

Indonesia-China International Dispute on the Natuna Island Case: Various International Law Discourses and Practices in Regional Countries

Anissaa Nuril Chasanah ^a, Ridwan Arifin ^b✉, Ngboawaji Daniel Nte ^c

^a Center for Southeast Asian Studies, Universitas Negeri Semarang, Indonesia

^b Faculty of Law, Universitas Negeri Semarang, Indonesia

^c Department of Intelligence and Security Studies, Novena University, Delta State, Nigeria

✉ Corresponding email: ridwan.arifin@mail.unnes.ac.id

Abstract

The Natuna Island case stands as a focal point in the complex web of international relations, particularly between Indonesia and China, in the South China Sea region. This study explores the various international law discourses and practices adopted by regional countries concerning this dispute. Indonesia's sovereign claims over the Natuna Islands clash with China's expansive territorial assertions, leading to diplomatic tensions and legal debates. In analyzing this dispute, this study delves into the multifaceted dimensions of international law invoked by both parties and observed by neighboring states. It examines the application of principles such as the United Nations Convention on the Law of the Sea (UNCLOS)



Copyrights © Author(s). This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. (CC BY-SA 4.0). All writings published in this journal are personal views of the author and do not represent the views of this journal and the author's affiliated institutions.

and customary international law concerning territorial sovereignty and maritime rights. Moreover, the study scrutinizes the strategies employed by Indonesia and China within international forums, including arbitration and diplomatic negotiations, to resolve their differences. It highlights the significance of multilateral cooperation and adherence to established legal frameworks in mitigating conflicts and maintaining regional stability. Furthermore, the study assesses the responses of other regional countries to the Natuna Island dispute, elucidating their stances on the applicability of international law and the preservation of their own interests amidst geopolitical tensions. These responses offer valuable insights into the evolving dynamics of maritime disputes and the role of international law in shaping regional security architectures.

KEYWORDS *International Dispute, International Law Discourses, Indonesia-China Disputes, Natuna case*

Introduction

The Natuna Island case serves as a significant illustration of the intricate interplay between territorial sovereignty, maritime rights, and international law within the geopolitically crucial South China Sea region. Positioned at the confluence of major maritime trade routes and endowed with substantial natural resources, the Natuna Islands have emerged as a focal point of contention between Indonesia and China, precipitating diplomatic frictions and legal debates with ramifications extending across the Asia-Pacific.¹

This paper aims to delve into the Indonesia-China international dispute concerning the Natuna Islands, with a particular emphasis on the diverse international law discourses and practices embraced by regional countries. Central to the dispute are conflicting territorial claims and

¹ Putri, Hetria, and Wilmar Salim. "The Maritime Silk Road's potential effects on outer island development: The Natuna Islands, Indonesia." *Island Studies Journal* 15.2 (2020): 155-172; Johnson, Douglas. "Drawn into the fray: Indonesia's Natuna Islands meet China's long gaze South." *Asian Affairs: An American Review* 24.3 (1997): 153-161

maritime entitlements, encapsulating broader geopolitical rivalries and strategic imperatives in the South China Sea.

Indonesia asserts its sovereign rights over the Natuna Islands grounded in historical claims, geographical proximity, and principles of international law, prominently enshrined within the United Nations Convention on the Law of the Sea (UNCLOS). Conversely, China advances its expansive "*nine-dash line*" claim, intersecting Indonesia's exclusive economic zone (EEZ) surrounding the Natuna Islands, thereby precipitating maritime incidents and diplomatic confrontations.²

Within this context, the application of international law assumes the dual role of guiding framework and contested terrain for competing claims. UNCLOS, often referred to as the "*constitution for the oceans*," delineates maritime zones and rights, furnishing a legal foundation for resolving disputes and fostering maritime cooperation. Nevertheless, interpretations of UNCLOS provisions diverge, prompting varying legal discourses and strategic maneuvers by disputing parties.³

Furthermore, the Natuna Island case reflects broader trends in regional dynamics, wherein other countries negotiate their interests vis-à-vis the Indonesia-China dispute while affirming their adherence to international law. The reactions of regional stakeholders, including ASEAN member states and major maritime powers such as the United States, Japan, and Australia, shape the discourse on maritime security, legal norms, and multilateral engagement in the South China Sea.⁴

Furthermore, in the midst of the Indonesia-China dispute over the Natuna Islands, the geographical context of Indonesia plays a pivotal role

² Fernandes, Inggrit, et al. "Status of Indonesia's sovereign rights in the north natuna sea conflict area consequences of China's nine-dash line claim." *Linguistics and Culture Review* 5.S3 (2021): 1775-1783; Ardila, Ririn. "Sengketa Wilayah Zona Ekonomi Eksklusif Indonesia (Studi Kasus Klaim Cina Atas Laut Natuna Utara)." *Uti Possidetis: Journal of International Law* 1.3 (2020): 358-377.

³ Furtado, Xavier. "International law and the dispute over the spratly Islands: Whither UNCLOS?." *Contemporary Southeast Asia* (1999): 386-404; Hong, Nong. *UNCLOS and ocean dispute settlement: Law and politics in the South China Sea*. Routledge, 2012.

⁴ Kipgen, Nehginpao. "ASEAN and China in the South China Sea disputes." *Asian Affairs* 49.3 (2018): 433-448.

in shaping the dynamics of the conflict. Indonesia's geography is defined by its vast archipelagic expanse, characterized by thousands of islands separated by a complex network of shallow and deep waters, including straits, territorial seas, and high seas. This unique geographical makeup not only underscores Indonesia's identity as a maritime nation but also endows it with a rich diversity of biological resources, which are integral to its economic and ecological well-being.⁵

Indonesia's maritime territory spans approximately 5.8 million square kilometers, comprising a significant portion of its total landmass. Within this expanse, Indonesia's territorial waters encompass around 0.3 million square kilometers, while its archipelagic sea waters extend over 2.8 million square kilometers. Additionally, Indonesia boasts an Exclusive Economic Zone (EEZ) covering approximately 2.7 million square kilometers. This vast maritime domain serves as the cornerstone of Indonesia's maritime identity and underscores its strategic significance within the broader regional context.⁶

