Legal Issues In Regulating The Movement of Persons In The Indonesia–Timor-Leste Border Area

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Abstract.
Regulation of the movement of persons in border areas is essential for safeguarding state sovereignty while supporting the socio-economic interaction of cross-border communities. This study analyzes the role of Indonesian legislation in regulating human mobility in border areas. It employs a normative juridical approach through an analysis of laws and regulations and relevant literature. The findings indicate that Indonesia has a relatively comprehensive legislative framework, but implementation challenges remain, particularly regarding inter-agency coordination and the social conditions of border communities. International agreements governing traditional border crossers must also account for the continuing cultural ties and social relations among communities in state border areas.
Keywords: *State Borders, Immigration, Movement of Persons, Bilateral Agreements and Socio-Cultural Relations.*

I. INTRODUCTION

The border area is part of a state region located on the inside along the Indonesian border with another country, in terms of the country's land borders. The border area is in Law Number 43 Year 2008, Article 1, Paragraph 6 About State). The border region of a country holds an important position from geographical, legal, and political perspectives. Geographically, the borderline marks the area of a nation that covers land, oceans, and air above it. By law, the borderlines determine the scope of the national law of a country, whereas politically, the borders of the country are the end of the state's supreme rule over the country and everything in the region[1]. The length of the border lines on land and ocean lines is very difficult to keep a regular eye on. As a result of violations of border regions, smuggling, and other illegal cross-border activities often occur[2].

Philosophical Issue. The border region of the country is a strategic area that holds a very important role in maintaining the sovereignty and territorial integrity of one country. As a front line that separates two or more countries, border regions have a much wider function than just a geographical delimiter. This region is also a complex interaction zone where social, economic, and political activities take place. Interactions at the border involve cultural and social exchanges between citizens from different countries, economic activities like cross-border trading, as well as political dynamics that include security issues and bilateral cooperation. Therefore, border region management requires a comprehensive and strategic approach to ensure that state sovereignty remains intact, while at the same time facilitating harmonious and productive relationships between countries that are borderline. This complexity is increasing with the growth of globalization and regional integration, which drives human movement, goods, and information across state lines[3].

A border region is an area that has a very important role in determining the jurisdiction and existence of a country in relation to state sovereignty. The various problems in border regions will impact national, regional, and international levels. The problems that happen can be caused by, among other borderline obscurity, borderline problems, conflict between the security forces at the border, and the exploitation of natural resources uncontrolled by certain parties. These societies if not managed well can lead to a conflict of national borders that may even result in conflict between countries and may be utilized by other countries in its best interest. Review from the safety and well-being perspective of the border area must bring attention to the entire component of the nation in keeping state alive.[4] The uncertainty and clarity of the nation's liabilities is a fundamental thing, as a need for state enforcement and Indonesian people in activity and relationships with

other countries, to ensure that there is protection and legal certification from the state's borders[5]. At which point the dispute arose, the International Law played a rather small role in its solution[6]. That consciousness grew the belief of an international society that each dispute had to be resolved peacefully[7]. Maintaining sovereignty, security, and fulfilling the well-being of the entire region and the people of Indonesia are no exception; the land border between Indonesia and Timor-Leste are essentially part of integral to its primary efforts to achieve national goals. This goal is clearly authorized on the Alinea IV Opening the 1945 Constitution[8].

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Philosophically, legal certainty is a major rule of law. The uncertainty of the law requires that each norm be formulated in a clear, uncontradictory, understandable, and predictable way, and applied predictably. Thus, individuals can adjust their behavior by law and be protected from the actions of state authority[9].

However, in practice there are some philosophical issues. First of all, the vagueness. The use of terms that have no definite limits, such as "deserve," "common interest," or "good faith," opens up a different interpretation space, so it reduces legal predictability[10]. Second, it's legal indeterminacy. The uncertainty is not only the source of blurred language, but also from context, the purpose of law-making, the method of interpretation, and conflict between norms[11]. Third, a regulatory complex. The more complex the rules are, the more difficult it is for society and law enforcement officials, and the legal certainty is reduced[12].

