



Government Accountability in Border Management at Riau Province

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Article

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Abstract

Borders are an inseparable part of the Unitary State of the Republic of Indonesia, which must be defended at all costs because they are related to state sovereignty. Border areas often experience various problems, one of which is infrastructure development, thus requiring special management so as not to cause ongoing problems. This study aims to determine how government accountability affects border management in Riau Province. The research method used is the descriptive-qualitative method. The results of the study show that accountability carried out by local governments in border management in Riau Province is still experiencing various obstacles. Weak accountability in law enforcement causes accountability constraints in the process of resolving border management problems in Riau Province. Accountability of government programs and policies in border area management is hampered by limited funds for border area development and a lack of coordination among relevant agencies.

Keywords: Accountability; Management and Border

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Introduction

Indonesia is the largest archipelagic country in the world; part of its territory has a larger water area than the mainland, with around 35.03% of the land area and 64.97% of the area in the form of water. As a large country consisting of many islands, Indonesia has many border areas, both land borders and sea borders (Nadalutti, 2015). It is known that Indonesia is bordered by 10 countries, both on land and at sea, namely Kalimantan, Papua, and Timor Island as Indonesia's land border areas, which are spread over four provinces and fifteen regencies that are directly adjacent to Malaysia, Papua New Guinea, and Timor Leste. Meanwhile, for maritime border areas, Indonesia is directly adjacent to the Philippines, India, Malaysia, Papua New Guinea, the Republic of Palau, Singapore, Vietnam, Thailand, Timor Leste, and Australia, which are spread over ninety-two islands, including the outermost islands of Indonesia. (Hadrian, 2020).

This border area is a strategic area in maintaining the territorial integrity of the country so that special management is needed with a comprehensive policy to realize the country's goals, namely welfare, especially for border areas (Djalal, 2015). Broadly speaking, accountability problems in border area management often occur due to several factors involved in it.

These factors include jurisdiction and state sovereignty, political, social, economic, and defence security. In addition, in the territory of Indonesia, there are three main issues in terms of managing border areas between countries, namely the determination of boundaries both on land and at sea, security of border areas, and development of border areas. For this reason, there are two objects that are part of the scope in handling border management, namely border management between state and territory management. Boundary management basically consists of various strategic steps to secure borders on land and at sea, establish and define state boundaries with other countries, and reform cross-border management, while border area management is basically related to various strategies undertaken to improve people's welfare local through balanced and sustainable regional development. (Mangku, 2016).

The border is a very important area that can show the sovereignty possessed by a country and its society, so it must be defended absolutely because, of course, it becomes a proud context for the people in the border area (Harahap, 2018). Therefore, it requires proper management so that the security of the border area is guaranteed and the welfare of the border community is guaranteed. Meanwhile, according to Mardiasmo in (Imawan et al., 2019), accountability can be interpreted as an activity in the form of an obligation to report regularly and be responsible for the success or failure that occurs in an organization in achieving the mission and goals that have been set. There are several types of accountability, according to Sheila Elwood, including legal accountability, process accountability, program accountability, and policy accountability (Agitia, 2019). These four indicators will be the main indicators that will be discussed further in the research that the author will do later.

Research Method

This study employs a qualitative approach with a descriptive approach, or research that aims to describe the subject or object under study and provide an explanation for the variables studied. The authors use primary data, such as data from observations and interviews, and secondary data, such as data from collecting or processing data that is in the nature of documentation studies, such as references or regulations related to government accountability in border management in Riau Province, to obtain the necessary data and information. Sugiyono says that observation, interviews, documentation, and triangulation are all methods of data collection (Imron, 2019). Interviews, observation, and documentation were used as methods of data collection in this study. The data will then be processed using descriptive analysis in accordance with the objective conditions encountered in the field to investigate Government Accountability in Riau Province's Border Management. Legal accountability, process accountability, program accountability, and policy accountability are just a few of the many types of accountability, according to Sheila Elwood in (Agitia, 2019), The primary indicators that will be discussed in this study are these four indicators.

Results and Discussion

Legal Accountability

Territorial boundaries in Indonesia are regulated in Article 5 of Law No. 43 of 2008 concerning State Territory, namely the boundaries of the state territory on land, waters, seabed, and subsoil, and the air space above them, which are determined on the basis of bilateral and/or trilateral agreements regarding land boundaries, maritime, and air boundaries, and based on statutory regulations and international law (Irewati, 2014). In Law No. 43 of 2008, it is also stated that the central government and regional governments are each authorized and have the responsibility to regulate the management and utilization of the country's territory and border areas. (Ulfa et al., 2018).

