

# Effective efforts in resolving international disputes: A review of the principles of international law in the case of the Ligitan and Sipadan Island disputes

Yehezkiel Hasiholan Simamora <sup>a</sup>✉

<sup>a</sup> Center for Southeast Asian Studies, Universitas Negeri Semarang, Indonesia

✉ Corresponding email: [yehezkiel12@students.unnes.ac.id](mailto:yehezkiel12@students.unnes.ac.id)

## Abstract

Efforts to resolve international disputes are critical in maintaining global stability and fostering peaceful relations among nations. This paper provides a comprehensive review of the principles of international law employed in resolving the Ligitan and Sipadan Island disputes. These disputes, between Malaysia and Indonesia, centered on the sovereignty of two small but strategically significant islands in the Celebes Sea. The analysis begins with an examination of the historical context and the claims made by both parties, highlighting the complexities involved in territorial disputes. Subsequently, the paper delves into the application of international legal principles, including territorial sovereignty, historical rights, and principles of equity and justice. Special attention is paid to the role of international courts and tribunals in adjudicating such disputes, with a focus on the rulings and decisions made in the Ligitan and Sipadan



case. Furthermore, the paper evaluates the effectiveness of diplomatic negotiations and arbitration mechanisms in reaching a resolution. It explores the importance of bilateral and multilateral agreements, as well as the significance of third-party mediation, in facilitating constructive dialogue and compromise between conflicting parties. The findings underscore the importance of adherence to established principles of international law, respect for territorial integrity, and commitment to peaceful conflict resolution. Moreover, the case study offers valuable insights into the challenges and opportunities inherent in resolving complex international disputes, serving as a framework for future efforts in conflict management and diplomacy. In conclusion, the paper advocates for the continued application of international legal norms and mechanisms in addressing territorial disputes, emphasizing the need for dialogue, cooperation, and respect for the rule of law in the pursuit of lasting peace and stability in the international community.

**KEYWORDS** *Dispute Resolution, Sipadan-Ligitan Case, Indonesia-Malaysia Dispute, Territorial Dispute*

## Introduction

In the realm of international relations, disputes over territory and sovereignty often pose significant challenges to regional stability and global security.<sup>1</sup> The resolution of such disputes requires a delicate balance of diplomacy, legal expertise, and adherence to established principles of international law. One such contentious case is the Ligitan and Sipadan Island disputes between Malaysia and Indonesia, which have been the subject of prolonged contention and legal deliberation.<sup>2</sup>

---

<sup>1</sup> Biersteker, Thomas J. "State, sovereignty and territory." *Handbook of international relations* (2013): 245-272; Rudolph, Christopher. "Sovereignty and territorial borders in a global age." *International studies review* 7.1 (2005): 1-20.

<sup>2</sup> See Haller-Trost, Renate. *The territorial dispute between Indonesia and Malaysia over Pulau Sipadan and Pulau Ligitan in the Celebes Sea: a study in international law*. IBRU, 1995.

The sovereignty of Ligitan and Sipadan, two small but strategically important islands situated in the Celebes Sea, has been a point of contention between Malaysia and Indonesia for decades. Both nations have asserted historical, geographical, and legal claims to these territories, leading to protracted disputes and occasional tensions in their bilateral relations.<sup>3</sup>

Efforts to resolve these disputes have involved a multifaceted approach, encompassing diplomatic negotiations, legal proceedings, and international arbitration. Central to these endeavors are the principles of international law, which provide a framework for the adjudication and resolution of territorial conflicts. These principles include the concept of territorial sovereignty, historical rights, equitable principles, and the peaceful settlement of disputes.<sup>4</sup>

In addition, international disputes are often serious challenges that test the durability of relations between countries in an increasingly globalized world. Dispute resolution becomes an urgent need to prevent escalation of conflicts that can harm both parties. Within this framework, the principles of international law play a key role in guiding the settlement process in a fair and sustainable manner. One of the cases of international disputes that attracted attention was the dispute between Indonesia and Malaysia related to Ligitan Island and Sipadan. These two islands, located

---

<sup>3</sup> See Djalal, Hasjim. "Penyelesaian Sengketa Sipadan-Ligitan: Interpelasi." *Jurnal Hukum & Pembangunan* 33.1 (2017): 127; Lestari, Tri Ditaharmi, and Ridwan Arifin. "Sengketa Batas Laut Indonesia Malaysia (Studi Atas Kasus Sipadan Ligitan: Perspektif Indonesia)." *Jurnal Panorama Hukum* 4.1 (2019): 1-10; Novitasari, Choirunnisa Nur. "Analisis Putusan Mahkamah Internasional dalam Kasus Sengketa Indonesia-Malaysia Mengenai Pulau Sipadan dan Ligitan." *The Digest: Journal of Jurisprudence and Legisprudence* 2.2 (2021): 231-262.

<sup>4</sup> Tuhulele, Popi. "Pengaruh Keputusan Mahkamah Internasional dalam Sengketa Pulau Sipadan dan Ligitan terhadap Penetapan Garis Pangkal Kepulauan Indonesia." *Jurnal Sasi* 17.2 (2011); Prasongko, Diarika. "Putusan Mahkamah Pengadilan Internasional Nomor 102 Tahun 2002 Tentang Sengketa Pulau Sipadan Dan Ligitan Serta Implikasinya Pada Hukum Nasional Indonesia." *Lex Administratum* 10.3 (2022).

in the border region between the two countries, are a source of complex disputes and require a careful approach to their resolution.<sup>5</sup>

In this study, we delve into effective strategies for resolving international disputes, focusing particularly on the contentious cases of Ligitan Island and Sipadan. Situated in the Makassar Strait, these two small islands have been at the center of a longstanding dispute between Indonesia and Malaysia. Our examination revolves around reviewing the pertinent principles of international law essential for international dispute resolution and their application to the Ligitan and Sipadan Island conflicts.

According to the International Court of Justice, the resolution of international disputes must adhere to universally applicable principles of international law. These principles encompass good faith, the prohibition of force in dispute resolution, the freedom to choose dispute resolution procedures and laws, and adherence to principles concerning the sovereignty, independence, and territorial integrity of states.<sup>6</sup>

Despite attempts by Indonesia and Malaysia to resolve the Ligitan and Sipadan Island disputes through bilateral negotiations, mediation, and international arbitration, a satisfactory settlement has remained elusive for both parties. Hence, our article undertakes a critical evaluation of these efforts, analyzing whether the principles of relevant international law have been effectively applied in the resolution of these disputes.