Indonesia's sovereign territory stands as a cornerstone of the nation's identity and integrity, alongside its people and government. The delineation and governance of territorial boundaries within a country are crucial, requiring clear laws and regulations to ensure effective administration. While the original preamble of the 1945 Constitution does not explicitly outline provisions regarding the "*Territory of the Republic of Indonesia*," the founding fathers referenced the Dutch East Indies Ordinance, specifically the *Territorial Zeen en Marietieme Kringen Ordonantie 1939*, which delineated the islands within the region separated by the surrounding sea. According to this ordinance, each island was allocated a mere 3 miles of sea around its coastline, allowing for freedom of navigation for foreign vessels within the seas surrounding Indonesia's unitary State territory, separating its islands. This historical context

⁵ Laksmana, Evan A. "The enduring strategic trinity: explaining Indonesia's geopolitical architecture." *Journal of the Indian Ocean Region* 7.1 (2011): 95-116; Butcher, John G., and Robert Edward Elson. *Sovereignty and the sea: How Indonesia became an archipelagic state*. NUS Press, 2017.

⁶ Kurnia, Ida, and Imelda Martinelli. "Seeking and Evaluating The Regulations of Indonesia's Exclusive Economic Zone." *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 28.1 (2016): 123-137

underscores the complex interplay between international maritime law and Indonesia's territorial sovereignty, reflecting the ongoing evolution of legal frameworks governing the nation's territorial integrity.⁷

The consciousness of the Indonesian populace regarding the unity of Indonesia's territorial integrity was significantly shaped by the Dutch East Indies ordinance of 1939, which had adverse implications. In response, on December 13, 1957, under the leadership of Ir. Djuanda, the Indonesian government issued a pivotal decree known as the Djuanda Declaration. This declaration unequivocally asserted Indonesia's sovereignty over its archipelagic expanse, challenging opposition from several nations at the time and nullifying the notion of the sea between islands as a free area, thereby establishing it as Indonesian territory. The Djuanda Declaration marked a watershed moment in Indonesia's maritime history, laying the groundwork for what later became known as the archipelagic state concept.⁸

Subsequently, this declaration was enshrined into law through Law No. 4/PRP/1960 concerning Indonesian Waters, which designated the territorial boundary of the Indonesian state as extending 12 miles from the coastline of its outer islands. The Djuanda Declaration served as a foundational principle underpinning Indonesia's stance on maritime sovereignty and became integral to the development of international maritime law.⁹

In 1982, the principles encapsulated in the Djuanda Declaration found resonance in the United Nations Convention on the Law of the Sea (UNCLOS) 1982. This convention, ratified by the Indonesian government through Law No. 17 of 1985, solidified Indonesia's legal framework for maritime jurisdiction, reinforcing its claims under the

⁷ Kalemang, Joseph Victoryadi. "Analisis sengketa zona ekonomi eksklusif antara Indonesia dan RRT di kepulauan natuna." *Journal of Politic and Government Studies* 9.4 (2020): 1-14.

⁸ Nurhidayati, Nida. "Dari Deklarasi Djuanda ke Wawasan Nusantara: Peranan Mochtar Kusumaatmadja dalam Mencapai Kedaulatan Wilayah Laut Indonesia, 1957-1982." *SUSURGALUR* 9.1 (2021): 37-54.

⁹ Darusman, Yoyon Mulyana. "Pengaruh Konvensi Hukum Laut Internasional Tahun 1982 Terhadap Wilayah Laut Indonesia." *Jurnal Cita Hukum* 6.2 (2018): 343-360.

archipelagic state concept. Through these legislative measures, Indonesia has asserted its sovereign rights over its maritime domain, ensuring the protection and preservation of its territorial integrity in accordance with international law.¹⁰

The persistent challenges surrounding the territorial status of states and the lack of clarity in determining and understanding state boundaries have frequently sparked disputes among bordering nations. These conflicts often stem from differing principles applied in delimiting continental shelf boundaries between adjacent states, leading to territorial overlaps and subsequent disputes over boundary demarcation. Given that the sea is considered a common heritage for humankind, every nation possesses the right to utilize marine resources in pursuit of its interests.

However, the absence of clearly defined borders in maritime spaces can potentially escalate conflicts over time. Therefore, it is imperative to establish regulations governing maritime boundaries to ensure the peaceful coexistence of nations and safeguard their security and sovereignty. Clarity in delineating sea boundaries is essential to prevent disputes and promote cooperation in the utilization of marine resources, thereby fostering stability and harmony among maritime nations.

Against this backdrop, the Natuna Islands emerge as a focal point within Indonesia's maritime territory, situated at the nexus of vital sea lanes and endowed with abundant natural resources. The dispute with China over the sovereignty and maritime rights surrounding the Natuna Islands epitomizes the complex interplay between territorial integrity, maritime jurisdiction, and international law. As such, understanding the geographical context of Indonesia's maritime domain is crucial for comprehending the intricacies of the Indonesia-China dispute and the broader geopolitical dynamics shaping the South China Sea region.

In light of these intricacies, this paper seeks to analyze the Indonesia-China dispute over the Natuna Islands from the perspective of international law discourses and practices within regional contexts. By

¹⁰ Risnain, Muhammad. "The Concept of the Archipelagic Province and Archipelagic State in the Perspective of National and International Law." *Lampung Journal of International Law* 3.2 (2021): 73-84; Wirajuda, N. Hassan. "UNCLOS 35 Years Later: We Are Still at Sea." *The Marine Environment and United Nations Sustainable Development Goal 14*. Brill Nijhoff, 2018. 10-15.

scrutinizing legal arguments, diplomatic strategies, and multilateral interactions, it aims to elucidate the evolving landscape of maritime disputes and the imperative of legal frameworks in managing regional tensions. Through this inquiry, the paper endeavors to contribute to a nuanced understanding of the complexities surrounding territorial disputes and the pivotal role of legal mechanisms in fostering peace, stability, and cooperation in the South China Sea.

