

Criticize the Legality of the People's Republic of China Claims the Nine Dash Line under International Law

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Abstract

This study aims to find out and analyze the legality of the PRC's claim to the Nine Dash Line based on the historical claim of the PRC's Traditional Fishing Right in the South China Sea (SCS) from the perspective of international law sourced from the United Nations Convention on the Law of the Sea 1982 and PRC efforts to defend their claims in the SCS from countries with both claims and interests. This type of research is normative legal research using the Statute Approach and the Conceptual Approach. This study concludes that if you look at UNCLOS 1982, the PRC's

claim to the Nine Dash Line cannot be maintained as a territorial claim because UNCLOS 1982 does not regulate how to determine the baseline based on historical claims, and according to UNCLOS 1982 handles the drawing of the baseline in 3 ways. Then, the PRC, in defending its claims, used various means such as the military occupation of uninhabited islands, increased military force, and deployment of ADIZs. In addition, the PRC also divided ASEAN in taking a stand on the SCS dispute.

Keywords

Legality of Claim, People's Republic of China, Nine Dash Line, International Law

I. Introduction

The South China Sea (SCS) is a sea area located on the edge of the Pacific Ocean stretching from the Strait of Malacca and the Karimata Strait to the Taiwan Strait which has an area of about 3,500,000 km². LCS is also a marine area that has a wealth of marine life such as fish in large numbers that have the ability to meet the needs of large amounts of food humans on the Asian continent and have large oil and natural gas reserves. This claim began when the Kuomintang government or the Republic of China issued a map detailing Kuomintang sovereignty over the SCS in 1947, known as the *Nine Dash Line*.¹After the

¹ Rizki Roza, and Simela Victor Muhamad. *Konflik Laut China Selatan dan Implikasinya Terhadap Kawasan* (Jakarta: P3DI Setjen DPR RI, 2013).

Kuomintang government was replaced by a communist government called the People's Republic of China (PRC), the PRC continued its Kuomintang claim by issuing a Declaration in 1958 which clearly claimed the island of Taiwan, Zhongsha Island, Nansha Island, Xisha Island, Dongsha Island, Penghu Island and several other islands.² Then the PRC also claimed Bohai bay, Qiongzhou strait, Dongyin island, Gaodeng island, Mazu island, Baiquan island, Wuqiu island, Jinmen island, Dadan island, Dongding island and Erdan island.³ In addition to the declaration, the PRC also claims to use historical claims stating that from the time of the Han Dynasty (around the 2nd century BC) to the Ming Dynasty (around the 16th century AD), fishermen have gone to sea to fish in the SCS, especially the Nansha islands and have jurisdictional rights over the surrounding sea.⁴ And strengthening their claims with the Law on the Territorial Sea and Bordered Areas in 1992⁵ although to prove the difficult truth on the basis of its *claim of the Nine Dash Line*, the PRC stands by defending its *Nine Dash Line* claim using various methods and strategies both diplomacy and the use of force.

The SCS region, when viewed through international sea areas and geography, is a sea that has great value over politics,

² Article 1 Declaration of The Government of The People's Republic of China on China's Territorial Sea.

³ Article 2 Declaration of The Government of The People's Republic of China on China's Territorial Sea.

⁴ Ririn Ardila, "Sengketa Wilayah Zona Ekonomi Eksklusif Indonesia (Studi Kasus Klaim Cina Atas Laut Natuna Utara)." *Uti Possidetis: Journal of International Law* 1, no. 3 (2020): 358-377.

⁵ Article 2 The Law on the Territorial Sea and the Contiguous Zone of the People's Republic of China.

strategy, and economy. This makes the SCS has a high possibility as a place of conflict over state interests and potential cooperation. In other words, the SCS region which is rich in crude oil and natural gas reserves contained in it, as well as its very important role as a world oil trade and distribution route, made the SCS region the object of regional debate for many years.⁶ Historically, the LCS was part of the Pacific Ocean which covered parts of Singapore, the Strait of Malacca to the Taiwan Strait which has an area of 3.5 million km². Some of the reasons why the PRC makes claims to the SCS are because it has economic potential, fish, oil, and can be a strategic location for military bases owned by the PRC. The PRC's desire and ambition to control the SCS even led to the invasion in 1974 of the *Paracel* islands claimed by Vietnam. In 1979 there were even border tensions between the navies of the two countries until a military conflict in 1988 led to the sinking of a Vietnamese warship and the PRC unilaterally considered the *Spratly* and *Paracel* Islands to be its sovereignty.⁷ In addition, the PRC also built a military base on the *Spratly* Island which is in a strategic location to strengthen their position in the SCS region, reclaimed several islands so that they could be used as military bases that led to PRC dominance in the SCS disputed area.⁸

⁶ Harun Umar, and Cemara Gita Naya. "Upaya Pemerintah Indonesia dalam Menghadapi Hegemoni China di Kawasan Laut China Selatan pada Pemerintahan Joko Widodo Tahun 2016–2019." *Ilmu dan Budaya* 41, no. 71 (2020): 8373-8390.

⁷ Evelyn Goh, *Meeting the China Challenge: The US in Southeast Asian Regional Security Strategies*. (New York: The East-West Center Washington, 2005).

⁸ Hari Utomo, Mitro Prihantoro, and Lena Adriana. "Peran Pemerintah Indonesia dalam Mengelola Konflik Laut China Selatan." *Jurnal Prodi Damai dan Resolusi Konflik* 3, no. 3 (2017): 63-88. See also Nur Arissa Izzati, Chusnul Qotimah Nita Permata, and Miftah Santalia. "Assessing the

In 2016 came the decision of the International Court of Arbitration in The Hague with the name *The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)* case number 2013-19, in which the ruling regarding the PRC's claim to the SCS territory against the Philippines was won by the Philippines and the PRC's claim was invalid under international law but the PRC Government rejected and did not follow or obey the decision. On the grounds that President Xi Jinping argued that the decision of the international court regarding the settlement of the South China People's Republic Sea Conflict, the Arbitration Court in The Hague did not have jurisdiction in handling the SCS Sea Dispute which caused problems because the PRC also ratified and signed UNCLOS (*United Nations Convention of the Law of the Sea*) 1982 on May 15, 1996.