In managing border areas, the provincial government has the authority to implement government policies, establish other policies in the context of regional autonomy and assistance tasks, and coordinate development in border areas. In addition, it also conducts the development of border areas between regional governments and/or between regional governments and third parties, as well as supervises the implementation of border area development carried out by regional and city governments. (Wibowo, 2021).

Based on the provisions mandated by Law No. 43 of 2008, the government established a special agency for the management of border areas, which was established through Presidential Decree No. 12 of 2010, which was followed up by Regulation of the Minister of Home Affairs No. 31 of 2010 based on the mandated provisions of Law No. 31, namely the National Border Management Agency.

Border management is delegated to BNPP based on the principle of deconcentrating. For this reason, one of the main tasks of BNPP is to coordinate border planning and implementation by establishing intra-service collaboration with BNPP members and between agencies and outside agencies. BNPP also has a duty in the international system to build international cooperation with neighbouring countries. (Rusdiyanta, 2017).

Riau Province is one of the richest provinces in Indonesia, especially Bengkalis Regency, which is the largest contributor to petroleum natural products in Indonesia. As one of the richest regencies, the population welfare program should be implemented properly, including for those living in border areas. However, Bengkalis Regency has one sub-district whose area borders the State of Malaysia, which is also a priority location on the BNPP agenda, namely the North Rupert District (Al Hafis, 2018). Currently, it is known that a lot of lands along the coast has been purchased by businessmen and foreign nationals, such as those from Malaysia and Singapore. This will certainly have an impact on long-term development and threaten the existence of indigenous people if buyers carry out business development.

This phenomenon shows that the district government's accountability is weak in terms of law and regulation enforcement, so that foreign nationals can control their territory by taking advantage of the relatively low economic situation of the population (Itasari, 2020). In addition, unclear national boundaries also occur on Rupert Island, where the island continues to experience abrasion, with the North Rupert District area being the most affected. This continuous abrasion threatens the sovereignty of the State of Indonesia, where the country's borders will shift, especially in the area bordered by the Malacca Strait, Malaysia, and Singapore.

Based on the concept of international law, the issue of territorial boundaries due to changes in the coastline caused by abrasion, as happened in North Rupert District and West Rangsang District, is regulated by international sea law by withdrawing 12 miles from the outer baseline, which is the tidal point. lowest to determine a country's territorial sea (Windradi & Wahyuni, 2020). This is regulated in Article 5 of UNCLOS and Law No. 6 of 1996, with the exception of marine areas that have opposite shores between coastal states (Siburian et al., 2020).

In addition to the problem of abrasion, which is an issue in border management in Riau Province, there are also other problems in Bengkalis Regency, such as the center for drug trafficking, which is included as an area where illegal migrant workers enter and leave because the location is not far from neighboring countries, namely Malaysia. Problems like this, of course, require strong policies and legal accountability so that regional development becomes a priority in terms of community empowerment in border areas.

Based on the explanation above, it can be seen that accountability in law enforcement in border areas still has problems from the perspective of international law and law enforcement against illicit narcotics trafficking, trafficking in persons, and smuggling of goods. Problems like this certainly have an impact on society and the country, one of which is the lack of quality human resources as a result of illegal actions that continue to occur and human development that is taking place. The Indonesian government has set criminal sanctions for illegal acts that occur, one of which is regarding customs, namely Law No. 17 of 2006. However, until now, these efforts have not run optimally because of the weak accountability applied in law enforcement itself.

Due to the complexity of the problems that have occurred, it proves that so far, the management of border areas has not been effective because the implementation of authority in the field of managing state border areas under the coordination and supervision of BNPP, especially in terms of legal accountability, has not been integrated. As a result, efforts that have a greater impact on these problems are required, such as the need for socialization among the people of the border area to be able to sort out which behaviour is appropriate or not to do. In addition, there is a need for supervision and improvement related to the functions and duties of law enforcement agencies in order to avoid fraudulent behaviour by law enforcement officers, as well as the need for equitable development by the Riau Provincial government for border areas so that their territory is not isolated and has a good economy.

