidents involved criminal activity against ships, primarily bulk carriers with deadweight exceeding 80,000 DWT, of which six vessels exceeded 170,000 DWT. Although most incidents involved theft, nine crew members were taken hostage in 2023, up from four incidents the previous year, and two others received threats. The use of firearms was also reported in three incidents, most of which occurred at night while the ships were sailing. In Indonesia, according to the IMB report, the number of reported incidents increased from 10 in 2022 to 18 in 2023, with weapons reportedly involved in 50% of these incidents. Among the perpetrators were threats against seven crew members and the taking of two hostages. Consequently, the IMB is urging ship owners and operators to report incidents to VTIS Singapore and the IMB's PRC.

Besides security concerns from criminal activity, there are also issues, particularly those related to the determination of Indonesia's territorial boundaries, which remain unresolved. Of the various border areas, only a portion has been resolved, for example, the border between Indonesia and Singapore in the western segment. However, there are still issues with the delimitation of maritime boundaries in the eastern segment facing the Berakit waters. This indicates that Indonesia's extensive borders still pose various cross-border issues that could potentially arise in the future. Considering the various factors discussed, the determination of border lines cannot be done simply through unilateral claims or recognition, but must be through

agreements between the bordering countries. Areas bordering other countries have a direct relationship with immigration, including the oversight of sovereignty. Based on Law Number 6 of 2011, Article 1, Number 1 concerning Immigration, immigration covers all aspects related to the movement of people entering or leaving Indonesian territory and its supervision to maintain state sovereignty. Regulation of immigration related to the movement of people is the right and authority of the Republic of Indonesia, and is one form of implementation of sovereignty as a state based on law based on Pancasila and the 1945 Constitution.

In maintaining the integrity of the nation's territory, the management of Border Areas is crucial. Management of the nation's territory, particularly in border areas, must consider aspects of security, welfare, and environmental preservation. This security approach emphasizes the importance of territorial management to ensure the integrity, sovereignty, and protection of all communities and their natural resources. In the context of territorial boundaries, this reflects the spirit of state sovereignty. Furthermore, in the regional dimension, borders are not limited to the physical boundaries but also encompass areas that serve as entry and exit points to and from the Unitary State of the Republic of Indonesia.

The presence of the state in border areas, represented by the Indonesian National Police's Water Police Corps (Korpolairud Baharkam) is a form of soft power in conducting diplomacy in areas requiring security for the shipping world. Therefore, the Indonesian National Police's Water Police Corps (Korpolairud Baharkam) has the duty and responsibility to provide security and enforce the law against crimes that could harm the state and disrupt relations between countries. If this responsibility is not carried out properly and optimally, it risks giving rise to complaints or even lawsuits against the state regarding the issues that arise, especially those related to international interests, particularly in shipping lanes and maritime trade.

RESEARCH METHODS

In this study, the researcher used a qualitative method with a descriptive analysis approach. According to Sugiyono (2020), qualitative research is based on post-positivism or interpretive philosophy, which aims to study objects in their natural conditions, where the researcher serves as the primary instrument. Data collection techniques were carried out through triangulation, which included interviews, observation, and documentation. The data obtained were qualitative, with analysis conducted inductively, aiming to understand meaning, identify uniqueness, construct phenomena, and formulate hypotheses. The choice of qualitative methods in this study was based on the absence of the need for testing using numerical statistical methods, because the data analyzed did not focus on numerical variables (numbers). Although in some cases there was supporting data in the form of numbers, the main focus of this study was to explore factual descriptions and phenomena that emerged from the objects and subjects of the study. Thus, this approach allowed researchers to gain deeper insight into the context and dynamics that occur in the issue of state accountability for border disputes.

RESULT AND DISCUSSION

1. Priority Program of the Indonesian National Police's Water Police Corps (Korpolairud Baharkam) in the Tanjung Berakit Waters Border Area

The Indonesian National Police's Water Police Corps (Korpolairud Baharkam) has several priority programs designed to maintain security and order in Indonesia's maritime border areas. One key program is maritime patrols, which are conducted routinely to monitor water activities and detect potential threats, such as smuggling and illegal fishing. Furthermore,

monitoring shipping traffic is a key focus, with Korpolaairud responsible for ensuring that vessels operating in border areas comply with applicable regulations. Another significant program is collaboration with relevant agencies, such as the Indonesian Navy, the Ministry of Maritime Affairs and Fisheries, and international institutions, to enhance synergy in law enforcement and regional surveillance. These programs have had a positive impact on security and order in border areas. Based on interviews with Korpolaairud officials, there was a 30% decrease in border violations during the 2022-2023 period. Routine patrols have reduced the frequency of smuggling and illegal fishing incidents.