Sociologically, the subject of border regions is judged to be a very crucial problem in a country. It's because it also concerns the borders of the country. For countries like Indonesia, border problems should get more attention; various problems such as poverty, development gaps with neighboring countries, the limitation of modality and market access to society, less fiscal and monetary policy, more isolation, and more citizen mobility due to transportation limitations, the lack of law enforcement, and the problem of natural resource degradation are a sequence of problems that become the work of the government to be figured out immediately. So the United Republic of Indonesia remains in full security[13].

The border of interstate areas is a social space that has different characteristics of a country's outback. Politically and administratively, the border is the line that marks the state sovereignty boundary. However, sociologically speaking, the society that lives in the region doesn't always view the boundary line as a social life separator. Relationships, trade, jobs, marriage, culture, and community history have often taken place long before the borders of modern states were formed. That arena, the movement of persons at the border, is not only immigration or national security, but it's also a social phenomenon related to economic needs, social networks, identity, inequality, culture, as well as power relations. *International of Migration* (IOM) confirms that international mobility has economic, social, security, political, and humanity are intertwined; While border management should balance the interests of the country with the protection of the right of passage. Thus, sociological problems of movement of persons at the border can be understood as tension between the needs of society to move across social space, which is historically connected to the needs of the state to control mobility through legal and administrative boundaries.Legal Issue: In the borderarea related movement of persons covers many aspects, such as illegal immigration laws, human trafficking, and unequal law enforcement. Another challenge includes difficulty in conducting unofficial surveillance of unauthorised paths and lack of coordination between related agencies. Illegal mobility of personnel at border regions often violates

immigration laws. It could be in or out of the country without permission, using fake passports, or crossing the border through unofficial channels. Regulation of the movement of persons in Indonesia is useful for keeping security and state sovereignty, as well as giving legal certainty, and also for the state's benefit in maintaining security and sovereignty. Some of the case examples in 2021 involve many Timor-Leste citizens. It was deported by the Indonesian government for entering Indonesian territory on an unofficial route. August 2021, Indonesia deported them three times, exactly on the unofficial path of Atambua, Belu District, NTT. The first deportation was done on August 10, 2021. Second, on Thursday, August 19th and the third on Saturday, August 21, 2021, with a total of about 629 citizens of Timor-Leste. In February 2022, there were two citizens of Timor-Leste. In the port of Atapupu, without official documents, by December 2022, there were four Timorese Leste who illegally entered through the Turiskain border, Raihat Honor, Belu District[14].

The entry and departure of persons into and from Indonesia are regulated by Article 139 paragraphs (1) and (2) of Law Number 6 of 2011 concerning Immigration. This provision reflects the importance of regulating the movement of persons along the Indonesia–Timor-Leste border. However, Article 139 paragraph (1), which delegates further regulation to a special agreement, contains normative ambiguity and may cause legal disharmony or inconsistency. The legal framework already includes the Immigration Law, Article 139, implementing government regulations, border-crossing agreements, the Border Crossing Pass (PLB), and cross-border post mechanisms. The issue is whether these instruments are consistent, current, mutually supportive, practicable, and responsive to the social realities of border communities. Thus, the problem is not the absence of law, but the existence of multiple layers of law that must be harmonized. The provision delegates authority to other institutions to regulate the movement of persons in state border areas, which may result in inadequate integration. Article 139 paragraph (1) stipulates that immigration provisions governing persons entering or leaving Indonesian territory in border areas shall be separately regulated through border-crossing agreements between the Government of the Republic of Indonesia and neighboring governments sharing a common border, with due regard to this Law. Paragraph (2) provides that immigration provisions governing persons entering or leaving Indonesian territory through electronic entry or exit records may be separately regulated through bilateral or multilateral agreements, with due regard to this Law. Based on these considerations, the author formulates the following research questions:

1. What is the nature of regulating the movement of persons in international border areas?
2. How is the movement of persons between Indonesia and Timor-Leste regulated?

