

Bangka Marine Pollution: Oil Spill towards ASEAN Working Group on Coastal and Marine Environment

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Abstract

Marine areas pollution, which is also an urgent problem for ASEAN. Indonesia is very vulnerable to risk of oil spills and the heavy flow of tanker traffic in Indonesia's maritime waters. Oil spill pollution 2024 at Bangka Belitung Sea polluting a number of coastal areas. The polluted area of the Bangka Islands is one of the agendas that must be resolved. For this reason, it is necessary to have a legal study to maintain ecosystem in accordance with ASEAN cooperation, especially ASEAN WGCME in marine protect the sea in ASEAN sea. This study adopts a normative legal research method, a conceptual approach. Through this study, it is known that oil spills are widely recognized as one of the sources of marine pollution in ASEAN sea as a negative impact of human activities in the sea. The sea area of Bangka periodically experiences oil pollution. The pollution that occurs in the Bangka sea area is not solved systematically, the origin and loss of pollution is unknown. This damage can be effectively resolved through collaboration and cooperation. The ASEAN WGCME



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should be developed to become a legal standard in protecting the coastal and marine environment of the ASEAN region.

KEYWORDS *Oilspill; ASEAN; AWGCME; Marine Pollution*

Introduction

The development in protecting the environment is part from the agreement of international law subjects in greater attention to the environment, the inevitability that the environment has become a problem that needs to be overcome together for the sake of human survival and the preservation of living things on this earth. Its sustainability includes maintaining the marine environment. In seeking the sea, for example, arrest. Fish, an excessive type of fish by defending the marine ecosystem from pollution can cause extinction that cannot be felt in a short period of time.

The conception of international maritime law is inseparable from the early history of international maritime law which is famous for the fight between two related conceptions, namely: Res Communis, which states that the maritime area is the common property of the world, and because it cannot be owned by a sovereign entity such as a state. Objects that are outside the state's assignment can be categorized as res nullius or res communis.¹ Res Nulius, who states that the sea area has no owner, and therefore can be owned and controlled by a ruling entity such as the state.

One of the challenges then is related to pollution which is an urgent problem for Indonesia, because the pollution tragedy has polluted the marine environment that enters the Indonesian sea area. The provisions of international law through the United Nations Convention on the Law of the Sea 1982 (hereinafter referred to as UNCLOS 1982), state that the obligation of the state in protecting the marine environment, this obligation means that this convention emphasizes that the marine environment is a part that must be protected and preserved by every country. Country found guilty of causing harm to another country due to legal actions that are wrong based on international law, the country is obliged to carry out a form of responsibility internationally both with legal

¹ Agustina Merdekawati et al., "Arti Penting Common Heritage of Mankind dalam Rezim Pengaturan Area dan Perkembangannya" XXI, no. 3 (2022): 279–308, <https://doi.org/doi.org/10.19166/lr.v0i3.4198>.

and diplomatic instruments.² Marine pollution cannot be seen solely as a problem that occurs in the sea. The sea and the land are an ecosystem that cannot be separated and affect each other. The destruction of the marine environment is also caused by the rapid development of related science and technology capabilities in the field of exploration and exploitation of the mineral sector.

Oil spills have occurred in several cases, leaving law enforcement with limited options. Indonesia experienced a devastating oil spill known as the Montara case. The Montara oil spill, which occurred in the Timor Sea in 2009, serves as a poignant illustration of the devastating consequences of marine pollution.³ The Montara case was resolved through arbitration, requiring the defendant to compensate for environmental losses, but enforcement has been difficult to achieve. In June 2024, a Dutch-flagged dredging vessel collided with a Singaporean tanker, carrying approximately 400 tons of oil, half the total oil supply on board.⁴ This has the potential to damage the marine ecosystem from the Malacca Strait to the waters of Batam, Indonesia. There has been no legal resolution, focusing only on cleanup efforts. In several of the cases mentioned, the oil spill resolution pattern is carried out independently by the country where the incident occurred. There has been no regional ASEAN resolution.

All forms of exploration and exploitation in the sea are inseparable from environmental pollution. We need to examine further, because it is not exempt from liability. The state of Indonesia is very vulnerable to the risk of oil spills due to offshore oil exploration and production activities and the heavy flow of tanker traffic in Indonesia's maritime waters.⁵ There needs to be a safety program to protect marine resources against marine

² Fadia Fitriyanti and Yordan Gunawan, "Post-Asean Agreement on Transboundary Haze Pollution: How to Settle the Dispute Settlement?," *Hasanuddin Law Review* 5, no. 3 (2019): 253–65, <https://doi.org/10.20956/halrev.v3i3.1541>.

³ Brian Maulana Mahendra, Pao Thai Lien, and Champo Khan Myat, "Legal Framework For Addressing Sea Environmental Pollution A Case Studi of the Montara Oil Spill in East Timor," *International Law Discourse in Southeast Asia* 3, no. 1 (2024): 69–104, <https://doi.org/https://doi.org/10.15294/ildisea.v3i1.78887>.

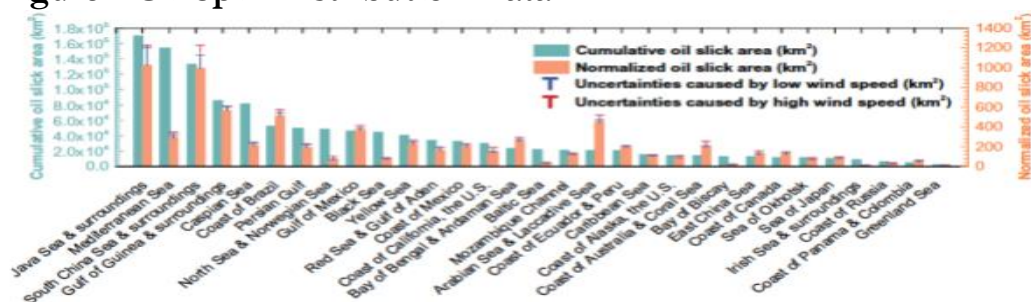
⁴ Alyssa MungcalBrian TeoEsther LoiHannah OngJonas OngLee Pei JieLim YaohuiNg Sor LuanRebecca PazosRodolfo PazosStephanie Adeline, "Oil Spill in Singapore: The Day the Sea Turned Black," *Straitstimes.Com*, 2024, <https://www.straitstimes.com/multimedia/graphics/2024/06/oil-spill-singapore-clean-up/index.html?shell>.