This paper aims to provide a comprehensive review of the principles of international law as applied in the Ligitan and Sipadan Island disputes. By examining the historical background, legal arguments, and outcomes of this case, we seek to elucidate the effectiveness of various mechanisms employed in resolving complex international disputes.

---

<sup>5</sup> Huh, Sookyeon. "Title to territory in the post-colonial era: original title and terra nullius in the ICJ judgments on cases concerning Ligitan/Sipadan (2002) and Pedra Branca (2008)." *European Journal of International Law* 26.3 (2015): 709-725.

<sup>6</sup> Juwana, Hikmahanto. "Putusan MI atas Pulau Sipadan dan Ligitan." *Indonesian Journal of International Law* 1.1 (2003): 169-182; Hendrapati, Marcel. "Implication of the ICJ decision respecting Sipadan–Ligitan case towards base points and maritime delimitation." *International Journal of Sciences: Basic and Applied Research* 14.1 (2014): 378.

Through an analysis of pertinent legal documents, court rulings, and scholarly literature, we aim to assess the role of international law in shaping the trajectory of these disputes and facilitating their eventual resolution. Furthermore, we will explore the challenges encountered and lessons learned in the process, offering insights into the broader implications for conflict resolution and international diplomacy.

Ultimately, this paper seeks to contribute to a deeper understanding of the complexities involved in resolving territorial disputes and the role of international law in promoting peace and stability in the international community. By examining the Ligitan and Sipadan Island disputes as a case study, we hope to glean valuable insights that can inform future efforts in addressing similar challenges on the global stage.

## **Sipadan-Ligitan Territorial Dispute: Indonesia Malaysia claim**

The territorial dispute between Indonesia and Malaysia concerning Ligitan and Sipadan Islands is a manifestation of a complex history and intricate geopolitical dynamics involving two neighboring nations with overlapping territorial claims. Situated in the border waters between Sabah, Malaysia, and East Kalimantan, Indonesia, these islands have emerged as a focal point of tensions, necessitating a thorough grasp of the underlying causes and multifaceted factors that impede their resolution.

The historical context of colonial administrations, shifting borders, and competing sovereignty claims has contributed significantly to the complexity of the dispute. Additionally, the islands' strategic significance, encompassing their natural resources, maritime boundaries, and economic potential, amplifies the stakes for both parties involved. Moreover, socio-political factors such as national identity, domestic politics, and public sentiment further influence the trajectory of the dispute.<sup>7</sup>

Understanding the intricate web of historical, geographical, and socio-political factors at play is essential for devising effective strategies to address the Ligitan and Sipadan Island dispute. Without such a nuanced

---

<sup>7</sup> Kusumo, Ayub Torry Satriyo, and Handojo Leksono. "Alternatif Penyelesaian Sengketa Wilayah Laut Indonesia-Malaysia." *Yustisia* 2.1 (2013).

understanding, efforts to resolve the conflict may overlook crucial nuances or exacerbate underlying tensions. Therefore, a comprehensive analysis of these factors is indispensable for navigating towards a mutually acceptable resolution and fostering sustainable peace and cooperation between Indonesia and Malaysia.<sup>8</sup>

1. Colonial History and Delimitation: The background to this dispute can be traced back to colonial times, when the territorial boundary between what is now Indonesia and Malaysia was not clearly defined. This condition created an uncertain basis for delimitation, which then had an impact on sovereignty claims related to Ligitan and Sipadan Islands.<sup>9</sup>
2. Period of Independence and Legal Certainty: After the two countries achieved independence, the dispute escalated with growing nationalism and a desire to assert sovereignty over territorial territory. The process of establishing the state and demarcating between Indonesia and Malaysia became critical, and the lack of a clear agreement contributed to the escalation of tensions later on.<sup>10</sup>
3. Natural Resource Management and Conflicts of Interest: These islands have strategic economic value, especially related to the potential of surrounding natural resources and fisheries. This dispute is not only about territorial sovereignty, but also economic conflicts of interest arising from the use of abundant natural resources in these waters.
4. Influence of Political and Diplomatic Factors: Regional political dynamics and diplomatic relations between Indonesia and Malaysia contributed to the escalation of this dispute. Changes in government, shifts in foreign policy, and internal political factors in both countries

---

<sup>8</sup> Salleh, Asri. "Dispute resolution through third party mediation: Malaysia and Indonesia." *Intellectual Discourse* 15.2 (2007); Zukri, Nur Fareha Binti Mohammad, Ong Argo Victoria, and Fadli Eko Apriliyanto. "Dispute International Between Indonesia And Malaysia Seize on Sipadan and Ligitan Island." *International Journal of Law Reconstruction* 3.1 (2019): 1-10.

<sup>9</sup> Pratomo, Eddy. "Indonesia–Malaysia maritime boundaries delimitation: a retrospective." *Australian Journal of Maritime & Ocean Affairs* 8.1 (2016): 73-84.

<sup>10</sup> Kadarsih, Dwi Ambarina Rita, Mahendra Putra Kurnia, and Syukri Hidayatullah. "Legal Status of MoU Determining the Limits of the Territory Area Between Indonesia and Malaysia." *Mulawarman Law Review* (2020): 126-137.



create a complex atmosphere and it is difficult to reach mutually beneficial agreements.<sup>11</sup>

5. Effect of International Court of Justice Rulings: The 2002 decision of the International Court of Justice (ICJ) on the "Pedra Branca/Pulau Batu Puteh, Pulau Middle Rocks and Pulau South Ledge" case between Malaysia and Singapore provides partial clarity in the context of this territorial dispute.<sup>12</sup> However, the decision did not fully cover Ligitan and Sipadan Islands, leaving room for legal uncertainty that still affects the resolution of these disputes.<sup>13</sup>
6. The Importance of Deep Understanding: To achieve a sustainable settlement, a deep understanding of the historical, political, and legal dynamics surrounding the Ligitan and Sipadan Island disputes is essential. This will help detail the root causes, identify opportunities for resolution, and create a solid basis for the implementation of the principles of international law in order to achieve a fair and sustainable settlement.

## **The Relevance of the Ligitan and Sipadan Island Cases: Implications of International Legal Principles**

The ongoing territorial dispute between Indonesia and Malaysia over Ligitan and Sipadan islands has not only captured global attention for its complexity but also for its profound implications for the principles of international law. Situated in the border waters between Sabah, Malaysia,

---

<sup>11</sup> Salleh, Asri, Che Hamdan Che Mohd Razali, and Kamaruzaman Jusoff. "Malaysia's policy towards its 1963-2008 territorial disputes." *Journal of Law and Conflict Resolution* 1.5 (2009): 107-116.