Data shows that 85% of coastal communities feel safer with the presence of the Indonesian National Police (Polri) in their waters. This demonstrates that these programs not only increase the state's presence but also build public trust in law enforcement. While these programs have numerous benefits, the Indonesian National Police (Polri) also face several challenges in their implementation. One major challenge is limited resources, both in terms of personnel and equipment. Maritime patrols are often hampered by the lack of adequate fleets to cover all border areas. Furthermore, local conflicts between communities and authorities, such as resistance to law enforcement, sometimes arise, particularly in cases involving community livelihoods, such as illegal fishing. Furthermore, legal barriers to taking action against violators often slow down the law enforcement process. This highlights the need for increased capacity and coordination between various agencies to address these challenges.

In carrying out its main duties and functions, the Indonesian National Police's Water Police Corps (Korpolaairud Baharkam) has carried out various activities to strengthen the security system and law enforcement in the border waters of the Republic of Indonesia. This is included in the VII Priority Activities of the Indonesian National Police regarding Security of Border Areas and Outermost Islands for the period 2021 to 2024, which include: a. Sambang Nusa on the inhabited outermost islands; b. Patrols in the waters and air of the Malacca Strait; c. Patrols in the waters and air of the border area; d. Patrols in 10 anchorage areas prone to ship theft; e. Handling crimes at sea. The security of anchorage areas (*hotspots*) included in this priority is regulated in the Decree of the Chief of the Indonesian National Police Number: Kep/1995/XII/2021 issued on December 30, 2021, as an amendment to Decree Number: Kep/7681/IX/2020 dated September 3, 2020, concerning the Structure of the Police Priority Activity Implementation Team for the 2021-2024 Fiscal Year. The decree also states that the security of border areas and outermost islands is listed in attachment D, aiming to create security in maritime border areas and inhabited outermost islands. The implementing coordinators from the National Police Headquarters are: 1) Kakorpolaairud Baharkam Polri; 2) Supporters: Ditpolair Baharkam Polri; Ditpoludara Baharkam Polri, while implementers from the Regional Police and Resort Police do not carry out this activity.

National and internal regulations have given the Indonesian National Police (Polri), delegated to the Indonesian National Police (Kopolaairud Baharkam), to secure border waters, which also serve as anchorage areas, as a form of state presence. This security activity has received appreciation from *the International Maritime Bureau* as a success in reducing the number of incidents and attacks on foreign-flagged vessels in border waters and has also received an award from the Ministry of Administrative and Bureaucratic Reform as one of the Top 45 Public Service Innovations. The efforts made by Korpolaairud have become one way for the state to fulfill its obligations and responsibilities to the international community by providing safe waters. This effort also demonstrates the state's responsibility to provide a presence in border waters, despite delimitation issues, in accordance with the *Responsibility of State for International Wrongful Act* article which regulates state responsibilities attributed to state organs based on national and international law. Security in border areas carried out by Korpolaairud as a representative of the Indonesian National Police in securing Indonesian waters also supports the strengthening of defense aspects, especially in border areas from various forms of threats,

especially transnational crimes and other crimes by deploying its patrol fleet.

This is in line with UNCLOS which regulates law enforcement by state vessels, where the Police Ship belonging to the Korpolarud Baharkam Polri also functions as a state vessel that has the authority according to national law to carry out police duties in territorial waters, including prevention and law enforcement. The presence of the state represented by the Korpolarud Baharkam Polri is a form of *soft power* in conducting diplomacy in areas that require security for the smooth running of shipping activities. The Korpolarud Baharkam Polri is also responsible for providing security and law enforcement against crimes that can harm the state and disrupt relations between countries. If this responsibility is not carried out properly and optimally, there will be a risk of complaints or lawsuits regarding the state's responsibility for problems that occur, especially those related to international interests, especially in shipping routes and maritime trade.