A Nine Dash Line Claim: Indonesia and ASEAN Response

The South China Sea dispute, centered around the contentious Nine-Dash Line claim, stands as one of the most protracted and complex maritime conflicts in the contemporary geopolitical landscape. The Nine-Dash Line, originally conceived by the Republic of China (ROC) in the mid-20th century and later adopted by the People's Republic of China (PRC), asserts expansive territorial claims over the majority of the South China Sea, encroaching upon the maritime territories of multiple Southeast Asian nations.¹¹

In addition, the South China Sea and Natuna Islands stand as regions of immense natural resource wealth, giving rise to intense competition within the confines of national territorial boundaries. This competition is fueled by the strategic significance of the South China Sea, a vital shipping lane with considerable asset value for countries asserting influence and interests in the area. Consequently, the region finds itself embroiled in attention and conflict, exacerbated by China's unilateral claims under the Nine-Dash Line.¹²

¹¹ Guan, Ang Cheng. "The South China Sea Dispute Revisited." *Australian Journal of International Affairs* 54.2 (2000): 201-215; Storey, Ian James. "Creeping Assertiveness: China, the Philippines and the South China Sea Dispute." *Contemporary Southeast Asia* (1999): 95-118.

¹² Dutton, Peter. "Three disputes and three objectives: China and the South China Sea." *Naval War College Review* 64.4 (2011): 42-67; Gao, Zhiguo, and Bing Bing Jia. "The nine-dash line in the South China Sea: History, status, and implications." *American Journal of International Law* 107.1 (2013): 98-123.

Indonesia, as a stakeholder in the South China Sea, grapples with the ramifications of this conflict, particularly concerning its Exclusive Economic Zone (EEZ) encompassing the waters of the Natuna Islands, which fall within China's unilaterally claimed territory. Consequently, the Indonesian government is compelled to seek resolution and prevention measures to safeguard its interests and sovereignty from the looming threat posed by the South China Sea conflict.

In light of these challenges, Indonesia is actively engaged in diplomatic efforts aimed at resolving tensions and establishing new frameworks to address the complexities of the South China Sea dispute. These endeavors are vital for protecting Indonesia's national interests and ensuring stability in the region, thereby averting potential threats to its sovereignty and security.

Since its inception in 1947, the Nine-Dash Line has been emblematic of territorial assertions made by the government in mainland China, established under the Kuomintang regime. Covering nearly the entirety of the South China Sea, this delineation, however, lacked precise political considerations at its inception. Despite the absence of specific and accurate boundaries on the Nine-Dash Line map, it was adopted by the subsequent communist government upon assuming power and establishing the People's Republic of China in 1949. Since then, the Nine-Dash Line has served as the cornerstone for Beijing's territorial claims and political agendas, shaping its policies up to the present era.¹³

It is crucial for the Indonesian populace to recognize that the Nine-Dash Line map lacks definitive rules and contains inaccuracies regarding the boundaries of territorial waters. This underscores the need for a clear understanding of the complexities surrounding maritime boundaries and the importance of adherence to established international legal frameworks in resolving territorial disputes.

The Nine-Dash Line (as shown on Figure 1) was originally embraced by the communist government upon its rise to power, with

¹³ McDorman, Ted L. "Rights and jurisdiction over resources in the South China Sea: UNCLOS and the 'nine-dash line'." *The South China Sea Disputes and Law of the Sea*. Edward Elgar Publishing, 2014. 144-163; Scott, Shirley V. "China's nine-dash line, international law, and the Monroe Doctrine analogy." *China information* 30.3 (2016): 296-311.

China formally establishing the People's Republic of China (PRC) in 1949. Since then, the Nine-Dash Line has served as a foundational element underpinning China's territorial claims and political strategies, persisting as a central tenet of its policies to the present day. Encompassing approximately 3.5 million square kilometers, or 90 percent of the total area of the South China Sea, the region delineated within this imaginary boundary has been a focal point of contention.¹⁴

However, Indonesia does not recognize the Nine-Dash Line, asserting that it lacks any international legal basis.¹⁵ The arbitrary nature of the nine points comprising the line has been a catalyst for conflict in the South China Sea region, eliciting strong reactions from countries with competing claims in this vital maritime thoroughfare, which serves as a critical artery for global trade.



Figure 1. Nine Dash Line claim

Source: CSIS Asia Maritime Transparency Initiative

¹⁴ Napang, Marthen, et al. "Contesting views of the philippines and china over the nine-dash line in the south china sea." *ASEAN International Law* (2022): 405-414.

¹⁵ Dipua, Angkasa, et al. "An analysis of the South China Sea conflict: Indonesia's perspectives, contexts and recommendations." *PalArch's Journal of Archaeology of Egypt/Egyptology* 17.4 (2020): 976-990.

The Nine-Dash Line, originating with the establishment of the People's Republic of China (PRC) in 1949, has remained a cornerstone of China's territorial assertions and political strategy. Covering approximately 3.5 million square kilometers, constituting 90 percent of the South China Sea's total area, this demarcation has been a focal point of contention. However, Indonesia does not recognize the Nine-Dash Line, citing its lack of international legal validity. The arbitrary nature of the line's delineation has fueled conflict in the South China Sea region, prompting strong responses from nations with competing claims in this crucial maritime corridor, vital for global trade.¹⁶

ASEAN is actively pursuing the transformation of the Declaration on the Conduct of Parties in the South China Sea (DOC) into a legally binding Code of Conduct (COC), aiming to establish constructive agreements that effectively address territorial disputes among involved parties. This transition reflects ASEAN's commitment to enhancing regional stability and promoting peaceful resolution mechanisms. Furthermore, ASEAN is leveraging its internal institutional mechanisms, particularly in the maritime sector, to maximize operational effectiveness. By implementing these mechanisms on the ground, ASEAN aims to strengthen regional cooperation and foster mutual understanding among member states.¹⁷

Moreover, ASEAN is prioritizing bilateral cooperation efforts, both within the association and with external disputing parties, to facilitate joint

¹⁶ Jinming, Li, and Li Dexia. "The dotted line on the Chinese map of the South China Sea: a note." *Ocean Development & International Law* 34.3-4 (2003): 287-295; Keyuan, Zou. "The Chinese Traditional Maritime Boundary Line in the South China Sea and Its Legal I Consequences for the Resolution of the Dispute over the Spratly Islands." *The International Journal of Marine and Coastal Law* 14.1 (1999): 27-55; Keyuan, Zou. "Historic rights in international law and in China's practice." *Ocean Development & International Law* 32.2 (2001): 149-168.

