

## Legal Reformulation of Consensus-Based Neutrality Diplomacy in The Resolution of The South China Sea Dispute Based on The Perspective of National Defense and Security

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### Abstract

This study aims to analyze Indonesia's foreign policy in dealing with the South China Sea dispute and formulate a consensus-based neutrality diplomacy model from the national defense and security perspective. Although Indonesia is not a claimant country, the escalation of the conflict in the South China Sea, especially unilateral claims that overlap the Exclusive Economic Zone (EEZ) in the North Natuna Sea, directly threatens Indonesia's maritime sovereignty and national interests. This

study uses normative legal research methods to examine how the neutrality principle can be reformulated legally into a more operational and responsive active neutrality approach. The study results indicate that the current neutrality diplomacy approach has not been sufficiently institutionalized to respond to complex geopolitical dynamics. Therefore, a legal reformulation model is proposed that integrates the principle of active neutrality into the legal framework of Indonesia's foreign policy. In conclusion, by institutionalizing consensus-based neutrality diplomacy, Indonesia can strengthen its position as an impartial but constructive mediator, protect its sovereign rights, and actively contribute to the peaceful and legal resolution of disputes in the region, in line with the mandate of the constitution and international law.

**KEYWORDS** *Consensus-Based Neutrality Diplomacy; Indonesia's Foreign Policy; South China Sea Dispute.*

## I. Introduction

Indonesia was born from a long historical journey, formed by the process of the nation's movement, the debates of the founders, and the philosophy of life of the Nusantara community. In this journey, Indonesia was not built based on the interests of groups, races, or religions but on a shared vision for creating a free, united, and peaceful nation.<sup>1</sup> This is reflected philosophically in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that "The State of Indonesia is a unitary state in the form of a republic." This principle emphasizes that all aspects of national and state life, including the formulation and implementation of foreign policy, must be directed towards protecting national interests and maintaining the integrity and territorial integrity of the Unitary State of the Republic of Indonesia.

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<sup>1</sup> R. A Kusuma, *Lahirnya UUD 1945: Memuat Salinan Dokumen Otentik Badan Oentoek Menyelidiki Oesaha-Oesaha Persiapan Kemerdekaan*. Jakarta: Fakultas Hukum Universitas Indonesia, 2009.

The idea of the unity of the Indonesian state has been embedded since the time of the formulation of the constitution. President Soekarno emphasized that Indonesia is a *nationale staat*, a nation state that unites various tribes, religions, and cultures from all over the archipelago. In his view, Indonesian nationality does not only mean social unity, but also the attachment of humans to their homeland which stretches between two continents and two oceans.<sup>2</sup> As a country born from the process of decolonization, Indonesia has a long history of building its state existence through an approach characterized by sovereignty. Referring to Notonegoro, the state is not only an organization of power, but as a moral and cultural unity that places common interests above individual or group interests.<sup>3</sup> In other words, all actions are directed at fulfilling the collective ideals of the nation.'

From these philosophical roots and the nation's vision, these principles were then implemented into the 1945 Constitution. Article 11 of the 1945 Constitution grants the president the authority, with the approval of the House of Representatives (DPR), to declare war, make peace, and international treaties. This ensures that every step of Indonesia's foreign policy must be based on national interest and the approval of the representative body. Furthermore, Article 25A of the 1945 Constitution affirms that as an archipelagic state, Indonesia's maritime boundaries and rights are determined by international law, serving as the constitutional foundation for upholding maritime sovereignty.

From these philosophical and constitutional foundations, Indonesia's approach to international relations was born *Bebas-Aktif* (Free and Active). This *Bebas-Aktif* approach is a manifestation of the Indonesian nation's vision, rooted in national interest, sovereignty, and peace. In practice, the *Bebas-Aktif* approach was reflected in the statement by Vice President Moh Hatta, who asserted that Indonesia would not be an object in international political maneuvering, but would instead actively participate in maintaining world peace by not siding with

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<sup>2</sup> Kusuma.

<sup>3</sup> Notonegoro, *Pancasila Secara Ilmiah Populer*. Jakarta: Pantjuran Tudjuh, 1997.

any bloc.<sup>4</sup> Since the Asia-Africa Conference in 1955 and the Non-Aligned Movement, Indonesia has positioned itself as a country that diplomatically engages without aligning with any military power, consistently advocating for peaceful resolutions based on collective regional consensus.

Indonesia's long-standing foreign policy, characterized by the *Bebas-Aktif* (Free and Active) approach, is not merely a political tradition; it also reflects normative demands based on international law. The Charter of the United Nations affirms sovereign equality in Article 2, Paragraph (1); the obligation of peaceful dispute settlement in Article 2, Paragraph (3); and the prohibition of the use of force threatening the territorial integrity or political independence of another state as outlined in Article 2, Paragraph (4). These norms provide the legal foundation for Indonesia's right to adopt a *Bebas-Aktif* stance while simultaneously being obliged to promote peaceful resolution in the region. Furthermore, Mochtar Kusumaatmadja emphasized that interstate relations should be based on binding legal norms rather than mere power relations, ensuring that small states still hold a position in the international system.<sup>5</sup> Thus, Indonesia's *Bebas-Aktif* approach demonstrates adherence to international legal norms while simultaneously protecting the country's position from the dominance of major powers.

The international recognition of Indonesia's status as a sovereign state is the result of a long and significant diplomatic struggle in Indonesian history. Indonesia campaigned for 25 years to be acknowledged as an archipelagic state, a status finally recognized internationally through the 1982 United Nations Convention on the Law of the Sea (UNCLOS). This recognition encompasses sovereignty over archipelagic waters, territorial seas, the exclusive economic zone (EEZ), the continental shelf, and rights over natural resources. In this

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<sup>4</sup> M Hatta, *Mendajung Antara Dua Karang*. Jakarta: Kementerian Penerangan Republik Indonesia, 1951.

<sup>5</sup> M Kusumaatmadja, *Konsep Hukum Dalam Masyarakat Yang Sedang Berkembang*. Bandung: Alumni, 1982.

context, the sea is not merely a transit route, but an integral part of the nation's sovereignty and strategic interests.<sup>6</sup>

The *Bebas-Aktif* (Free and Active) principle is the cornerstone of Indonesia's foreign policy, emphasizing the freedom to determine its stance without aligning with any power bloc, and actively contributing to global peace. This principle aligns with the UN Charter, which underscores state sovereignty, equal rights, and non-intervention, while also promoting the peaceful resolution of disputes and active participation in maintaining world peace.

In the global context, Indonesia's neutrality is not a passive stance but an active strategy to create a balance of power, primarily through collective forums and regional consensus. The *Bebas-Aktif* principle, rooted in the UN Charter, necessitates a foreign policy that not only preserves regional stability but also protects the interests of its people. In fact, as an archipelagic nation, Indonesia relies on marine resources such as fisheries, shipping lanes, and energy for the well-being of its population. Therefore, the active-neutral approach is not just a geopolitical strategy but also a response to socio-economic needs and human security.

As a subject of international law, Indonesia fulfills the elements of a state according to the Montevideo Convention as elaborated by Somers are a permanent population, a defined territory, an effective government, and the capacity to enter into international relations.<sup>7</sup> However, in the maritime context, the UNCLOS 1982 framework is more operational as it affirms sovereign rights at sea for archipelagic states. Therefore, the subsequent discussion will focus more on the norms of UNCLOS 1982 governing maritime jurisdiction, rather than a general discussion of state status.

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<sup>6</sup> Indragiri Yani Wardhono et al., "Kajian Teknis Penetapan Batas Zona Ekonomi Eksklusif (ZEE) Antara Indonesia Dan Palau Di Samudera Pasifik," *Jurnal Chart Datum* vol. 1, no. 1 (September 19, 2022): 47–56. doi: <https://doi.org/10.37875/chartdatum.v1i1.11>.

<sup>7</sup> William Somers, "Chapter 5 The Montevideo Criteria for Statehood," in *The State of Taiwan from International Law to Geopolitics*. Leiden: Koninklijke Brill NV, 2023, 210–85.

Indonesia, as a state that has ratified UNCLOS 1982, is obligated to uphold its maritime sovereign rights, including in the North Natuna Sea. In fact, Indonesia has issued diplomatic notes and policies affirming the name "North Natuna Sea" to reject unilateral claims that contradict UNCLOS. UNCLOS norms, specifically Articles 56 and 57 of UNCLOS 1982, regulate the Exclusive Economic Zone (EEZ), strengthening Indonesia's juridical position to reject claims not based on coastal coordinates and jointly agreed conventions.

Ideally, Indonesia's neutral stance aims to maintain regional stability and peace. However, this idealism is tested in geopolitical reality, particularly in the prolonged South China Sea conflict. Although Indonesia is a non-claimant state, recurring incidents within Indonesia's EEZ in the North Natuna Sea demonstrate that this conflict directly impacts Indonesia's maritime sovereignty. Incidents of intrusion and unilateral claims by foreign vessels have tested the effectiveness of a neutral, consensus-based diplomatic approach.<sup>8</sup> This condition indicates the need for policies that are not only normative but also responsive to real-world dynamics.

Natuna's fisheries production reaches 8.9% of its potential, and the region also boasts large energy reserves: 1.4 billion barrels of oil and 112.4 billion barrels of gas. The wealth of Natuna's fisheries and energy is crucial for the region's economy and stability. Beyond being an Indonesian Archipelagic Sea Lane (ALKI), Natuna waters are a strategic international trade route, through which 60% of Indonesia's foreign trade passes. The South China Sea dispute, particularly China's nine-dash line claim, also threatens sovereignty, security, and coastal communities' access to resources. Furthermore, illegal fishing by foreign vessels harms the economy and local fishers, making its management and protection vital for the welfare of the people and the sustainability of resources.<sup>9</sup>

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<sup>8</sup> Ogi Nanda Raka Ade Candra Nugraha, "Geopolitik Laut Cina Selatan: Strategi Diplomasi Indonesia Dalam Menjaga Stabilitas Politik Wilayah ASEAN," *Jurnal Lemhannas RI* vol. 9, no. 4 (December 29, 2021): 25–42. doi: <https://doi.org/10.55960/jlri.v9i4.414>.