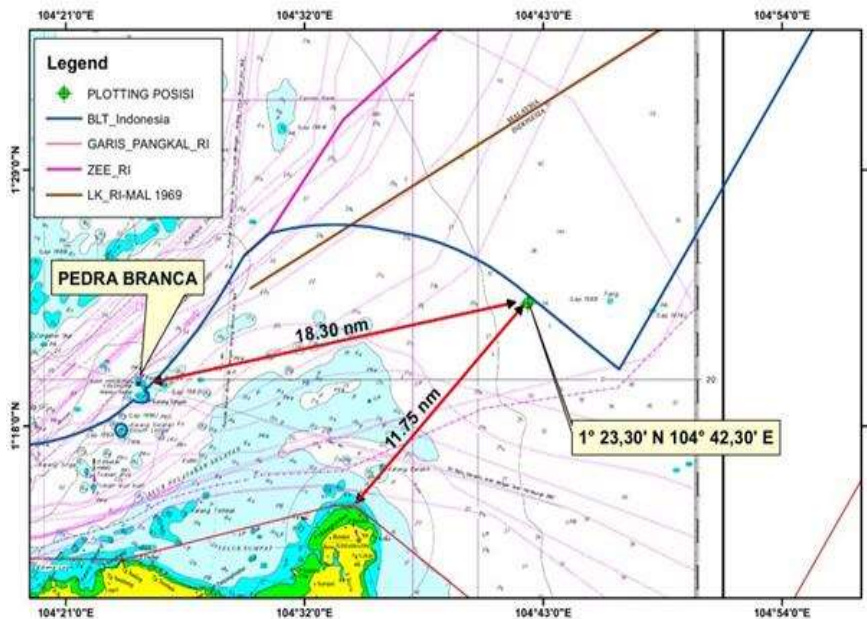
The Indonesian National Police's Water Police Corps (Korpolarud Baharkam) is a key element in carrying out police duties in Indonesian waters, which is part of the Indonesian National Police's operational management to create domestic security in the archipelagic nation. Maintaining the security of Indonesian waters, especially in border areas, from various threats and disturbances requires a unit with comprehensive capabilities, as well as an integrated span of command and coordination, both internally and externally. Security issues in border areas are very complex and require comprehensive and comprehensive handling. The role carried out by Korpolarud must be carried out carefully, considering that the areas that are the object of security require special treatment, where the position and security aspects of these areas are very important for many parties, both nationally and internationally. Therefore, in creating security, the role of the state, represented by the Indonesian National Police through Korpolarud, is crucial and strategic. If the implementation of duties is not carried out in a measured and systematic manner in accordance with applicable laws and regulations, this can have a negative impact on the existence and sovereignty of the state.

In order to realize security in the Indonesian border areas, the Indonesian National Police (Polri) has established priority activities with strategic targets in which Korpolarud is responsible for activity VII in the program. Korpolarud is the main implementer of activities that include: 1) Implementation of Operational Security of Water Areas; 2) Implementation of Operational Flights of the Indonesian National Police; 3) Law Enforcement in Water Areas; 4) Improving the Educational Capability of the Indonesian National Police Ship and Aircraft Crew; 5) Improving Korpolarud's Defense Equipment Technology and its supporting equipment; 6) Control and Supervision. These strategic targets are in line with the main objectives in securing border areas, namely maintaining state sovereignty in border waters, preventing and eradicating illegal activities, and ensuring the security and safety of the community and water users in border areas. The implementation of the role of Korpolarud Baharkam Polri, based on national regulations, provides very strategic authority to carry out its duties in securing border waters, which have complex security issues and are directly related to the existence of the state in maintaining its sovereignty, especially in areas that also contain delimitation zones.

The Chief of Police's Priority Activities, the Chief of Security and Security Agency's Flagship Program, and Cooperation with Other Agencies are based on the operational pattern implemented by the Indonesian National Police's Water Police Corps (Kopolairud Baharkam) by referring to the National Police's Priority Activities Activity VII. The border waters that are also the target for securing the anchorage area and have issues with the delimitation of the maritime border area are the waters of Tanjung Berakit, which is the water border between Indonesia and Singapore. In the Tanjung Berakit waters area which is known as the Tanjung Berakit *hotspot* area, there are vulnerabilities in the form of theft crimes on ships and also piracy, so that the security carried out by Korpolarud is carried out specifically with the operational pattern of securing the Tanjung Berakit anchorage area. In securing the area, Korpolarud applies an

operational pattern in the form of *first* conducting water patrols in the anchorage area (*hotspot*). In this activity, Korpolarud Baharkam Polri assigned the police ship KP ANTASENA - 7006 to carry out police duties in the Tanjung Berakit waters border area. This is based on the Kakorpolarud Letter of Instruction which is always updated periodically regarding the Implementation of Priority Activities of the Police for Securing the Anchorage Area (*hotspot*) in the waters of Tanjung Berakit at coordinates $01^{\circ} 23' 30''$ N and $104^{\circ} 42' 30''$ E. In implementing security carried out by KP ANTASENA – 7006, it is also tasked with carrying out water patrols as well as carrying out duties in the form of law enforcement, guidance and counseling in the waters, and carrying out Community Unit (RW) Police activities.