Process Accountability

In the concept of international law, there are three processes to determine the boundaries of a country's territory (Kase, 2020). First, self-determination is the determination of the borders of a country, namely, having the right to self-determination to establish an independent country by determining its own form of government. Second, the principle of *Uti Possidetis Juris*, which is intended to assert claims to property in a territorial sovereignty and is intended to declare a property

that is factually temporary in civil law to have legally permanent status from the sovereignty of property rights in a state territory, is intended to declare property that is factually temporary in civil law to have legally permanent status from the sovereignty of property rights in a state territory. Third, the border agreement, namely the determination of state borders, which are jointly determined by an existing government, is necessary because there are parts of the border whose position is not clear.

Meanwhile, the process of determining national boundaries is carried out in two ways according to Law No. 43 of 2008 concerning state territories, namely, the determination of state boundaries is carried out through bilateral and/or trilateral agreements if two or three countries declare recognition of the same area. or the possibility of overlapping recognition of the same area. And the determination of state boundaries is carried out unilaterally if there is no recognition of the same area or no possibility of overlapping recognition of the same area (Manik, 2018)

Meanwhile, the Government of Indonesia determines regional boundaries based on the Law on Regional Formation, which is later clarified in Minister of Home Affairs Regulation No. 76 of 2012 concerning Guidelines for Affirmation of Regional Boundaries. In the Permendagri, it is explained that the affirmation of regional boundaries can be done by using the cartometric method (Mangku, 2016).

The condition of the people in the border areas is always underdeveloped and isolated from the development of the outside world; one example is the Meranti Islands Regency, Riau Province. Meranti Archipelago Regency is an archipelagic area with very limited infrastructure and a relatively high percentage of poor people. This condition occurs in West Rangsang Subdistrict, which is directly adjacent to neighboring countries, namely Malaysia, which has the highest percentage of poor households and the largest number of underdeveloped villages in Meranti Islands Regency. This can be seen through the level of education, which is relatively low, where most of the educated family heads did not finish elementary school with a percentage of 30.19% and graduated from elementary school with percentage of 26.42% (Hadrian, 2020). The low level of community education can cause the mindset and participation of the community in development to be very limited.

One of the causes of the low level of public education in Rangsang Barat District is due to uneven development, whether it is about educational facilities or human resource development. In 2010, the educational facilities in Rangsang Barat District were recorded as having only 12 kindergartens, 25 elementary schools, 5 junior high schools, and 3 senior high schools. As for religious education, there are 4 Ibtidayah Madrasas, 6 Tsanawiyah Madrasas, 2 Aliyah Madrasas and 28 Early Madrasahs and 1 Islamic Boarding School. Meanwhile, there has been no vocational high school in Rangsang Barat District until now. Meranti Islands Regency is included as the youngest district in Riau Province, so building infrastructure and developing human resources requires a lot of budgets; moreover, the area often experiences budget rationalization.

In connection with the condition of the border area community in the Meranti Islands Regency, it is proven that the accountability of the settlement process that occurs in the management of the border area is still being carried out by the Riau Provincial Government. The central or provincial government should be more concerned with border areas, such as building infrastructure that can be used by the community to move the wheels of their economy. In addition, the policy of allocating funds for equitable regional development based on the size of production in the context of decentralization cannot be implemented properly for areas where most of the area is a conservation area. The Riau Provincial Government must make several efforts in the process of solving problems that occur in the border area, one of which is through synchronizing development planning in formulating border area policies by considering regional potential conditions and local institutions that involve the active role of the community and all stakeholders.

Program Accountability

BPPD will coordinate with BNPP to implement development programs that are the main priority. BPPD, in carrying out its implementation function, is based on principles such as the implementation function, which complements the coordination function of BPPD and still has links with development programs determined by BNPP through the determination of master plans and action plans. BPPD also implements residual programs, meaning that BPPD can take over the implementation of development programs in border areas if there are no technical or sectoral government agencies that implement them, including budgeting for the financing of the program. Then the implementation of the program in the border area applies the temporary principle, which means that the implementation of the program is only temporary. The implementation of development programs in border areas by BPPD also applies the "pilot principle," which is a program that has never been carried out by other

technical or sectoral agencies. as well as the application of the principle of capability in the implementation of development programs, which means that it is technically supported by the capacity of the BPPD apparatus, both internally and with support from technical and sectoral agency apparatus (Tampomuri, 2020).