In the face of the People's Republic of China's claim *to the Nine Dash Line* to the detriment of ASEAN member states, in resolving issues related to the dispute, ASEAN referred to *article 25* of the ASEAN Charter which then led to the Protocol to the ASEAN Charter on Dispute Settlement Mechanisms which in Article 6 paragraph 1 and paragraph 3 the resolution of problems in territorial disputes can be resolved through mediation or conciliation. DOC (*Declaration on The Conduct of Parties In The South Sea*) is an agreement signed, ratified and agreed between ASEAN and China in the Cambodian capital in 2002 after various kinds of prolonged negotiations that lasted for quite a long time. The DOC itself contains a statement from ASEAN members and

the PRC that the two countries agreed to commit with relevant parties to the objectives of the principles contained in the UN Charter, UNCLOS 1982, the *Treaty of Amity and Cooperation in Southeast Asia* (TAC), the *Five Principles of Peaceful Coexistence* and other universal principles of international law.⁹

In addition, based on the DOC, the parties can also express a commitment and most importantly respect for freedom of navigation and overflight over the SCS which has been regulated under international law and build a cooperation, dialogue and consultation in order to prioritize peaceful efforts in resolving SCS disputes.¹⁰ The DOC states that it has three objectives: to promote efforts to build mutual trust among the parties, to engage in maritime cooperation, and to provide a basis for discussion and preparation of a *formal and legally binding COC (code of conduct)* document.¹¹

Although there have been efforts to resolve through international arbitration courts, the issuance of diplomatic notes, the summoning of PRC ambassadors, agreements between countries and bilateral talks between affected countries and the PRC regarding South China Sea disputes, there are still frequent cases regarding *Coast Guard* vessels. The PRC continues to patrol disputed areas with relevant countries and there are efforts to get the international community to assume normally that the South China Sea is the PRC's jurisdiction. In addition, the PRC through

⁹ Articles 1 Declaration on The Conduct of Parties in The South China Sea 2012.

¹⁰ Budi Hermawan Bangun, "Upaya dan Peran ASEAN dalam Penyelesaian Sengketa Laut China Selatan." *Jurnal Komunikasi Hukum (JKH)* 7, no. 1 (2021): 23-37.

¹¹ Articles 10 Declaration on The Conduct of Parties in The South China Sea 2012

President Xi Jinping who refused and did not comply with the international arbitration award that had been issued while the PRC, one of the participants of *UNCLOS 1982*, actually did not obey the agreement was an irregularity

Based on the explanation above, it can be concluded two problems that can be discussed, the first is how strong is the People's Republic of China's claim regarding the *Nine Dash Line*? And secondly, how does the People's Republic of China defend its *Nine Dash line claims* against surrounding countries?

II. Method

The type of research used in this study is normative legal research with the approach used in the conceptual approach (*Conceptual Approach*) and statutory approach (*Statute Approach*). Then the legal materials used in this study are primary legal materials and secondary legal materials. The method of collecting data is implemented through the study of primary and secondary legal materials through literature review. After that, study conventions and cases involving South China Sea disputes between the PRC and countries that have claims in the disputed area so that it can be used as a basis for answering problems in this study.

This research has two objectives, the first this study aims to find out how strong the People's Republic of China's claim to the South China Sea is a claim that can be recognized under international law or not, and the second is to find out how the People's Republic of China in defending their claim to the Nine Dash Line against overlapping claims of surrounding countries. Benefits of this first research Theoretically, the results of this research are expected to provide explanations for further use as a learning forum to increase knowledge and understanding in the South China Sea dispute and the claims of the People's Republic of China historically and can also be used as a basis for theoretical

studies if there are similar problems and the second Practically, the results of this research are expected to be used as a contribution to thoughts and able to contribute to the interests of the State, Government, society In addition, it is also expected that the results of this research can be used as one of the considerations to complement the renewal of existing regulations so that the State, government and society can face situations such as the dispute.

III. The Strength of The People's Republic of China's Claim Regarding the Nine Dash Line

To make claims to the *Nine Dash Line* covering 90% of the SCS,¹² the PRC relies on historical claims. In historical claims made by the PRC there is a reason used called *Traditional Fishing Rights*. *If viewed in UNCLOS 1982 there is no regulation or no territorial arrangement based on historical claims. However, related to Traditional Fishing Rights regulated in UNCLOS 1982.*

According to Jose Manuel Sobrino & Marta Sobrido, the concept of *Traditional Fishing Right* is to provide flexibility / permission between the coastal state and the recipient country to determine the place and area of fishing fish, fishing flexibility without being hindered by coastal state authorities, and other opportunities allowed between the two countries.¹³

¹² Umar and Naya, "Upaya Pemerintah Indonesia dalam Menghadapi Hegemoni China di Kawasan Laut China Selatan pada Pemerintahan Joko Widodo Tahun 2016–2019."

¹³ M. Nursalim, Elisabeth Septin Puspoayu, and Nurul Hikmah. "Penyelesaian Sengketa terhadap Aktivitas Perikanan Kapal Cina di Perairan Laut Natuna Utara Menurut Hukum Laut Internasional." *Novum: Jurnal Hukum* (2023): 139-160.

As a signatory to and ratifying the 1982 Convention on the Law of the Sea, the PRC wants its claims to the territory of the Spratly and Paracel Islands to be influenced by the recognition of the legal features of its claims, as contained in the 1982 UNCLOS treaty Article 121 provisions on island treaties, the first of which states that an island is a naturally formed land area surrounded by water and above the water surface at high tide. Secondly, the territorial sea, auxiliary zones, economic zones and continental shelf of islands are determined in accordance with the provisions applicable to the rest of the mainland areas of this Convention, with the exception of the provisions of paragraph 3. Third, rocks that cannot support human habitation or economic life on their own do not have an exclusive economic zone or continental shelf.

In making its claims to the two islands, the PRC uses the term historical reason based on Traditional *Fishing Right* that the PRC traditional fishermen have carried out activities in these waters is historical evidence that from the Han Dynasty to the Ming and Qing Dynasties, the PRC people have long been active and lived in the Spratly and Paracel islands.¹⁴ *Traditional Fishing Rights* in UNCLOS are not specifically regulated but are included in the chapter of island countries in Article 51.