<sup>9</sup> Ririn Atifa Naila and Imam Fadhil Nugraha, "Strategi Indonesia Dalam Menangani Kasus Illegal Fishing Di Wilayah Perairan Natuna," *Desentralisasi: Jurnal Hukum*,

The people of Natuna are highly dependent on the sea as their primary source of livelihood and economy. The majority of Natuna's area consists of the ocean, with most residents working as fishers, utilizing the abundant marine potential. Despite the vast potential of Natuna's seas, various challenges remain. One significant concern is the sustainable management of marine resources and protection against illegal fishing practices, which are crucial for the community to optimally and sustainably benefit from Natuna's waters. Interference from foreign vessels, such as those from China, affecting fishing activities in Natuna also poses a threat to the development of the tourism and marine sectors. One identified threat is the South China Sea conflict, which involves the presence of foreign vessels in Natuna's waters.<sup>10</sup>

The consequence of the South China Sea dispute and the presence of Chinese foreign vessels in Natuna waters is the violation of Indonesia's sovereignty, particularly within the Natuna Exclusive Economic Zone (EEZ). Chinese fishing vessels frequently enter and engage in illegal fishing, causing both economic and security losses for Indonesia. The people of Natuna directly feel the impact through disruptions to their fishing activities, as the presence of these foreign vessels reduces their catch and creates a sense of insecurity. Furthermore, incidents such as the intervention of Chinese coast guard vessels against Indonesian authorities underscore the threat to sovereignty and the right to manage natural resources in the region.<sup>11</sup>

The people of Natuna feel their identity and rights threatened by China's unilateral claims. This conflict not only concerns Indonesia's sovereignty and security aspects but also affects the social, economic, and

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<sup>10</sup> Tirta Nugraha Mursitama, Yi Ying, and Bahtiar Saleh Abbas, "Developing Natuna: Integrating Tourism, Marine and Infrastructure Strategies towards Implementing Indonesia's Global Maritime Fulcrum," *International Journal of Recent Technology and Engineering* vol. 8, no. 4 (November 30, 2019): 4575–83. doi: <https://doi.org/10.35940/ijrte.D8753.118419>.

<sup>11</sup> Andrias Darmayadi and Ervina Nabilah Purnamasari, "The Indonesia – China Relations in the Natuna Sea Dispute Resolution: Struggle for Sovereignty," *Journal of Eastern European and Central Asian Research (JEECAR)* vol. 9, no. 1 (February 4, 2022): 41–48. doi: <https://doi.org/10.15549/jeecar.v9i1.870>.

identity dynamics of the local community, simultaneously posing a significant challenge to Indonesia's foreign policy. In this context, Indonesia's primary interest is to safeguard the sovereignty, security, and welfare of the community in border areas, especially Natuna, to maintain the integrity of the Unitary State of the Republic of Indonesia.

On the other hand, Indonesia, as a member of the international community, is bound by the principle of non-intervention, as stipulated in Article 2, Paragraph (7) of the United Nations Charter, which prohibits interference in the internal affairs of other states. This fundamentally limits Indonesia's maneuverability. Nevertheless, international law still provides opportunities for Indonesia to actively seek peaceful solutions, for instance, by acting as a mediator or dialogue facilitator, without violating the principle of non-intervention. With this approach, Indonesia can utilize multilateral instruments, such as the United Nations Convention on the Law of the Sea (UNCLOS) and the UN Charter, to achieve peaceful and constructive problem resolution, in line with the interests of the nation and the people of Natuna.

In responding to complex geopolitical dynamics, a country's neutrality as a strategy is not new. Switzerland, for example, has made permanent neutrality a core pillar of its foreign policy since the Congress of Vienna in 1815. Swiss neutrality is strictly institutionalized in its national law and internationally recognized.<sup>12</sup> This neutrality is then meticulously enforced at the domestic level and internationally acknowledged, thus shaping Switzerland's diplomatic identity as an impartial and widely accepted actor.<sup>13</sup> This diplomatic identity allows Switzerland to maintain its role as a "silent witness" in world events,

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<sup>12</sup> Sandra Bott and Jean-Michel Schaufelbuehl, "Switzerland and Detente: A Revised Foreign Policy Characterized by Distrust," in *Trust, but Verify: The Politics of Uncertainty and the Transformation of the Cold War Order*, ed. Martin Klimke, Reinhild Kreis, and Christian F Ostermann. Stanford: Stanford University Press, 2016, 259–78.

<sup>13</sup> Manuel Rodriguez, "Operation RUBICON: An Assessment With Regard to Switzerland's Duties Under the Law of Neutrality," *International Journal of Legal Information* vol. 50, no. 3 (January 18, 2022): 82–112. doi: <https://doi.org/10.1017/jli.2022.31>.

particularly involving itself in humanitarian efforts and facilitating diplomatic negotiations during both World Wars.<sup>14</sup>

In the modern context, Switzerland's neutrality remains relevant amid current geopolitical tensions. The legal aspect of neutrality in Switzerland is explicitly regulated in its constitution and serves as a core principle in the country's foreign policy, thus determining its role and involvement in international affairs. Neutrality is also reflected in its defense and security policy, where research shows that this approach becomes a strategic consideration, for instance, when Switzerland decided not to export military equipment to Ukraine to maintain its neutrality. From a global governance perspective, neutrality is a crucial instrument for preserving sovereignty while also maintaining a constructive role, serving as a center for diplomacy and a facilitator of peace amidst international conflicts.<sup>15</sup> This model allows Switzerland to protect its sovereignty amidst major conflicts in Europe and position itself as a global diplomatic hub.

Nevertheless, Indonesia's Bebas-Aktif policy cannot be entirely equated with the permanent neutrality traditionally adopted by Switzerland as a core pillar of its foreign policy. Within the Bebas-Aktif framework, Indonesia's aim is not merely to be neutral for its own self-interest, but rather to maintain international peace, stability, and cooperation. This aligns with Indonesia's guiding principle<sup>16</sup>: "prioritizing peace and cooperation, not joining any bloc." The relevant model for Indonesia is not to imitate Switzerland, but rather to learn from its principle of juridical institutionalization. If Switzerland institutionalized neutrality for survival, Indonesia has the opportunity to institutionalize active neutrality as a proactive strategy for neutrality

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<sup>14</sup> Ileana Gentilia Metea, "An Image of the Evolution of Switzerland's Neutrality Policy," *International Conference Knowledge-Based Organization* vol. 27, no. 1 (June 1, 2021): 74–81. doi: <https://doi.org/10.2478/kbo-2021-0012>.

<sup>15</sup> Giulia Persoz, "Neutrality: A Tool or a Limit for Preventing Mass Atrocity Crimes and Genocide? The Case of Switzerland," *Genocide Studies and Prevention* vol. 11, no. 3 (March 2018): 75–97. doi: <https://doi.org/10.5038/1911-9933.11.3.1507>.

<sup>16</sup> Arie Afriansyah and Hitoshi Nasu, "Bebas-Aktif: On the Law of Neutrality Applicable to Indonesia," *Indonesian Journal of International Law* vol. 22, no. 3 (April 28, 2025): 508–37. doi: <https://doi.org/10.17304/ijil.vol22.3.1914>.

diplomacy and stabilization in the South China Sea region, with a constitutional and international legal basis.

As stated by Vice President Hatta, Indonesia's Bebas-Aktif principle is essentially intended to safeguard national sovereignty, live in peace, be independent, and maintain relations with all nations, without being dependent on the interests of other powers.<sup>17</sup> In this context, Indonesia's stance is not for unilateral gain, but for the realization of regional stability and world peace, in line with the nation's vision inherited from its founders. Therefore, a juridical reformulation in the form of consensus-based neutrality diplomacy becomes an important and relevant step to safeguard Indonesia's sovereignty while also contributing to stability in the South China Sea region, which is grappling with disputes and conflicting interests. With this approach, Indonesia can emerge as a constructive actor promoting dialogue, cooperation, and peaceful problem resolution, in accordance with the principles of international law and national interest.

This research is guided by two central problem formulations. First, it seeks to examine how Indonesia has formulated and implemented its foreign policy in addressing the South China Sea dispute. Second, it explores how a juridical reformulation of consensus-based neutrality diplomacy could be applied as a strategic approach in resolving the dispute, particularly from the standpoint of Indonesia's national defense and security interests.

The objective of this study is to investigate the strategic direction of Indonesia's foreign policy in managing the South China Sea dispute and to explore a legal framework for implementing consensus-based neutrality diplomacy. It aims to develop a comprehensive understanding of how Indonesia can adopt an active neutrality stance that reflects its constitutional foundations and commitments under international law. By doing so, the research seeks to identify ways in which Indonesia can reinforce its sovereignty, advance national defense priorities, and help maintain peace and stability in the region. Instead of delving into military aspects, the focus is placed on legal and diplomatic mechanisms that

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<sup>17</sup> Hatta, *Mendajung Antara Dua Karang*.

support conflict prevention, reinforce Indonesia's juridical standing, and enhance its role as a neutral mediator in Southeast Asian geopolitics.

The relevance of this topic to the overall body of academic work lies in its dual objectives. First, it analyzes Indonesia's foreign policy strategy in the South China Sea dispute, emphasizing its role as a non-claimant state advocating active neutrality to support regional stability. This analysis offers insight into Indonesia's strategic posture within the framework of international law and diplomacy. Second, it seeks to construct a juridical model for reformulating consensus-based neutrality diplomacy that aligns with Indonesia's national defense and security interests, particularly in protecting its sovereign rights within the North Natuna Sea EEZ. This research is expected to contribute both academically and practically by providing a solid foundation for designing strategic policies and concrete measures to implement consensus-based neutrality diplomacy, ultimately securing Indonesia's interests amid complex geopolitical dynamics in the region.