<sup>12</sup> Lathrop, Coalter G. "Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge." *American Journal of International Law* (2008): 828-834. See also Beckman, Robert. "Case between Malaysia and Singapore concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge." *Asian Yearbook of International Law, Volume 14 (2008)*. Brill Nijhoff, 2008. 273-286.

<sup>13</sup> Butcher, John G. "The International Court of Justice and the territorial dispute between Indonesia and Malaysia in the Sulawesi Sea." *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 35.2 (2013): 235-257.

and East Kalimantan, Indonesia, these islands have become emblematic of overlapping territorial interests and historical grievances. This dispute serves as a litmus test for fundamental principles such as peace, justice, and sovereignty. As neighboring nations with deep-rooted historical ties, Indonesia and Malaysia navigate a delicate balance between asserting their territorial claims and upholding international legal norms.

In this intricate legal and geopolitical landscape, the Ligitan and Sipadan dispute serves as a critical case study illuminating the application of international law principles in resolving complex international disputes. The case has been a testing ground for established principles such as the peaceful settlement of disputes, territorial sovereignty, and the prohibition of the use of force. By scrutinizing the strategies employed and legal arguments presented by both parties, observers gain invaluable insights into the nuances of international law and its practical application in resolving territorial conflicts.<sup>14</sup>

Moreover, the relevance of the Ligitan and Sipadan dispute extends beyond the immediate parties involved, offering broader lessons for the international community. As nations strive to uphold the rule of law and maintain peaceful relations in an increasingly interconnected world, understanding the intricacies of this case becomes imperative. By dissecting the legal precedents, diplomatic efforts, and outcomes of this dispute, policymakers and scholars can glean valuable insights into effective conflict resolution strategies and the enduring relevance of international law in shaping the global order.

#### 1. Peace as a Pillar of Dispute Resolution

The cases of Ligitan Island and Sipadan emphasize the importance of the principle of peace in handling international disputes. Regarding these islands, achieving peace is not only about avoiding armed conflict, but also about forming harmonious relations between Indonesia and Malaysia. The application of this principle requires

---

<sup>14</sup> Yan, S. O. N. G. "Acquiescence and Its Role in the Settlement of Island Disputes: "Silence May also Speak", But to What Extent?." *Chinese Journal of International Law* 20.3 (2021): 499-532; Hitoshi, N. A. S. U., and Donald R. Rothwell. "Re-evaluating the role of international law in territorial and maritime disputes in East Asia." *Asian Journal of International Law* 4.1 (2014): 55-79.



constant dialogue, diplomacy, and the involvement of third parties to prevent escalation of conflicts.<sup>15</sup>

## 2. Justice in the Context of Territorial Disputes

This case provides a platform to reflect on the principle of fairness in the settlement of territorial disputes. The question of how the outcome of the settlement takes into account the interests of all parties, including local communities, becomes critical. Distributive and procedural justice must be recognized so that the solutions found not only benefit the countries involved but also take into account their impact on local populations.<sup>16</sup>

## 3. Sovereignty and Management of Natural Resources

The dispute between Ligitan and Sipadan Island provides a perspective on the complexity of sovereignty in the context of natural resource management. The delimitation of territorial boundaries and sovereign rights over these islands relates not only to ownership status but also to how the surrounding natural resources are managed and utilized. Sovereignty in this case is not only a right but also a responsibility to protect ecosystems and sustainability.<sup>17</sup>

## 4. Application of International Law of the Sea

Implications related to the principles of international law of the sea, especially the United Nations Convention on the Law of the Sea (UNCLOS), are important aspects in resolving these disputes. Recognition and application of UNCLOS can provide a clear legal framework for resolving maritime border disputes. These considerations pave the way for other countries to evaluate and update their approaches to their border disputes in accordance with UNCLOS norms.

---

<sup>15</sup> Pillo, Adelyn Igrey. *Tinjauan Hukum Internasional Terhadap Putusan Mahkamah Internasional (International Court of Justice) Tentang Sengketa Maritim Antara Somalia dan Kenya*. Diss. Universitas Hasanuddin, 2022.

<sup>16</sup> See Welch, David A. "The justice motive in east Asia's territorial disputes." *Group Decision and Negotiation* 26 (2017): 71-92; Nine, Cara. *Global justice and territory*. Oxford University Press, USA, 2012.

<sup>17</sup> See Tyagi, Yogesh. "Permanent sovereignty over natural resources." *Cambridge International Law Journal* 4.3 (2015): 588-615. See also Elian, George. *The principles of sovereignty over natural resources*. Martinus Nijhoff Publishers, 1979.

## 5. Importance of Third-Party Role

The case underscores the need for third-party involvement in international dispute resolution. The involvement of regional or international organizations, such as ASEAN or the United Nations, can provide objective understanding and help facilitate the settlement process. These implications can inspire the international community to be more proactive in preventing and resolving conflicts between states.<sup>18</sup>

## 6. International Court of Justice Considerations

The cases of Pulau Ligitan and Sipadan invite consideration regarding the role of international courts, especially the International Court of Justice. How does the ICJ's ruling in cases involving Malaysia and Singapore affect views on such dispute resolution? These implications could motivate states to more often seek the help of international courts to resolve their disputes.<sup>19</sup>

---

<sup>18</sup> Novitasari, Choirunnisa Nur. "Analisis Putusan Mahkamah Internasional dalam Kasus Sengketa Indonesia-Malaysia Mengenai Pulau Sipadan dan Ligitan." *The Digest: Journal of Jurisprudence and Legisprudence* 2.2 (2021): 231-262; Massie, Cornelis Djelfie. "Implikasi Putusan Mahkamah Internasional Tentang Kepemilikan Malaysia Atas Pulau Sipadan-Ligitan Terhadap Eksistensi Pulau-Pulau Terluar Indonesia." *SERVANDA: Jurnal Ilmiah Hukum* 5.4 (2011): 81-99; Izzati, Nur Arissa, Chusnul Qotimah Nita Permata, and Miftah Santalia. "Assessing the Effectiveness of Settling Indonesian Sea Border Disputes through Litigation and Non-Litigation Paths." *Lex Scientia Law Review* 4.1 (2020): 1-18. *See also and compare with* Rosita, Fitria Ida. "The Territorial Limitation Dispute and Its Settlement Between Peru and Chile." *The Digest: Journal of Jurisprudence and Legisprudence* 2.2 (2021): 143-172; Pratomo, Inge Widya Pangestika. "Legal Views on the Development of International Law and the International Judicial System." *Jurnal Scientia Indonesia* 5.2 (2019): 105-118; Ardiansyah, Agis. "Pembakuan nama pulau di Indonesia sebagai upaya untuk menjaga kedaulatan Negara Republik Indonesia." *Pandecta Research Law Journal* 6.2 (2011); Chasanah, Anissaa Nuril, Ridwan Arifin, and Ngboawaji Daniel Nte. "Indonesia-China International Dispute on the Natuna Island Case: Various International Law Discourses and Practices in Regional Countries." *International Law Discourse in Southeast Asia* 2.1 (2022): 75-108.