Under the provisions of Article 46 of UNCLOS 1982, an archipelagic state is a state consisting entirely of one or more islands. An archipelagic state refers to islands, interconnected bodies of water, and other scientific traits that are so closely related that they form, or have historically been considered as, internal

¹⁴ Prameshwari Ratna Callista, Muchsin Idris, and Nanik Trihastuti. "Klaim Tiongkok tentang Traditional Fishing Ground di Perairan Natuna Indonesia dalam Perspektif UNCLOS 1982." *Diponegoro Law Journal* 6, no. 2 (2017): 1-13.

economic, political, and geographical units. When determining maritime boundaries, island countries draw baselines using the archipelago baseline method. The establishment of this baseline changes the status of the previously free part of the sea into the territorial sea of the island state. As a result of the recognition of archipelagic states are several other treaties that guarantee the right of peaceful passage for foreign ships and the right of passage through corresponding guarantees of the right of peaceful passage in the inland sea of the island state.¹⁵ In addition, island nations must respect neighboring countries' traditional fishing rights and existing agreements with other countries. Traditional fishing rights are the right, under bilateral agreements, for traditional fishermen from neighboring countries to traditionally fish in the waters of a particular archipelago. The recognition of this right is contained in Article 51 paragraph 1 Chapter IV of UNCLOS 1982 which reads:

“Without prejudice to article 49, an archipelagic State shall respect existing agreements with other States and shall recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighbouring States in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights and activities, including the nature, the extent and the areas to which they apply, shall, at the request of any of the States concerned, be regulated by bilateral agreements between them. Such rights shall not be transferred to or shared with third States or their nationals”

¹⁵ Callista, et.al.

When this Article is connected with the provisions of Article 51, paragraph 1 of UNCLOS 1982, it becomes the duty of the island State to respect and recognize the traditional fishing rights of neighboring States in the vicinity of the island State. Based on international legal documents and national practice, there is strong legitimacy to guarantee the rights of these traditional fishermen. In addition, there are several international treaties that support the recognition of the rights of traditional fishermen. From this statement, it can be concluded that the recognition of fishing rights has traditionally not only been the responsibility of island states. Traditional fishing rights also refer to traditional fishermen who have long-standing traditions and fishing activities in an area that have been passed down for generations.

As an island state concept, as a possible intersection with historic traditional fishing grounds in other coastal states, it is essential to reach bilateral agreements between states, this is clearly explained in Article 47, paragraph 6 of UNCLOS 1982, which explains this and also states that:

“If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected”

Regarding the rights of traditional fishermen shown for countries bordering island countries, to continue to be able to exercise their rights to *Traditional Fishing Rights* must begin with a request for bilateral agreements from one of the parties.

Countries that then obtain their rights from traditional fishermen located in the EEZ of countries belonging to coastal states or coastal states that have rights to traditional fishing areas, meaning that it is clear from the provisions of UNCLOS 1982 that these provisions apply.¹⁶ With legal repercussions the emergence of a bilateral treaty between neighboring countries gives legal legitimacy to the historical benefits of traditional fishing rights, which can continue to be exploited due to the bilateral *Sunt Servanda Pact* and must be respected between both coastal and rights-holding states. A mutually agreed contract.¹⁷

An example of the application of Article 47 of UNCLOS 1982 was carried out by Indonesia and Malaysia which integrated historic traditional fishing rights into Law No. 1 of 1983 as a result of a bilateral agreement between Indonesia and Malaysia that recognized the territory of the two countries of Indonesia. Indonesian territory in this case can also be used by Malaysian fishermen to fish fairly and reasonably in accordance with bilateral agreements between countries. Then the International Court of Justice (ICJ) once ruled on historic rights cases in waters bordering Tunisia and Libya, and in this case the ICJ felt no need to rule on the legality of historic traditional fishing rights in relation to Libya, because those geographically necessary rights were paid for to some degree and uniformly by Tunisian fishermen in the region.¹⁸ In addition, a bilateral agreement between Sri Lanka and India was concluded in 1976, the purpose of which was to respond to the

¹⁶ Satria Unggul Wicaksana Prakasa, and Al-Qodar Purwo. "Analisis Historical Traditional Fishing Right pada Zona Ekonomi Eksklusif (ZEE) Indonesia." *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 83-97.

¹⁷ Prakasa and Purwo.

¹⁸ ICJ Reports 1982, p. 73, para. 100. p. 75, para. 102, p. 211

issue of *historical fishing ground* borders that arose between the two countries. International agreements are a solution to problems that arise between countries about *historical fishing ground*.¹⁹ So if you look at some of these cases, what is striking is that countries that do not have bilateral agreements are included in UNCLOS 1982 which is about traditional fishing rights, in this case the traditional fishermen of the PRC, who carry out *Historical Traditional Zone* fishing which is not justified by international law and is classified as IUU fisheries. and violate the jurisdiction and territorial integrity of the country, where the legal authority of the country has the right to take action against any fisherman who claims to have traditional fishing rights. the legal mechanism of the country concerned due to the absence of bilateral agreements of the PRC with the affected countries.

Therefore, based on UNCLOS 1982, coastal states or archipelagic states can maintain the rights of their citizens to Traditional Fishing Rights, *but are hindered because the country's territorial boundaries can still get these rights if they enter into agreements with the countries where the Traditional Fishing Rights are located*. Given that the PRC has a claim to the SCS called the Nine Dash Line, *the historical basis of the Traditional Fishing Right claim to the Nine Dash Line in the South China Sea cannot be maintained as a basis for claim*. Although it cannot be submitted as a basis for claims to the SCS, the PRC's traditional fishermen's rights to *traditional fishing rights* must still be respected in accordance with Article 51 of UNCLOS 1982 and must enter into agreements with affected countries or within the territorial

¹⁹ Prakasa and Purwo, "Analisis Historical Traditional Fishing Right pada Zona Ekonomi Eksklusif (ZEE) Indonesia."

area or EEZ related to areas that are part of *the Traditional Fishing Right* in accordance with Article 47 of UNCLOS 1982 in order to maintain regional stability and avoid unfavorable conflicts in the SCS.