Picture 1. Map Waters Cape Rafting



Source: Hydrosal Center 2024

In the RW Police activities carried out by KP ANTASENA – 7006 personnel which is a priority program of the Head of the Indonesian National Police's Security and Security Agency (Kabaharkam) aims to carry out proactive policing by providing guidance and also facilitating the Police in interacting with residents so that it is expected to be able to overcome problems in the community, especially coastal communities facing the Tanjung Berakit waters. In the implementation of this RW Police referring to the secured location is the Tanjung Berakit waters, so the target of RW policing is the community living on the coast in the Tanjung Berakit area (Berakit District) so that this activity in addition to getting closer to the community is also expected to facilitate the flow of information to the police about security issues in the Tanjung Berakit waters. However, the implementation of this activity is still not optimal considering the wide scope of the Tanjung Berakit waters that must be secured by KP ANTASENA – 7006 covering the border area between Indonesia and Singapore and Malaysia which also has a density of international shipping activities. Furthermore, the operational area, which encompasses the waters of Batam and Bintan, requires additional patrol support to address security issues in these waters, given that the government has designated an anchorage area for foreign vessels, which is vulnerable to various security issues, including crime and violations. Consequently, these activities have not been running optimally.

The water patrol assigned to KP ANTASENA – 7006 is to patrol the Tanjung Berakit waters with a limited operational time duration every day. While the position of the ship is always moving considering the scope of its assignment area in addition to the Tanjung Berakit *hotspot*

area also includes the Riau Islands Province, so the scope of its task area is broad. With a pattern of assignments with a wide area coverage, it will have implications for effectiveness and less than optimal in its assignments, especially assignments in the designated *hotspot area*. In addition, the age of the ship is old with limited cruising range and compared to the wide scope of the task area will have an impact on the speed in responding to security issues, especially in the Tanjung Berakit waters. The position of the ship's presence will also be constrained if an incident occurs that requires speed in responding to the incident (*quick response*), considering that the Tanjung Berakit waters are quite vast and have complex security issues and face part of the Singapore Strait as an international shipping lane that is busy with ship crossings.

The patrol pattern implemented certainly has a very limited duration and range of patrols, so that if patrol activities are carried out in the area of duty that does not only cover the waters of Tanjung Berakit alone and also includes the waters of the Riau Islands, then in 1 day for 24 hours there is a fairly long gap in the waters of Tanjung Berakit without supervision by the police boat. In the implementation of patrols also do not refer to the time vulnerable to the latest security disturbances in the waters of Tanjung Berakit, and also in its activities do not utilize the monitoring technology owned by *the Batam VTS Center*. So when examining from the theory of crime regarding the absence of *guards*, this condition can be illustrated by the situation where there is a limited presence of officers in areas prone to crime which will make it easier for criminals to carry out their illegal activities. In addition, the patrol pattern carried out by the Korpolaairud Baharkam Polri has not been carried out in an integrated manner with regional ranks either with the Ditpolairud Polda Kepri or with the Satpolair Polres Bintan, so it is necessary to optimize it in the form of an integrated patrol pattern.

Second, Korpolaairud also carries out supervision and control activities for the security of anchorage areas, where these activities are carried out in the form of monitoring, evaluation and assistance to ensure that the implementation of security in the anchorage area carried out by police patrol boats, especially KP ANTASENA - 7006 Korpolaairud runs well and in accordance with the predetermined plan. One of the areas that is supervised is the implementation of security in the anchorage area in the waters of Tanjung Berakit. Supervision activities are not only carried out on the implementation of the duties of police patrol boats but also touch on the Ditpolair Polda to provide assistance in order to strengthen the security of *hotspot areas* in their territory. Due to limited supervision budget, its implementation in areas that have *hotspots* is carried out in rotation. So that supervision of the area, especially the waters of Berakit which is a *hotspot area* in the form of monitoring, evaluation, and assistance has not been carried out optimally. And in the 2024 planning Korpolaairud has not designated the Riau Islands region, especially Tanjung Berakit, as an area for supervision activities.