The Regional Border Management Agency for the Meranti Islands Regency has several priority locations in carrying out its functions, namely Rangsang Barat District, Rangsang District, Rangsang Pesisir District, Merbau District, Merbau Island District, and Tasik Putri Uyu District. In the preparation of programs and policies in the border area, the Regional Border Management Agency of the Meranti Islands Regency has several excellent programs (Izwan, 2015) namely, such as abrasion containment, embankments, floodgates, and cross-border ports; improvement of road and drainage infrastructure; and electrification. In addition, there are clean water programs such as the construction of retention ponds as well as flood deterrents; increasing human resource management and bureaucracies; managing border areas by establishing UPTs in border districts; and improving health, education, agricultural, and fishing skills. The BPPD of Meranti Islands Regency also provides guidance to the mental, moral, and cultural community for defense and security so that the community remains alert to defense and security disturbances, especially those that occur at the border guard, by equipping several marine security facilities, such as marine security posts and patrol boats.

The superior program implemented is certainly beneficial for the people of the Meranti Islands Regency; in addition to their area not being isolated, the community can also be equipped with good skills with the aim of increasing their economy both in the agricultural and fishery sectors (Priangani, 2014). In addition, the community is equipped with education, which will certainly create a quality community both in terms of mindset and action. The availability of clean water will improve public health and help to avoid flooding caused by high tides. It will be easier for the public to understand how to stay alert to defense and security disturbances, especially in the maritime border area, with the construction of a marine security post that will conduct regular patrols.

In carrying out the program, the Regional Border Management Agency of the Meranti Islands Regency involves the administrators involved in the management of the border area. The BPPD of Meranti Islands Regency coordinates with relevant agencies such as the Central Government, Provincial Government, Regional Government, Meranti Islands Regency DPRD, related companies, and the community (Muhammad, 2017). With this coordination, it is hoped that the success of border management programs will be well carried out in order to support sustainable development in border areas.

However, the implementation of the program encountered various obstacles, such as the lack of facilities and infrastructure in carrying out the functions of the Border Management Agency, such as in operating BPPD. The Meranti Islands Regency does not yet have a permanent office; they use shophouses as temporary offices. Obstacles also occur in the regulatory provisions in implementing the functions of BPPD in Meranti Islands Regency, where BPPD does not have strong authority, especially related to program funding, so it can only wait or form a strong and equal synergy in carrying out development in border areas. The lack of financial support from the regional government has also hampered the program run by the Meranti Islands Regency BPPD because the limited budget for the implementation of activities in the border area affects the optimization of problem solving in the border area.

From the explanation above, it can be seen that program accountability has been carried out by the Regional Border Management Agency of the Meranti Islands Regency through several superior programs, including coordinating with the government related to border area management. However, the implementation of programs in border areas has a lot of overlap between sectors and institutions, and coordination is not running due to different ego-sectors and priorities. For this reason, the central government or provincial government should pay more attention to border areas so that they can be managed properly by supporting programs run by the border area government so that economic improvement and community welfare are evenly distributed to the border areas.

Policy Accountability

Various policies have been set by the central government in terms of border management, such as the establishment of the National Border Management Agency as an agency that has special authority over managing border areas in Indonesia. This agency was formed through Presidential Decree No. 12 of 2010, followed by Minister of Home Affairs Regulation No. 31 of 2010 concerning organization and work procedures. Border areas are also contained in Law No. 43 of 2008. Then, in

terms of the process of determining regional boundaries for regions, the Government of Indonesia determines regional boundaries based on the Law on the Formation of Regions, which was later clarified in the Minister of Home Affairs Regulation No. 76 of 2012 Regarding Guidelines for Affirmation of Regional Boundaries. In the Permendagri, it is explained that the affirmation of regional boundaries can be done by using the cartometric method. The Regional Border Management Agency is established through Minister of Home Affairs Regulation No. 2 of 2011, which is stipulated through the respective regional regulations. Meanwhile, Government Regulation No. 26/2008 designates border areas as national strategic areas, and Law No. 23/2014 grants the central government complete authority over border areas (Mirza & Aisyah, 2020).

The Border Management Master Plan stipulated in BNPP Regulation No. 1 of 2015 specifies the priority locations of border areas as many as 187 lokpri spread across 41 provinces and cities. The annual plan is then implemented in the form of the 2019 National Border Management Action Plan, which is contained in BNPP Regulation No. 6 of 2019. (Purwanto & Dewa Gede Sudika, 2016).