In addition, UNCLOS 1982 states that the way of making claims is historically not mentioned and is not regulated as a way of making claims to territory while UNCLOS 1982 regulates how to determine areas based on coastal baselines, in determining territorial sea boundaries and EEZs holding on to the coastline. In UNCLOS 1982 mentioned 3 ways to draw baselines to determine the area of a sea area. 3 ways of drawing baselines, namely using normal baselines, straight baselines and the last one to measure the baselines of island countries is regulated by itself in Article 47 of UNCLOS 1982. In measuring a normal baseline, based on customary international law, the baseline is measured from the deepest line of seawater on the coast. This principle is enshrined in Article 3 of the 1958 Geneva Convention on the Territorial Sea and annexed zones which reads:

“The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the airspace above those waters.”²⁰

This phrase was later adopted in Article 5 of UNCLOS 1982 as a normal baseline. From the above understanding, it can be concluded that the baseline commonly used to measure the area of the territorial sea is the receding line, following the curve of the coast along the coast and depicted on a large map approved by the

²⁰ Articles 3 Geneva Conventions 1958.

coastal state. mode. Normal baseline measurements, as provided for in Article 5 of UNCLOS, are measured at low sea levels. Even so, it seems that not all countries can do it due to different geographical conditions. UNCLOS understands such a situation. To address this issue, Article 14 of UNCLOS provides, including combinations or methods of determining baselines, which may be determined in other ways by coastal states using one of the methods, methods of deletion of the provisions of the above Articles, to suit different circumstances. In addition, the method of drawing a baseline of the unique geographical conditions found in the case of the *Anglo-Norwegian Fisheries* has also been used to measure straight baselines, which is a good starting point for establishing measurements based on the usual line method. *The Anglo-Norwegian Fisheries* case of how to draw a horizontal baseline through 48 randomly selected points on the mainland and islands or coral reefs. In its considerations, the ICJ primarily believes that sea lanes do not constitute a clear extension bordering on state-owned coastal areas as part of an adjacent additional zone in which the coastal state has the right to exercise exclusive sovereign rights for economic, security and geographical reasons. which only apply restrictions, such as the right of peaceful passage of foreign vessels in the territorial sea. At that time, the judge's decision in the *Anglo-Norwegian fisheries* case was seen as a legislative innovation and the general principles were accepted as part of international law. Article 4 of the Geneva Coastal Seas Convention of 1958 accepted the principles used by the International Court of Justice in *the Anglo-Norwegian Fisheries* and introduced the direct baseline method, which allowed measurement methods other than the standard system for measuring shallow seawater. In countries that use the direct base

method, 4 (four) conditions are required. The third Convention on the Law of the Sea, which led to UNCLOS in 1982, adopted and added in Article 7 two measurement requirements for direct baseline methods that State can use to determine its territorial sea.²¹

To determine the area of the territory is carried out by drawing a straight baseline, drawing a baseline is drawn by connecting boundary points with straight lines. The straight baseline drawn with the drawing must not deviate too far from the direction of the coastal floor, and this section of the baseline must be close enough to land to meet the regulations of inland waters. Drawing a straight baseline is possible if there are special geographical conditions. First, the shape of the beach protrudes entirely inward or outward. Second, in front of the beach there are rows of islands and coral reefs.

UNCLOS 1982 has important implications for the methods of surveying straight baselines listed in Article 7, paragraphs 1 to 6 of UNCLOS 1982, such as the measurement of straight baselines, applicable in areas where the coast recedes and curves inward, or where there are adjacent coastal islands close to the coast that connect the extreme points of the island with the mainland or main island by drawing a straight baseline to determine the width of the territorial sea. The coastline becomes irregular, so a fixed point can be chosen for the shallow waterline that extends farthest to the sea, and even if the low waterline is removed moving away,

²¹ Rahmawati Novia Sigit, "Penyelesaian Kasus Pelanggaran Hukum di Perairan Natuna Yang Dilakukan Oleh Kapal Asing Vietnam dalam Perspektif Hukum Laut Internasional." *Jurnal Selat* 7, no. 1 (2019): 98-117.

a straight baseline remains in place for the coast according to the agreement.

The draw of this straight baseline must not stray too far from the coast, and this baseline already contains parts that must be close enough to its connection to the continent to be usable for inland water systems. No straight baseline can be drawn to and from low tide if buildings such as lighthouses or similar buildings are erected above sea level or the drawing of a straight baseline to and from such height is generally accepted by the international community when applying a straight baseline based on geographical conditions, the specific economic benefits, realities and importance of the region can be taken into account when the coast stretches deep inward and curves inward, or when the coast includes several nearby islands. which has been clearly proven by many years of practice. So it must be proven that the country's economic interests are protected when the state uses a straight baseline, and this has been a long-standing practice. A country cannot or cannot implement a direct baseline system so as to cut off another country's territorial sea from its high seas or EEZ.

The last method is to measure by drawing the baseline of the archipelago. UNCLOS 1982 provides a method of measuring the sea area of archipelagic states, which is used to support the establishment of archipelagic maritime zones. However, not all countries can claim to be island nations. One of the main influences on UNCLOS (1982) was the adoption of the concept of archipelagic states recommended by Mochtar Kusumaatmadja during the agreement, with archipelagic states such as Indonesia, the Philippines, Fiji, Mauritius and the Solomon Islands wanting special possibilities The external sovereignty of archipelagic states

must be maintained because these countries are archipelagic countries with many islands that are part of their territory.

However, there is a difference in the concept of an archipelagic state put forward by Indonesia, Fiji, at the first session of the third New York Law of the Sea Conference, namely that the country as a whole is an archipelagic state. While the concept introduced by India argues that islands are part of the territory of a country which is mostly land. A country can be considered an archipelagic nation if the entire country consists of one or more islands and can include other islands. That is, juridically archipelagic countries have different meanings when using the concept of a country whose territory is geographically an archipelago. Archipelago is a group of islands consisting of parts of islands whose waters between these islands and other natural forms are interconnected so that the islands, waters and other natural forms are a geographical, economic, and political unit. In other words, Article 46 paragraphs 1 and 2 distinguish between archipelagic states and archipelagic states in the legal sense. As a result of these differences, not every country that claims to be an archipelagic country can meet the basic island level.

Several conditions must be met if you want to apply the straight baseline of the archipelago, the first is geographical, economic, political and historical consistency, second, there are special provisions in the law of the sea that prove the existence of relativity. Island countries should not be used as baseline locations. The straight baseline of the archipelago is measured according to the navigation method of the island country, measured from the receding point of the farthest island coast to the farthest reef of the national coast, and then drawn 12 nautical miles connecting the farthest point. to the farthest island. As long as the ratio of water

to land does not exceed 9:1, and provided that the resulting area does not cut off other countries from the high seas and exclusive economic zones. The length of the base line of the islands should not be exceeded 100 nautical miles, except 3% of the total baseline covering each archipelago may exceed a maximum length of 125 nautical miles.²²

The baseline of an archipelago cannot be drawn at low tide, unless a lighthouse or the like is erected permanently above sea level, or at full or partial low tide the distance does not exceed the width of the territorial sea from the nearest island. A country cannot apply the baseline of the archipelago in such a way that it cuts off the territorial sea of another country from the high seas or exclusive economic zones. If the archipelagic part of the waters of an archipelagic State lies between two parts directly adjacent to a neighbouring State, then, in addition to all rights, existing rights and other legitimate interests traditionally enjoyed in the seas between those States shall remain in force and shall be applied accordingly. Each coastal state is obliged to make a map of its territory using geographical coordinates. The map is then submitted to the UN Secretary-General for approval. If suitable, it is immediately approved by the UN and transferred to another country.²³

²² Andryan Liandi, and Andryawan Andryawan. "Penerapan Hukum Terhadap Penangkapan Ikan pada Wilayah Laut Indonesia Guna Menjaga Keberlanjutan Perikanan." *PROSIDING SERINA* 2, no. 1 (2022): 229-238.