Third, the form of cooperation established with related agencies in carrying out police operational activities carried out by the Korpolaairud Baharkam Polri, especially in addressing security aspects in the Tanjung Berakit waters border area, is still not optimal and has limitations. The complexity of the problems in the Tanjung Berakit waters is not only found in conventional and transnational crimes, but also there are issues of delimitation of territorial boundaries between Indonesia and Singapore, so that cooperation is an important element in supporting the operational pattern implemented by the Korpolaairud Baharkam Polri. Cooperation is carried out through intensive communication, coordination, and at the highest level is realized in the form of collaboration between agencies. A series of elements of this cooperation is important to realize. Handling the problem of crime in the Tanjung Berakit waters certainly requires cooperation between Korpolaairud and related *stakeholders* such as the Directorate General of Sea Transportation to utilize *the VTS Center Batam* facility which has equipment to detect suspicious vessel activities in and around the Tanjung Berakit waters is very important. Intensive cooperation is also needed with the Indonesian Navy, the Ministry of Maritime Affairs and Fisheries, Customs and Excise, the Riau Islands Province's BP3MI (Indonesian Maritime

Security Agency), the Directorate General of Sea Transportation, and the Maritime Security Agency (Bakamla) to exchange intelligence information. Cooperation with the Ministry of Foreign Affairs is also needed to always receive the latest information on developments in border disputes and regional security developments so that they can be addressed according to the country's political and diplomatic decisions in the context of securing areas that are part of the country's sovereignty.

In addition, there are also border security targets implemented by the Korpolaairud Baharkam Polri as part of activity VII in the Polri Priority Activities, namely patrols of maritime border areas and air patrols of maritime borders. Both targets are implemented by deploying police ships in maritime border areas and air patrols using police aircraft in maritime border areas. The implementation of these two targets is still not integrated and integrated. When looking at the areas that are the scope of its duties, the implementation of the targets that have been set there are overlaps and interconnections, especially in its operational work area which includes the border in the Riau Islands Province as its assignment area, so an evaluation is needed to make improvements by finding the right operational pattern in the Tanjung Berakit waters border area.

The determination of the priority activities of the National Police was then followed up by implementing a security strategy for anchorage areas, namely by deploying police ships to locations considered vulnerable to *petty theft* or *armed robbery crimes* targeting foreign-flagged vessels in 11 locations spread throughout Indonesia. Among them is the Tanjung Berakit anchorage area or *hot spot*. This area has a vulnerability where several incidents have occurred against foreign vessels so that the National Police's Water Police Corps (Korpolaairud Baharkam) carried out security by assigning 1 police ship to secure the Tanjung Berakit waters. In accordance with the priority program, the National Police's Water Police Corps (Korpolaairud Baharkam) secured the anchorage area by assigning 1 police ship to secure against the threat of theft crimes on ships in the Tanjung Berakit waters based on Order Letter No. Sprin 1204 / V / OPS.1.2. / 2024 dated May 31, 2024, which was extended every month.

The strategy implemented by the Indonesian National Police's Baharkam Water Police Corps by assigning 1 police ship to be able to cover the duty area in the waters of Tanjung Berakit and the borders and waters of the Riau Islands is still very limited, especially when compared to the very minimal and limited patrol time allocation with a very wide area coverage, of course it will be ineffective and inefficient, because in its implementation it will encounter difficulties in securing the vast border waters and has vulnerabilities with various forms of disturbances and security threats both in the form of crime and issues of territorial disputes over delimitation claims between Indonesia and Singapore. When examined based on the Liddle Hart strategy, the security strategy implemented by the Water Police Corps refers to 3 elements where the target (*Ends*) of the Water Police Corps strategy is to ensure the security and sovereignty of Indonesian waters, especially in Tanjung Berakit, Riau Islands which is also a border area. This includes the implementation of water area security operations, effective law enforcement, and increasing the capabilities of personnel and water defense technology of the Water Police Corps to support the mission. By assigning 1 KP Police ship. ANTASENA – 7006 is expected to achieve the goals and objectives of the National Police's Water Police Corps (Korpolaairud Baharkam) strategy. However, when compared to the task area it must secure, this cannot be done optimally.