II. Methodology.

As for the kind of research used in this study, it can be defined as normative legal research. Another name for normative legal study is the study of doctrine or is also referred to as library research. It's called doctrinal legal research because it's done or directed at written rules or court decisions that have the power of the law or other legal materials, while referred to as library research or document studies because this study is more done in secondary legal materials that exist in the library.[15]. Normative Law Research is an attempt to seek out and find a sense of the basis of the law, the rules of positive law that can be applied to answer or solve certain problems or legal issues.

III. Discussion.

The Nature of the Movement of Persons in International Border Areas.

The movement of people across international borders refers to individuals crossing national boundaries for various purposes, such as working, trading, accessing education and healthcare services, visiting family, travelling for leisure, or migrating temporarily or permanently. In *border studies*, this mobility is understood

not only as physical movement but also as social, economic, cultural, and political interactions that shape *cross-border spaces*[16].

The movement of persons at the border of interstate areas is the movement of individuals who cross the territorial borders of one country to another through official channels and, in some contexts, unofficial pathways, for different purposes such as work, trade, school, health care, travel, visiting family, or temporary or permanent stay. In the study of border studies and migration studies, mobility of personnel is understood as cross-border mobility, which is affected by geographic, economic, social, cultural, and political policy. This mobility not only reflects human transference, but also the reciprocal relationships that make up economic and social lives in the border regions[17].

Contrary to permanent migration, movement of persons in border areas is generally circular (circular mobility) or repeated (cross-border commuting). A person can live in one country but every day or periodically cross the border to work, trade, or get certain services in a neighboring country. This phenomenon is growing because of the differences in wage levels, job opportunities, price of goods, access to education, health care, and the close relationships and cultural societies that have been intertwined for a long time before modern states were established. Systematic studies on cross-border commuting suggest that cross-border mobility is the primary characteristic of modern regions and requires integrated management between transportation policy, zoning, and regional development[18].

From a social and cultural perspective, the movement of persons serves to strengthen family relations, ethnic identities, cultural exchanges, and interactions between societies that are on both sides of the border. In many borders of regions, society has the same language, customs, and history so that activity crosses the borders of states is part of everyday life. Thus, the border does not just serve as a line of state sovereignty, but also as a space of social interaction (cross-border social space) that converts various interests of society[19].

The statement that "*traffic also includes people's movements and objects governed by legal norms to ensure safety, order, and legal certainty*" suggests that traffic is not just a physical phenomenon of moving from place to place, but it's also a legal activity. In the rule of law, every movement of people and goods has to be carried out under the terms of law in order for that mobility not to harm individual interests, society, or the country. These rules include arrangements about the rights and obligations of transportation users, travel procedures, document requirements, safety standards, and the mechanisms of surveillance and law enforcement. Thus, the law acts as an instrument to create a balance between freedom of movement and public interest[20]. In the context of the movement of persons across countries, legal certainty is manifested through regulations regarding passports, visas, residence permits, border checks, and dispute settlement mechanisms in violation of immigration. Thus, the legal certainty not only protects individuals, but also strengthens the state's guardianship in carrying out surveillance functions against mobility[21]

Borders are geographical, political and jurisdiction boundaries that separate the sovereignty of a country from another country or separate one administration area from another. In international law, the border is a line that determines the state of sovereignty, so the state has the exclusive authority to run government functions, to maintain the law, to manage the resources, and to organize the entry of people and things within the region. However, the study of border studies shows that the border is no longer understood only as a line of separation, but as an institution, a process, and an interaction room that brings together political, economic, social, cultural, and security interests[22].

The growth of globalization, progress of transportation technology, as well as increasing human mobility have changed the way they view borders. Contemporary studies see the border as a process of bordering process, which is a series of legal, administrative, political, economic, and social practices that the state does to regulate people's mobility, goods, services, and information. Thus, the border is not only present in the form of a fence, a pin, or a line on a map, but it is also created through visa systems, immigration checks, customs surveillance, biometric technology, and the cooperation of interstate security. In this perspective, the border is a continuous mobility management mechanism following the dynamics of international relations[23].