The current dynamics of policy changes related to border area management raise pros and cons in the community. There are 23 laws and regulations as public policy products that are closely related to border management but have not been able to resolve existing problems (Putri, 2019). Policy changes that occur do not pay too much attention to the needs and desires that occur in the community, which can be seen from the increasing number of isolated border areas established through the BNPP agenda, which previously only had 187 to 222 lokpri. (Razma & Sucipta, 2018)

Rokan Hilir Regency is one of the priority locations on the BNPP agenda for Riau Province. The dynamics of regulations related to development in border areas have led to conflicting policies in Rokan Hilir Regency. The government of Rokan Hilir Regency has set policies that are ambiguous and contradictory to the community. One of the policies that contradicted the community was the abolition of the Border Management Agency after the issuance of Regional Regulation No. 11 of 2016, which previously formed the Border Management Agency through Regional Regulation No. 10 of 2013. (Muchbid Albintani, 2017)

The dynamics of this regulation began with the establishment of the National Border Management Agency (BNPP) at the regional level through (Nasution, 2019). As a result, the Riau Provincial Government issued Riau Province Regional Regulation No. 3 of 2014 concerning the Organization of the Inspectorate, Regional Development Planning Agency, and Riau Province Regional Technical Institute, which was followed by Riau Province Governor Regulation No. 21 of 2015 concerning the Details of Duties, Functions, and Work Procedures of the Management Agency Regional Borders by Compiling the Renduk PBWNKP. Then, the Regency Government issued Regional Regulation No. 10 of 2013 concerning the Border Management Agency of Rokan Hilir Regency; however, it was liquidated through Regional Regulation No. 11 of 2016 concerning the Formation of Regional Apparatuses of Rokan Hilir Regency after the issuance of Regional Regulation No. 18 of 2016 concerning Regional Regulations.

The dynamics of these policies have brought about changes in the management of border control in Rokan Hilir Regency, which means that policies can eliminate the institutions that manage borders. Meanwhile, the government has formed a body that has this special authority as one of the strategies to strengthen authority and institutions in border areas. But the Regional Regulation No. 10 of 2013 concerning the Border Management Agency of Rokan Hilir Regency seems to have been liquidated as a result of the issuance of Government Regulation No. 18 of 2016 concerning Regional Apparatus. The central government's policy on regional apparatus is the justification for the liquidation of the Rokan Hilir Regency Border Management Agency in accordance with the duties and functions it carries out within the framework of budget effectiveness and efficiency.

The reason for the abolition of the Border Management Agency in Rokan Hilir Regency was due to budget constraints and reductions that occurred. In 2015, Rokan Hilir Regency received a budget of Rp. 2.27 trillion, while in 2016 it increased by more than Rp. 2.6 trillion and experienced a significant decrease in 2017 to Rp. 1.5 trillion. As a result of the limited funds available, the development of border areas is delayed even without attention. Through these problems, it is necessary to question the seriousness of the Rokan Hilir Regency government's commitment to policy accountability for managing the border area and what the next steps are for border management after the abolition of the Border Management Agency, including whether the border regulatory agency can be combined with other work units or not.

In overcoming such conditions, the central government or provincial governments should carry out further monitoring and evaluation of the asymmetric policy strategies carried out in the field of state and regional finance, including in fund allocation policies and budgets. Because budget

dependence has negative implications for development in border areas, the management of areas at the border cannot be realized properly.

Conclusions

Local government accountability in border management in Riau Province is still experiencing various obstacles. First, legal accountability in border areas still has problems from the perspective of international law and law enforcement, one of which is the illicit trafficking of narcotics. Second, the accountability of the settlement process is still weak in the management of the border areas carried out by the Riau Provincial Government. Third, program accountability has been carried out by the Regional Border Management Agency of the Meranti Islands Regency through several superior programs but is still experiencing problems in coordination between related agencies. Fourth, the accountability of policies stipulated in the management of border areas is still contrary to the needs of the community, one of which occurs in Rokan Hilir Regency. As a result, the central government or regional governments are expected to pay more attention to border areas so that they can be properly managed, one of which is to support the programs run by border area governments, ensuring that the policies they make are adapted to the needs of border communities and the appropriate allocation of funds for regional development in border areas.

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