⁵ Tania Daine Lorenz and Cokorda Dalem Dahana, "Akibat Hukum Pencemaran Laut Berupa Tumpahan Minyak Di Indonesia," *Jurnal Media Akedemik* 3, no. 2 (February 2025): 3031–5220, <https://doi.org/10.37905/dikmas.2.4.1197-1202.2022>.

destruction and pollution.⁶ This oil waste pollution will occur in 2024 at Arung Dalam Beach, Sinar Laut Beach, Kobatin Beach, Kulur Village Beach to Perlang Beach. polluting a number of coastal areas or beaches in Koba District, Central Bangka Regency.⁷ Pollution also occurred in the Matras beach area but also in Rambak Beach, Uber Bay, and there was also information on Rebo beach. This beach area is included in the Bangka regency area. Other areas such as the Balikpapan beach in 2018, Karawang Beach in 2019-2021, in the Sunda Strait area in 2013-2018 and the Montara oil refinery spill in the Timor Sea which occurred since 2009.⁸

Based on offshore research data using 563,705 Sentinel-1 satellite images from 2014 to 2019, about 94% of the largest pollution incidents in the ocean originate from anthropogenic discharge (oil discharged due to human activities) that are generally emitted from passing ships. Other data in Figure 1. shows the area of sea area affected by oil pollution in the largest sea area.

Figure 1 Oil Spill Distribution Data



Source: Ocean Justice Initiative

Sentinel-1 data from 2014 to 2019 in western Indonesia shows a red distribution that is getting worse with oil spill warnings. This can be seen in Figure 2 which damages the Indonesian sea area, especially the

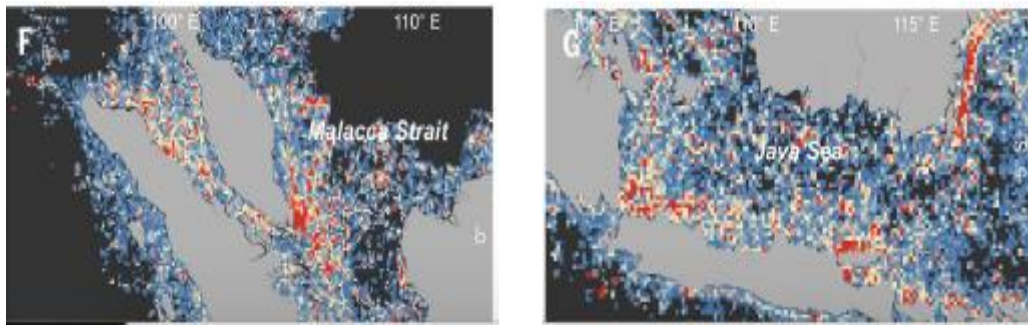
⁶ Elly Kristiani Purwendah, "Korelasi Polluter Pays Principle dan Konsep Blue Economy Pada Pencemaran Minyak oleh Kapal Tanker sebagai Upaya Perlindungan Lingkungan Laut Indonesia," *BINA HUKUM LINGKUNGAN* 2, no. 2 (April 30, 2018): 126–37, <https://doi.org/10.24970/jbhl.v2n2.11>.

⁷ Heru Dahnur, "Limbah Minyak Kental Cemari Pesisir Pantai Di Bangka Tengah," *Kompas.Com*, February 2024, <https://regional.kompas.com/read/2024/02/03/205746378/limbah-minyak-kental-cemari-pesisir-pantai-di-bangka-tengah>.

⁸ Satrio Parikesit Kusumo Nugroho and Anto Ismu Budianto, "Mekanisme Penyelesaian Sengketa Tumpahan Minyak Di Laut Berdasarkan Hukum Internasional," *Reformasi Hukum Trisakti* 4, no. 5 (2022): 1067–80, <https://doi.org/10.25105/refor.v4i5.15085>.

Bangka Belitung sea area which is the unity of the marine ecosystem in the Indonesian Archipelago 1.

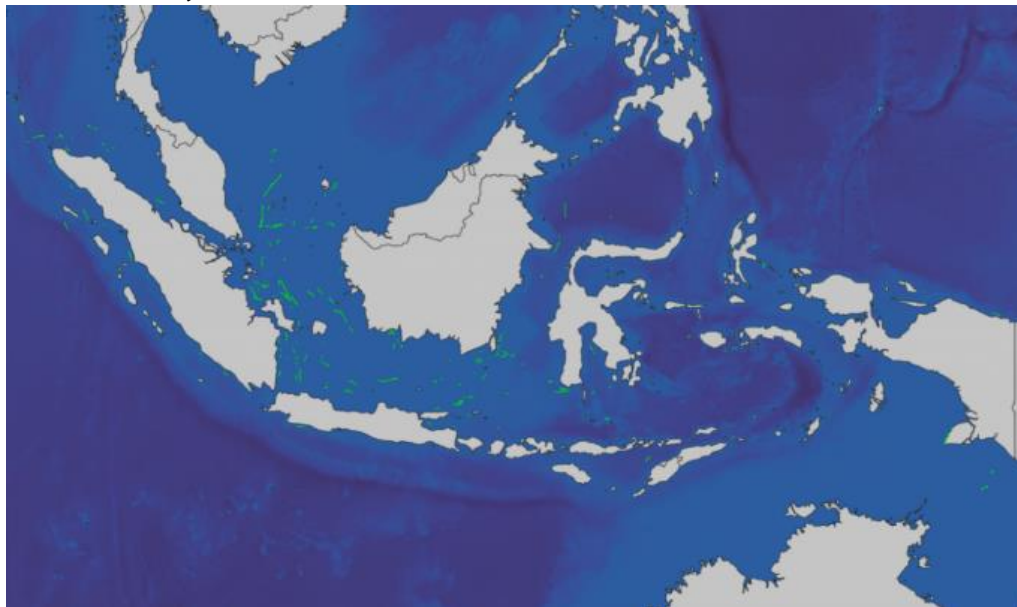
Figure 2 Distribution of Oil Spills in the Western Marine Region of Indonesia