²³ Muhammad Fanny Chamdani, and Himuyatul Hasanah. "Kajian Yuridis tentang Kebijakan Indonesia Dalam Memperkuat Hak Berdaulat Wilayah Zona Ekonomi Eksklusif di Kepulauan Natuna." *Fairness and Justice: Jurnal Ilmiah Ilmu Hukum* 18, no. 1 (2020): 69-79.

IV. How the PRC Defends Its Nine Dash Line Claims Against Surrounding Countries' Claims

In defending the People's Republic of China's claims from countries that challenge their claims to the *Nine Dash Line*, the PRC relies on its military might to dominate power in the South China Sea region and exerts its political influence in suppressing the interests of the affected countries, which in this case causes some ASEAN countries to be divided, some support, reject decisively or subtly, or do not care about the SCS dispute.

The PRC's way of maintaining their claim to the NDL through military means can be seen from the PRC's actions in creating military bases to corroborate its claims. The PRC's use of seizing control of the Paracel Islands in January 1974 and parts of the Spratly Islands in March 1988 was the use of force and military coercion or occupation. This raises an oddity and concern that after World War II, the means of acquiring new territories through occupation, designation, addition, surrender and conquest are no longer justified by the Charter of the United Nations, are now the main source of modern international law, so the acquisition of a state's territory must be carried out by various means peacefully without resorting to force or military coercion.²⁴Article 2, paragraph 4 of the Charter of the United Nations states that in international relations, each member state shall avoid the threat or

²⁴ Atikah Firdaus, et al. "Jadi Dasar Hukum China Klaim Laut Natuna, Bagaimana Posisi Nine Dash Line di Lingkup Hukum Internasional." *Seminar Peningkatan Sitasi Internasional* 1, No. 1 (2021).

use of force against territorial integrity, political independence, or in any other way incompatible with the objectives of the United Nations. This provision is now considered the basis of customary international law, and is thus binding on all member states. Article 51 of the United Nations Charter states that exemptions from military use apply only in situations of self-defense and with the knowledge of the UN Security Council. Annexations resulting from crude aggression by one state against another state or from the use of force contrary to the UN Charter shall not be recognized by another state.²⁵

In the 1970 Declaration of Principles of International Law, Article 2, paragraph 4, is defined as a principle of international law and is thoroughly reviewed. First, wars of aggression are considered crimes against peace borne by international law. Second, states must not threaten or use force to violate international borders, such as ceasefires or demarcation lines, or to resolve international disputes. Third, states are responsible for avoiding retaliatory measures involving the use of force. Fourth, the government must not use force to impede the people's right to self-determination and independence. Fifth, the state must not encourage armed groups to attack the territory of another country. Nor shall States organize, incite, aid, or participate in civil strife or terrorist acts.²⁶ Additionally, the People's Republic of China has fielded People's Liberation Army (PLA) Air Force KJ-500 warning and control aircraft to several areas in the South China Sea, one of

²⁵ Andyni Iftinan Salsabila, Zunnuraeni Zunnuraeni, and Lalu Guna Nugraha. "Tinjauan Yuridis Tindakan Aneksasi Rusia di Krimea, Ukraina dari Perspektif Hukum Internasional." *Mataram Journal of International Law* 1, no. 1 (2023): 26-44.

²⁶ Salsabila, et.al.

which is the Spratly Islands region by the People's Republic of China in its NDL.²⁷

The two-fold increase in defense budget in 5 years from 2010 to 2015 to reach USD 214.8 billion seems to show that the PRC government is really building a military fleet, especially a strong navy.²⁸ All standards and values that are considered universal in the international world are opposed by the PRC government itself, such as illegal occupation of territory, construction or reclamation of islands that are not PRC state territory, violation of territorial boundaries committed by the PRC military and *China Coast Guard*. The rationale used by the PRC government in the SCS debate is that everything related to "authentic rights" is inviolable, and every nation must recognize the greatness of the PRC as undeniable.²⁹ In addition, there were incidents from December 2019 to February 2020 where there were territorial violations committed by PRC fishing boats, unlike usual, these PRC fishing boats were too escorted by *China Coast Guard vessels* to protect against transfer or intervention from Indonesian Navy and

²⁷ Patrisius Bagus Alvito Baylon, et al. "Kajian Validitas Klaim China Atas Wilayah Laut Cina Selatan Indonesia." *Jurnal Kewarganegaraan* 5, no. 2 (2021): 691-700. *See also* Anak Agung Ayu Diah Setyawati, and Asyaffa Rizdqi Amandha. "Indonesia's Cooperation with ASEAN Countries in Handling Transnational Crime Cases: South China Sea Dispute." *Law Research Review Quarterly* 8, no. 1 (2022): 1-32.

²⁸ Endah Rantau Itasari, and Dewa Gede Sudika Mangku. "Elaborasi Urgensi dan Konsekuensi Atas Kebijakan ASEAN dalam Memelihara Stabilitas Kawasan di Laut Cina Selatan Secara Kolektif." *Harmony: Jurnal Pembelajaran IPS dan PKN* 5, no. 2 (2020): 143-154.

²⁹ Itasari and Mangku.