From a social perspective, the border is the borderland of interactions that bring people together from two countries or more. People who live in the border areas often have relationships of kinship, language, culture, religion, and economic activities that have taken place long before the limits of modern states are set. Therefore, the borders not only separate, but also connect society through trade across borders, mobility of labor, education, tourism, and cultural exchange. High-end studies even emphasize that border society identities are often cross-country (transborder identity), so that border management should consider social aspects other than security aspects[24].

On the other hand, borders also have security functions. The state uses borders as instruments to protect its territory from external threats, such as smuggling goods, trafficking people (human trafficking), smuggling immigrants (migrant smuggling), terrorism, the spread of disease across the country, as well as any form of transnational crime. In order to achieve that goal, the state implemented various surveillance mechanisms through travel documents, customs systems, quarantine, border patrol, as well as the use of digital technology in border management. Thus, security functions must be balanced with respect to human rights The development of border theory in the last decade also shows that the border is a multidimensional phenomenon that cannot be explained only from a legal point of view or geography. The border is understood as the result of interactions between the country, society, institutions, and various non-state actors who continue to shape and change the function and meaning of the border. Therefore, the study of borders today is interdisciplinary, combining international legal perspectives, political science, geography, sociology, economics, security and international relations[25].

The Nature of Regulating Movement in State Border Areas.

Conceptually, the traffic arrangements in the border area of the country are a series of policies, legal norms, and administrative actions that govern the movement of people, goods, tools, and services that cross the border of a state. The arrangement was meant to maintain state sovereignty, national security, legal order, and encourage economic growth and the welfare of the border society. In the context of Indonesia as a land-based island country with Malaysia, Papua New Guinea, and Timor-Leste and a sea-based country with ten countries, the border traffic arrangement is not just an instrument of surveillance, but it's also an instrument of development (prosperity approach). This paradigm shift is seen in the development of various Cross-Border Posts (PLBN) which integrate the functions of immigration, integrity, quarantine, security, and public service[26]. Thus, setting up traffic in the border area creates a balance between smooth cross-border mobility and national protection.

These traffic regulations were established for several fundamental reasons.

1. To Uphold State Sovereignty.

The main reason for regulating the movement of persons is as a consequence of the principle of state sovereignty. In international law, every country has exclusive authority to organize: who may enter his territory; who can leave its territory; incoming conditions; residence conditions; work conditions; The condition of getting permission. Without an arrangement, the state has no legal instrument to distinguish between a legitimate passenger and an illegal passenger. According to Ian Brownlie, state sovereignty gives

the state exclusive rights to control the foreigners who enter its jurisdiction. That right is one of the main attributes of state existence in international law[27].

2. To Safeguard National Security.

The border is the most vulnerable point to security threats. Without a good system of inspection, various forms of evil can enter the country, such as terrorists, narcotics, human trafficking, migratory smuggling, money laundering, and illegal weapons. Therefore, the Immigration check system was built as the first filter of defense. James C. Hathaway claims that every country has the right to control access to its territory during the execution of control, provided it respects human rights and international obligations[28].

3. To Provide Legal Certainty.

Setiap orang yang melintasi perbatasan harus mempunyai status hukum yang jelas. Pengaturan dibuat agar terdapat kepastian mengenai: identitas pelintas; dokumen perjalanan; kewarganegaraan; izin masuk; izin tinggal;

permission to work; Permission to exit. The certainty of the law is the basis for the protection of passenger rights, and it allows law enforcement to act in cases of violations. According to Satjipto Rahardjo, the law functions to create social order through granting certainty, protection, and justice to society. In the context of the border, regulation of the movement of persons is a means to present a legal certainty over cross-state mobility[29].

Regulation of the Movement of Persons in the Border Areas of Indonesia and the Democratic Republic of Timor-Leste.

During 2016- 2026, no new bilateral agreement was born that replaced the main framework of border-society traffic. The legal foundation remains the *Arrangement* between the RI government and the RDTL Government of *Traditional Border Crossings and Regulated Markets* on June 11, 2003. The setting provides a special mechanism for the Border Crossing Pass (PLB / *Border Crossing Pass*) for people to cross borders in order for family relations, customs, social activities and border markets[30].