Source: Ocean Justice Initiative

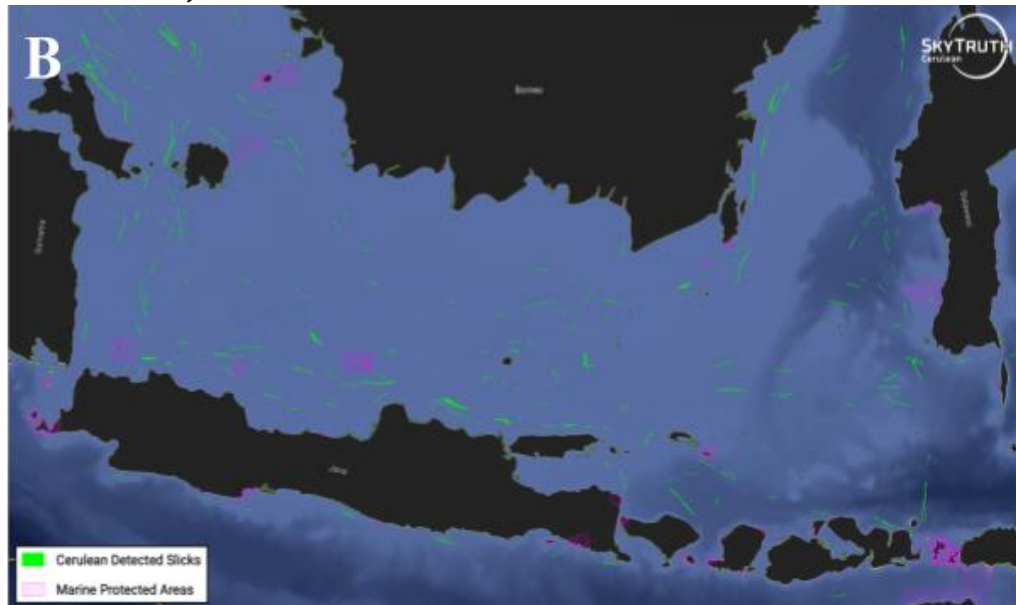
Pollution detection data from SkyTruth (Figure 3 below), in general, it can be seen that many pollutants are in the form of oil spills (green line) in the waters of the Natuna Sea to the Java Sea and a little in the Makassar Strait.

Figure 3 Oil Deposits by Skytruth in Indonesian Waters and Jurisdictions, 2022



Source: Ocean Justice Initiative

Figure 4 Oil Spill Detection by Skytruth in Indonesian Waters and Jurisdictions, 2022



Source: Ocean Justice Initiative

Indonesia as part of the ASEAN region with the largest sea area certainly plays a big role in preserving the sea. The Secretary-General acts on behalf of the ASEAN Secretariat and the Indonesian government acts as an independent entity, even though Indonesia is an ASEAN member country.⁹ Asean's hope will be structured and systematic. The existence of a charter to be more binding on member countries has actually been echoed for quite a long time among ASEAN thinkers.¹⁰ ASEAN ensures that every member state's voice will definitely be heard, preventing coercion of members with differing views to conform to decisions against their preferences.¹¹ ASEAN has a special working group in the field of coastal and marine environment within the ASEAN Working Group on Coastal and Marine Environment (hereinafter referred to as AWGCME). The main objective of the establishment of this working group is for

⁹ Dyan Franciska Dumaris Sitanggang, "Implementasi Personalitas Hukum Internasional Asean Dalam Pembentukan Perjanjian Internasional," *Jurnal Yuridis* 7, no. 2 (2021): 372, <https://doi.org/10.35586/jjur.v7i2.348>.

¹⁰ Sobar Sukmana et al., "Asean Sebagai Subjek Hukum Internasional Dalam Perspektif Hukum Organisasi Internasional," *Journal Palar* 10 (2024): 5, <https://doi.org/10.33751/palar.v10i1>.

¹¹ Ahmad Syofyan et al., "Reformulation of Decision-Making System in ASEAN," *Hasanuddin Law Review* 9, no. 3 (December 1, 2023): 317–29, <https://doi.org/10.20956/halrev.v9i3.4912>.

regional action on the conservation and sustainable management of coastal ecosystems. Protected coastal areas will certainly provide species protection as well as representative areas. The formation of representative coastal areas will provide integrated management of marine economic activities and provide contributions to the community. Finally, this working group will form public awareness, especially coastal communities, about the coastal environment and sustainable sea.

Marine pollution due to oil spills in the Bangka Sea area must be an urgency with the geography of the Bangka area in the form of islands. The polluted area of the Bangka Islands is one of the agendas that must be completed in its entirety through AWGCME. ASEAN, initially conceived as an informal organization, has evolved into a rule-based organization, notably marked by the adoption of the ASEAN Charter in November 2007.¹² ASEAN has carried out this cooperation through the ASEAN Mechanism to Enhance Surveillance against Desludging and Disposal of Tanker Sludge at Sea 2009, this mechanism aims to coordinate the supervision and handling of oil waste from ships regionally. In a more organized form, ASEAN has the ASEAN Center for Biodiversity which serves as a liaison for ASEAN coordination as an international organization to ASEAN countries in the field of environment.