## II. Methods

This research is a doctrinal legal study that uses a normative juridical approach. The object of study is the formulation of Indonesia's neutrality diplomacy in resolving the South China Sea dispute based on national defense and security perspectives. In this approach, law is viewed as a system of prescriptive norms, namely a set of rules that govern what states and other legal subjects ought to do in the event of a legal occurrence.<sup>18</sup> The primary legal materials analyzed include Indonesian legislation, such as Law No. 37 of 1999 on Foreign Relations, the 1945 Constitution, international law instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) 1982, and ASEAN legal documents (e.g., the ASEAN Charter and the Declaration on the Conduct of Parties in the South China Sea). Secondary legal materials include legal textbooks, peer-reviewed journal articles, and opinions from international law scholars. The analysis employs conceptual, statute approaches to evaluate the gap between the existing foreign policy norms

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<sup>18</sup> Sri Wulan Sari Widiarty, *Buku Ajar Metode Penelitian Hukum* (Yogyakarta: Publika Global Media, 2024), 45.

(*Das Sollen*) and their practical implementation (*Das Sein*). Also, a comparative approach is used to analyze the neutrality doctrines of countries like Switzerland and Norway. This study also identifies legal gaps and provides normative recommendations for reforming Indonesia's neutrality diplomacy. The main focus of the study is limited to legal and policy frameworks relevant to Indonesia's non-claimant status in the South China Sea dispute and its role as a neutral actor in regional stability. This research does not involve empirical data collection or fieldwork but is focused on legal analysis and policy evaluation.

### III. Result and Discussion

#### *1. Indonesia's Foreign Policy in Efforts to Resolve the South Cina Sea*

The South China Sea has become one of the most intense geopolitical conflict zones in the 21st century. This area brings together the strategic interests of various major actors, involving international players such as China, ASEAN member states, and external powers like the United States. Tensions in this region have escalated over the past decade, demonstrating an evolving geopolitical complexity that not only involves maritime sovereignty claims but also a struggle for regional influence, rights over natural resources, and increasingly politicized freedom of navigation.<sup>19</sup> Geographically, the South China Sea is a strategic body of water surrounded by ten coastal states: China, Taiwan, Vietnam, Cambodia, Thailand, Malaysia, Singapore, Indonesia, Brunei Darussalam, and the Philippines, along with landlocked Laos and the dependent territory of Macau. Encompassing the Gulf of Siam (bordered by Vietnam, Cambodia, Thailand, and Malaysia) and the Gulf of Tonkin (bordered by Vietnam and China), the South China Sea extends from the southwest, through the Karimata Strait, to its northern boundary at the Taiwan Strait. This geographical complexity gives rise to disputed claims

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<sup>19</sup> Firdaus Silabi Al-Attar, Nuswantoro Dwi Warno, and Soekotjo Hardiwinoto, "Tinjauan Yuridis Penempatan Militer Di Wilayah Sengketa Internasional (Studi Kasus Laut Cina Selatan)," *Diponegoro Law Journal* vol. 6, no. 2 (2017): 1–13.

over maritime features, such as the Spratly and Paracel Islands, contributing to increased tensions among the states.<sup>20</sup>

China bases its claims in the South China Sea on historical and cultural aspects. From China's perspective, the nine-dash line is not a sovereign boundary line, but rather an "island ownership line" that marks island ownership and historical maritime rights, such as fishing, navigation, and energy resources. However, this approach fundamentally contradicts UNCLOS 1982, which bases delimitation on geographical measurements and distance from the coastline, not history.<sup>21</sup> The nine-dash line claim is also considered unilateral, ambiguous, and against international law, as affirmed by the Permanent Court of Arbitration. This raises issues of certainty and regional sovereignty, particularly for ASEAN members.

Besides China, several ASEAN member states also lay claim to the South China Sea region based on historical, geographical, and international law aspects. The Philippines, for example, bases its claims on UNCLOS and the 2016 ruling by the Permanent Court of Arbitration (PCA), which rejected China's nine-dash line. The Permanent Court of Arbitration (PCA) ruled in 2016 that China's claims under the Nine-Dash Line had no strong legal basis, thus supporting the Philippines' position in its claim submission.<sup>22</sup> In its approach, the Philippines shifted from a confrontational stance during the Benigno Aquino era, which sought U.S. support, to a more

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<sup>20</sup> S. M. Noor, *Sengketa Laut Cina & Kepulauan Kuril* (Makassar: Pustaka Pena Press, 2015).

<sup>21</sup> Ding Hongbin and Ihsan Ullah, "The South China Sea's Nine Dash Line: Key Disputes and China's Historical Rights Claims," *Journal of Pakistan-China Studies (JPCS)* vol. 3, no. 1 (December 1, 2022): 67–86. doi: <https://doi.org/10.55733/jpcs.v3i1.53>.

<sup>22</sup> Robert Beckman, "The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea," *American Journal of International Law* 107, no. 1 (January 20, 2013): 142–63, <https://doi.org/10.5305/amerjintelaw.107.1.0142>; Lowell Bautista, "The Arbitration Case Between the Philippines and China Over Their Dispute in the South China Sea," *Journal of Southeast Asian Studies* 19, no. 1 (December 31, 2014): 3–24, <https://doi.org/10.22452/jati.vol19no1.1>; Julius Ibarra, "ASEAN's Struggle with Legal Certainty in the South China Sea," *Journal of Southeast Asian Legal Studies* vol. 5, no. 2 (2024): 101–19.

cooperative one during Rodrigo Duterte's era in order to maintain regional stability.<sup>23</sup>

Vietnam also bases its claims on history and UNCLOS, particularly Article 121, to assert its EEZ over the Paracel and Spratly archipelagos.<sup>24</sup> Vietnam adopts an approach that is both firm and flexible, seeking international support while maintaining constructive relations with China.<sup>25</sup> At the bilateral level, Vietnam has engaged in direct negotiations with China, though the results have often been unsatisfactory.<sup>26</sup>

Malaysia, based on UNCLOS and its history of fishing activities, also claims an EEZ in the Spratly waters.<sup>27</sup> Within the UNCLOS framework, especially Article 121, Malaysia argues that the islands it claims as part of its Exclusive Economic Zone (EEZ) have potential natural resources, including oil and gas.<sup>28</sup> In its approach, Malaysia employs hedging, maintaining good relations with China while

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<sup>23</sup> Renato Cruz De Castro, "Caught Between Appeasement and Limited Balancing: Duterte's Philippines in the Indo-Pacific," *Asian Journal of Comparative Politics* vol. 8, no. 1 (2022): 381–89. doi: <https://doi.org/https://doi.org/10.1177/20578911221122849>.

<sup>24</sup> P. A Hiswi, "The Increase of Vietnam Military Capability in the South China Sea Dispute: Arms Race or Status Quo?," *Jurnal Global & Strategis* vol. 12, no. 2 (2020): 97–110. <https://pdfs.semanticscholar.org/b6e4/af49627d7af77213d5a58758acddedc75080.pdf>.

<sup>25</sup> T Thuy, "Firm in Principles, Flexible in Strategy and Tactics," *Asian Journal of Comparative Politics* vol. 1, no. 1 (2016): 24–39. doi: <https://doi.org/https://doi.org/10.1177/2057891115621299>.

<sup>26</sup> Carlyle A Thayer, "Vietnam's Strategy of 'Cooperating and Struggling' with China over Maritime Disputes in the South China Sea," *Journal of Asian Security and International Affairs* vol. 3, no. 2 (2016): 200–220. doi: <https://doi.org/https://doi.org/10.1177/2347797016646105>.

<sup>27</sup> Angkasa Dipua, Lukman Yudho Prakoso, and Dikry Rizanny Nurdiansyah, "Analysis of Defense Strategy Policies in Dealing with the Potential Negative Impacts of the South China Sea Conflict," *Jurnal Pertahanan: Media Informasi Ttg Kajian & Strategi Pertahanan Yang Mengedepankan Identity, Nasionalism & Integrity* vol. 7, no. 1 (April 30, 2021): 89–99. doi: <https://doi.org/10.33172/jp.v7i1.860>.

<sup>28</sup> Andreas Gerstl, "Malaysia's Hedging Strategy Towards China Under Mahathir Mohamad (2018–2020)," *Journal of Current Chinese Affairs* vol. 49, no. 1 (2020): 106–31. doi: <https://doi.org/https://doi.org/10.1177/1868102620981751>.

continuously protecting its sovereign interests.<sup>29</sup> For example, under the leadership of Najib Razak (2009–2018), Malaysia prioritized strong economic ties with China without sacrificing its territorial sovereignty in the South China Sea.<sup>30</sup> Research indicates that although Malaysia chooses to maintain a friendly image with China, there has been an increase in responses to Chinese naval activities in Malaysian waters, and Malaysia endeavors to enhance its defensive capabilities in response to existing challenges.<sup>31</sup>

Brunei, based on Articles 76 and 77 of UNCLOS, also focuses its interests on the EEZ for access to and management of resources, particularly oil and gas.<sup>32</sup> Although Brunei's claim is more subdued, its position is based on international law for sovereign certainty. From the description above, it is evident that each ASEAN member state bases its claims on historical, geographical, and international legal aspects to protect its sovereign, security, and resource interests. This leads to overlapping claims, which are the root cause and potential for conflict in the region. Therefore, a multilateral approach and constructive dialogue are essential for achieving mutually acceptable solutions, maintaining regional stability, and adhering to international law.

Since 1992, ASEAN has sought multilateral solutions to maintain stability in the South China Sea. This began with the 1992 ASEAN Declaration on the South China Sea, which emphasized the importance of stability, freedom of navigation, and regional cooperation, though this instrument remained a non-binding statement. In 2002, the

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<sup>29</sup> Cheng-Chwee Kuik, "Malaysia Between the United States and China: What Do Weaker States Hedge Against?," *Asian Politics & Policy* vol. 8, no. 1 (January 16, 2016): 155–77. doi: <https://doi.org/10.1111/aspp.12240>.