¹⁷ Thao, Nguyen Hong. "The declaration on the Conduct of Parties in the south China sea: A Vietnamese Perspective, 2002–2007." *Security and International Politics in the South China Sea*. Routledge, 2008. 223-237; Shicun, Wu, and Ren Huaifeng. "More Than a Declaration: A Commentary on the Background and the Significance of the Declaration on the Conduct of the Parties in the South China Sea." *Chinese Journal of International Law* 2.1 (2003): 311-319.

utilization of potential natural resources in contested areas. Through consistent engagement and dialogue, ASEAN seeks to promote confidence-building measures and mitigate tensions, ultimately contributing to sustainable peace and development in the region.

The region encompassed by the imaginary nine-line boundary spans approximately 3.5 million square kilometers, accounting for 90 percent of the total area of the South China Sea. Despite China's reliance on the Nine-Dash Line as the basis for its claims, Indonesia maintains a stronger position in the Natuna water conflict. This is underscored by China's repeated violations of Indonesia's Exclusive Economic Zone (EEZ) and patterns of illegal fishing activities within Indonesian waters.

China's incursions into Indonesian waters have been particularly concerning, with instances of illegal fishing by Chinese-flagged vessels reported. In one incident, the KM Kway Fey 10078 boat, flagged as Chinese, was apprehended in Natuna waters for illegal fishing activities. The Indonesian Navy has intercepted numerous foreign fishing vessels in the Natuna region, suspected of engaging in illegal fishing practices such as the use of tiger nets and trawls.¹⁸

These violations highlight Indonesia's proactive stance in protecting its sovereign rights and territorial integrity. Despite China's assertive behavior, Indonesia remains steadfast in enforcing maritime laws and safeguarding its marine resources within its EEZ. Such actions underscore Indonesia's commitment to upholding international maritime norms and ensuring sustainable management of its maritime domain.¹⁹

The issue of illegal fishing arises from multiple factors, primarily stemming from overlapping laws and regulations that result in unclear management of national borders. This ambiguity creates legal loopholes exploited by perpetrators of illegal fishing activities. Additionally, China's repeated violations of Indonesia's Exclusive Economic Zone (EEZ) exacerbate the problem. Chinese ships have been known to enter Indonesian territorial waters without permission, contravening EEZ Law

¹⁸ Weatherbee, Donald E. *Re-assessing Indonesia's Role in the South China Sea*. ISEAS-Yusof Ishak Institute, 2016.

¹⁹ Kurniaty, R., and P. A. Ruslijanto. "Analysis on traditional fishing grounds in Indonesias Natuna waters under International Law." *IOP Conference Series: Earth and Environmental Science*. Vol. 137. No. 1. IOP Publishing, 2018.

No. 5 of 1983, particularly Article 7, which stipulates that scientific research activities in Indonesia's EEZ require prior approval from the Indonesian government.

In instances of illegal fishing by Chinese vessels, the Indonesian government has initiated official processes to address the violations. However, enforcement efforts have been hindered by the presence of patrol boats belonging to China's Sea security agency. Chinese coast guard ships have resorted to aggressive tactics, including ramming and forcibly detaining ships captured by joint operations conducted by the Ministry of Marine Affairs and Fisheries and the Indonesian Navy.²⁰

These aggressive actions by Chinese coast guard ships within Natuna's territorial waters have prompted the Indonesian government to devise plans to bolster security measures along its maritime borders. Such measures aim to safeguard Indonesia's sovereign rights, uphold maritime laws, and protect marine resources from illegal exploitation.

In the further context, China's assertion of territorial jurisdiction over the Natuna Islands is evident through its promulgation of the Law of the Territorial Sea and Additional Zones. This claim extends China's influence into the fishery areas surrounding the Natuna Islands, underscoring its significance in the broader context of the South China Sea region. Over time, the Natuna Islands have emerged as a focal point due to their abundant natural resources, making them one of Indonesia's key assets.²¹

The Natuna Islands, renowned for their vast natural wealth, particularly in oil and gas reserves, have played a pivotal role in Indonesia's economic landscape. According to reports from the Ministry of Energy and Mineral Resources, Natuna boasts substantial oil reserves totaling 308.30 million barrels, alongside the largest natural gas reserves in Indonesia, amounting to 54.78 trillion cubic feet. These oil and gas

²⁰ Anggraini, Silvia Dian, Indra Kusumawardhana, and Iqbal Ramadhan. "The implication of Indonesia's IUU fishing policy in Natuna territorial waters towards South China Sea geopolitics." *Jurnal Hubungan Internasional* 7.2 (2019): 118-132.

²¹ Fauzan, Fauzan, Kamarulnizam Abdullah, and Mohammad Zaki Ahmad. "Border security problems in the waters of the Natuna Islands: Between national boundaries and illegal fishing." *AEGIS: Journal of International Relations* 3.2 (2019).

resources constitute the primary source of revenue for Natuna, driving economic development in the region.

Furthermore, Natuna Island's marine fishery resources are equally significant, with an estimated yield of 1 million tons per year. Despite this abundant resource, only a fraction, approximately 36%, is currently utilized. This underscores the untapped potential of Natuna's marine resources and the opportunity for further development and sustainable utilization to bolster economic growth and livelihoods in the region.

The Indonesian government has undertaken significant legal and legislative reforms, notably through the promulgation of Law Number 31 of 2004, subsequently amended by Law Number 45 of 2009, focusing on fisheries. These legal changes hold paramount importance for Indonesia, given the vast expanse of its waters covering almost 6 million square kilometers. Safeguarding sovereignty and national jurisdiction over these waters necessitates robust legal frameworks and enforcement mechanisms to counter foreign interference and illegal activities.²²

Law Number 45 of 2009 represents a strategic policy shift and a positive step forward in addressing these challenges. It serves as the foundation for law enforcement and judicial proceedings pertaining to fisheries, particularly in combating illegal fishing activities. The detrimental impact of illegal fishing on state finances and the Indonesian economy underscores the urgency of enforcing these laws effectively.²³

By providing a legal basis for addressing illegal fishing and related issues, Law Number 45 of 2009 strengthens Indonesia's capacity to protect its marine resources and promote sustainable fisheries management. It

²² Chapsos, Ioannis, and Steve Hamilton. "Illegal fishing and fisheries crime as a transnational organized crime in Indonesia." *Trends in Organized Crime* 22.3 (2019): 255-273.