Figure 2. Image of KP. ANTASENA - 7006



Source: Korpolairud Baharkam Polri

The assignment of KP. ANTASENA – 7006 with the given mission target as a form of Action Method (*Ways*) namely by patrolling the Anchorage area (*Hotspot*) in the Tanjung Berakit waters, eliminating incidents of theft on ships (*petty theft*), carrying out law enforcement 1 case, conducting water counseling and carrying out RW police activities, of course this will limit the implementation of the tasks given only to the threat of theft on ships (*petty theft*) so that it will potentially not be handled by other *illegal activities* . The implementation of a patrol pattern with a very limited and minimal time in the Tanjung Berakit waters also provides operational time restrictions which are also limited, considering that limited time will also limit the scope of the surveillance area. If the time in 1 day is 24 hours, there will be a period of empty supervision for a fairly long period of time so that it has implications by being missed by some of the waters from supervision which will make it easier for criminals to move freely to carry out their activities. This could occur due to the lack of effective security in monitoring activities in the Tanjung Berakit waters as an implication of the limited security pattern carried out by KP. ANTASENA – 7006.

Besides that, simultaneously in carrying out its duties, KP. ANTASENA – 7006 personnel also carry out water counseling and also RW Police activities, but this activity also becomes an obstacle when KP. ANTASENA – 7006 personnel find it difficult to reach RW along the North Coast to the Northeastern part of Bintan Island to touch the residents of Berakit Village and its surroundings considering the position of KP. ANTASENA which moves and anchors outside the Bintan Island Region and also requires an easy location to anchor considering the assignment also reaches the waters of the Riau Islands Province. So it is necessary to evaluate and change the Korpolairud strategy in securing the Tanjung Berakit waters border area by collaborating the sea and air forces owned by Korpolairud and also by involving the ranks of the regional water and air police both Ditpolairud Polda Kepri and Satpolair Polres Bintan by implementing the priority activities of the Chief of Police and Kabaharkam Polri.

2. Implementation of the Principle of Effective Occupation through the Implementation of Priority Activities of the Indonesian National Police in Securing Disputed Border Areas as a Form of State Accountability

The state has primary responsibility for resolving border disputes, which are integral to its sovereignty and territorial integrity. In this context, dispute resolution efforts involve not only diplomacy and negotiation but also strengthening the state's presence through security and law enforcement activities in disputed areas. Support from the Indonesian National Police (Polri) is crucial in this process, where its activities not only aim to maintain security but also demonstrate the state's presence in areas that have the potential to become conflict hotspots. For example, maritime patrols conducted by the Indonesian National Police's Water Police Corps (Korpolairud Baharkam) in waters prone to crime and violations, while simultaneously in areas targeted for

security that also face maritime boundary delimitation issues or are disputed. The implementation of maritime patrols by the Korpolaairud Baharkam is not only limited to carrying out the main duties and functions of the Indonesian National Police but also serves as a symbol of the state's presence, thereby minimizing the potential and threshold for security disturbances in the region. In securing disputed border areas, Korpolaairud carries out various police functions within it, so that its existence is as a subsystem for maintaining security in Indonesian waters within the operational management of the Indonesian National Police which aims to realize domestic security with an archipelagic character.

The security of the disputed Tanjung Berakit border waters by the Korpolaairud strengthens Indonesia's position, which has made a unilateral claim over the area. This situation illustrates that the Korpolaairud Baharkam Polri, as a representative of the National Police and the State, has implemented the principle of effective occupation regarding the status of the Tanjung Berakit waters. The application of the principle of effective occupation in matters of maritime boundary delimitation or border disputes certainly refers to the need to demonstrate real control and control over a territory. This principle emphasizes that only by demonstrating physical and administrative control over an area can a state claim rights to that territory. A concrete example of the application of this principle can be seen in the case of the border between Indonesia and Malaysia, where the two countries are involved in disputes at several points. Indonesia's efforts to strengthen its presence on small islands and surrounding waters by conducting routine patrols and building security facilities are an implementation of the principle of effective occupation. In this case, the Indonesian National Police through Korpolaairud plays an important role by conducting intensive security and surveillance operations, so that the state's presence in the region can be maintained effectively and the vulnerability to illegal activities and crime is expected to be minimized so that maritime activities can run smoothly.

The involvement of the Indonesian National Police (Polri) through the implementation of Korpolaairud duties is also part of the context of resolving border disputes, encompassing various aspects, from law enforcement to security diplomacy. By carrying out organized police operations, such as maritime patrols, law enforcement, and conducting dialogue activities between border communities, the Indonesian National Police (Polri) contributes significantly to facilitating dispute resolution. The presence of the Indonesian National Police (Polri) not only increases state control in delimited or disputed areas but also functions as a mediator in local conflicts, encouraging cooperation between communities on both sides of the border. For example, the Community Unity (RW) Police program, which involves direct interaction with communities in border areas, aims to increase trust and strengthen social solidarity, while providing a sense of security for residents. Through these activities, the Indonesian National Police not only helps reduce tensions that may arise from disputes but also strengthens the state's legitimacy in claiming and managing border areas, with an emphasis on the importance of just laws and regulations.