<sup>30</sup> Chow-Bing Ngeow, "Malaysia's China Policy and the South China Sea Dispute Under the Najib Administration (2009–2018): A Domestic Policy Process Approach," *Asian Politics & Policy* vol. 11, no. 4 (October 20, 2019): 586–605. doi: <https://doi.org/10.1111/aspp.12494>.

<sup>31</sup> Mohammad Zaki Ahmad and Mohd Azizuddin Mohd Sani, "China's Assertive Posture in Reinforcing Its Territorial and Sovereignty Claims in the South China Sea: An Insight into Malaysia's Stance," *Japanese Journal of Political Science* vol. 18, no. 1 (March 14, 2017): 67–105. doi: <https://doi.org/10.1017/S1468109916000323>.

<sup>32</sup> Beckman, "The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea."

Declaration on the Conduct of Parties in the South China Sea (DoC) was agreed upon between ASEAN and China. The DoC served as a guideline for behavior aimed at restraint and peaceful dispute resolution, but it was still non-binding. Negotiations for a Code of Conduct (CoC) then commenced, aiming for a more detailed and binding instrument, although the process has been slow due to differing interests and China's tendency to delay.<sup>33</sup> The dispute also shifted to aspects of international law from 2013-2016 when the Philippines brought its case to the Permanent Court of Arbitration (PCA). In its 2016 ruling, the PCA stated that China's nine-dash line claim had no basis in UNCLOS, but China rejected the ruling.<sup>34</sup> The CoC continues to be negotiated, and at the 2023 ASEAN-China meeting, the process was slow due to differing member interests and China's cautious approach.<sup>35</sup>

From this process, it appears that multilateralism still faces obstacles, not only due to differing member interests but also China's reluctance to be bound by detailed agreements. This underscores the importance of adherence to international law and ASEAN's unified stance to maintain regional stability.

Indonesia, despite not being a claimant, is impacted by China's unilateral claims in the North Natuna Sea Exclusive Economic Zone (EEZ). In response, Indonesia rejects China's claims based on UNCLOS 1982 and employs a neutral but firm approach, aiming to maintain sovereignty while preserving regional stability.<sup>36</sup> This is crucial, given that

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<sup>33</sup> Tangguh Chairil, Ratu Ayu Asih Kusuma Putri, and Sukmawani Bela Pertiwi, "Road to ASEAN Political Security Community Vision 2025: Understanding Convergence and Divergence in ASEAN Voting Behaviors in the UNGA," *Journal of ASEAN Studies* 10, no. 2 (2022): 263–84; Naifa Rizani, "ASEAN Way: Managing Expectation in the Code of Conduct for the South China Sea," *Global: Jurnal Politik Internasional* vol. 23, no. 2 (December 6, 2021): 218–35. doi: <https://doi.org/10.7454/global.v23i2.666>.

<sup>34</sup> Bautista, "The Arbitration Case Between the Philippines and China Over Their Dispute in the South China Sea"; Ibarra, "ASEAN's Struggle with Legal Certainty in the South China Sea."

<sup>35</sup> Castro, "Caught Between Appeasement and Limited Balancing: Duterte's Philippines in the Indo-Pacific."

<sup>36</sup> Darwis Beddu, Abdul Cangara, and Bama Putra, "The Implications of Changing Maritime Security GeoStrategic Landscape of Southeast Asia Towards Indonesia's 'Jokowi' Contemporary Foreign Policy," in Proceedings of the Proceedings of the 1st

Indonesia is also an important actor in ASEAN and is promoting a multilateral approach based on international law.

Indonesia first demonstrated its firm stance on the South China Sea dispute in 2016, when it officially named the Exclusive Economic Zone (EEZ) area north of Natuna as the North Natuna Sea. This step was an affirmation of Indonesia's sovereignty over its EEZ in accordance with the 1982 UN Convention on the Law of the Sea (UNCLOS), as well as a signal of rejection of China's unilateral claim based on the nine-dash line. Indonesia's action also affirmed its position as a neutral non-claimant state that remains active in protecting its maritime interests and sovereignty.<sup>37</sup>

Indonesia's stance then shifted to become more active in May 2020, when Indonesia submitted a diplomatic note to the United Nations (UN). In the note, Indonesia firmly stated that China's claims were not in accordance with international law, and Indonesia's EEZ in the North Natuna Sea is an area recognized under UNCLOS 1982.<sup>38</sup> Within a regional framework, Indonesia also serves as a facilitator for the formulation of the Code of Conduct (CoC) in the South China Sea. The CoC is intended as an instrument to prevent escalation and maintain regional stability, in line with the "ASEAN Way" approach that

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Hasanuddin International Conference on Social and Political Sciences, HICOSPOS 2019, 21-22 October 2019, Makassar, Indonesia (EAI, 2020), 120–27, doi: <https://doi.org/10.4108/eai.21-10-2019.2291585>; Fatah Ma'ruf, Tri Legionosuko, and Helda Risman, "The Rationality of Indonesia Free-Active Politics Facing Chinese Aggressiveness in the Claims of the North Natuna Sea," *Technium Social Sciences Journal* 18 (2020): 583–97, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/techssj8&div=55&id=&page=>.

<sup>37</sup> Yuniarti Dwi Pratiwi, "Posisi Indonesia Dalam Konflik Laut Tiongkok Selatan," *Defendonesia* 4 (2017): 35–44. [https://r.search.yahoo.com/\\_ylt=Awr1TSkq1XNoBgIAAVbLQwx.;\\_ylu=Y29sbwNzZzMEcG9zAzIEdnRpZAMEc2VjA3Ny/RV=2/RE=1753631275/RO=10/RU=https%3a%2f%2fjournal.lembagakeris.net%2findex.php%2fDefendonesia%2farticle%2fdownload%2f62%2f28%2f102/RK=2/RS=gOZz.Ga0J1zLeJ7SCMiF7oVsIdg-](https://r.search.yahoo.com/_ylt=Awr1TSkq1XNoBgIAAVbLQwx.;_ylu=Y29sbwNzZzMEcG9zAzIEdnRpZAMEc2VjA3Ny/RV=2/RE=1753631275/RO=10/RU=https%3a%2f%2fjournal.lembagakeris.net%2findex.php%2fDefendonesia%2farticle%2fdownload%2f62%2f28%2f102/RK=2/RS=gOZz.Ga0J1zLeJ7SCMiF7oVsIdg-)

<sup>38</sup> Mustika Sukma Utari et al., "China's Aggressive Stance In The North Natuna Region, Indonesia Did What?," *Asian Journal of Engineering, Social and Health* 2, no. 7 (July 31, 2023): 484–96, <https://doi.org/10.46799/ajesh.v2i7.83>.

emphasizes consensus, non-intervention, and dialogue.<sup>39</sup> This aligns with Article 11, Paragraph (1) of the 1945 Constitution (UUD 1945) and Law Number 37 of 1999, which grant the President the authority, with the approval of the House of Representatives (DPR), to declare war, conclude treaties, and conduct foreign relations. From a normative perspective, Indonesia's steps are consistent and synchronized with both domestic and international regulations. From a domestic perspective, Indonesia's approach aligns with Article 11, Paragraph (1) of the 1945 Constitution and Law Number 37 of 1999, while from an international perspective, the approach is consistent with UNCLOS 1982 and the UN Charter.<sup>40</sup> This occurred amidst Chinese intrusions in 2016 and 2020, when Chinese vessels, including coast guard ships, entered Indonesia's EEZ in the North Natuna Sea. Indonesia's actions, namely the deployment of the Indonesian National Armed Forces (TNI), the issuance of diplomatic notes, and official statements from the Ministry of Foreign Affairs, demonstrate that Indonesia still employs a defensive and legally compliant approach.<sup>41</sup>

Although Indonesia's multilateral and defensive approaches are still useful for prevention, they are limited and not a definitive resolution. This is because Indonesia still relies on non-binding multilateral instruments and relatively weak domestic legal instruments, such as detailed and operational laws or protocols for maritime diplomacy. Furthermore, Indonesia's foreign policy-making process remains fragmented, with overlapping authorities among the Ministry of Foreign Affairs, the Indonesian Navy, and the Maritime Security Agency

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<sup>39</sup> S. C. Padmakumara, "A Conceptual Analysis on 'ASEAN Way' as a Normative Approach for Conducting Regional Affairs," *Colombo Journal of Multi-Disciplinary Research* 6, no. 1 (September 9, 2021): 1–12, <https://doi.org/10.4038/cjmr.v6i1.58>; Novita H Sari and Irma Indrayani, "The Impact of the ASEAN Way and We Feeling Concepts on Indonesia's Involvement in Strengthening Regionalism," *NEGREI: Academic Journal of Law and Governance* vol. 2, no. 1 (July 30, 2022): 67–76. doi: <https://doi.org/10.29240/negrei.v2i1.4584>.

<sup>40</sup> Budi Pramono, Makarim Wibisono, and Tri Legiono Suko, "The Strategic Value of Natuna EEZ from Tiongkok Perspective," *International Affairs and Global Strategy* 90 (February 2021): 5–12. doi: <https://doi.org/10.7176/IAGS/90-02>.

<sup>41</sup> Utari et al., "China's Aggressive Stance In The North Natuna Region, Indonesia Did What?"

(Bakamla), thus limiting the effectiveness of Indonesia's actions on the ground. The implementation of multilateral cooperation and defense policies at the regional level also remains suboptimal due to weak coordination and collaboration among related agencies and actors.<sup>42</sup>

Indonesia actively uses multilateral approaches, advocacy in international forums, and negotiations, but these approaches still depend on agreements and consensus, making it difficult to achieve a firm resolution when unilateral sovereignty violations occur.<sup>43</sup> This happens not only because legal and institutional instruments are still weak, but also because Indonesia's multilateral approach still relies on negotiation processes, so differing national interests also become an obstacle.