²³ Kasim, Nurdin, and Aris Widagdo. "Combating illegal, unreported, unregulated (IUU) fishing in Indonesia." *Aquaculture, Aquarium, Conservation & Legislation* 12.6 (2019): 2243-2251. See also Tarigan, Muhammad Insan. "Implementation of countermeasures effort of illegal fishing in Indonesia (case study on sinking the FV Viking vessel)." *Journal of Indonesian Legal Studies* 3.1 (2018): 131-146; Rasyid, Sulaiman. "Determination of the Jurisdiction of Fisheries Crimes as Transnational Organized Crimes." *Unnes Law Journal* 7.1 (2021): 167-188.

reflects the government's commitment to upholding maritime sovereignty and ensuring the prosperity of the Indonesian nation. The Republic of Indonesia's Law Number 45 of 2009, amending Law Number 31 of 2004 concerning fisheries, encompasses regulations pertaining to criminal procedural law and fisheries offenses. It delineates the roles and responsibilities of various state institutions in investigating, prosecuting, and adjudicating cases of illegal fishing. Authorized entities include the Ministry of Marine Affairs and Fisheries, the Navy, the National Police, the Prosecutor's Office, and the Fisheries Court or District Court. These institutions collaborate to combat illegal fishing activities and ensure the effective enforcement of fisheries laws within Indonesian waters.

The current situation between China and Indonesia is marked by China's assertion that it does not contest Indonesia's sovereignty over the Natuna Islands. However, China claims fishing rights in the waters surrounding Natuna, citing historical usage by traditional Chinese fishermen. This stance by China has created uncertainty for Indonesia regarding the status of the Natuna Sea within its territorial boundaries.²⁴

As a consequence of China's claims, conflicts have arisen over overlapping claims in Natuna waters. Indonesia and China have engaged in repeated negotiations and confrontations, often involving the interception of Chinese fishing vessels engaged in illegal fishing activities within Natuna waters. These tensions have occasionally escalated to militant actions, exemplified by the actions taken during the tenure of Susi Pudjiastuti as Minister of Maritime Affairs, including the sinking of captured foreign (Chinese) ships and the use of force by Indonesian patrol boats to deter illegal fishing activities by traditional Chinese fishing vessels in Natuna waters.²⁵

Many parties, particularly within ASEAN member states, look to Indonesia to play a more proactive role beyond mere mediation in the ongoing South China Sea dispute. However, Indonesia's impartial stance

²⁴ Anggraini, Silvia Dian, Indra Kusumawardhana, and Iqbal Ramadhan. "The implication of Indonesia's IUU fishing policy in Natuna territorial waters towards South China Sea geopolitics." *Jurnal Hubungan Internasional* 7.2 (2019): 118-132.

²⁵ Damastuti, Tiara Aji, et al. "Penyelesaian Sengketa Ilegal Fishing Di Wilayah Laut Natuna Antara Indonesia Dengan China." *Jurnal Reformasi Hukum: Cogito Ergo Sum* 1.2 (2018): 51-58.

alone is insufficient to address the complexities of the issue, particularly concerning China's Nine-Dash Line claim, which contravenes the UN Convention on the Law of the Sea (UNCLOS).

Several factors underscore the urgency for Indonesia to take decisive action. Firstly, the rampant presence of Chinese fishing vessels illegally operating in Indonesian territorial waters poses a significant economic burden, costing Indonesia approximately 20 billion US dollars annually. Secondly, incidents involving patrols by the People's Republic of China's coast guard entering Indonesian waters have escalated tensions. In a recent incident at the end of May, a People's Republic of China coast guard vessel approached within 50 kilometers of Indonesian waters in Natuna.

These developments highlight the pressing need for Indonesia to assert its rights and interests in the face of encroachment and illegal activities in its territorial waters. Indonesia must carefully consider its response, taking into account diplomatic, legal, and security considerations, to effectively address the challenges posed by China's actions in the South China Sea.

Understanding of the dispute

Dispute refers to anything that leads to differences of opinion, conflicts, competing interests, and disputes. Koentjaraningrat, in his book, elaborates that conflicts or disputes often stem from divergent perceptions between disputing parties, which are shaped by their conscious understanding of the situation based on their respective knowledge and the prevailing environmental and social conditions.²⁶

This implies that a conflict can escalate into a dispute when the aggrieved party expresses dissatisfaction, either directly or indirectly, towards the party it holds responsible for the perceived loss. A dispute is thus understood as a discrepancy in the interpretation of a situation or object, accompanied by a unilateral claim from one party and a rebuttal from the opposing party.²⁷

²⁶ Ahimsa-Putra, Heddy Shri. "Koentjaraningrat Dan Integrasi Nasional Indonesia: Sebuah Telaah Kritis." *Patra Widya: Seri Penerbitan Penelitian Sejarah dan Budaya*. 20.2 (2019): 115-130.

²⁷ Spain, Anna. "International Dispute Resolution in an Era of Globalization." *International Law in the New Age of Globalization*. Brill Nijhoff,

Therefore, international disputes are one of the many international conflicts. We need to know that international disputes are disputes that do not exclusively involve other States. It can then lead to conflict-triggering consequences in the international environment. Huala Adolf stated that an international dispute is a dispute between subjects of international law regarding facts, law, or politics in which the claims or statements of one party are rejected, counterclaimed or denied by the other.²⁸ International disputes can occur if the dispute involves governments, legal entities or individuals in parts of the world who have differences of opinion and their respective interests, international disputes can occur due to several conditions including. According to Adolf Huala there are 4 trigger conditions including:

1. Misconceptions about things
2. Either party deliberately violates the rights and interests of the other State
3. Two or more States have a disagreement on a matter
4. Violation of international laws or treaties.²⁹

According to Huala Adolf, international disputes can be categorized into two main types: legal disputes and political disputes. Similarly, in the study of public international law, these disputes are recognized as legal disputes (also known as legal or judicial disputes) and political disputes (referred to as political or non-justiciable disputes).³⁰

In principle, international disputes can typically be resolved through international courts, regardless of their complexity. International courts have the authority to render decisions based on principles of fairness and appropriateness, allowing for the resolution of disputes in a just and equitable manner.