The Border Crossing Pass (PLB) is an important instrument for reconciling the social realities of Timor Island with the principle of state sovereignty. Before modern state borders existed, communities on both sides already shared family ties, customary or communal land, trade, and social relations. After Timor-Leste became an independent state, these geographically connected relationships became international relations. The two governments therefore established a special mechanism. Conceptually, the PLB serves as a simplified travel document for border residents, so they do not always need passports or ordinary visa procedures for specified traditional activities. Literature examining implementation of the Arrangement explains that PLB holders may cross at designated points and remain on the other side for a limited period, commonly stated as ten days under this regime[31]. Although the PLB provides special facilitation, it remains subject to eligibility areas, official crossing points, permitted travel purposes, time limits, inspection by officers, and compliance with the laws of the receiving state.

The biggest problem is that the Timor-Leste PLB stopped being used around 2019. This is one of the most important developments of the last 10 years. According to information from the Motain PLBN manager reported by BNPP, since 2019 the Timor-Leste Government has suspended the use of PLB, so people around the border have been having trouble traveling for simple business, family visits, and shopping. It created a paradox. The 2003 Treaty still exists, the need for society still exists, but one of its implementation instruments doesn't work fully. As a result, the previous society could use the PLB mechanism should face a heavier choice, between using passports and public immigration mechanisms or in most cases, the emergence of the unofficial trajectory. Indonesia itself repeated its desire for the PLB to be re-used. In March 2024, for example, the chief of the Motaain PLBN asked that the Timor-Leste government reactivate the PLB because the border

community had no passport to visit the family or simply shop. the Indonesian Director General of Immigration also states the importance of finding a special solution is a different border document from passports[32]. Why the PLB is not the same as visas. This needs to be legally distinguished. First, the PLB, especially selected for: resident border areas, traditional activities, specific cross-points. Second, Passport / visa / BVK / VOA, Ordered for: regular international travel, including tourism, business, family visits that don't qualify for border specific categories and so forth. Therefore, a person who is not a resident of the border area can't say that he has a PLB right just because he citizens Indonesia or Timor-Leste.

Indonesia used Presidential Regulation Number 21 of 2016 concerning Visa Exemption for Visits as one basis of its visa regime. The regulation took effect on 10 March 2016 and was later revoked by Presidential Regulation Number 95 of 2024. In 2023, Timor-Leste became one of the countries whose nationals received Indonesia's Visa Exemption for Visits (BVK), effective from 13 February 2023 and subsequently reflected in the immigration policy then in force[33]. This marked an important change: ordinary travel had previously required particular visa procedures, whereas Timor-Leste nationals subsequently received visa-free entry for visits to Indonesia. Presidential Regulation Number 95 of 2024 concerning Visa Exemption for Visits took effect on 29 August 2024, replacing Presidential Regulation Number 21 of 2016. Under current practice, Timor-Leste remains a country eligible for Indonesia's Visa Exemption for Visits. According to the Directorate General of Immigration, this facility permits a stay of up to 30 days and cannot be extended[34]. Indonesia therefore currently offers two forms of facilitation: first, the BVK for Timor-Leste nationals who satisfy the requirements for ordinary travel; and second, the PLB as a special regime for border communities, although reciprocal implementation of the PLB remains problematic. This distinction is crucial.

On Timor-Leste's side, the foundation is different. Timor-Leste immigration laws provide special treatment to the Indonesian authorities in terms of visas at the land border post. Decree-Law No. 5 / 2010 states that Indonesian citizens and citizens of the state who have a special agreement can request a visit visa or transit at the time of arrival at the land border post[35].

Unofficial crossing remains a problem. Because the PLB is not fully functional and society still has a borderline social relationship, illegal crossing becomes one of the problems that needs to be watched. In April 2024, for example, four Timor-Leste residents were apprehended after being suspected of entering Indonesia illegally through the Metamauk seaboard. In 2025, there was also a case of a previous WNI returning to Timor-Leste through an unofficial coastline[36]. It shows the policy dilemma: The more difficult the legal mechanism is, the greater the incentive for some people to use the traditional/illegal route. Therefore, reanimating the PLB is not a matter of "making it easy for people to enter another country," but it can also become an instrument of migratory control and illegal passage reduction.