During Joko Widodo's administration, Indonesia's communication and diplomatic strategy showed improvement by emphasizing the importance of an idealistic and humanitarian diplomatic path in handling disputes.<sup>44</sup> Nevertheless, there are still limitations in the effectiveness of this approach, especially when dealing with the influence of major powers like China, which often exploit situations to strengthen their claims.<sup>45</sup> However, in many cases,

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<sup>42</sup> Rizqi Hidayat, Deni D.A.R., and Sutrimo, "Community Empowerment Policy by Regional Governments from Defense and Security Threats in the Era of Society 5.0," *IAR Journal of Humanities and Social Science* vol. 3, no. 02 (April 20, 2022): 84–89. doi: <https://doi.org/10.47310/iarjhss.2022.v03i02.012>.

<sup>43</sup> Satwika Paramasatya and Wing Witjahyo Poespojoedho, "Naval Diplomacy: Upaya Defensif Indonesia Dalam Konflik Laut Tiongkok Selatan Di Era Joko Widodo," *Jurnal Hubungan Internasional* 12, no. 2 (December 10, 2019): 245–64, <https://doi.org/10.20473/jhi.v12i2.14027>; Rendy Adiwilaga, Prasta Kusumah, and Mustabsyrotul Ummah Mustofa, "Implikasi Rivalitas Amerika Serikat–Republik Rakyat China Terhadap Posisi Kedaulatan Indonesia (Studi Kasus Pada Dinamika Konflik Klaim Wilayah Laut China Selatan)," *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional* vol. 2, no. 1 (March 28, 2023): 29–38. doi: <https://doi.org/10.24198/aliansi.v2i1.44641>.

<sup>44</sup> Lutfi Kurniawan, "Diplomasi Pertahanan Indonesia Melalui Naval Diplomacy Dan Sea Power Di Laut Cina Selatan Pada Tahun 2020," *Inovasi Pembangunan : Jurnal Kelitbang* vol. 11, no. 02 (August 1, 2023): 125–42. doi: <https://doi.org/10.35450/jip.v11i02.375>.

<sup>45</sup> Luh Gde Citra Sundari Laksmi, Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliartini, "Peran Indonesia Dalam Penyelesaian Sengketa Internasional Di Laut

Indonesia's actions have not been effective enough in stopping escalation. Provocative actions by Chinese vessels in areas claimed by Indonesia in Natuna have led to increased tensions and posed a threat to regional stability.<sup>46</sup>

Indonesia's conflict resolution efforts have largely been through advocacy in international forums, promoting dialogue, and negotiations, but have not yet reached the stage of direct intervention or active mediation.<sup>47</sup> However, Indonesia, as a non-claimant and neutral state, could play a broader and more constructive role if supported by mature legal and institutional instruments.

## ***2. The Role of Consensus-Based Neutrality Diplomacy in Safeguarding Sovereignty and Stability through the Legal Refomurlation of Indonesia's Foreign Policy***

Juridical reformulation etymologically stems from the Latin *re-*, meaning “again” or “anew,” and *formulare*, meaning “to form” or “to formulate.” In legal terminology, the term “reformulation” refers to the act of restructuring, restating, or expressing an existing legal idea in a renewed form, adapted to a specific context or purpose. According to *Black's Law Dictionary*, reformulation is defined as “the act of formulating again; a restatement or new statement of the same subject.”<sup>48</sup> This concept is frequently employed in legal reform and policy discourse to signify a systematic rearticulation of legal norms or frameworks, especially in response to evolving social, political, or geopolitical circumstances. Within the legal domain, reformulation is understood as

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Cina Selatan,” *Jurnal Komunitas Yustisia* vol. 5, no. 2 (October 24, 2022): 225–42. doi: <https://doi.org/10.23887/jatayu.v5i2.51616>.

<sup>46</sup> Muhar Junef, “Sengketa Wilayah Maritim Di Laut Tiongkok Selatan,” *Jurnal Penelitian Hukum De Jure* vol. 18, no. 2 (June 26, 2018): 219–40. doi: <https://doi.org/10.30641/dejure.2018.V18.219-240>.

<sup>47</sup> Evi Fitriani, “Indonesian Views of Managing Disputes Through Cooperation in the South China Sea and the Obstacles,” in *Cooperative Development in the South China Sea*, ed. Haiqi Qi and Sheng Xue (London: Routledge, 2020).

<sup>48</sup> Bryan A Garner, *Black's Law Dictionary* (St. Paul, MN: Thomson Reuters, 2019).

a systematic process to reorganize legal norms, structures, or doctrines to be more relevant to societal needs and socio-political developments.<sup>49</sup>

Meanwhile, the term juridical refers to anything that is legal or in accordance with the law. "Juridical" originates from the Latin word *ius*, meaning law or right. Linguistically, the term "juridical" comes from the Latin *juridicus* and the German *juridisch*, both of which mean "based on law" or "viewed from a legal aspect."<sup>50</sup> Based on the description above, the author concludes that juridical reformulation is the process of reformulating existing legal norms or instruments through a normative legal approach, to make them more relevant, operational, and legally binding, in accordance with legal needs, contemporary developments, and principles of justice. Juridical reformulation is crucial when existing norms are inadequate in responding to social changes or the policy needs of a state, such as in the context of Indonesia's diplomacy in the South China Sea region.

Diplomacy originates from the Greek word *diploun*, meaning "to fold," referring to official documents that were folded in half. This term later evolved in Latin into *diplomaticus*, in French into *diplomatie*, and finally became known as *diplomacy* in English. In its modern sense, diplomacy is understood as the art and practice of peacefully managing relations between states through negotiation, communication, and dispute resolution.<sup>51</sup> Diplomacy also serves as a state's primary instrument for managing and articulating national interests through

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<sup>49</sup> Paisol Burlian, "Reformulasi Yuridis Pengaturan Produk Pangan Halal Bagi Konsumen Muslim Di Indonesia," *AHKAM : Jurnal Ilmu Syariah* vol. 17, no. 1 (January 29, 2014). doi: <https://doi.org/10.15408/ajis.v17i1.1241>. In a study on halal product regulation, Burlian refers to juridical reformulation as the restructuring of substantive legal norms, not merely editorial improvements, with the aim of ensuring effectiveness and legal certainty. Thus, reformulation can be interpreted as the process of re-formulating an existing concept, policy, or norm.

<sup>50</sup> M Marwan and Jimmy P, *Kamus Hukum: Dictionary of Law Complete Edition* (Surabaya: Reality Publisher, 2009).

<sup>51</sup> G. R Berridge, *Diplomacy: Theory and Practice*, 5th ed (London: Palgrave Macmillan, 2015); Ernest Satow, *Satow's Guide to Diplomatic Practice*, ed. Ivor Roberts, 5th ed (Oxford: Oxford University Press, 2009).

non-military and non-coercive means.<sup>52</sup> Meanwhile, the concept of neutrality comes from the Latin word *neuter*, meaning "not taking sides." Neutrality is not merely passive; rather, it reflects a strategic position adopted by a state to maintain its sovereignty and internal stability.<sup>53</sup> Oppenheim categorizes neutrality into five types: permanent, partial, voluntary, conventional (based on treaty), and armed.<sup>54</sup> In its development, neutrality has transformed into a foreign policy strategy known as neutral diplomacy. This concept combines the principle of non-intervention with an active role for the state in international conflicts, such as acting as a mediator, facilitator, or bridge for dialogue between parties.<sup>55</sup> Thus, neutral diplomacy not only manifests the principle of non-intervention but also develops as a strategic instrument for creating regional stability, strengthening multilateralism, and contributing to global peace through peaceful and collaborative approaches. In practice, Switzerland, Sweden, and Austria use neutrality to maintain stability, multilateralism, and peace.<sup>56</sup> Neutral states can also be constructive, not passive, actors in conflict resolution, as seen in the roles of Switzerland and Norway in the Oslo Accords, or through mediation efforts carried out in Europe.<sup>57</sup>

For Indonesia, an active neutrality approach becomes highly relevant in the context of the South China Sea. Although Indonesia is not a claimant party, its geographical position in a region impacted by China's claims places Indonesia in a strategic position. With its capacity as a *de facto* leader of ASEAN and its reputation as a moderate democratic nation, Indonesia has the potential to exercise a greater diplomatic function in fostering consensus-based dispute resolution mechanisms.

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<sup>52</sup> Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994); R P Barston, *Modern Diplomacy*, 4th ed (London: Routledge, 2014).

<sup>53</sup> L Oppenheim, *International Law: A Treatise*, vol. 2, 1980.

<sup>54</sup> Oppenheim.

<sup>55</sup> Seraina Rüegger, "Neutral Diplomacy and Mediation: The Strategic Value of Not Taking Sides," *Swiss Political Science Review* vol. 28, no. 1 (2022): 48–66. doi: <https://doi.org/https://doi.org/10.1111/spsr.12517>.

<sup>56</sup> Urs Luterbacher and Jan Wüstenberg, *Neutrality and Mediation in the Post-Cold War World* (Dordrecht: Springer, 2011).

<sup>57</sup> Corneliu Bjola and Markus Kornprobst, *Understanding International Diplomacy: Theory, Practice and Ethics* (London: Routledge, 2013).

This is where Indonesia's neutrality should be formulated not as a passive stance, but as a diplomatic force within the context of preventive diplomacy and soft power.<sup>58</sup> Indonesia's neutrality is not a passive attitude, but a diplomatic instrument for regional stability, in accordance with UNCLOS 1982 and national interests, without succumbing to pressure from major powers.

Juridically, the legal articulation of neutrality diplomacy in Indonesia remains largely implicit and scattered across various statutory instruments, without a singular, unified legal framework that explicitly defines or operationalizes neutrality as a foreign policy doctrine. While Indonesia's foreign policy is anchored in the constitutional mandate of being "free and active," as articulated in the Preamble and Article 11 of the 1945 Constitution, this principle has yet to be explicitly expanded into a statutory model that supports neutrality as a strategic, legally enforceable foreign policy tool. The urgency of juridical reformulation is evident when the normative foundation proves inadequate to govern Indonesia's active involvement in regional disputes such as the South China Sea. Hence, the need arises to systematically restate and structure neutrality within Indonesia's legal corpus to ensure coherence, enforceability, and adaptability to current geopolitical realities.