<sup>19</sup> *See* Bautista, Lowell B. "The Decision of the International Court of Justice in the Application by the Philippines for Permission to Intervene in the Case concerning Sovereignty over Pulau Ligitan and Pulau Sipadan." *World Bull.* 17 (2001): 28;

### 7. Contribution to the Development of International Law

The conclusion and resolution of the case contributed to the development of international law. Through learning from this experience, the principles of international law can be updated and adapted to modern dispute dynamics. The case reflects how international law can accommodate evolving interests and the growing complexity of disputes.

### 8. The Importance of Public Education and Awareness

The case also highlights the need for public education and awareness on the principles of international law. Spreading an understanding of the values of peace, justice, and sovereignty can help create community support for sustainable settlement and strengthen community involvement in the process.

In exploring the implications of international legal principles through the *Ligitan* and *Sipadan Island* cases, we see that international dispute resolution is not only about determining winners and losers, but also creating legal frameworks and norms that lead to peace and justice. The relevance of this case creates a foundation for reflecting on how these principles can be applied and updated in response to the challenges of contemporary international disputes.

## **Relevant Principles of International Law: Foundations of Dispute Resolution**

The principles of international law have a major role in shaping and guiding the settlement of disputes between states. In the context of the *Ligitan* and *Sipadan Island* cases between Indonesia and Malaysia, these principles became the critical foundation that created the framework for resolving territorial disputes. Some of the most relevant principles of international law that play a central role in the resolution of these disputes are<sup>20</sup>:

---

Butcher, John G. "The International Court of Justice and the territorial dispute between Indonesia and Malaysia in the Sulawesi Sea." *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 35.2 (2013): 235-257.

<sup>20</sup> Lepa, Pingkah Wulandari. "Penerapan Teori Okupasi dalam Hukum Internasional Pada Sengketa Pulau Pulau Terluar." *Lex Privatum* 9.13 (2022); Riyanto, Sigit.

1. Principle of State Sovereignty  
The principle of state sovereignty is the basis of international law that affirms the right of every state to regulate affairs within its territory without interference from other states. In the context of the Ligitan and Sipadan Island disputes, this principle creates a legal basis that must be respected in determining the territorial boundary between Indonesia and Malaysia. The application of this principle of sovereignty requires mutual recognition and respect for the sovereign rights of each country in order to reach a fair agreement.<sup>21</sup>
2. Principles of Peace and Avoidance of Armed Conflict  
The principle of peace is a key element in the settlement of international disputes. Countries involved in the Ligitan and Sipadan Island disputes must abide by this principle to avoid escalation into armed conflict. Diplomatic, dialogue, and mediation efforts are effective means of achieving peace and nonviolent dispute resolution.<sup>22</sup>
3. Principle of Justice  
The principle of justice in international law emphasizes the need for fair and balanced dispute resolution. In the context of territorial disputes, this principle includes distributive and procedural aspects. Delimitation must take into account the interests of all parties involved, including local communities, and ensure that the settlement process takes place in a fair and transparent manner.
4. Principles of International Law of the Sea  
The cases of Ligitan and Sipadan Island highlight the importance of international law of the sea principles, especially those governed by the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS provides a clear legal framework for defining maritime boundaries, exclusive economic zones, and natural resource-related

---

"Kedaulatan Negara Dalam Kerangka Hukum Internasional Kontemporer." *Yustisia* 1.3 (2012).

<sup>21</sup> Harjanti, Dewi K. "Sengketa Perbatasan Indonesia-Malaysia: Sebuah Pertaruhan Kedaulatan NKRI." *Jurnal Kajian Hukum* 1.1 (2016).

<sup>22</sup> Luard, Evan. *Conflict and peace in the modern international system: A study of the principles of international order*. SUNY Press, 1988.

rights in territorial waters. The UNCLOS principles provide a strong legal foundation for resolving maritime border disputes.<sup>23</sup>

#### 5. Principle of Third-Party Engagement

The principle of third-party involvement is an important element in international dispute resolution. In these cases, the involvement of regional organizations such as ASEAN or third parties recognized by both countries can help facilitate the negotiation process and avoid breaking even in a settlement. The involvement of a third party can provide an objective perspective and help create an environment conducive to resolution.

#### 6. Principles of Consensus and Cooperation

The principles of consensus and cooperation are key in resolving disputes. The countries involved need to be willing to cooperate and reach mutual agreement to avoid the proliferation of conflicts. This consensus also creates the basis for the implementation of the agreement and strengthens bilateral relations in the future.

#### 7. Principles of Peaceful Settlement

The principle of peaceful settlement underscores the importance of avoiding violence and finding peaceful solutions to disputes. In the case of Ligitan and Sipadan Islands, this principle encourages the countries involved to seek solutions that not only respect the principles of international law but also create long-term stability in the region.

Overall, these relevant principles of international law form a solid foundation for the settlement of international disputes. Awareness and application of these principles is not only important in handling the Ligitan and Sipadan Island cases, but also provides guidance for other countries facing similar disputes to reach a just, peaceful, and sustainable settlement

---

<sup>23</sup> Hendrapati, M., et al. "Today's Ambalat: Neglecting the Basepoints of Sipadan and Ligitan Islands for Maintaining the Equidistance Principle in the Disputed Area." *ASEAN International Law* (2022): 371-382.

## Effective Efforts in Resolving Ligitan and Sipadan Island Disputes: Strategy and Implementation

Resolving international disputes, especially those involving territories such as the Ligitan Island and Sipadan cases between Indonesia and Malaysia, requires careful strategy and meticulous implementation. Effective efforts to deal with such disputes involve a series of measures that include diplomacy, mediation, bilateral negotiations, and the involvement of third parties. In this context, we will explore strategies and implementations that can be taken to achieve fair and sustainable dispute resolution.