Background of the conflict over the Natuna waters dispute

2013. 41-70; Peters, Anne. "International dispute settlement: a network of cooperational duties." *European Journal of International Law* 14.1 (2003): 1-34.

²⁸ Adolf, Huala. *Hukum penyelesaian sengketa internasional*. Sinar Grafika, 2020.

²⁹ Adolf.

³⁰ Adolf.

Natuna Island, situated within Natuna Regency, Riau Islands Province, finds itself at the heart of a contentious border dispute between Indonesian sovereignty and the People's Republic of China (PRC) within the South China Sea. Tensions escalated following criticism from President Joko Widodo regarding the PRC's map, which encroached upon the natural gas-rich region as part of its territory. Comprising seven islands with Ranai as its capital, Natuna boasts abundant natural resources, including minerals and fisheries, and serves as a crucial international maritime route for vessels traveling between the Indian and Pacific Oceans.

Given its strategic location and resource wealth, Natuna holds significant geopolitical importance. However, this has also made it a target for various violations and thefts perpetrated by foreign fishing vessels. Indonesia's delayed implementation of regulations governing traffic restrictions for foreign fishing vessels, particularly within its Exclusive Economic Zone (EEZ), has enabled neighboring countries to exploit marine resources, particularly fisheries, within Natuna's waters with relative impunity.³¹

The disputes between China and Indonesia pose a considerable challenge to Indonesia's territorial sovereignty and stability. With the South China Sea bordering Indonesia's Natuna waters, the region's geopolitical complexities underscore the need for robust governance and diplomatic efforts to safeguard Indonesia's interests and territorial integrity.

The Natuna case, which emerged in 2009, reflects the aspirations of surrounding countries to assert control over the region. Particularly, China's ambitions to extend its influence and historical claims over the Natuna region have fueled tensions. China unilaterally claimed the Natuna region, citing historical entitlements, and incorporated it into its territorial map, based on the controversial Nine-Dash Line.

³¹ Ruyat, Yayat. "Peran Indonesia dalam Menjaga Wilayah Laut Natuna dan Menyelesaikan Konflik Laut Tiongkok Selatan." *Jurnal Lemhannas RI* 5.1 (2017): 65-75; Kipgen, Nehginpao. "Indonesia: a reluctant participant in the South China Sea disputes." *Strategic Analysis* 45.2 (2021): 116-127.

However, Indonesia rejects China's claims, asserting that they lack any international legal basis. The Nine-Dash Line, representing China's maritime borders, is not recognized by Indonesia, further exacerbating tensions in the South China Sea region. The inclusion of the Natuna region within the Nine-Dash Line has ignited disputes among countries with competing claims in the area, given its significance as a crucial maritime trade route.

This dispute underscores the complexities of territorial sovereignty and defense, highlighting the vulnerabilities in safeguarding state sovereignty. The Natuna case serves as a stark reminder of the geopolitical challenges faced by Indonesia and other countries in the region, as they navigate conflicting territorial claims and assert their rights in the face of external pressures.

Under international law, the ongoing negotiations have yet to yield a clear resolution. In 2009, China unilaterally delineated the Nine-Dash Line, originating from the Spratly Islands in the heart of the South China Sea, and claimed it as part of its Exclusive Economic Zone (EEZ). This action sparked protest from the Indonesian government during President Susilo Bambang Yudhoyono's administration, lodged through the United Nations Continental Shelf Commission (UN). China's assertion of territorial claims, updated from a 1947 map, intensified tensions among neighboring countries in the South China Sea region.³²

The root of the issue traces back to the policy of the Kuomintang Party government, currently in power in Taiwan. This political faction views China's territory as encompassing 90% of the South China Sea. Notably, the "Nine-Dash Line" was not established by the current Chinese government but dates back to 1947, when the Kuomintang government assumed power in mainland China. At the time, the claim lacked specific political or strategic considerations, as the government was preoccupied with civil war against the communist regime.

The area encompassed within the nine-line boundary spans 3.5 million square kilometers, constituting 90 percent of the total area of the

³² Narwastuty, Dian, Arman Tjoneng, and Novalita Sidabutar. "The International Law Of The Sea Border Dispute In Natuna Waters Concerning Sea Natural Resources In Water Border Based." *Indonesian Law Journal* 13.1 (2020): 45-60.

South China Sea. When China initially published its new nautical chart, there was no immediate opposition or protests from neighboring countries. This lack of objection can be attributed to the fact that many of these nations were preoccupied with asserting their own national independence from external threats at the time.

Beijing interprets the silence of neighboring countries and the broader international maritime community as tacit acknowledgment of its claims. In return, China has chosen to maintain silence on the matter, perhaps to avoid inviting opposition from any quarter. This perceived recognition of China's claims is seen by Beijing as a form of compensation, particularly in light of the abundant natural resource wealth found within the waters of Natuna.

Under the leadership of President Joko Widodo, Indonesia has adopted a more assertive and resolute stance regarding the South China Sea dispute, in stark contrast to the previous administration. President Jokowi has categorically stated that China's Nine-Dash Line, which purportedly delineates its maritime borders, lacks any international legal basis. He has underscored the importance of China exercising caution in defining its sea border map amidst the complexities of the South China Sea region.