Beyond institutional aspects, the implementation of a consensus-based neutrality approach also depends on a well-developed legal framework and the integration of both international and domestic policies.<sup>59</sup> This juridical reformulation must begin by reevaluating the scope and limitations of Law No. 37 of 1999 on Foreign Relations, which is the primary legal instrument governing Indonesia's external interactions. Although this law affirms the "free and active" foreign policy orientation, it fails to explicitly address Indonesia's role in regional

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<sup>58</sup> Joseph S Nye, *Soft Power: The Means to Success in World Politics* (New York: PublicAffairs, 2004); Budi Nugroho, "Netralitas Aktif Dalam Diplomasi Indonesia: Relevansi Dan Tantangan Di Laut Cina Selatan," *Jurnal Kajian Wilayah* vol. 8, no. 2 (2020): 233–47.

<sup>59</sup> Muhammad Fatahillah Akbar, "Koherensi Pengaturan Illegal, Unreported, and Unregulated Fishing Di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* vol. 8, no. 2 (September 6, 2019): 245–64. doi: <https://doi.org/10.33331/rechtsvinding.v8i2.319>.

security architectures or provide mechanisms for proactive neutrality in multilateral conflicts. To address this gap, the law should be revised to include a dedicated section that codifies neutrality diplomacy as a legitimate and strategic modality of Indonesia's foreign policy, one that aligns with constitutional values, upholds international law, and fortifies Indonesia's sovereignty without requiring military entanglement or political alignment with major powers.

The juridical basis for reformulation also rests on Law No. 43 of 2008 on State Territory, which delineates the spatial limits of Indonesia's sovereignty, including territorial seas and exclusive economic zones (EEZ). This law becomes particularly relevant as China's nine-dash line claim overlaps with Indonesia's EEZ in the North Natuna Sea, despite Indonesia not being a formal claimant in the South China Sea dispute. By linking neutrality diplomacy with the legal protection of territorial integrity, Indonesia can strengthen its stance under international law, particularly UNCLOS 1982 while maintaining its non-claimant status. A reformed legal framework must therefore integrate neutrality diplomacy with mechanisms of maritime sovereignty protection, transforming it from abstract policy rhetoric into a legally anchored state responsibility.

Equally important is the integration of neutrality into Indonesia's defense legal framework, particularly Law No. 3 of 2002 on National Defense. This law affirms the primary role of the Indonesian National Armed Forces (TNI) in safeguarding the nation's sovereignty and territorial integrity. However, it does not elaborate on the diplomatic dimensions of defense or how neutrality could function in coordination with military posture. An ideal reformulation would introduce the concept of defense diplomacy within neutrality, recognizing that neutrality is not synonymous with demilitarization, but rather with strategic balance. This would permit Indonesia to engage in multilateral cooperation, assert its rights, and deter violations without being drawn into alignments that jeopardize its autonomy or regional credibility.

In support of an integrated approach, Law No. 32 of 2014 on Maritime Affairs and Presidential Regulation No. 16 of 2017 on Indonesia's Ocean Policy should also be aligned to the neutrality framework. These laws and policies emphasize Indonesia's vision as a

global maritime fulcrum and contain references to diplomacy and maritime sovereignty. However, they do not legally operationalize Indonesia's neutral posture in maritime dispute contexts. Their reformulation should include provisions for maritime diplomacy rooted in neutrality, such as Indonesia's commitment to facilitate dialogue, uphold freedom of navigation, and assert sovereign rights through peaceful legal means. Thus, neutrality becomes an expression of Indonesia's identity as both a sovereign archipelagic state and a regional stabilizer.

Conceptually, the ideal formulation of Indonesia's neutrality diplomacy must transcend passive non-involvement and evolve into proactive facilitative diplomacy, rooted in legal norms and multilateral consensus-building. The South China Sea is not merely a geopolitical flashpoint; it is a legal battleground where states assert rights under international conventions. Indonesia's role should therefore be twofold: defending its legal entitlements and facilitating legal discourse among claimants. The reformulated legal framework must define neutrality as an active legal obligation, involving facilitation, mediation, legal assertion, and regional coordination in accordance with ASEAN norms and international legal standards.

To achieve this, the reformulation of Law No. 37 of 1999 must include several recommended elements. First, a clear definition of neutrality diplomacy should be introduced, encompassing legal neutrality, political non-alignment, and proactive facilitation roles. Second, institutional mandates must be clarified, assigning coordinating authority to the Ministry of Foreign Affairs, while integrating the Ministry of Defense, the Coordinating Ministry for Maritime Affairs, and agencies such as Bakamla and TNI. Third, the law must establish a normative hierarchy where international law, particularly UNCLOS and the ASEAN Charter guides Indonesia's diplomatic conduct in regional disputes. Fourth, the law must provide for domestic safeguards, ensuring that neutrality does not compromise national interests or constitutional mandates.

In parallel, parliamentary oversight must be institutionalized in the reformulation process. As stipulated in Article 11 of the Constitution, the DPR plays a key role in approving international

agreements. A reformulated framework should extend this role to include periodic review of neutrality diplomacy practices, ensuring that Indonesia's neutral stance remains consistent with democratic principles and legal accountability. This oversight would create legal clarity, policy transparency, and public legitimacy for Indonesia's actions in the South China Sea and beyond.

Furthermore, to ensure implementation, the reformulated legal framework must be accompanied by derivative regulations including government regulations, ministerial decrees, and standard operating procedures. These should specify how neutrality is to be executed in diplomatic practice, including protocols for mediation offers, responses to foreign incursions, coordination in regional forums, and legal mechanisms for filing protests or issuing statements. SOPs must also include responses that combine diplomacy with maritime surveillance, legal protest under UNCLOS, and ASEAN-level dialogue initiation.

The urgency of reformulating Indonesia's neutrality diplomacy in the South China Sea can be comprehended through the theoretical framework of the integral state. This theory, developed by Soepomo in the context of Indonesian constitutional thought, emphasizes the state as an organic unity of territory, people, and governmental power that cannot be separated. The state is not merely an instrument of authority, but an integral expression of the sociocultural values inherent within the nation.<sup>60</sup> Within this framework, the function of the integral state includes the comprehensive protection of territorial integrity, the survival of its people, and the stability of governance. Hence, violations of jurisdiction by foreign actors in areas such as the North Natuna Sea should not be regarded solely as maritime issues, but as existential threats to the state, necessitating strategic responses that reflect the unity of national interests in diplomacy and defense.

Adam Müller, a critic of political liberalism, rejected the notion of the state as a mere rational agreement among individuals (as proposed by social contract theory). Instead, he conceptualized the state as a living historical organism rooted in tradition, moral values, and religious life.

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<sup>60</sup> Soepomo, *Pidato-Pidato Kenegaraan Soepomo (Edisi Asli Tabun 1945)*. Jakarta: Arsip Nasional Republik Indonesia, 2016.

According to Müller, the state is a synthesis of moral institutions (*such as the family, community, and church*) unified into an ethical whole.<sup>61</sup> He emphasized that public policy must be inseparable from collective morality and historical identity. In this context, Indonesia's neutrality diplomacy should not be reduced to an opportunistic foreign policy maneuver, but rather understood as an ethical-historical expression of national character committed to peace, sovereignty, and a dignified balance of power. The role of the state must not be governed solely by power logic, but should rest upon the foundations of integral political morality.

A critical addition to the legal structure should be a national doctrine or white paper on neutrality diplomacy, articulating the philosophical, legal, and strategic rationale for neutrality in contemporary foreign policy. This document would serve not only as a legal supplement but also as a policy instrument that can be referenced by practitioners, legislators, and scholars. It would institutionalize neutrality not as circumstantial rhetoric but as a permanent feature of Indonesia's foreign policy identity, rooted in law and reinforced through continuous legal-political education.

To secure societal support, civic engagement and public communication must also be integrated into the legal structure. This includes provisions that encourage the dissemination of Indonesia's neutrality diplomacy objectives to the public through strategic communications, education, and dialogue platforms. The reformulated framework should encourage the integration of maritime sovereignty and foreign policy literacy in school curricula, public diplomacy campaigns, and professional training for civil servants and diplomats, thereby reinforcing public alignment with the state's juridically grounded neutrality vision.

From an international law perspective, the juridical reformulation of neutrality must affirm Indonesia's adherence to UNCLOS 1982, the ASEAN Charter, and other customary international law principles related to non-intervention, peaceful dispute

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<sup>61</sup> Adam Müller, *Elements of Statecraft*, trans. Peter Koslowski (New Brunswick: Transaction Publishers, 2003), originally published in 1809.

settlement, and sovereign equality. Incorporating these into national law not only increases Indonesia's diplomatic leverage but also ensures that neutrality is not perceived as isolationist or indecisive, but as legally principled and normatively constructive.

In conclusion, the juridical reformulation of Indonesia's consensus-based neutrality diplomacy requires a comprehensive, multi-level legal strategy. This includes the revision of primary laws such as Law No. 37 of 1999, harmonization with maritime and defense laws, and the development of derivative regulations and white papers. Conceptually, neutrality must be recast as an active legal duty aligned with constitutional values, national defense priorities, and international legal obligations. Only through such a coherent and enforceable legal framework can Indonesia position itself as a neutral yet assertive actor in the South China Sea, promoting peace, defending sovereignty, and reinforcing the rule of law in regional diplomacy.