Bakamla vessels besides that there were also several similar cases in other countries that were in dispute with the PRC over the SCS.³⁰

Finally, this can be seen from the number of naval ships based on globalfirepower.com, the PRC's military strength in 2023 as a whole is ranked 3rd in the world. The PRC navy consisted of 714 ships. It consists of 1 (one) aircraft carrier, 52 (fifty-two) frigates, 33 (thirty-three) destroyers, 41 (forty-one) corvettes, 76 (seventy-six) submarines and 192 (one hundred ninety-two) patrol boats. 33 (thirty-three) naval bases are in use. If the war takes place on land, the PRC will be supported by 13,000 (thirteen thousand) tanks, 40,000 (forty thousand) armored vehicles, 2,000 (two thousand) projectors, 4,000 (four thousand) automatic artillery, and 6,246 (six thousand forty-six) manual artillery. China has 2.6 million soldiers, 2.1 million active and 510,000 reservists.³¹ The number of defense equipment and military members owned by the PRC is not to be underestimated, in addition, in recent years the PRC has also begun to moderate their defense and develop drones which have great potential to change tactics and ways of fighting in the future.

The PRC's first means of defending its PRC claims is the rapid escalation and restoration of PRC-occupied islands, signaling that the PRC refuses to answer this case, which appears to contrast in explanation and compliance with international standards and law, international law of the sea and definitions of

³⁰ Gerald Theodorus Lumban Toruan, and Adi Sunaryo. "Indonesia's Diplomacy in North Natuna Sea in Confronting China to Protect National Interests." *FOCUS* 1, no. 1 (2020): 21-27.

³¹ Itasari and Mangku, "Elaborasi Urgensi dan Konsekuensi Atas Kebijakan ASEAN dalam Memelihara Stabilitas Kawasan di Laut Cina Selatan Secara Kolektif."

maritime boundaries. The second way at present, the PRC is constantly creating islands within its territory, which are equipped with military and civilian offices and supporting facilities such as military airports, aircraft hangars, ports supported by ship maintenance facilities to soldier barracks. The construction of various offices as well as military and civilian facilities used for military purposes was carried out on small islands in the Paracel and Spratly Islands. The third strategy, the PRC has also deployed an ADIZ (*Air Defense Initiative Zone*) in the SCS, ADIZ is a zone or airspace formed with the aim of special proof of aircraft entering the zone in the context of defense of a country. Airspace can extend from the territorial zone of a country concerned to reach the airspace over the free ocean that borders the country with other countries.³² ADIZ is based on the calculation of potential dangers and areas of national importance objects that are prioritized to be guarded from possible enemy attacks. Each country has the right to establish an ADIZ in the airspace under its power and environment, but the air zone that enters the ADIZ is not expected to grow the power of the state that owns the ADIZ over the free seas included in the territory of that country. Any civil or military aircraft flying into a country that has implemented this system within 200 miles must state the identity, necessity and requirements of the aircraft. This is done for the security of the country from the dangers that come through the country's air space.

³² Ingrid Gabriela, and Tri Cahyo Utomo. "Kebijakan Jepang dalam Mengantisipasi Klaim Air Defense Identification Zone (ADIZ) oleh Tiongkok." *Journal of International Relations* 4, no. 3 (2018): 465-471.

Through the ADIZ it can be concluded that every aircraft that passes, whether civilian or military, needs to report to the military aviation supervisor. Civil air traffic control systems are different from reporting systems operated by ADIZs. Of course, this system is supported by a radar system connected to the air defense weapon system because the purpose of the ADIZ itself should be air defense on the territory of the country. The effectiveness of the ADIZ will be determined by this air defense weapon system.³³ If this is accompanied by the development of the PRC military and the establishment of ADIZ in the SCS area, then what will happen is that freedom of sea shipping, civilian shipping, and military shipping in the region will be hampered, or which indirectly makes the SCS will be under the control of the PRC and at the same time strengthen the PRC's position in the SCS. The PRC government is making non-military efforts in addition to military use to strengthen its claims to the South China Sea. In this regard, the PRC government sponsors maritime law studies, particularly those related to South China Sea disputes. The PRC is also working to familiarize foreigners with their rights to the *Nine Dash Line*. One involves entering the *Nine Dash Line* on the back of the PRC passport.³⁴

The increasing military power of the PRC is certainly accompanied by the PRC's increasingly aggressive ways to defend their claims. The conflict heated up in 1972 at that time South Vietnam which at that time Vietnam was divided into 2 namely North Vietnam (Communist) and South Vietnam (Liberal).

³³ Gabriela and Utomo

³⁴ Baylo, et.al., "Kajian Validitas Klaim China Atas Wilayah Laut Cina Selatan Indonesia."

South Vietnam insists that it has administrative control over the Paracels. This assertion became a justification for Saigon, which issued permits to search for offshore oil so that to maintain it South Vietnam sent its armed forces.³⁵ The PRC responded by deploying its military and there was a war until 1974 which was won by the PRC but the war did not unite the two Vietnams. After Vietnam was united with the communists, Vietnam on July 2, 1976 continued its claim to the *Paracel islands* to this day. Anxiety from some claimants has also increased due to the increasing nationalism of the people and the PRC government, the increase in the PRC's military capabilities through technological developments and the independence of the PRC's defense industry and the PRC's assertiveness in the SCS. The occupation of several islands carried out by the PRC in the SCS itself is also a violation of the *Treaty of Amity and Cooperation in Southeast Asia (TAC)*, considering that Article 2 letter d states that the settlement of disputes between countries is carried out by peaceful means.

In 1994, the Philippines saw the PRC become increasingly aggressive in defending its claims to the South China Sea against it by registering PRC claims with an international arbitration tribunal on the basis of the 1982 UNCLOS which the PRC had also approved and ratified. In 1995, the PRC defended its claim to the SCS in a tougher and more open way by undertaking massive construction and reclamation on *Mischief Reef*, which normally operates as a resort for fishermen. The Philippines, which has claims to the island, reacted to the activity by filing a protest through ASEAN. In 1997, a Philippine navy warship anticipating

³⁵ Bangun, "Upaya dan Peran ASEAN dalam Penyelesaian Sengketa Laut China Selatan."