Indonesia finds itself particularly vulnerable to potential losses as a result of China's unilateral actions, such as the establishment of new territorial claims in the Natuna Islands, located in the Riau Islands Province. Despite the rich natural gas reserves within these waters, they do not fall within China's sovereign territory. The Indonesian Foreign Ministry has vehemently opposed China's claim to the Natuna Islands, citing violations of Indonesia's Exclusive Economic Zone (EEZ).³³

Coordinating Minister for Maritime Affairs Indroyono Soesilo has further emphasized that the geographical position of the Natuna Islands places them far beyond China's territorial jurisdiction, with clear borders

³³ Parameswaran, Prashanth. "Delicate Equilibrium: Indonesia's Approach to the South China Sea." *Power Politics in Asia's Contested Waters: Territorial Disputes in the South China Sea* (2016): 319-336.

shared with Vietnam and Malaysia. Therefore, it is deemed preposterous for China to assert any territorial claims over Natuna.³⁴

Illegal Fishing in Natuna waters

It is considered to have Natuna which has very high enough potential for the economic development of a country. Therefore, a number of foreign traditional fishermen from other countries carry out illegal fishing activities in Natuna waters, Indonesia's geographical location which is so strategic to become an international cross, opens up opportunities for illegal harvesting and illegal use of natural resources in the sea by parties that can harm the State of Indonesia, if the State's supervisory ability is limited so that it is easy to commit illegal fishing violations. Many efforts have been made to protect the sovereign territory of the Indonesian government in Natuna waters. Indonesian maritime security forces can take law enforcement action, but on the Chinese side often thwart Indonesian officials through acts of intimidation and provocation. One of the efforts made by Indonesia is diplomacy which is a mechanism used by the Indonesian government if there is a conflict or problem that arises in aspects of national interest in relations between Indonesia and China.³⁵

The China Sea conflict with Natuna regarding illegal fishing cases that occurred in Natuna is a threat that has the potential to have a negative impact on Indonesia. This began because China claims the South China Sea based on the nine dash line, a territorial map that affixes the nine-dash line as an imaginary marker or boundary used for the Chinese government

³⁴ Fauzan, Fauzan, Kamarulnizam Abdullah, and Mohammad Zaki Ahmad. "Border security problems in the waters of the Natuna Islands: Between national boundaries and illegal fishing." *AEGIS: Journal of International Relations* 3.2 (2019); Ramli, Rani Purwanti, and Patrice Lumumba. "Sengketa Republik Indonesia–Republik Rakyat Tiongkok di Perairan Natuna." *Hasanuddin Journal of International Affairs* 1.1 (2021): 20-35.

³⁵ Riska, Ela. "Diplomasi Maritim Indonesia Terhadap Aktivitas Penangkapan Ikan Ilegal (Illegal Fishing) oleh Nelayan China di ZEE Perairan Kepulauan Natuna." *Jurnal Diplomasi Pertahanan* 3.2 (2017).

to claim most and almost all of the South China Sea.³⁶ The geographical location of the Natuna islands is a fundamental trigger to determine the boundaries of the outer islands of the State of Indonesia, one of which is the islands and waters in Natuna. So that it becomes the basis for the withdrawal of the Exclusive Economic zone for the full sovereignty of the territory of the State of Indonesia, therefore the Islands and Natuna waters are included in the sovereign territory of the Republic of Indonesia. Natuna Islands is an Exclusive Economic Zone area within 200 miles, so Indonesia as a coastal state has sovereign rights to explore and exploit, conserve and manage natural resources, including fish.

Claims made by the Chinese side are also for the influence of other ASEAN countries with countries that have direct borders with China including the Philippines, Malaysia, Vietnam, and Brunei Darussalam which consider unilateral claim a form of international violation. China's actions are very deviant and do not have conformity with the United Nations Convention on the Law of the Sea (UNCLOS) the mutually agreed agreement has also been used by ASEAN countries as the legal basis for ownership in the South China Sea, based on the provisions of the United Nations Convention on the Law of the Sea or the United Nations Convention on the Law of the Sea in 1982) the convention regulates the distinction and separation of zones The sea is based on two principles of international law, namely sovereignty and sovereignty rights of a State's territory at sea, as for the definition of sovereignty according to article 2 of UNCLOS 1982 that coastal States have full sovereignty over inland waters which include the air space above it, the seabed and the land below which lies above the territorial sea.³⁷ In this case the coastal State has the highest

³⁶ Pradana, Raden Florentinus Bagus Adhi. "Akibat Hukum Klaim Nine Dash Line Cina Terhadap Hak Berdaulat Indonesia di Perairan Kepulauan Natuna (Khususnya Kabupaten Natuna) Menurut Unclos 1982." *Thesis*. (Yogyakarta: UAJY, 2017).

³⁷ Vinata, Ria Tri. "Konstruksi Archipelagic State Principle Dalam Pembangunan Hukum Laut Internasional." *Jurnal Ilmiah Hukum DE'JURE: Kajian Ilmiah Hukum* 4.2 (2019): 322-345.

power in the sea area stipulated in its National law.³⁸ Based on the provisions of the rules in the law of the sea convention, Indonesia also considers that the unilateral claim made by China which includes Natuna territorial waters into the Nine Dash Line area is in fact the waters as well as the Natuna islands are juridically the sovereign territory of the Republic of Indonesia.

This means that the Indonesian state is very disadvantaged because the natural resources in Natuna belong to Indonesia, as an economic source for development and natural wealth. As a party to the 1982 Law of the Sea Convention, Indonesia has issued Law No. 5 of 1983 concerning Indonesia's Exclusive Economic Zone. Broadly speaking, this arrangement contains the rights and obligations of Indonesia and the freedom of freedom of other countries in the Exclusive Economic Zone, conservation and management of fish resources in the sea. In article 2 of the EEZ Law, there is an understanding that the outer lanes and borders with Indonesian sea areas as stipulated under the applicable law on Indonesian waters which include the seabed, the land it carries and the waters above it with an outer limit of 200 nautical miles measured from the sea baseline of Indonesian territory. In sovereign rights, article 56 of UNCLOS 1982 has been formulated in article 4 paragraph 1 of Law No. 5 of 1983 concerning Indonesia's Exclusive Economic Zone.³⁹

Handling law enforcement in the Natuna territorial sea, article 13 of the EEZ Law that such actions are in accordance with the implementation of sovereign rights, jurisdiction and other obligations, the Indonesian government law enforcement apparatus is authorized to take law enforcement actions, this is in accordance with Law No. 8 of 1981 concerning the Code of Criminal Procedure. There are also exceptions to law enforcement actions including: the arrest of ships or persons suspected of committing violations in Indonesia's EEZ including: termination of ships and the handover of foreign ships and the person for further

³⁸ Latipulhayat, Atip. "Khazanah: Mochtar Kusumaatmadja." *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 1.3 (2014). See also Puspitawati, Dhiana. *Hukum Laut Internasional*. Kencana, 2017.