## IV. Conclusion

Based on the analysis above, it can be concluded that Indonesia's approach to the South China Sea dispute remains limited to defensive multilateral measures and declarative stances, rather than broader, more proactive resolutions. This limitation stems from Indonesia's continued reliance on non-binding legal instruments and a fragmented foreign policy process, which constrains its effectiveness in the region. Through a legal and institutional reformulation, however, Indonesia could shift from a passive stance to a more constructive role, strengthening its legal framework and institutional capacity to safeguard national interests, sovereignty, and regional stability. By adopting an active neutrality approach, Indonesia can position itself not merely as an observer but as an accepted facilitator and bridge-builder, designing regional governance based on international law and shared interests, a vision aligned with the 1945 Constitution, Law No. 37 of 1999, and the 1982 UNCLOS. As a non-claimant state and significant maritime power, Indonesia has the potential to serve as an honest broker, much like Switzerland's role globally, exercising neutrality that is mature and constructive to better preserve regional peace and its national interests.

To achieve this, Indonesia's legal and institutional framework must be strengthened through amendments to Law No. 37 of 1999 on Foreign Relations and the detailed formulation of an active neutrality diplomacy doctrine that provides clear legal and operational guidance. Beyond legal measures, integrating foreign policy and defense strategies is crucial so that the Ministry of Foreign Affairs, Ministry of Defense, and the armed forces can align their visions and tactical steps, ensuring a cohesive and relevant national approach. Establishing a well-mandated regional mediation center could further expand Indonesia's recognized role as a peace facilitator, supported by stronger maritime security diplomacy and sovereignty protection. At the same time, enhancing the capacity of diplomats, international law experts, and military officers through training and knowledge exchange is essential to carry out this role effectively and professionally. With these legal and institutional reforms, Indonesia is expected to emerge as a trusted and constructive actor in the region, contributing to regional stability while protecting national interests in line with its constitutional and international legal principles.

## References

- Adiwilaga, Rendy, Prasta Kusumah, and Mustabsyirotul Ummah Mustofa. "Implikasi Rivalitas Amerika Serikat–Republik Rakyat China Terhadap Posisi Kedaulatan Indonesia (Studi Kasus Pada Dinamika Konflik Klaim Wilayah Laut China Selatan)." *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional* vol. 2, no. 1 (March 28, 2023): 29–38. doi: <https://doi.org/10.24198/aliansi.v2i1.44641>.
- Afriansyah, Arie, and Hitoshi Nasu. "Bebas-Aktif: On the Law of Neutrality Applicable to Indonesia." *Indonesian Journal of International Law* vol. 22, no. 3 (April 28, 2025): 508–37. doi: <https://doi.org/10.17304/ijil.vol22.3.1914>.
- Ahmad, Mohammad Zaki, and Mohd Azizuddin Mohd Sani. "China's Assertive Posture in Reinforcing Its Territorial and Sovereignty Claims in the South China Sea: An Insight into Malaysia's Stance." *Japanese Journal of Political Science* vol. 18, no. 1 (March 14, 2017): 67–105. doi: <https://doi.org/10.1017/S1468109916000323>.

- Akbar, Muhammad Fatahillah. "Koherensi Pengaturan Illegal, Unreported, and Unregulated Fishing Di Indonesia." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* vol. 8, no. 2 (September 6, 2019): 245–64. doi: <https://doi.org/10.33331/rechtsvinding.v8i2.319>.
- Al-Attar, Firdaus Silabi, Nuswantoro Dwi Warno, and Soekotjo Hardiwinoto. "Tinjauan Yuridis Penempatan Militer Di Wilayah Sengketa Internasional (Studi Kasus Laut Cina Selatan)." *Diponegoro Law Journal* vol. 6, no. 2 (2017): 1–13.
- Barston, R P. *Modern Diplomacy*. 4th ed. London: Routledge, 2014.
- Bautista, Lowell. "The Arbitration Case Between the Philippines and China Over Their Dispute in the South China Sea." *Journal of Southeast Asian Studies* vol. 19, no. 1 (December 31, 2014): 3–24. doi: <https://doi.org/10.22452/jati.vol19no1.1>.
- Beckman, Robert. "The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea." *American Journal of International Law* vol. 107, no. 1 (January 20, 2013): 142–63. doi: <https://doi.org/10.5305/amerjintelaw.107.1.0142>.
- Beddu, Darwis, Abdul Cangara, and Bama Putra. "The Implications of Changing Maritime Security GeoStrategic Landscape of Southeast Asia Towards Indonesia's 'Jokowi' Contemporary Foreign Policy." In *Proceedings of the Proceedings of the 1st Hasanuddin International Conference on Social and Political Sciences, HICOSPOS 2019, 21-22 October 2019, Makassar, Indonesia*, 120–27. EAI, 2020. doi: <https://doi.org/10.4108/eai.21-10-2019.2291585>.
- Berridge, G. R. *Diplomacy: Theory and Practice*. 5th ed. London: Palgrave Macmillan, 2015.
- Bjola, Corneliu, and Markus Kornprobst. *Understanding International Diplomacy: Theory, Practice and Ethics*. London: Routledge, 2013.
- Bott, Sandra, and Jean-Michel Schaufelbuehl. "Switzerland and Detente: A Revised Foreign Policy Characterized by Distrust." In *Trust, but Verify: The Politics of Uncertainty and the Transformation of the Cold War Order*, edited by Martin Klimke, Reinhild Kreis, and Christian F Ostermann, 259–78. Stanford: Stanford University Press, 2016.
- Burlian, Paisol. "Reformulasi Yuridis Pengaturan Produk Pangan Halal Bagi Konsumen Muslim Di Indonesia." *AHKAM : Jurnal Ilmu Syariah* vol.

- 17, no. 1 (January 29, 2014). doi: <https://doi.org/10.15408/ajis.v17i1.1241>.
- Castro, Renato Cruz De. "Caught Between Appeasement and Limited Balancing: Duterte's Philippines in the Indo-Pacific." *Asian Journal of Comparative Politics* vol. 8, no. 1 (2022): 381–89. doi: <https://doi.org/https://doi.org/10.1177/20578911221122849>.
- Chairil, Tangguh, Ratu Ayu Asih Kusuma Putri, and Sukmawani Bela Pertiwi. "Road to ASEAN Political Security Community Vision 2025: Understanding Convergence and Divergence in ASEAN Voting Behaviors in the UNGA." *Journal of ASEAN Studies* vol. 10, no. 2 (2022): 263–84.
- Darmayadi, Andrias, and Ervina Nabilah Purnamasari. "The Indonesia – China Relations in the Natuna Sea Dispute Resolution: Struggle for Sovereignty." *Journal of Eastern European and Central Asian Research (JEECAR)* vol. 9, no. 1 (February 4, 2022): 41–48. doi: <https://doi.org/10.15549/jeecar.v9i1.870>.
- Dipua, Angkasa, Lukman Yudho Prakoso, and Dikry Rizanny Nurdiansyah. "Analysis of Defense Strategy Policies in Dealing with the Potential Negative Impacts of the South China Sea Conflict." *Jurnal Pertahanan: Media Informasi Ttg Kajian & Strategi Pertahanan Yang Mengedepankan Identity, Nasionalism & Integrity* vol. 7, no. 1 (April 30, 2021): 89–99. doi: <https://doi.org/10.33172/jp.v7i1.860>.
- Fitriani, Evi. "Indonesian Views of Managing Disputes Through Cooperation in the South China Sea and the Obstacles." In *Cooperative Development in the South China Sea*, edited by Haiqi Qi and Sheng Xue. London: Routledge, 2020.
- Garner, Bryan A. *Black's Law Dictionary*. St. Paul, MN: Thomson Reuters, 2019.
- Gerstl, Andreas. "Malaysia's Hedging Strategy Towards China Under Mahathir Mohamad (2018–2020)." *Journal of Current Chinese Affairs* vol. 49, no. 1 (2020): 106–31. doi: <https://doi.org/https://doi.org/10.1177/1868102620981751>.
- Hatta, M. *Mendajung Antara Dua Karang*. Jakarta: Kementerian Penerangan Republik Indonesia, 1951.
- Hidayat, Rizqi, Deni D.A.R., and Sutrimo. "Community Empowerment Policy by Regional Governments from Defense and Security Threats in

- the Era of Society 5.0.” *IAR Journal of Humanities and Social Science* 3, no. 02 (April 20, 2022): 84–89. <https://doi.org/10.47310/iarjhss.2022.v03i02.012>.
- Hiswi, P. A. “The Increase of Vietnam Military Capability in the South China Sea Dispute: Arms Race or Status Quo?” *Jurnal Global & Strategis* vol. 12, no. 2 (2020): 97–110. <https://pdfs.semanticscholar.org/b6e4/af49627d7af77213d5a58758acddedc75080.pdf>.
- Hongbin, Ding, and Ihsan Ullah. “The South China Sea’s Nine Dash Line: Key Disputes and China’s Historical Rights Claims.” *Journal of Pakistan-China Studies (JPCS)* vol. 3, no. 1 (December 1, 2022): 67–86. doi: <https://doi.org/10.55733/jpcs.v3i1.53>.
- Ibarra, Julius. “ASEAN’s Struggle with Legal Certainty in the South China Sea.” *Journal of Southeast Asian Legal Studies* vol. 5, no. 2 (2024): 101–19.
- Junef, Muhar. “Sengketa Wilayah Maritim Di Laut Tiongkok Selatan.” *Jurnal Penelitian Hukum De Jure* vol. 18, no. 2 (June 26, 2018): 219–40. doi: <https://doi.org/10.30641/dejure.2018.V18.219-240>.
- Kissinger, Henry. *Diplomacy*. New York: Simon & Schuster, 1994.
- Kuik, Cheng-Chwee. “Malaysia Between the United States and China: What Do Weaker States Hedge Against?” *Asian Politics & Policy* vol. 8, no. 1 (January 16, 2016): 155–77. doi: <https://doi.org/10.1111/aspp.12240>.
- Kurniawan, Lutfi. “Diplomasi Pertahanan Indonesia Melalui Naval Diplomacy Dan Sea Power Di Laut Cina Selatan Pada Tahun 2020.” *Inovasi Pembangunan : Jurnal Kelitbangan* vol. 11, no. 02 (August 1, 2023): 125–42. doi: <https://doi.org/10.35450/jip.v11i02.375>.
- Kusuma, R. A. *Labirnya UUD 1945: Memuat Salinan Dokumen Otentik Badan Oentok Menyelidiki Oesaha-Oesaha Persiapan Kemerdekaan*. Jakarta: Fakultas Hukum Universitas Indonesia, 2009.
- Kusumaatmadja, M. *Konsep Hukum Dalam Masyarakat Yang Sedang Berkembang*. Bandung: Alumni, 1982.
- Laksmi, Luh Gde Citra Sundari, Dewa Gede Sudika Mangku, and Ni Putu Rai Yulartini. “Peran Indonesia Dalam Penyelesaian Sengketa Internasional Di Laut Cina Selatan.” *Jurnal Komunitas Yustisia* vol. 5, no. 2 (October 24, 2022): 225–42. doi: <https://doi.org/10.23887/jatayu.v5i2.51616>.