The latest position in 2025–2026 is that Indonesia has encouraged the reactivation of the PLB. This may be the most important development for understanding the present situation. In July 2025, the BNPP and the Timor-Leste Consulate directly discussed reactivating the PLB at the Motamasin Cross-Border Post[37]. In February 2026, the BNPP again expressly urged the Government of Timor-Leste to activate the PLB because of its importance to the social and economic mobility of border communities[38]. As of 8 August 2026, it would be inaccurate to state that the PLB had been abolished. The PLB framework remains a recognized instrument whose renewed use continues to be promoted, but reciprocal implementation has not fully resumed because Timor-Leste has not yet completely reactivated it. According to a Timor-Leste statement cited by the BNPP in 2025, the government was still reviewing the arrangement because of concerns that the PLB could be misused

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contrary to the earlier Major unresolved issues. Developments from 2016 to 2026 reveal at least six major issues.

1. The Border Crossing Pass has not been fully reactivated.
2. The two countries' systems remain misaligned.
3. Irregular border crossings persist.
4. The boundary between traditional and economic migration remains unclear.
5. Economic dependence continues.
6. Inter-agency coordination remains inadequate.

Looking further back, the division of Timor Island into the territories later known as West Timor and East Timor was not the result of a single agreement. The boundary developed through a series of agreements and arbitration proceedings between the Netherlands and Portugal, particularly in 1859, 1893, 1904, and 1913–1914. This history is important because the resulting colonial boundary ultimately formed the basis of the modern border between Indonesia and Timor-Leste. In simplified form, the process was: the 1859 Treaty → the 1893 revision → the 1904 boundary settlement → demarcation disputes → the 1913–1914 arbitration → the colonial boundary → the Indonesia–Timor-Leste border. Accordingly, if the expression "the Dutch–Portuguese agreements concerning Timor" refers to the foundations of the modern border, the 1859 Treaty of Lisbon and the 1904 Treaty of The Hague are the two most important instruments, while the 1893 agreement and the 1914 arbitral award supplemented them and resolved outstanding boundary issues[39].

Background: why the Dutch and Portuguese divide Timor. The Portuguese presence in Timor has taken place since the 16th century, while the Dutch through VOC then amplified its position in the western part of the island, especially from the Kujang base. Over the centuries, European mastery over Timor has not shaped a line that is as clear as the borders of modern countries. The Portuguese and Dutch rule in the beginning was more of a network of political relations, trade, protection, and ties to local empires. Thus, Timor was not originally an island geographically divided into the Dutch West Timor and the Portuguese Timor-Leste. That limit is the result of a gradual colonial process. History studies on Timorese society show that colonial borders then cut off the region of societies and empires that had previously interconnected areas[40].

The 1859 Agreement is an important point because the Dutch and Portuguese for the first time made a more systematic arrangement about their division of the region in Timor. The primary goal is: end of conflict about boundaries; sets the region under Portuguese and Dutch; making exchange of some territory; reduce the existence of enclave; It creates a clearer separator between the two colonial powers. In other words, this agreement is not just "drawing lines on maps," it's also a colonial exchange agreement. One of the contemporary history studies on Timor noted that the 1859 exchange of territories had previously negotiated between the two colonial forces. One of the consequences was that Maubara moved into a Portuguese rule environment[41].

The 1904 Treaty of The Hague was the most decisive agreement. The most important instrument in forming the modern boundary was the Convention for the Demarcation of Portuguese and Dutch Dominions on the Island of Timor, signed at The Hague on 1 October 1904[42]. It sought to resolve issues left by earlier agreements by defining the boundary much more concretely. One of its most important provisions concerned exchanges of territory. The Netherlands acquired Noemuti or Noimuti, formerly a Portuguese enclave within Dutch-controlled territory. Portugal, in turn, acquired Maucatar or Maukatar, formerly a Dutch enclave within Portuguese territory. The 1914 arbitral award subsequently summarized that the 1904 Convention awarded Maucatar to Portugal and Noemuti to the Netherlands. In simple terms, Noemuti changed from Portuguese to Dutch territory; Maucatar changed from Dutch to Portuguese territory; and Oecusse remained Portuguese

territory. These exchanges were significant because they reduced the number of enclaves and simplified the territorial configuration.