PRC ships approaching *Scarborough Reef*, an uninhabited coral island that the PRC calls Huangyan Island. This led to protests from the PRC over the expulsion of PRC ships that took place on islands about 1,000 kilometers from the plains and 230 (two hundred and thirty) kilometers from the Philippines. Over the following years, the Philippines repeatedly detained anglers from the People's Republic of China on suspicion of illegal fishing of marine life in the region. In 2009, the People's Republic of China submitted the Nine Dash Line to the *United Nations for recognition of the SCS, called the Nine Dash Line*. Vietnam and Malaysia quickly rejected the proposition, followed by pushback from the Philippines and Indonesia. In 2013, the Philippines challenged the PRC's Nine Dash Line at the *Permanent Court Arbitration* (PCA) in The Hague, Netherlands. The PRC in defending its claims in this dispute stated that the PCA³⁶ had no authority to adjudicate the case, due to issues over sovereignty and the definition of territorial boundaries, which are not regulated by the UN Convention.³⁷

After that, the PRC also stated that it had agreed with the Philippines to resolve the debate over this dispute through diplomacy between countries. However, in October 2015, the PCA in The Hague said that it has authority or jurisdiction over at least seven (7) of the 15 (fifteen) claims recorded by the Philippines, namely *Scarborough Shoal, Mischief Reef, Gaven Reef and McKennan Reef, Johnson Reef, Cuarteron Reef, and Fiery Cross Reef as "islands" or "rocks", the Philippines traditional fishing*

³⁶ See Permanent Court of Arbitration, <<https://pca-cpa.org/en/services/>>

³⁷ Ade Priangani, and Jeremy Aldi Rezki Hattu. "Strategi RRC dalam Dinamika Konflik di Laut China Selatan." *Academia Praja: Jurnal Ilmu Politik, Pemerintahan, dan Administrasi Publik* 3, no. 1 (2020): 113-133.

*right at Scarborough Shoal, protection and preservation of the marine environment at Scarborough Shoal and Second Thomas Shoal, eration of China's law enforcement activities in the vicinity of Scarborough Shoal.*³⁸ The first hearing on the dispute was held in November 2015 during which the PRC did not send a delegation to the PCA.

The PCA then ruled on July 12, 2016 that the PRC had no legitimate reason to claim the SCS and was considered to have aggravated the stability of the SCS through illegal island occupation and island development and reclamation that caused damage to coral reefs and surrounding conditions. While the Philippines welcomed the outcome of the PCA session's decision, the PRC firmly opposed it. In addition to Vietnam and the Philippines, two other ASEAN countries have claims to ownership of several islands in the SCS, namely Malaysia and Brunei Darussalam. While both countries responded more calmly than Vietnam and the Philippines in the face of the SCS debate, especially in the face of the PRC's aggressive behavior, they still supported the PCA's decision and participated in opposing the PRC's claims to the SCS.

The PCA then ruled on July 12, 2016 that the People's Republic of China had no valid reason to claim the SCS and was deemed to have exacerbated the SCS debate through unlawful island occupations and fake island development or restoration that damaged coral reefs and normal conditions within them. areas exterminated from disputed zones. While the Philippines invited the PCA's choice, the PRC firmly opposed it. In addition to

³⁸ An Arbitral Tribunal Constituted Under Annex VII to the 1982 United Nations Convention on The Law of the Sea the Republic of the Philippines and the People's Republic of China. Available online at <<https://pca-cpa.org/en/cases/7/>>

Vietnam and the Philippines, two other ASEAN countries are also involved in the SCS ownership debate, namely Malaysia and Brunei Darussalam. While these two countries responded more calmly than Vietnam and the Philippines in the face of the SCS debate, especially in the face of the PRC's aggressive behavior, it would not be cruel for these countries to take for granted the People's Republic of China's claims in them. SCS.

Malaysia recognizes that issues in the South China Sea must be resolved peacefully in accordance with the legitimate principles of international law. In addressing the PRC's demands, Malaysia continues to take the same action or approach with minor changes. The approach consists of three factors. The first approach is the certainty of the territorial protection of a state and the full sovereign rights in its economic zone. The second approach is a territory or island claimed by Malaysia near Sarawak and Sabah, and there are important fisheries and oil deposits in the waters of both states, both of which are very important to Kuala Lumpur as a profitable resource both in terms of natural resources and economy. The third approach is subject to international law, which in this case is primarily the right to *Freedom of Navigation*. As a small country, Malaysia can be a strong supporter of international law, especially UNCLOS 1982.

Malaysia supports the resolution of different territorial disputes through the PCA in order to resolve PRC claims and conflicting jurisdictions and has participated and has experience with three territories with two countries, Indonesia and Singapore. Since Malaysia is not a very powerful country from a military point of view, in taking a stand on this dispute it defused the dispute by increasing positive relations with the PRC, especially in economic terms. Malaysia has also strengthened its political and military ties

with the United States in recent years, and the two countries have long maintained close economic ties.³⁹ When the PCA issued the results of its hearing in relation to the Philippines' case against the PRC on July 12, 2016, Malaysia issued a statement that in this regard with due regard that the SCS dispute should be resolved peacefully through full respect in a legal and diplomatic form in accordance with UNCLOS. The Malaysian government fully agrees with and supports the PCA's decision that the PRC's *Nine Dash Line* is incompatible with UNCLOS. Malaysia does not recognise *the Nine Dash Line*, so there are no conflicting claims between the two countries. Then create peace and ease political and military tensions in the SCS. As a trade-dependent country, the development of Malaysia's financial or economic capabilities relies on sea trade routes through the Strait of Malacca and the South China Sea. An important point is that sea trade routes through the SCS that connect Sabar with the Serawak themselves stated that problems in the South China Sea should be resolved peacefully so as not to disrupt their economic climate. Malaysia reduced disputes for economic reasons and maintained good relations with the People's Republic of China.⁴⁰

When the Louisa Reef islands were included in *the People's Republic of China's Nine Dash Line* in 1992, Brunnei took a stand by never showing opposition to the claim or occupation and not even sending military force in the region. In 2013 when Brunnei became the chair of ASEAN, Brunnei was more partial to the PRC

³⁹ Eryn Sobarini, et al. "Diplomasi Pertahanan Malaysia di Laut China Selatan: Isu dan Tantangan (Malaysia's Defense Diplomacy in the South China Sea: Issues and Challenges)." *Jurnal Diplomasi Pertahanan* 7, no. 2 (2021).

⁴⁰ Sobarini, et.al.

on SCS disputes while still supporting *shelving disputes and pursuing joint development and* avoiding military conflicts. Brunnei also did not attend informal meetings with the Philippines and ASEAN countries involved with the SCS dispute. Brunnei's attitude is understandable given its small area and dependence on oil and gas which is 90% state income so that military conflicts in the SCS will disrupt their economy.⁴¹

In addition, the PRC's political influence is also large in Cambodia and Myanmar as the main allies of the PRC in the ASEAN region. Cambodia itself basically has no claim to the SCS because their territorial sea areas and EEZs are in the Gulf of Thailand, but when it comes to SCS disputes as an ASEAN member, it is often guided by majority decisions and does not often provide arguments. Even so, Cambodia in 2002, which at that time served as the chair of ASEAN, Cambodia managed to persuade the People's Republic of China to approve the DOC, but ten years later in 2012, Cambodia's attention on the issue of the SCS crisis decreased.⁴² Cambodia's decision not to include the SCS issue on the agenda of the April 2012 ASEAN summit triggered mixed reactions from ASEAN countries involved with the SCS dispute, raising suspicions that in the SCS dispute Cambodia prefers to support the People's Republic of China. Even so, based on Vietnam, the SCS dispute was not too important on the agenda of the ASEAN summit considering the topic of the

⁴¹ Yehuda Purwantoro, "Bandwagoning Brunei Darussalam Terhadap Republik Rakyat Cina Pada Tahun 2018 dalam Konflik Laut Cina Selatan." *Indonesian Journal of International Relations* 4, no. 1 (2020): 1-24.