1. **High-Level Mediation and Diplomacy:** One of the first steps that can be taken is to involve high-level mediation and diplomacy. Parties to a dispute may agree to invite an independent mediator or international mediation institution to facilitate dialogue and help find a solution. Mediation can create a conducive environment for further negotiations and give disputing parties the opportunity to express their interests and concerns publicly.<sup>24</sup>
2. **Intensive Bilateral Negotiations:** Direct negotiations between Indonesia and Malaysia are key in resolving the Ligitan and Sipadan Island disputes. Intensive bilateral talks could allow the two countries to explore various settlement options, including mutually beneficial delimitation and equitable use of natural resources. This process should be based on the principles of justice, mutual respect, and cooperation to reach mutual agreement.<sup>25</sup>

---

<sup>24</sup> Roberts, Christopher B., and Erlina Widyaningsih. "Indonesian leadership in ASEAN: Mediation, agency and extra-regional diplomacy." *Indonesia's ascent: power, leadership, and the regional order*. London: Palgrave Macmillan UK, 2015. 264-286.

<sup>25</sup> Salleh, Asri, Che Hamdan Che Mohd Razali, and Kamaruzaman Jusoff. "Malaysia's policy towards its 1963-2008 territorial disputes." *Journal of Law and Conflict Resolution* 1.5 (2009): 107-116; Schofield, Clive, and Ian Storey. "Energy Security and Southeast Asia: The Impact on Maritime Boundary and Territorial Disputes." *Harvard Asia Quarterly* 9.4 (2005).



3. **Acknowledged Third-Party Involvement:** Engaging a third party that can be recognized by both countries becomes an effective strategy. Regional organizations such as ASEAN or international agencies such as the United Nations can provide assistance in facilitating dialogue and offering objective perspectives. The involvement of third parties can also help overcome difficulties and differences of views that may arise during the resolution process.
4. **The Role of Regional Organizations:** ASEAN's involvement, as a regional organization of which Indonesia and Malaysia are members, can be key in addressing these disputes. ASEAN has a framework for dispute resolution and can provide a stable platform for talks. In this context, ASEAN member states can provide support and encourage the resolution of these disputes through regional dialogue and cooperation.
5. **Joint Environmental Audit:** Conducting a joint environmental audit can be an innovative and constructive step in addressing these disputes. This approach involves disputing parties in a joint assessment of the environmental and social impacts of each other's claims. The results of these audits can form the basis for formulating solutions that take into account long-term impacts on ecosystems and local communities.
6. **Implementation of International Law of the Sea Principles:** The settlement of the Ligitan and Sipadan Island disputes may also involve the implementation of the principles of international law of the sea, especially those governed by UNCLOS. The application of UNCLOS can help define territorial boundaries and rights related to natural resources in territorial waters. The two countries can agree to follow a recognized international legal process to resolve their dispute.
7. **Establishment of a Joint Commission:** Putting together a joint commission consisting of representatives from both countries can be an important step in resolving disputes. The commission may be mandated to conduct investigations, determine key facts, and design recommendations for resolution. This approach creates space for cooperation and facilitates a more structured dialogue.
8. **Commitment to a Win-Win Approach:** Achieving effective dispute resolution involves a commitment to a win-win approach, where both parties feel that their interests are recognized and respected. A

settlement that allows a balance between economic, environmental, and social interests will be an important step towards a sustainable peace.

9. **Transparency and Community Participation:** Increasing transparency in the resolution process and involving local communities can strengthen the integrity of dispute resolution. Providing the public with access to information about developments and decision implications can open more effective lines of communication and create public support for the resulting settlement.
10. **Follow-up and Implementation Plan:** Dispute resolution not only includes signing an agreement, but also needs to be followed by a clear follow-up plan and responsible implementation. Establishing a monitoring mechanism and establishing automatic measures for the implementation of the agreement will ensure that the settlement of the Ligitan and Sipadan Island disputes has a real and sustainable impact.

Effective strategy development and implementation requires cooperation and openness from both parties to the dispute. Taking into account the dynamics and complexity of disputes, these joint efforts can bring positive impacts that create the basis for stronger bilateral relations and a more stable region

## **The Effect of Application of International Law Principles: From the Law of the Sea to International Courts**

The application of the principles of international law has a significant impact on the settlement of international disputes, particularly in the context of the Ligitan Island and Sipadan cases between Indonesia and Malaysia. In detailing the effect of applying these principles, we can see how international law of the sea, decisions of international courts, and general principles of international law contribute to shaping the resolution of disputes that are fair and in accordance with the norms of international law.

1. **International Law of the Sea and UNCLOS:** The influence of the application of international law of the sea principles, especially those

governed by the United Nations Convention on the Law of the Sea (UNCLOS), is particularly relevant in the settlement of the Ligitan and Sipadan Island disputes. UNCLOS provides a clear framework for defining maritime territorial boundaries, rights and obligations of states in international waters. The application of these principles can create a strong legal basis for addressing maritime border disputes and natural resource-related rights.

2. **Application of the Principles of Justice and Sovereignty:** The principles of justice and sovereignty also have a major impact on the resolution of these disputes. The application of the principle of justice includes consideration of the interests of all parties involved, including local communities, in determining territorial boundaries and natural resource management rights. The application of the principle of sovereignty provides a legal basis for states to exercise their sovereign rights without unauthorized interference.
3. **International Court of Justice Contribution:** The decisions of the International Court of Justice (ICJ) in cases involving countries in Southeast Asia, such as "Pedra Branca/Pulau Batu Puteh, Pulau Middle Rocks and Pulau South Ledge" between Malaysia and Singapore, provide guidance and legal reference for the settlement of the Ligitan and Sipadan Island disputes. Although the ICJ's decision does not directly cover this case, the principles of international law produced by this tribunal can provide guidance in interpreting and applying international law to these disputes.
4. **Considering Ecological and Social Aspects:** The application of the principles of international law also includes considering ecological and social aspects in dispute resolution. In the case of Ligitan and Sipadan Islands, it is important to assess the environmental and social impacts of each country's claims. The principles of international law involving environmental sustainability and the rights of local communities must be recognized and applied.
5. **The Importance of Application of International Legal Norms:** The application of international legal norms is a critical step in creating a solid basis for dispute resolution. The parties involved must agree to recognize and abide by the relevant international legal norms in

formulating solutions. This includes recognition of UNCLOS principles, norms of justice, and sovereign rights.