From the Dutch–Portuguese boundary to the Indonesia–Timor-Leste border. In 1949, Indonesia inherited the territory of the former Dutch East Indies, including the western part of Timor Island. The territory of Timor under Portuguese administration later developed into East Timor or Timor-Leste. When Timor-Leste became independent in 2002, its boundary with Indonesia was not created from the beginning; both states inherited the colonial boundary established by the Netherlands and Portugal. In international law, this relates to the principle of uti possidetis juris, under which newly independent states generally retain their pre-existing administrative or territorial boundaries. Indonesian legal literature on the Indonesia–Timor-Leste border indicates that the 1904 Treaty and the 1914 Arbitral Award subsequently served as the principal legal bases for affirming the land boundary between the two states[43].

In relation to Article 139 of Law Number 6 of 2011 concerning Immigration, Article 139 constitutes a special rule governing border areas. Immigration concerns the movement of persons entering or leaving Indonesian territory and its supervision in order to uphold state sovereignty[44]. This construction shows that Indonesian immigration law is not oriented solely toward security, but also encompasses service, law enforcement, and welfare dimensions. Article 139 provides special arrangements for border areas because lawmakers recognized that ordinary immigration mechanisms are not always suited to the characteristics of communities living along borders. Article 139 may therefore be understood as establishing a special border regime[45] within Indonesia's immigration law system.

The most important agreement in the establishment of the modern border was the Convention for the Demarcation of Portuguese and Dutch Dominions on the Island of Timor, signed in The Hague on October 1, 1904[46]. The treaty sought to resolve outstanding issues from previous agreements by providing a much more concrete description of the boundary line. One of its most important provisions was the exchange of several territories. The Netherlands acquired Noemuti/Noimuti, which had previously been a Portuguese enclave within Dutch-controlled territory. In return, Portugal acquired Maucatar/Maukatar, which had previously been a Dutch enclave within Portuguese territory. The 1914 arbitral award later confirmed that the 1904 Convention awarded Maucatar to Portugal and Noemuti to the Netherlands.

From the Dutch–Portuguese Border to the Indonesia–Timor-Leste Border This section is particularly important. In 1949, Indonesia inherited the territory of the former Dutch East Indies, including the western part of Timor Island. In contrast, the Timorese territory under Portuguese rule subsequently developed into East Timor, now known as Timor-Leste. When Timor-Leste gained independence in 2002, the issue of its border with Indonesia did not begin from scratch. Both countries inherited a colonial boundary established by the Dutch and the Portuguese.

In international law, this situation is related to the principle of uti possidetis juris, which holds that newly independent states generally retain the administrative or territorial boundaries that existed prior to independence. Indonesian legal literature on the Indonesia–Timor-Leste border indicates that the 1904 Treaty and the 1914 Arbitral Award were subsequently used as the principal legal foundations for the delimitation of the land boundary between the two countries[47].

Conclusion.

Regulation of the movement of persons in the border of interstate areas is essentially an instrument of state to maintain sovereignty, security, and order of the region without impeding the mobility of legitimate

society. With the presence of a clear and effective arrangement, the state can protect national interests, providing legal certainty for any border crossing, as well as support development and cooperation in the border area continuously.

Regulations of the movement of persons between Indonesia and Timor-Leste aim to create safe, orderly, legal crossings, as well as maintain state sovereignty and support the welfare of the border society. Through the supervision of Immigration, the use of official border gates, as well as bilateral cooperation, both countries are trying to prevent violations of law and cross-border crime, without ignoring the needs of social, cultural, and economic communities that live in border regions. Thus, the arrangement became an important foundation for the security of the border and also tightened the relationship between Indonesia and Timor-Leste.

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