- Luterbacher, Urs, and Jan Wüstenberg. *Neutrality and Mediation in the Post-Cold War World*. Dordrecht: Springer, 2011.
- Marwan, M, and Jimmy P. *Kamus Hukum: Dictionary of Law Complete Edition*. Surabaya: Reality Publisher, 2009.
- Ma'ruf, Fatah, Tri Legionosuko, and Helda Risman. "The Rationality of Indonesia Free-Active Politics Facing Chinese Aggressiveness in the Claims of the North Natuna Sea." *Technium Social Sciences Journal* 18 (2020): 583–97. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/techssj8&div=55&id=&page=>.
- Metea, Ileana Gentilia. "An Image of the Evolution of Switzerland's Neutrality Policy." *International Conference Knowledge-Based Organization* vol. 27, no. 1 (June 1, 2021): 74–81. doi: <https://doi.org/10.2478/kbo-2021-0012>.
- Mursitama, Tirta Nugraha, Yi Ying, and Bahtiar Saleh Abbas. "Developing Natuna: Integrating Tourism, Marine and Infrastructure Strategies towards Implementing Indonesia's Global Maritime Fulcrum." *International Journal of Recent Technology and Engineering* vol. 8, no. 4 (November 30, 2019): 4575–83. doi: <https://doi.org/10.35940/ijrte.D8753.118419>.
- Müller, Adam. *Elements of Statecraft*. Translated by Peter Koslowski. New Brunswick: Transaction Publishers, 2003.
- Naila, Ririn Atifa, and Imam Fadhil Nugraha. "Strategi Indonesia Dalam Menangani Kasus Illegal Fishing Di Wilayah Perairan Natuna." *Desentralisasi: Jurnal Hukum, Kebijakan Publik, Dan Pemerintahan* vol. 2, no. 1 (December 11, 2024): 21–35. doi: <https://doi.org/10.62383/desentralisasi.v2i1.384>.
- Ngeow, Chow-Bing. "Malaysia's China Policy and the South China Sea Dispute Under the Najib Administration (2009–2018): A Domestic Policy Process Approach." *Asian Politics & Policy* vol. 11, no. 4 (October 20, 2019): 586–605. doi: <https://doi.org/10.1111/aspp.12494>.
- Noor, S. M. *Sengketa Laut Cina & Kepulauan Kuril*. Makassar: Pustaka Pena Press, 2015.
- Notonegoro. *Pancasila Secara Ilmiah Populer*. Jakarta: Pantjuran Tudjuh, 1997.

- Nugraha, Ogi Nanda Raka Ade Candra. "Geopolitik Laut Cina Selatan: Strategi Diplomasi Indonesia Dalam Menjaga Stabilitas Politik Wilayah ASEAN." *Jurnal Lembannas RI* vol. 9, no. 4 (December 29, 2021): 25–42. doi: <https://doi.org/10.55960/jlri.v9i4.414>.
- Nugroho, Budi. "Netralitas Aktif Dalam Diplomasi Indonesia: Relevansi Dan Tantangan Di Laut Cina Selatan." *Jurnal Kajian Wilayah* 8, no. 2 (2020): 233–47.
- Nye, Joseph S. *Soft Power: The Means to Success in World Politics*. New York: PublicAffairs, 2004.
- Oppenheim, L. *International Law: A Treatise*. Vol. 2, 1980.
- Padmakumara, S. C. "A Conceptual Analysis on 'ASEAN Way' as a Normative Approach for Conducting Regional Affairs." *Colombo Journal of Multi-Disciplinary Research* vol. 6, no. 1 (September 9, 2021): 1–12. doi: <https://doi.org/10.4038/cjmr.v6i1.58>.
- Paramasatya, Satwika, and Wing Witjahyo Poespojoedho. "Naval Diplomacy: Upaya Defensif Indonesia Dalam Konflik Laut Tiongkok Selatan Di Era Joko Widodo." *Jurnal Hubungan Internasional* vol. 12, no. 2 (December 10, 2019): 245–64. doi: <https://doi.org/10.20473/jhi.v12i2.14027>.
- Persoz, Giulia. "Neutrality: A Tool or a Limit for Preventing Mass Atrocity Crimes and Genocide? The Case of Switzerland." *Genocide Studies and Prevention* vol. 11, no. 3 (March 2018): 75–97. doi: <https://doi.org/10.5038/1911-9933.11.3.1507>.
- Pramono, Budi, Makarim Wibisono, and Tri Legiono Suko. "The Strategic Value of Natuna EEZ from Tiongkok Perspective." *International Affairs and Global Strategy* 90 (February 2021): 5–12.. doi: <https://doi.org/10.7176/IAGS/90-02>.
- Pratiwi, Yuniarti Dwi. "Posisi Indonesia Dalam Konflik Laut Tiongkok Selatan." *Defendonesia* 4 (2017): 35–44. [https://r.search.yahoo.com/\\_ylt=Awr1TSkq1XNoBgIAAVbLQwx;\\_ylu=Y29sbwNzZzMEcG9zAzIEdnRpZAMec2VjA3Ny/RV=2/RE=1753631275/RO=10/RU=https%3a%2f%2fejournal.lembagakeris.net%2findex.php%2fDefendonesia%2farticle%2fdownload%2f62%2f28%2f102/RK=2/RS=gOZz.Ga0J1zLeJ7SCMiF7oVsIdg-](https://r.search.yahoo.com/_ylt=Awr1TSkq1XNoBgIAAVbLQwx;_ylu=Y29sbwNzZzMEcG9zAzIEdnRpZAMec2VjA3Ny/RV=2/RE=1753631275/RO=10/RU=https%3a%2f%2fejournal.lembagakeris.net%2findex.php%2fDefendonesia%2farticle%2fdownload%2f62%2f28%2f102/RK=2/RS=gOZz.Ga0J1zLeJ7SCMiF7oVsIdg-)
- Rizani, Naifa. "ASEAN Way: Managing Expectation in the Code of Conduct for the South China Sea." *Global: Jurnal Politik Internasional* vol. 23,

- no. 2 (December 6, 2021): 218–35. doi: <https://doi.org/10.7454/global.v23i2.666>.
- Rodriguez, Manuel. “Operation RUBICON: An Assessment With Regard to Switzerland’s Duties Under the Law of Neutrality.” *International Journal of Legal Information* vol. 50, no. 3 (January 18, 2022): 82–112. doi: <https://doi.org/10.1017/jli.2022.31>.
- Rüegger, Seraina. “Neutral Diplomacy and Mediation: The Strategic Value of Not Taking Sides.” *Swiss Political Science Review* vol. 28, no. 1 (2022): 48–66. doi: <https://doi.org/https://doi.org/10.1111/spsr.12517>.
- Sari, Novita H, and Irma Indrayani. “The Impact of the ASEAN Way and We Feeling Concepts on Indonesia’s Involvement in Strengthening Regionalism.” *NEGREI: Academic Journal of Law and Governance* vol. 2, no. 1 (July 30, 2022): 67–76. doi: <https://doi.org/10.29240/negrei.v2i1.4584>.
- Satow, Ernest. *Satow’s Guide to Diplomatic Practice*. Edited by Ivor Roberts. 5th ed. Oxford: Oxford University Press, 2009.
- Soepomo. *Pidato-Pidato Kenegaraan Soepomo (Edisi Asli Tahun 1945)*. Jakarta: Arsip Nasional Republik Indonesia, 2016.
- Somers, William. “Chapter 5 The Montevideo Criteria for Statehood.” In *The State of Taiwan from International Law to Geopolitics*, 210–85. Leiden: Koninklijke Brill NV, 2023.
- Thayer, Carlyle A. “Vietnam’s Strategy of ‘Cooperating and Struggling’ with China over Maritime Disputes in the South China Sea.” *Journal of Asian Security and International Affairs* vol. 3, no. 2 (2016): 200–220. doi: <https://doi.org/https://doi.org/10.1177/2347797016646105>.
- Thuy, T. “Firm in Principles, Flexible in Strategy and Tactics.” *Asian Journal of Comparative Politics* vol. 1, no. 1 (2016): 24–39. doi: <https://doi.org/https://doi.org/10.1177/2057891115621299>.
- Utari, Mustika Sukma, Firman Hasan, Sri Oktavia, and Ilhamda Fattah Kaloko. “China’s Aggressive Stance In The North Natuna Region, Indonesia Did What?” *Asian Journal of Engineering, Social and Health* vol. 2, no. 7 (July 31, 2023): 484–96. doi: <https://doi.org/10.46799/ajesh.v2i7.83>.
- Wardhono, Indragiri Yani, Novera B. Lesmana, Eka Djunarsjah, and Trismadi. “Kajian Teknis Penetapan Batas Zona Ekonomi Eksklusif (ZEE) Antara Indonesia Dan Palau Di Samudera Pasifik.” *Jurnal Chart*

*Datum* vol. 1, no. 1 (September 19, 2022): 47–56. doi:  
<https://doi.org/10.37875/chartdatum.v1i1.11>.

Widiarty, Sri Wulan Sari. *Buku Ajar Metode Penelitian Hukum*. Yogyakarta:  
Publika Global Media, 2024.