From the description above, it is known that there is marine pollution that occurs in the sea area of Bangka Belitung, this cannot be separated from the unity of the marine ecosystem as a whole. For this reason, it is necessary to have a legal study to maintain the ecosystem in accordance with ASEAN international law, especially in the ASEAN Working Group on Coastal and Marine Environment in the marine sector and protect the sea of Bangka Belitung. There is still a gap in the legal issue that is the problem of this research.

This study adopts a normative legal research method conceptual approaches to examine the protection in Southeast Asia.¹³ This study employs a qualitative approach with a descriptive-analytical method to examine how the practices of Southeast Asian countries influence public international law.¹⁴ Approach to understanding ultimately involves analyzing legal phenomena, particularly international maritime law within

¹² Syofyan et al.

¹³ Zico Junius Fernando, Kiki Kristanto, and Ariesta Wibisono Anditya, "Knitting Democracy, Separating Restraints: Legal Reform and a Critical Analysis of Article 256 of the New Criminal Code and Its Impact on Freedom of Speech," *Journal of Law and Legal Reform* 5, no. 2 (April 30, 2024): 555–86, <https://doi.org/10.15294/JLLR.VOL5I2.1670>.

¹⁴ Agit Yogi Subandi et al., "Southeast Asian Influence on Public International Law : State Practices And" 4, no. 1 (2025): 129–57.

the ASEAN region. The oil spill pollution issue has been presented by ASEAN for analysis, reflecting the interaction between national law and regional international law. This perspective examines the international maritime law established by ASEAN, although soft law can influence ASEAN member states and resolve international maritime law issues.

This research aims to resolve oil spill cases within the ASEAN framework, with the ASEAN Working Group on Coastal and Marine Environment. This legal framework is part of the legal responsibility of the subjects of an integrated international organization. The unity of the marine ecosystem in resolving marine pollution must be addressed collaboratively. Oil spill cases have previously been handled independently or through the courts, which only consider a partial aspect, not the entire ecosystem.

The resolution of the oil spill must be addressed collaboratively within the framework of ASEAN regional international law. All data in this study was conducted through library research, consisting of international conventions, including the 1982 UNCLOS international maritime legal umbrella, the ASEAN Working Group on Coastal and Marine Environment regional international agreement, the ASEAN Mechanism to Enhance Surveillance against Desludging and Disposal of Tanker Sludge at Sea, and the ASEAN Charter, which confirms ASEAN as a subject of international law. Empirical methods such as interviews, site observations, and so on were used. This research will focus on secondary data through doctrinal and theoretical legal analysis.

International Legal Responsibility for the Pollution of the Bangka Belitung Sea Related to Oil Spills

Geographically, it is undeniable that Indonesia is blessed with more water areas than its land area.¹⁵ The excess of the water or sea area can be full to take advantage of all the potential contained in it. Considering the distribution of islands, both in the deep waters and the Indonesian border on the Indonesian Archipelago, the prospect of marine environmental security must be improved by adjusting the area owned. Every year, the sea route is passed by ships from the Asian continent to the American

¹⁵ Amiek Soemarmi and Amalia Diamantina, "The Concept of Archipelago States in an Effort to Protect Indonesia's Fisheries Management Areas," *Legal Issues* 48, no. 3 (2019): 241.

continent through the Pacific and vice versa, the official voyage is getting more crowded. Because it is a major transit route for oil carriers, most of the oil pollution in the East Asian Seas is caused by shipping activities and shipping accidents.¹⁶ International shipping ships, both commercial ships and warships, can pass through without having to ask for permission first.¹⁷

Oil spillage is widely recognized as one of the major sources for marine pollution in ASEAN oceans.¹⁸ The issue of marine security is in the form of threats of sea violence, threats of navigation, threats to marine resources, destruction and pollution of the sea and its ecosystems as well as threats to sovereignty. Marine pollution itself can result from oil spills due to ship accidents, waste dumped by factories into the sea, and offshore oil mine leaks, or dumping intentionally carried out by ships. In the international world, marine pollution often results in disputes between countries bordered by the sea. Therefore, each country must develop guidelines for the settlement, establishment, and management of conservation areas or areas that require extraordinary measures for the conservation of biodiversity. This Convention also obliges each country to create the conditions necessary for the harmony between current uses and the conservation of biological diversity and its components' sustainable use. Conservation is a critical approach that every Coastal State must adopt. UNCLOS is a global regulation that does not directly affect marine protected area policies in Indonesia.¹⁹

In Indonesia advancements recognize natural ocean ecosystems' biological, ecological, and biogeochemical interconnectivity from a natural sciences perspective.²⁰ One of the negative impacts of human activities in the sea is the occurrence of pollution. Classify the sources of pollution, based on the activities that cause the pollution and based on the way

¹⁶ Idris et al., "Legal Cooperation in the ASEAN Maritime Environment in the Free Trade Era: Its Implication for Indonesia," *Hasanuddin Law Review* 8, no. 3 (2022): 288–298.

¹⁷ Levina Yustitiningtyas, "Security and Law Enforcement in Indonesian Waters as a Consequence of the Determination of the Indonesian Archipelago Sea Lane (ALKI) Article History," *Pandecta* 10, no. 2 (2015): 143–152, <http://journal.unnes.ac.id/nju/index.php/pandecta><http://dx.doi.org/10.15294/pandecta.v10i2>.

¹⁸ Idris et al., *Op. Cit*

¹⁹ Adrian Nugraha, "Legal Analysis of Current Indonesia 's Marine Protected Areas Development" 5, no. 1 (2021): 14–28, <https://doi.org/10.28946/slrev.Vol5.Iss1>.