6. **Implementation of ICJ Decisions:** Although ICJ decisions in previous cases may not fully cover this dispute, both countries can agree to respect and implement the principles produced by international courts. This creates a strong foundation for cooperation and settlement based on widely accepted norms of international law.
7. **Encouraging Dialogue and Diplomacy:** The application of international legal principles can also encourage more intensive dialogue and diplomacy between Indonesia and Malaysia. Understanding the international legal framework can help both parties to find common ground that conforms to those norms. Diplomacy informed by the principles of international law can create a more conducive atmosphere for dispute resolution.
8. **Joint Agreement on Resource Utilization:** The application of the principles of international law, especially those related to the utilization of natural resources, can help the two countries to reach a mutual agreement on the management and utilization of resources around Ligitan and Sipadan Islands. Such an agreement should reflect the principles of fairness and provide balanced economic benefits for both countries.
9. **Building a Foundation for Future Cooperation:** The application of international law principles in dispute resolution is not only about resolving current conflicts but also about building a foundation for future cooperation between Indonesia and Malaysia. The application of international legal norms can help create the trust and mutual understanding necessary for long-term cooperation in the region.
10. **The Importance of International Awareness:** The application of the principles of international law also includes the importance of international awareness. The international community, including regional organizations and neighboring countries, can play an important role in providing support and promoting the application of international legal principles in the settlement of these disputes.

Through the application of the principles of international law, the dispute between Ligitan and Sipadan Islands can be directed towards a settlement that is fair, sustainable, and in accordance with the norms of

international law. This implementation not only forms a solid legal basis but also creates a framework for building stable bilateral relations in the future

## **Contribution to the Development of International Law: Lessons from the Cases of Ligitan Island and Sipadan**

The Ligitan and Sipadan Island dispute cases between Indonesia and Malaysia contributed significantly to the development of international law. The Ligitan and Sipadan Island dispute cases between Indonesia and Malaysia contributed significantly to the development of international law. This experience offers valuable lessons and stimulates reflection on how the principles of international law can be adapted and strengthened in response to the dynamics of contemporary international disputes.

One of the most important contributions of the case was the affirmation of the principle of effective occupation as the basis for establishing sovereignty over uninhabited or uninhabited islands. In its ruling, the International Court of Justice stated that sovereignty over the islands of Ligitan and Sipadan should be determined based on the principle of effective occupation.

The principle of effective occupation is a principle of international law that states that sovereignty over a territory is determined by the physical fact of control and management of that territory by a state. This principle has been recognized by the International Court of Justice in numerous cases, including the cases of Palmas Island (1928), Minquiers and Ecrehos Island (1953), and Ellice Island (1982).<sup>26</sup>

In the case of the Ligitan and Sipadan Island disputes, the International Court of Justice found that Malaysia had carried out an effective occupation of the two islands. Malaysia has claimed both islands

---

<sup>26</sup> Scheffer, David J. "Beyond occupation law." *American Journal of International Law* 97.4 (2003): 842-860. See also Roche, Alexander George. *The Minquiers and Ecrehos case: an analysis of the decision of the International court of justice*. No. 115. Librairie Droz, 1959; Heathcote, Sarah. "Secession, self-determination and territorial disagreements: Sovereignty claims in the contemporary South Pacific." *Leiden Journal of International Law* 34.3 (2021): 653-680.

since 1963, and has taken various measures to strengthen its claims, such as building lighthouses, marking territorial boundaries, and conducting economic activities.

The assertion of the principle of effective occupation in this case has important implications for the settlement of international disputes. This principle provides legal certainty for states in dispute over uninhabited or uninhabited territory. The principle also encourages states to carry out effective occupation of territories they claim, in order to strengthen their claims before international courts.<sup>27</sup>

In addition, the Ligitan and Sipadan Island dispute cases also provide valuable lessons on the importance of cooperation and negotiation in international dispute resolution. The two disputed countries, namely Indonesia and Malaysia, have been trying to resolve these disputes bilaterally for several years. However, such efforts were fruitless.

Finally, the two countries decided to resolve this dispute through the International Court of Justice. This decision is a testament to the commitment of both countries to resolve disputes peacefully and fairly.

The Ligitan and Sipadan Island dispute cases also stimulate reflection on how the principles of international law can be adapted and strengthened in response to the dynamics of contemporary international disputes. One of the challenges faced in resolving international disputes is the increasing complexity of disputed issues.

In the case of the Ligitan and Sipadan Island disputes, for example, the International Court of Justice must consider various factors, such as history, geography, and physical occupation, in making its decision. Such factors can become increasingly complex in contemporary international disputes, which often involve a wide range of interests, such as economic, environmental, and security interests.

To overcome these challenges, efforts need to be made to adjust and strengthen the principles of international law. One of the efforts that can be done is to develop more comprehensive and flexible principles of

---

<sup>27</sup> Hendrapati, Marcel, et al. "Pengendalian Efektif sebagai Cara Akuisisi Teritorial: Analisis Kasus Sipadan-Ligitan." *Hasanuddin Law Review* 1.2 (2015): 242-264; Likadja, Jeffry AC. "Legitimasi Juridis Effective Occupation dalam Hukum Internasional." *Jurnal Hukum Proyuris* 2.2 (2020): 192-202.



international law. The principles should be able to accommodate the various interests involved in international disputes.

In addition, there also needs to be efforts to improve cooperation and communication between countries in international dispute resolution. Such cooperation and communication can help countries to understand each other's interests and to seek fair and balanced solutions.

The Ligitan and Sipadan Island dispute cases are valuable examples of how international law can play a role in resolving international disputes. The experience offers valuable lessons and stimulates reflection on how the principles of international law can be adapted and strengthened in response to the dynamics of contemporary international disputes

This experience offers valuable lessons and stimulates reflection on how the principles of international law can be adapted and strengthened in response to the dynamics of contemporary international disputes. Below are some of the contributions and learnings that can be drawn from this case:

1. **Importance of Regional Cooperation:** This case highlights the importance of regional cooperation in resolving international disputes. ASEAN, as a regional organization of which Indonesia and Malaysia are members, can play a key role in facilitating dialogue and providing a platform for more effective negotiations. These lessons underscore the need for regional cooperation and solidarity in addressing disputes involving neighboring countries.
2. **Dynamics of Justice and Sovereignty:** The Ligitan and Sipadan Island disputes provide an in-depth understanding of the dynamics between the principles of justice and sovereignty in the context of territorial disputes. Balancing between states' sovereign rights and justice in delimitation requires a careful approach and takes into account the interests of all parties involved, including local communities.
3. **Application of International Law of the Sea Principles:** Contributions to the development of international law of the sea are seen in this case, in particular through the implementation of the principles of UNCLOS. This case provides an example of how countries can refer to UNCLOS norms in resolving maritime border disputes. The application of these principles may form a guide for the resolution of similar disputes in the future.