The issue of border delimitation or border disputes is a complex and sensitive issue, especially for an archipelagic nation like Indonesia. In this context, the state's responsibility for its security and territorial sovereignty is crucial. One way to assert its presence and control over border areas is through the application of the principle of occupation effectiveness, which emphasizes the importance of the state's physical and administrative presence in disputed areas. Priority activities of the Indonesian National Police (Polri), particularly through the Korpolaairud (Water Police Corps) Baharkam Polri (National Police Security Agency), are a key element in strengthening state accountability in border waters, particularly by strengthening and affirming Indonesia's unilateral claims, thereby creating legal certainty. Programs such as water patrols, securing anchorage areas, and law enforcement aim not only to maintain security but also to demonstrate the state's commitment to managing border areas. By implementing these activities, the Indonesian National Police (Polri) effectively contributes to creating stability and reducing

the potential for conflict. Furthermore, the presence of Korpolaairud as the state's representative at sea sends a clear signal to external parties that Indonesia is committed to maintaining its sovereignty.

Through proactive security efforts, a state can fulfill its responsibilities to the international community by demonstrating that its territory is safe and well-managed. However, challenges in implementing the principle of occupational effectiveness include limited resources and inter-agency coordination. More intensive cooperation is needed between the Indonesian National Police (Polri) and other agencies, such as the Indonesian Navy (TNI-AL) and the Ministry of Foreign Affairs, to optimize management and oversight in border areas. Through this collaboration, the state can strengthen its legal arguments and position in territorial disputes, thereby reducing the risk of conflict that could harm national interests and safeguard state sovereignty.

A nation's sovereignty over its territory, with its two aspects—positive and negative—is highly relevant in the context of border disputes, particularly when linked to the priority activities of the Indonesian National Police (Polri). The positive aspect of sovereignty reflects the state's power to manage and secure border areas, while the negative aspect demonstrates the state's responsibility to respect the rights of neighboring states. In dealing with border disputes, such as the one in Tanjung Berakit between Indonesia and Singapore, claims to sovereignty can be based on principles such as occupation and prescription. The priority activities of the Indonesian National Police (Polri), reflected in their implementation by the Indonesian National Police's Water Police Corps (Korpolaairud Baharkam), including patrols and security, serve as a form of implementing the principle of effective occupation. By actively maintaining security and enforcing the law in the region, the Indonesian National Police not only demonstrates the state's presence but also strengthens its claim to sovereignty.

The involvement of the Indonesian National Police (Polri) in securing border areas creates legitimacy for Indonesia to defend its claims. This also supports other factors, such as historical demands and geographic continuity, which strengthen Indonesia's position in the dispute. In this context, the state's obligation to protect the rights of other states becomes crucial, so that security activities carried out by the Indonesian National Police (Polri) aim not only to protect national interests but also to create regional stability and security. Overall, the relationship between sovereignty, priority activities of the Indonesian National Police (Polri), and border disputes reflects the complexity of maintaining the integrity of a nation's territory while respecting the rights and interests of others. The principle of effective occupation, embodied through the presence and actions of the Indonesian National Police (Polri), is crucial in supporting sovereignty claims and preventing potential conflict at the border.

In determining whether an occupation has been carried out in accordance with international law or not, the principle of effectiveness *must* be applied. *In the Eastern Greenland Case, the Permanent Court of International Justice* determined that for an occupation to be effective, two elements are required on the part of the occupying state:

A will or desire to act as sovereign,

Exercising or demonstrating sovereignty appropriately.

The element of will is a matter of inference from all the facts, although sometimes the will can be formally asserted in an official announcement to the interested states. The second requirement states that the exercise and demonstration of sovereignty can be fulfilled by concrete evidence of ownership and control, or according to the nature of the case, a physical assumption of sovereignty can be demonstrated by a clear or symbolic act. It can also be by measures applicable in the claimed territory, or through treaties with other states that recognize the sovereignty of the claimant state.