²⁰ Katie Arkema, Sarah Abramson, and Bryan Dewsbury, "Marine Ecosystem-Based Management: From Characterization to Implementation," *Frontiers in Ecology and The Environment - FRONT ECOL ENVIRON* 4 (2006): 525–32, [https://doi.org/10.1890/1540-9295\(2006\)4\[525:MEMFCT\]2.0.CO;2](https://doi.org/10.1890/1540-9295(2006)4[525:MEMFCT]2.0.CO;2).

pollutants enter the environment. Special-Use Areas are marine zones for scientific research and educational purposes, restoration, or monitoring, and may be used to establish areas that confine or restrict activities such as personal watercraft operations and mooring fields for live-aboard vessels.²¹ The challenge of damage due to natural factors, pollution, and defense disturbances must be protected by the island owner country. Oil spills are common in marine environments, and many small spills are not reported, particularly in areas where environmental standards or regulations are minimal, unenforceable, or nonexistent.²²

The case of marine pollution, due to the ExxonValdez ship accident in the Alaska Sea in 1989 that spilled 37,000 tons of crude oil.²³ The case of the sinking of the Prestige ship off the coast of Galicia, Spain (Atlantic Ocean) in 2002 (spilling 77,000 tons of oil) which caused huge losses and polluted the seas of the two countries (France and Spain) to the detriment of the country's fishing industry.²⁴ The slick affected 3000 km of coastline, from the mouth of the river Miño (Spain) to the English Channel (France). The clean-up operations of the slick were extended along the Spanish, French and Portuguese coasts.²⁵ International cooperation is carried out with the help of the countries of Holland, France, Germany, Belgium and the United Kingdom. Another major case of oil spill pollution across ASEAN countries is the Montara case. The Montara oil disasters since August 21, 2009. The Australian Embassy explained that crude oil began flowing into the Timor Sea and notified the Government of Indonesia.

²¹ Brian D. Keller and Billy D. Causey, "Linkages between the Florida Keys National Marine Sanctuary and the South Florida Ecosystem Restoration Initiative," *Ocean and Coastal Management* 48, no. 11–12 (2005): 869–900.

²² Baiyu Zhang et al., "Marine Oil Spills-Oil Pollution, Sources and Effects," *World Seas: An Environmental Evaluation Volume III: Ecological Issues and Environmental Impacts* (January 1, 2018): 391–406.

²³ Stephen Leahy, "Exxon Valdez Changed the Oil Industry Forever—but New Threats Emerge," March 22, 2019, <https://www.nationalgeographic.com/environment/article/oil-spills-30-years-after-exxon-valdez#:~:text=The Exxon Valdez was the,of what was pristine wilderness.>

²⁴ Miguel Michinel, "The Prestige in the Courts," *Australian and New Zealand Maritime Law Journal* 21 (2007): 171–177.

²⁵ Gonzalo Caballero-Miguez and Raquel Fernández-González, "Institutional Analysis, Allocation of Liabilities and Third-Party Enforcement via Courts: The Case of the Prestige Oil Spill," *Marine Policy* 55 (2015): 90–101, <http://dx.doi.org/10.1016/j.marpol.2015.01.003>.

showing satellite imagery obtained showing the oil spill was flowing towards Indonesia EZZ in the form of a plume.²⁶

Pollution of the marine environment is one of the subjects of discussion in the United Nations.²⁷ In principle, the method deployed to combat an oil spill is dependent on the type of oil spilled (light, medium, or heavy), quantity of oil spilled, affected area, type of life at the spill location, environmental conditions, and time at hand.²⁸ In Indonesia innovative institutional solutions which address the problematic issues that arise from spatial mismatches of institutional and ecological units and from cross-scale interactions in coastal and marine management have not yet reached the policy recommendation level.²⁹ Regulation at the regional level is an essential prerequisite in the process of integrating the ASEAN maritime law system, where the regulatory framework must be based on the principles of environmental protection and sustainable development. The fundamental challenge faced is how to harmonize ecological interests with legal progressivity to ensure the preservation of maritime resources. Departing from the inherent function of law as a regulator of various interests, the establishment of a comprehensive legal system is an urgency. The system must be designed to be able to manage the development interests of the marine sector which relies on environmental protection and sustainability, by implementing one of the polluter *pays principle* as one of its main instruments.

In the ASEAN region, there are several cases of oil spill pollution. The 1995 pollution incident where there was a dumping of 42 drums of potassium cyanide near a jetty on the island of Pangkor in the Perak State, Malaysia is still remembered.³⁰ The Montara Oil Spill, occurring in the Timor Sea in 2009, serve as a poignant illustration of the devastating consequence

²⁶ Brian Maulana Mahendra, Pao Thai Lien, and Champo Khan Myat, "Legal Framework For Addressing Sea Environmental Pollution A Case Study of the Montara Oil Spill in East Timor," *International Law Discourse in Southeast Asia* 3, no. 1 (2024): 69–104.

²⁷ "Ship Oil Leak Case Trial Opened," 2012, https://www.bbc.com/indonesia/dunia/2012/10/121016_spainoiltrial.

²⁸ Yaw Kwakye Adofu, Emmanuel Nyankson, and Benjamin Agyei-Tuffour, "Dispersants as an Oil Spill Clean-up Technique in the Marine Environment: A Review," *Hell* 8, no. 8 (August 2022): e10153, <https://linkinghub.elsevier.com/retrieve/pii/S2405844022014414>.

²⁹ Marion Glaser et al., "Ocean & Coastal Management Of Exploited Reefs and Fisheries A Holistic View on Participatory Coastal and Marine Management in an Indonesian Archipelago," *Ocean and Coastal Management* 116 (2015): 193–213, <https://doi.org/10.1016/j.ocecoaman.2015.07.022>.

³⁰ Abdulkadir O Abdulrazaq, Sharifah Zubaidah, and Syed Abdul, "Oil Discharge By Ships As A Form Of A Security Threat In Malaysian Ports" (2014): 19–35.

of marine pollution.³¹ Hydrocarbon oil and gas leakage due to an explosion at The Montara Well Head Platform (PTTEP Australasia in the West Atlas Block) in Australian waters (690 km west of Darwin and 250 km northwest of Truscott, Western Australia) with an estimated spill of 400 barrels/day (64 tons/day) entering Indonesia's EEZ.³² The Coastal Resource Management Project From Philippines promoted these approaches by collaborating with municipal and national government and other donor-assisted projects focused on the coastal environment and its governance.³³

Given the high pollution that can be caused by ship shipping activities at sea, the urgency to implement the *polluter pays principle* is very significant. The application of this principle is a crucial instrument to ensure the achievement of the conception of the preservation of maritime ecosystems, or what is referred to as the 'blue sea'. Fundamentally, the principle establishes an absolute obligation for polluting entities to compensate for the resulting environmental damage, where this obligation is seen as a risk inherent in their business activities.