4. **The Role of the International Court of Justice:** The experiences of Ligitan Island and Sipadan brought attention to the role of international courts, especially the International Court of Justice (ICJ). While the case did not end at the ICJ, the international court's contribution in understanding and developing the principles of international law remains relevant. These lessons show that considering international courts as an option in dispute resolution can bring benefits, especially in the context of law enforcement and justice.
5. **Community Engagement and Transparency:** This case demonstrates the importance of community involvement and transparency in dispute resolution. Involving local communities in the settlement process can create a stronger basis for decision implementation and create public support. These lessons underscore the need to listen to and take into account local people's perspectives in the context of territorial disputes.
6. **Environmental Impact and Sustainability:** The contribution of the Ligitan and Sipadan Island cases to international law is also reflected in the application of the principles of sustainability and environmental protection. Dispute resolution should consider the environmental impact of claims brought by disputing parties. Therefore, the development of international law can also include a better understanding of the balance between natural resource management and environmental protection.
7. **Importance of International Legal Education:** This case demonstrates the importance of education and a better understanding of international law among policymakers, advocates, and the general public. A better understanding of the principles of international law can help states take more informed decisions and understand the legal implications of their actions.
8. **Commitment to Sustainable Dialogue:** A significant contribution of this case is a commitment to sustainable dialogue between Indonesia and Malaysia. Although no final settlement has yet been reached, the continued engagement and efforts to find a common solution demonstrate the willingness of both countries to resolve this dispute

through peaceful dialogue. This proves that although difficult, dispute resolution can be achieved through ongoing negotiations.

In essence, the contribution of the Ligitan Island and Sipadan cases to the development of international law is very diverse. This experience not only creates a precedent for the handling of similar disputes in the future but also provides an in-depth understanding of the complexities and challenges involved in applying the principles of international law in the context of territorial disputes. Through these learnings, we can strengthen and develop international legal frameworks to achieve peace, justice, and sustainability in response to international disputes.

## Conclusion

The study of the Ligitan and Sipadan Island disputes between Indonesia and Malaysia illuminates the complex dynamics of territorial conflicts, offering insights that are pivotal for the development of international law. From this legal odyssey, we draw conclusions and compile suggestions to chart a path forward, not only in resolving this particular case but also in navigating similar disputes that may arise in the future. This study underscores several key points: *Firstly*, the importance of diplomatic engagement and the application of international law cannot be overstated. The Ligitan and Sipadan Island cases emphasize the significance of diplomatic channels and adherence to established legal norms in fostering mutual understanding and facilitating fair dispute resolution. *Secondly*, this case has contributed significantly to the development of international law of the sea, particularly in affirming the role of UNCLOS as a framework for resolving maritime disputes. It highlights the necessity of deeper exploration and implementation of UNCLOS principles to ensure equitable outcomes and sustainable management of marine resources.

Furthermore, the complexities inherent in balancing justice with sovereign rights underscore the need for a nuanced approach to dispute resolution. This requires careful consideration of the interests of all parties involved, including local communities, and underscores the importance of community participation in the decision-making process. In light of these conclusions, several suggestions for dispute resolution and international

law development emerge. Strengthening regional cooperation, increasing awareness of international law, enhancing the role of international courts, and promoting ecological understanding in international law are just a few avenues to pursue. Ultimately, by embracing these recommendations and upholding the principles of international law, we can pave the way for sustainable settlements and lasting peace in Southeast Asia and beyond.

## References

- Ardiansyah, Agis. "Pembakuan nama pulau di Indonesia sebagai upaya untuk menjaga kedaulatan Negara Republik Indonesia." *Pandecta Research Law Journal* 6.2 (2011).
- Bautista, Lowell B. "The Decision of the International Court of Justice in the Application by the Philippines for Permission to Intervene in the Case concerning Sovereignty over Pulau Ligitan and Pulau Sipadan." *World Bull.* 17 (2001): 28.
- Beckman, Robert. "Case between Malaysia and Singapore concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge." *Asian Yearbook of International Law, Volume 14 (2008)*. Brill Nijhoff, 2008. 273-286.
- Biersteker, Thomas J. "State, sovereignty and territory." *Handbook of international relations* (2013): 245-272.
- Butcher, John G. "The International Court of Justice and the territorial dispute between Indonesia and Malaysia in the Sulawesi Sea." *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 35.2 (2013): 235-257.
- Chasanah, Anissaa Nuril, Ridwan Arifin, and Ngboawaji Daniel Nte. "Indonesia-China International Dispute on the Natuna Island Case: Various International Law Discourses and Practices in Regional Countries." *International Law Discourse in Southeast Asia* 2.1 (2022): 75-108.
- Djalal, Hasjim. "Penyelesaian Sengketa Sipadan-Ligitan: Interpelasi." *Jurnal Hukum & Pembangunan* 33.1 (2017): 127.
- Elian, George. *The principles of sovereignty over natural resources*. Martinus Nijhoff Publishers, 1979.

- Haller-Trost, Renate. *The territorial dispute between Indonesia and Malaysia over Pulau Sipadan and Pulau Ligitan in the Celebes Sea: a study in international law*. IBRU, 1995.
- Harjanti, Dewi K. "Sengketa Perbatasan Indonesia-Malaysia: Sebuah Pertaruhan Kedaulatan NKRI." *Jurnal Kajian Hukum* 1.1 (2016).
- Heathcote, Sarah. "Secession, self-determination and territorial disagreements: Sovereignty claims in the contemporary South Pacific." *Leiden Journal of International Law* 34.3 (2021): 653-680.
- Hendrapati, M., et al. "Today's Ambalat: Neglecting the Basepoints of Sipadan and Ligitan Islands for Maintaining the Equidistance Principle in the Disputed Area." *ASEAN International Law* (2022): 371-382.
- Hendrapati, Marcel, et al. "Pengendalian Efektif sebagai Cara Akuisisi Teritorial: Analisis Kasus Sipadan-Ligitan." *Hasanuddin Law Review* 1.2 (2015): 242-264.
- Hendrapati, Marcel. "Implication of the ICJ decision respecting Sipadan–Ligitan case towards base points and maritime delimitation." *International Journal of Sciences: Basic and Applied Research* 14.1 (2014): 378.
- Hitoshi, N. A. S. U., and Donald R. Rothwell. "Re-evaluating the role of international law in territorial and maritime disputes in East Asia." *Asian Journal of International Law* 4.1 (2014): 55-79.
- Huh, Sookyeon. "Title to territory in the post-colonial era: original title and terra nullius in the ICJ judgments on cases concerning Ligitan/Sipadan (2002) and Pedra Branca (2008)." *European Journal of International Law* 26.3 (2015): 709-725.
- Izzati, Nur Arissa, Chusnul Qotimah Nita Permata, and Miftah Santalia. "Assessing the Effectiveness of Settling Indonesian Sea Border Disputes through Litigation and Non-Litigation Paths." *Lex Scientia Law Review* 4.1 (2020): 1-18.
- Juwana, Hikmahanto. "Putusan MI atas Pulau Sipadan dan Ligitan." *Indonesian Journal of International Law* 1.1 (2003): 169-182.
- Kadarsih, Dwi Ambarina Rita, Mahendra Putra Kurnia, and Syukri Hidayatullah. "Legal Status of MoU Determining the Limits of the