⁴² Arief Bakhtiar Darmawan, and Lady Mahendra. "Isu Laut Tiongkok Selatan: Negara-negara ASEAN Terbelah Menghadapi Tiongkok." *Jurnal Global & Strategis* 12, no. 1 (2018): 79-100.

summit at that time discussed disputes. Meanwhile, Malaysia considered Cambodia's decision reasonable considering that several ASEAN countries have close relations with China. Constant discussion of LCS issues can be provocative. In an explanatory letter to the media from a spokesman for Cambodia's Ministry of Foreign Affairs and International Cooperation, Cambodia stated that its country has the status and principles to act as an independent and sovereign state. In principle, Cambodia does not want the ASEAN Ministerial Meeting (AMM) to be dominated by bilateral issues related to the SCS. Moreover, Cambodia's role as ASEAN leader is likely to prevent the situation from worsening far worse than before. During its presidency in 2012, Cambodia put pressure on ASEAN members in the SCS to agree to refuse to internationalize the problem to avoid further deterioration of stability in the SCS, a decision not based on mutual agreement. This is thought to have been influenced by the events of 2010, when Premier Wen Jiabao of the PRC met with Cambodian prime minister Samdech Hun Sen and promised financial assistance, so that Cambodia would be willing to abandon the internationalization of the SCS issue.⁴³

At the same time, Myanmar has no direct interest in the disputed territory, Myanmar has the same position as Cambodia which always follows the results of ASEAN decisions and moves with major powers with interests in the SCS. Due to economic sanctions on the United States stronghold, Myanmar opposes American involvement in the region and therefore tends towards

⁴³ Darmawan and Mahendra. *See also* Pangesti Suciningtyas, "The South China Sea Disputes in International Law Perspective." *The Digest: Journal of Jurisprudence and Legisprudence* 2, no. 1 (2021): 117-142.

the People's Republic of China. Increased military cooperation with the PRC is testament to Myanmar's position in dealing with this dispute. In addition, the PRC assisted in the construction of a naval base on Haiggyi Island in 1992 with financial assistance and technical assistance.⁴⁴ Note that, the People's Republic of China can take advantage of this base facility. During his visit to the People's Republic of China in 2011, Thein Sein, Myanmar's president at the time, supported the PRC in the SCS dispute, which made it clear that Myanmar was siding with the PRC.

Then, Laos' role in dealing with SCS claims made by the PRC is very small. Laos, an ASEAN member, rarely speaks. In addition to being an ASEAN member, Laos also receives assistance from the PRC in terms of development and requires investment from the People's Republic of China, although the Lao foreign minister also stated how important the SCS issue and the establishment of the COC are to solve problems and maintain peace. As of 2011, the PRC has invested \$3 billion in Laos over the past twenty years.⁴⁵ Among others, through the development of tourist attractions and the acquisition of a railway line between Vientiane and Kunming. Although Laos has not directly expressed its support for the People's Republic of China such as Myanmar and Cambodia because of its considerable influence in Laos, there is a high probability that Laos will become increasingly dependent on investment and assistance from the PRC and choose to side with the PRC in the SCS crisis.⁴⁶

⁴⁴ Itasari and Mangku, "Elaborasi Urgensi dan Konsekuensi Atas Kebijakan ASEAN dalam Memelihara Stabilitas Kawasan di Laut Cina Selatan Secara Kolektif."

⁴⁵ Itasari and Mangku.

⁴⁶ Septy Handayani. "Strategi Pertahanan Maritim Republik Rakyat Tiongkok di Laut Cina Timur". *Thesis*. (Jember: Faculty of Social and Political Sciences, Universitas Jember, 2018).

V. Conclusion

Regarding the strength of the People's Republic of China's (PRC) historical claim to the Nine Dash Line in the South China Sea (SCS), the way of making claims using historical bases is not justified under the 1982 UNCLOS. This is based on the unregulated or absence of a way to make claims based on historical reasons. In addition, to determine the territorial sea area followed by the EEZ sea, UNCLOS 1982 regulates 3 ways to make self-regulated measurements. The usual 3 ways are to use normal baselines, straight baselines, and island bases. However, given that the PRC's historical reasons are related to the Traditional Fishing Right, it is different. Although UNCLOS cannot justify the PRC's claim to the Nine Dash line, the PRC can still exercise its rights as a country that has rights to Traditional Fishing Right on several islands or islands or several zones in the SCS, so PRC fishermen can still carry out such activities without intervention by other countries under Article 51 paragraph 1 of UNCLOS 1982. If the zone area is an EEZ or territorial sea of another country, the PRC and the country concerned must enter into an agreement recognizing the PRC's Traditional Fishing Rights in the territory of that country.

In defending its claim to the Nine Dash line in the SCS, the PRC in this case uses several means. The first way is to use military means which increase their military capabilities through shipbuilding, technological advances and increasing the PRC's military budget. In addition, the PRC also built several uninhabited islands that have been uninhabited by humans, such as the Paracel and Spratly islands with military intelligence to

provide clues that the PRC rules over the SCS. In addition, the PRC is also an ADIZ (Air Defense Initiative Zone) in the SCS which functions to create a zone or airspace formed for identification purposes in the PRC air defense system. Another method used by the PRC can be seen from the way it deals with ASEAN countries that have similar claims to several islands and EEZs included in the PRC's Nine Dash line. This causes ASEAN countries to be divided if they face the PRC's claim to the SCS. Such as Myanmar, Cambodia, and Laos which tend to support the PRC then the Philippines, Vietnam which tends to oppose the PRC in its claims and countries that tend to try to resolve disputes peacefully such as Indonesia, Malaysia, Brunei which want stability in the SCS region.

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