The main rule of international maritime law UNCLOS 1982 is a product of UN law that regulates issues related to the sea and the marine environment within the framework of international law. One of the main expectations of the emergency norm is to optimally regulate the movement of oil to prevent changes in position towards the coast or the habitat of nearby ecosystems. It is also expected to reduce the toxic impact of oil on the marine environment. Based on these factors, there are several regionally codified methods that can be used by international law subjects in responding to emergency situations, thus, a quick analysis is essential to identify the most suitable options to consider in order to minimize the overall impact of spills.

The existence of marine agencies with inter-countries will certainly be very useful if its function is to integrate marine security and protect the marine environment. Marine security does not only maintain the threat of

³¹ Mahendra, Lien, and Myat, "Legal Framework For Addressing Sea Environmental Pollution A Case Study of the Montara Oil Spill in East Timor."

³² Yusnia Tika Safitri, Mahendra Putra Kurnia, and Rika Erawaty, "State Accountability for West Atlas Montara Oil Pollution in Indonesian Sea Based on UNCLOS 1982," *Legal Treatise* 16, no. 1 (June 2020): 34–44, <http://jaringnews.com/internasional/asia/19459/tragedi-tumpahan-montara-di-laut-timor->.

³³ Alan T. White, Rose Liza Eisma-Osorio, and Stuart J. Green, "Integrated Coastal Management and Marine Protected Areas: Complementarity in the Philippines," *Ocean and Coastal Management* 48, no. 11–12 (2005): 948–971.

enemies both conventionally and environmental pollution to oil spills. Orientation to law enforcement as well as integration between marine security and the marine environment will give great strength in accordance with the concept of the Working Group on Coastal and Marine Environment. the ASEAN Working Group on Coastal and Marine Environment (AWGCME) has just recently proposed the integration of all regional environmental efforts for both land and water ecosystems, given that both ecosystems are interconnected.³⁴ AWGCME serves to ensure the governance of coastal areas and marine area regimes, including ecosystems, species, and environmental education in Southeast Asian countries directly adjacent to coastal areas, and also acts as a forum for negotiation and consultation for coordination and collaboration of ASEAN members, also ensuring that conservation and management are carried out in an integrated and sustainable. As a form of implementation of the mandate, a meeting of ASEAN countries on Reducing Marine Pollution was held in Thailand. The meeting is designed to facilitate dialogue between the various stakeholders of ASEAN sectoral bodies. The main goal is to formulate a more effective collective strategy to combat environmental pollution, one of which is oil spill pollution.

Article 1 paragraph (4) of the UNCLOS 1982. The Convention defines pollution in Article 1(1)(4). namely UNCLOS 1982 regulates the authority of the state to make rules to protect waters from oil spill pollution. This authority is related to two main things, drafting regulations for environmental protection and ensuring that they are appropriate. The powers that each country has is different, depending on the marine zone protected in accordance with UNCLOS 1982. Pollution of the marine environment enters the water environment, either directly or indirectly, caused by human actions that pollute the environment, marine life, humans, or water quality, as well as interfere with other legitimate uses of the sea, such as fishing and other lawful uses of the sea. Not only do oil spill incidents cause pollution that damages the marine ecosystem, but they also more often than not result in losses to various parties.³⁵ By looking at this, international law has long regulated the issue of obligations for

³⁴ Febryani Sabatira, "SOUTHEAST ASIA REGIONAL COOPERATION ON TACKLING MARINE PLASTIC LITTER," *Lampung Journal of International Law* 2, no. 2 (August 13, 2020): 69–84.

³⁵ Cindy A Prasasti, Kania Rahmadiani, and Fayza Muthmainnah, "Legal Basis and Procedures Unification on Oil Spill Damage Compensation In International Convention on Civil Liability for Oil Pollution Damage (1992) and The International Convention on Civil Liability for Bunker Oil Pollution Damage (2001): On Indonesia," *Journal of Private International Law Studies* 1, no. 1 (2024).

environmental polluters who cross the borders of a country or one party to another. It is known as Transfrontier Pollution (TFP). Since the early 1970s, this problem has often occurred, raising the question of the need for an agreement that regulates and addresses the problem. Examples of agreements that have been agreed that regulate the issue of TFP are the Brussels Convention Relating to Intervention on The High Seas in Cases of Oil Pollution Casualties and the Convention on Civil Liability for Oil Pollution Damage. The regional rules governing the prevention of pollution of the Black Sea from ships should be distinguished.³⁶

The two agreements were motivated by the incident of the wreck of the oil tanker *Torrey Canyon*, off the coast of England in 1967. The two agreements, approved in 1969, are important in the regulation of the environment of public goods such as air, water and oceans. This is the reason why the issue of environmental damage must be a shared responsibility, regardless of whether the country is large or small, rich or poor, and the perpetrator or victim. It does not mean that the legal obligations born later because of the difference in the Act are also assumed to be the same. Polluters or those who are indicated to have a major contribution to the occurrence of global environmental damage, of course and it has become a must, have a greater obligation than pollution victims or those who do not make efforts to destroy the environment.