- Territory Area Between Indonesia and Malaysia." *Mulawarman Law Review* (2020): 126-137.
- Kusumo, Ayub Torry Satriyo, and Handojo Leksono. "Alternatif Penyelesaian Sengketa Wilayah Laut Indonesia-Malaysia." *Yustisia* 2.1 (2013).
- Lathrop, Coalter G. "Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge." *American Journal of International Law* (2008): 828-834.
- Lepa, Pingkah Wulandari. "Penerapan Teori Okupasi dalam Hukum Internasional Pada Sengketa Pulau Pulau Terluar." *Lex Privatum* 9.13 (2022); Riyanto, Sigit. "Kedaulatan Negara dalam Kerangka Hukum Internasional Kontemporer." *Yustisia* 1.3 (2012).
- Lestari, Tri Ditaharmi, and Ridwan Arifin. "Sengketa Batas Laut Indonesia Malaysia (Studi Atas Kasus Sipadan Ligitan: Perspektif Indonesia)." *Jurnal Panorama Hukum* 4.1 (2019): 1-10.
- Likadja, Jeffry AC. "Legitimasi Juridis Effective Occupation dalam Hukum Internasional." *Jurnal Hukum Proyuris* 2.2 (2020): 192-202.
- Luard, Evan. *Conflict and peace in the modern international system: A study of the principles of international order*. SUNY Press, 1988.
- Massie, Cornelis Djelfie. "Implikasi Putusan Mahkamah Internasional Tentang Kepemilikan Malaysia Atas Pulau Sipadan-Ligitan Terhadap Eksistensi Pulau-Pulau Terluar Indonesia." *SERVANDA: Jurnal Ilmiah Hukum* 5.4 (2011): 81-99.
- Nine, Cara. *Global justice and territory*. Oxford University Press, USA, 2012.
- Novitasari, Choirunnisa Nur. "Analisis Putusan Mahkamah Internasional dalam Kasus Sengketa Indonesia-Malaysia Mengenai Pulau Sipadan dan Ligitan." *The Digest: Journal of Jurisprudence and Legisprudence* 2.2 (2021): 231-262.
- Pillo, Adelyn Igreya. *Tinjauan Hukum Internasional Terhadap Putusan Mahkamah Internasional (International Court of Justice) Tentang Sengketa Maritim Antara Somalia dan Kenya*. Diss. Universitas Hasanuddin, 2022.
- Prasongko, Diarika. "Putusan Mahkamah Pengadilan Internasional Nomor 102 Tahun 2002 Tentang Sengketa Pulau Sipadan dan



- Ligitan Serta Implikasinya Pada Hukum Nasional Indonesia." *Lex Administratum* 10.3 (2022).
- Pratomo, Eddy. "Indonesia–Malaysia maritime boundaries delimitation: a retrospective." *Australian Journal of Maritime & Ocean Affairs* 8.1 (2016): 73-84.
- Pratomo, Inge Widya Pangestika. "Legal Views on the Development of International Law and the International Judicial System." *Jurnal Scientia Indonesia* 5.2 (2019): 105-118.
- Roberts, Christopher B., and Erlina Widyaningsih. "Indonesian leadership in ASEAN: Mediation, agency and extra-regional diplomacy." *Indonesia's ascent: power, leadership, and the regional order*. London: Palgrave Macmillan UK, 2015. 264-286.
- Roche, Alexander George. *The Minquiers and Ecrehos case: an analysis of the decision of the International court of justice*. No. 115. Librairie Droz, 1959.
- Rosita, Fitria Ida. "The Territorial Limitation Dispute and Its Settlement Between Peru and Chile." *The Digest: Journal of Jurisprudence and Legisprudence* 2.2 (2021): 143-172.
- Rudolph, Christopher. "Sovereignty and territorial borders in a global age." *International studies review* 7.1 (2005): 1-20.
- Salleh, Asri, Che Hamdan Che Mohd Razali, and Kamaruzaman Jusoff. "Malaysia's policy towards its 1963-2008 territorial disputes." *Journal of Law and Conflict Resolution* 1.5 (2009): 107-116.
- Salleh, Asri. "Dispute resolution through third party mediation: Malaysia and Indonesia." *Intellectual Discourse* 15.2 (2007).
- Scheffer, David J. "Beyond occupation law." *American Journal of International Law* 97.4 (2003): 842-860.
- Schofield, Clive, and Ian Storey. "Energy Security and Southeast Asia: The Impact on Maritime Boundary and Territorial Disputes." *Harvard Asia Quarterly* 9.4 (2005).
- Tuhulele, Popi. "Pengaruh Keputusan Mahkamah Internasional dalam Sengketa Pulau Sipadan dan Ligitan terhadap Penetapan Garis Pangkal Kepulauan Indonesia." *Jurnal Sasi* 17.2 (2011).
- Tyagi, Yogesh. "Permanent sovereignty over natural resources." *Cambridge International Law Journal* 4.3 (2015): 588-615.

- Welch, David A. "The justice motive in east Asia's territorial disputes." *Group Decision and Negotiation* 26 (2017): 71-92.
- Yan, S. O. N. G. "Acquiescence and Its Role in the Settlement of Island Disputes: "Silence May also Speak", But to What Extent?." *Chinese Journal of International Law* 20.3 (2021): 499-532.
- Zukri, Nur Fareha Binti Mohammad, Ong Argo Victoria, and Fadli Eko Apriliyanto. "Dispute International Between Indonesia And Malaysia Seize on Sipadan and Lingitan Island." *International Journal of Law Reconstruction* 3.1 (2019): 1-10.

\*\*\*

## DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

## FUNDING INFORMATION

None

## ACKNOWLEDGMENT

None

## HISTORY OF ARTICLE

Submitted : November 13, 2022

Revised : March 30, 2023; June 30, 2023; July 15, 2023

Accepted : July 25, 2023

Published : July 31, 2023