In international law, the principle that remains the benchmark is the principle of effectiveness introduced by Hans Kelsen, namely the principle of effectiveness or effectiveness

of territorial ownership (*the principle of effectiveness*). This principle states that a country's ownership of a certain territory is determined by the effective implementation of national legal regulations in that territory. The indicator for assessing the effectiveness of a regulation is the extent to which national legal regulations are obeyed and implemented in that territory. Thus, Hans Kelsen consistently uses a legal approach as a benchmark for the effectiveness of territorial ownership (Rende, 2016).

The principle of *effective occupation* in the context of territorial disputes refers to the concept that a state must demonstrate clear control and possession of a particular territory to claim rights to it. "Control" in this case includes activities such as law enforcement, resource management, and physical presence in the disputed territory. This principle is often used in the settlement of boundary disputes because it shows that claims to a territory cannot only be based on historical documents or agreements, but also requires evidence that the state actively manages and monitors the territory. In the case of waters, this can include patrols, resource exploration, and infrastructure development that demonstrate the state's presence. Thus, *effective occupation* serves as a tool to assess the validity of a state's territorial claim to disputed territorial waters. The relevance of the principle of *effective occupation* for states is as follows: A state wishing to occupy a certain territory must apply its national or customary law effectively to all people in the territory; The occupation process is carried out by two states, not by individuals; The economic system of the state or party occupying the territory must operate effectively; The occupying state must pay attention to the environment; The occupation process must be free from protests and complaints from other countries.

The state has primary responsibility for resolving border disputes, which are integral to its sovereignty and territorial integrity. In this context, dispute resolution efforts involve not only diplomacy and negotiation, but also strengthening the state's presence through law enforcement and surveillance activities in disputed areas. Support from the Indonesian National Police (Polri) through the role of the Korpolarud Baharkam (Water Police Corps) is crucial in this process, where their activities not only aim to maintain security but also demonstrate the state's presence in areas that have the potential to become conflict points. For example, maritime patrols conducted by the Korpolarud Baharkam Polri in disputed waters serve as a symbol of the state's presence, while also providing the information and intelligence necessary to address potential threats and violations. In determining whether an occupation has been carried out in accordance with international law, the principle of effectiveness *must* be applied. In this context, a state claiming sovereignty over a border area must demonstrate two key elements: the will to act as a sovereign and the proper exercise of sovereignty. The will element reflects the state's commitment to managing the territory, which can be expressed through official announcements to other states. The exercise of sovereignty, on the other hand, requires concrete evidence in the form of clear management and oversight actions. In this case, the principle of effective occupation can be applied, where activities such as law enforcement, resource management, and physical presence in disputed areas are indicators that the country is actively managing and monitoring the area. For example, in the territorial dispute between Indonesia and Malaysia, the presence of the Indonesian National Police (Polri) in patrolling and monitoring the disputed small islands not only strengthens sovereignty claims but also meets the requirements of the principle of effectiveness established by international law

CONCLUSION

Disputes over a country's sovereignty over its territory are vital to the integrity and integration of a nation. Therefore, clear regulations regarding territorial boundaries, both land and sea, are needed to prevent threats to neighboring countries and to ensure national interests

are not compromised. With the support of the Indonesian National Police's priority activities through the role of the Marine Police Corps (Korpolaairud Baharkam), which include maritime patrols and interaction with the community, the state can strengthen its presence and legitimacy of sovereignty in border areas, particularly in strengthening unilateral claims in the maritime boundary delimitation area, particularly around the waters of Tanjung Berakit.

While also minimizing the vulnerability to crime and violations, synergy between legal and operational approaches is key to maintaining stability and security in border areas, as well as ensuring that state responsibilities are met in both national and international contexts. State accountability in resolving border disputes depends heavily on the application of the principle of effective occupation, which requires active control and management of disputed areas. The Indonesian National Police's priority activities, such as maritime border patrols and anchorage areas (hotspots), as well as the Citizens' Unity Police program implemented by KP ANTASENA - 7006 and its crew, certainly play a key role in providing legal certainty, increasing state presence, strengthening the legitimacy of sovereignty claims, and facilitating interactions between communities on the border in the Tanjung Berakit waters. Thus, the synergy between diplomatic and operational efforts of the Indonesian National Police not only strengthens national security but also becomes the country's soft power in creating conducive conditions for peaceful and sustainable dispute resolution. The implementation of the principle of effectiveness in this context is an important foundation for the state to maintain territorial integrity and mitigate potential conflicts and security issues, especially against conventional and transnational crimes in border areas that have the potential to have implications for domestic and regional security stability.

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