The concept of state responsibility in the context of environmental problems will certainly be associated with the principle of state sovereignty. Based on the Principles of the Stockholm Declaration, countries are no longer fully sovereign in managing their natural resources, but must take full responsibility for natural resource management activities in their territory so as not to damage the environment of other countries. With regard to the responsibility of the state for activities that cause environmental damage, there are several actions that the state can take to demonstrate responsibility for such violations, which may include: (a) Implementing environmental protection and preventing environmental damage, in accordance with the Precautionary Principle; management", (b) Admitting wrongdoing and apologizing to the state for damage or loss; (c) Immediately stop activities that cause environmental damage; (d) Carry out environmental restoration, which can be carried out directly by the country that commits the violation by sending experts or tools/equipment to carry out restoration.

³⁶ Olena Kostyria and Alla Ivanova, "International Legal Protection of the Marine Environment from Pollution from Ships on the Example of the Black Sea," *Lex Portus* 1, no. 21 (2020): 37–50.

Legal Responsibility of the Bangka Belitung Sea Area in Marine Pollution Related to Oil Spills

Governments and the international community must be able to overcome problems related to regulation in the marine sector today, each scattered in various separate, individual and sectoral conventions. It also has the potential to overlap, inconsistent and confusing in its implementation. Cross-sector coordination has not been effective and there is a lack of tools for law enforcement and sovereignty at sea. This collaboration includes uncovering environmental crime syndicates, corporate crimes, smuggling, and the involvement of administrative officials. Such collaboration requires the active role of law enforcement, from the beginning of the investigation to the presentation of evidence in court. The connection with maritime defense is: Damage to the marine environment poses a threat to national defense, thus requiring law enforcement. These changes in regulations create potential risks to the environment, and in particular to small-scale fishers who depend on fishing areas and the use of coastal areas for their livelihoods.³⁷

In addition, the marine sector is closely related to other sectors, such as economy, politics, socio-culture, and defense and security, so efforts are needed to realize integrated implementation in the marine sector through centralized planning methods and decentralized implementation. Oil spill pollution on Bintan Island The government of Kepulauan Riau Province has established Standard Operating Procedures (SOP) related to oil spills issues, including Law enforcement, AIS System, Port State Control, Oil Modelling, and Surveillance of next occurrence.³⁸ The oil spills that contaminated Sedari Sea have adversely affected the fishermen as they rely heavily on fishing as their source of income in Sedari Village.³⁹

³⁷ Aji Baskoro and Hofifah Hofifah, "Instability of Marine and Fisheries Governance: Licensing, Authority and Impact on Coastal Communities," *Rechts Vinding Journal: National Legal Development Media* 12, no. 3 (December 31, 2023): 405–424.

³⁸ Dhani Akbar et al., "Environmental Awareness and Concern over Transboundary Oil Spill in Bintan Island: A Preliminary Analysis Results," *E3S Web of Conferences* 324, no. November 2020 (2021): 1–5.

³⁹ P. Alvernia, T. E.B. Soesilo, and H. Herdiansyah, "Social Impacts of Oil Spills towards the People Living in Coastal Areas," *IOP Conference Series: Earth and Environmental Science* 802, no. 1 (2021).

ASEAN countries are members of the United Nations Convention on the Law of the Sea (UNCLOS), where the convention underlies countries to take national policies and cooperation to protect coastal and marine environments.⁴⁰ UNCLOS 1982 has a regime of marine areas including Sovereignty over Resources, Preventive Measures, Shared Heritage of Humanity, Environmental Conservation, Sustainable Development, International Cooperation. The regime consists of the Territorial Sea, Additional Zones, Exclusive Economic Zones, and the Continental Shelf are some of the sovereign areas of a coastal state or the sovereign rights of coastal states. Although the High Sea, the Seabed, and the Area are considered to be the common heritage of humanity

International environmental norm, reflecting for collective global consciousness, underscore but the critical role of prevention in averting and mitigating environmental harm caused by oil spills. Marine Implementation is also carried out based on the principles of sustainability, consistency, integration, legal certainty, partnership, equity, community participation, openness, decentralization, accountability, and justice. The scope of regulation in the implementation of Marine includes the Sea area. Marine Development, Marine Management, Marine Development, Marine Space Management and Marine Environmental Protection, Defense, Security, Law Enforcement, Safety at Sea, Governance and Institutions, and Community Participation.

The great potential of the sea must be maintained so that it can be used by Asean countries. Examples such as The Natuna region spans an expansive area of 141,901.20 km², predominantly comprised of oceanic territory. renowned for its rich oil and gas reserves totaling 308.30 million barrels and natural gas reserves amounting to 54.78 trillion cubic feet.⁴¹ Transport with sea is the basis of the international economy and responsible for more than 80% of global trade volume. Global supply chains provide a convoluted web of trade movements.⁴²

⁴⁰ Yoga Suharman and Suratih Muhamad Karo, "The Effectiveness of ASEAN Cooperation in Marine Environmental Protection (MEP) in South China Sea (SCS)," *Journal of International Relations* 9, no. 1 (2020).

⁴¹ Annida Ayuning Tyas, "The Natuna Waters Conflict Between Indonesia and Vietnam: How Is It Resolved in International Law?," *International Law Discourse in Southeast Asia* 2, no. 1 (2023): 119–134.

⁴² M. Rezaul Karim Chowdhury, Saharuddin Abdul Hamid, and Nurul Haqimin Mohd Salleh, "Conceptualization of Region-Specific Comprehensive Ocean Management Regime for Maritime Economic Exploration," *Hasanuddin Law Review* 11, no. 1 (April 1, 2025): 106–131.

International Convention for the Prevention of Pollution from Ships 1973/1978 (MARPOL 1973/1978). Marpol contains 6 (six) Annexes containing regulations regarding the prevention of pollution from ships to Annex I - Oil; Annex II - Nixious Liquid; Substance Carried in Bulk (Nox liquid in bulk); Annex III - Harmful Substancein Packages Form; Annex IV - Sewage (dirty water/sewage); Annex V - Garbage; Annex VI - Air Pollution.

International Convention for the Prevention of the Sea by Oil (OILPOL) 1954: The substance of this convention is or a mixture of oil from all ships sailing in all marine environments within 50 miles of the coast of a country. For special zones such as prohibited zones, the ban is extended to as far as 100 miles from the nearest coast, such as the Mediterranean Sea, the Adriatic Sea, the Red Sea, the coast of Australia, the coast of Madagascar and so on. However, due to the development of oil transportation since 1960, this provision was amended by amendment. This convention allows participating countries to intervene on the high seas. This intervention is also in order to take measures on the high seas that are deemed necessary to prevent, eliminate or deter major hazards that may arise on the coast of a country. Where before taking intervention actions, coastal countries first try to consult with other countries whose ships will be affected by intervention. In cases that require immediate action, coastal states can intervene immediately, but such actions must be reasonable in view of the impact of pollution. The World Conservation Union (IUCN) provides a definition of marine protected areas as an inseparable part of ecosystems with tidal conditions or subtidal conditions, including aquatic animals and plants with surrounding characteristics that have been determined and are obliged to be conserved through legal norms or stages of effective measurable measures.

In peaceful crossings there is no right of way and can be suspended; In contrast to the archipelago crossing which has the right to fly through the air route over the sea and cannot be suspended. Supervision and control are given excessively to archipelagic countries, while for archipelago sea channels, they are more limited. For warships navigating in peaceful passages, there is still a difference of view between having to have notice or without notice because it is not expressly regulated in international law. This is in contrast to the cross-archipelago where any warships and foreign aircraft are free to use the inter-archipelagic sea route. There must be the establishment of biological corridors, the use of environmentally sound land use land planning practices and the definition of functionally interconnected protected area systems, that contemplate

spatial movement of species, function complementarily in their protected habitat diversity and include functional redundancy in case not all the sites can be effectively protected.⁴³

Law Number 22 of 2001 concerning Oil and Gas dated November 23, 2001. The authority regarding the management of oil and gas is regulated in Article 4 of Law Number 22 of 2001 concerning Oil and Gas, which states that a) Oil and Gas as a non-renewable natural resource contained in the Indonesian Mining Jurisdiction is a national asset controlled by the state; b) Domination by the State as referred to in the Domination by the State as referred to in; c) The Government as the holder of mining power shall form an Executive Agency as stipulated in Article 1 number 23.

B3 waste management arrangements are regulated in: Law Number 14 of 1992 concerning Road Traffic and Transportation; Government Regulation No. 18 of 1999 jo. Government Regulation Number 85 of 1999 concerning the Management of Hazardous and Toxic Waste Materials. Government Regulation No. 74 of 2001 concerning the Management of Hazardous and Toxic Materials; Government Regulation No. 64 of 2000 concerning Licensing of the Utilization of Nuclear Energy; Government Regulation No. 41 of 1993 concerning Road Transportation; Government Regulation Number 41 of 1999 concerning Pollution Control Article 18 which states that: 1) The implementation of air pollution control operations in the regions is carried out by the Regent/Mayor of the Head of the Regional Level II; 2) The implementation of operational coordination of air pollution control in the regions is carried out by the Governor; 3) The operational policy of air pollution control as intended in paragraph (1) may be reviewed after 5 (five) years. Pollution of the marine environment by oil can have a negative impact on biological and non-biological resources, as follows: 1. Impact on non-biological resources Oil can damage non-biological sources of wealth, such as: Surface water and groundwater (most easily polluted by oil spills); Sediment and soil (often contaminated due to direct or indirect contact); Air (danger of benzene evaporation, because it has carcinogenic effects); Ancient objects (such as nature reserves and treasures on the seabed are considered to reduce their aesthetic value).

Suggestions and recommendations regarding Oil spills in the Bangka Sea have not been systematically resolved due to their unknown origins. Legal development must be directed towards the creation of

⁴³ Juan E. Bezaury-Creel, "Protected Areas and Coastal and Ocean Management in Mexico," *Ocean and Coastal Management* 48, no. 11–12 (2005): 1016–1046.

tactical regulations within the ASEAN legal framework, so that Indonesia can have early detection and integral law enforcement for cases in the Bangka Sea area. Legal reforms that tighten the implementation of the polluter pays principle. National regulations must include a strict liability scheme that requires polluting entities to pay full compensation for damage to coastal ecosystems. ASEAN, which has now had a rule-based organization since the adoption of the ASEAN Charter, cooperation within the ASEAN Working Group on Coastal and Marine Environment should no longer be viewed merely as a voluntary agreement. ASEAN must be able to integrate maritime security law enforcement with maritime environmental oversight in an integrated manner under an operational cooperation platform.

Conclusion

Forms of exploration and exploitation at sea are inseparable from environmental pollution. The risk of oil spills due to offshore oil exploration and production activities and heavy tanker traffic in marine waters. ASEAN has a special working group on coastal and marine environments in the ASEAN Working Group on Coastal and Marine Environment. Marine pollution itself can be caused by oil spills due to ship accidents, waste dumped by factories into the sea, and leaks from offshore oil mines, or deliberate dumping by ships. Classify pollution sources, based on the activities causing the pollution and based on how pollutants enter the environment. Several cases of marine pollution due to oil pollution have occurred in ASEAN resulting in massive damage to marine ecosystems. The Bangka Sea region periodically experiences oil pollution up to coastal areas. In 2024, oil pollution occurred in the sea areas of Regency Bangka Tengah and Regency Bangka. This pollution was not resolved systematically so that its origin and disappearance were unknown. This damage can be effectively resolved through collaboration and cooperation. The ASEAN Working Group on Coastal and Marine Environment must be developed to become a legal standard in maintaining the coastal and marine environment of the ASEAN region. Although the ASEAN Working Group on Coastal and Marine Environment is still interpreted as a soft law that is obeyed by all ASEAN countries, it is necessary to seriously discuss changing the ASEAN Working Group on Coastal and Marine Environment into a multilateral law that is obeyed by regional international law. This is to be able to maintain and ensure a clean marine environment and cooperation in cleaning up oil pollution cases is resolved quickly

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