³⁹ Republic of Indonesia. *Law No. 5 of 1983 concerning Indonesia's Exclusive Economic Zone*, article 4 paragraph 1 concerning Indonesia's sovereign rights over EEZ

processing.⁴⁰ Not only that, the existence of illegal fishing carried out by China has an impact on state security because of the disruption of the Natuna area which is considered unsafe from illegal fishing cases. Therefore, Indonesia continues to strive to maintain and improve the security of its maritime boundaries, especially in Natuna from China and formulate effective strategic measures to maintain the sovereignty of the Indonesian state in Natuna and always maintain the stability of state security.

So according to the author based on the data that has been described, it strengthens the opinion that the existence of illegal fishing carried out by China has an impact on security and even state sovereignty due to the disruption of the Natuna area which is considered unsafe from illegal fishing cases. Therefore, Indonesia is expected to continue to strive to maintain and improve the security of its maritime boundaries, especially in Natuna waters from China and formulate effective strategic measures to defend the sovereignty of the Indonesian state in Natuna and always maintain the stability of the security of the Republic of Indonesia.

Indonesia's efforts to maintain the security and sovereignty of the country

Based on UNCLOS 1982, Indonesia is recognized as an archipelagic state and consequently, Indonesia must immediately formulate laws and regulations to protect and provide legal certainty over the outer islands. Meanwhile, those related to territorial boundaries between neighboring bordering countries must be immediately followed up through bilateral agreements. Indonesia has currently described UNCLOS 1982 as outlined in Law No. 6 of 1996 concerning Indonesian Waters, especially in Government Regulation No. 6 of 1996 concerning List of Geographical Coordinates of Points of the Base Line of the Indonesian Archipelago. In addition, Law No. 4PR/1960 on Regional Government has included the management of marine areas with the aim

⁴⁰ Siombo, Marhaeni Ria. *Hukum Perikanan Nasional dan Internasional*. Gramedia Pustaka Utama, 2013.

that regions have responsibility for environmental sustainability and the development of potential marine resources in their areas.

State boundaries have an international aspect because they can always give importance to legal certainty and the provision of juridical boundaries for a State. The main issue of borders concerns delimitation and border management. In order to maintain national integrity and the integrity of the State of Indonesia, land and sea boundaries are determined bilaterally and trilaterally, while air boundaries are set following land and sea boundaries. The role of the Indonesian Navy also plays an important role in defending the sovereignty of the State, where the Indonesian Navy has three universal roles, namely the military role, the role of diplomacy and the role of the police.⁴¹ Related to this, the Indonesian government has issued Presidential Regulation of the Republic of Indonesia Number 78 of 2005 concerning the Management of Outermost Small Islands, as for the objectives of the management of the outermost small islands of the State of Indonesia by the government of the Republic of Indonesia including:

1. Maintaining the territorial integrity of the Unitary State of the Republic of Indonesia, national security, defense of the State and nation and creating regional stability
2. Utilizing natural resources in the framework of sustainable development
3. Empowering society in order to improve well-being

In addition, based on Presidential Decree No. 78 of 2005 concerning the Management of Outermost Small Islands, the role of the government both at the central and provincial levels and districts / cities in the development of outer small islands per; u done precisely and emphasizes on three main things namely, Regulator, Executor and Facilitator. As the Regulator, it is obliged to encourage the structuring of existing rules in the development and utilization of small islands by all decision makers. This regulatory function must be carried out in a transparent, democratic and fair manner. As Executor, the government implements policy programs directly touching all levels of society. As a

⁴¹ Perwita, Anak Agung Banyu, S. E. Ian Montratama, and M. Si MEB. *Pengelolaan Pertahanan Perbatasan Maritim Kepulauan Natuna*. Jakad Media Publishing, 2021.

facilitator, the government encourages the creation of a conducive climate for the development and utilization of small islands through the provision of various forms of supporting infrastructure for the area in question. In order to maintain the integrity of the State territory and improve the welfare of people in border areas, it is necessary to manage the outermost small islands by taking into account the integration of development in the fields of social, economic, cultural, legal, human resources, security defense. Indonesia's outer islands have strategic value as the base point and baseline of the Indonesian archipelago in determining Indonesia's territorial waters, especially for the EEZ and the Indonesian Continental Shelf.

The continental shelf of a coastal State shall not exceed the limits specified in Article 76, paragraphs 4 to 6. The continental edge includes the continuation of the land part of the coastal state that is below the water level and consists of the seabed and the land below it from the continental land, slopes and climbs. This continental edge does not include the bottom of the deep ocean with evidence of the ocean or the land below. The Continental Shelf of a coastal State includes the seabed and the land below it from the area below sea level lying outside its territorial sea along the continuation of the natural continuation of its land area to the outer periphery of the continental edge, or up to a distance of 200 nautical miles from the baseline from which the width of the territorial sea is measured, within the outer periphery of the continental edge not reaching that distance.

The Indonesian government has tried to overcome the problem of illegal fishing in Natuna waters, illegal sea fish harvesting carried out by China in Natuna waters, the Indonesian government has the right to handle this fishing which is within the Indonesian Exclusive Economic Zone area and is obliged to use the enforceability of Indonesian law. All efforts in the form of policies have been made by the Indonesian government in an effort to handle illegal fishing cases to overcome and eradicate this case.

By establishing regulations through the stipulation of the Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Decree Number 50/MEN/2012 concerning the national action plan for the prevention and control of illegal, unreported, and unregulated fishing.

That the Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number KEP.50 / MEN / 2012 concerning the National Action Plan for the Prevention and Mitigation of Illegal, Unreported, and Unregulated Fishing (IUU Fishing). IUU Fishing is an illegal or illegal fishing activity that is not in accordance with applicable regulations. The stipulation of a ministerial decree regulating IUU Fishing aims to prevent and overcome the occurrence of IUU fishing that is increasingly prevalent which can cause state losses, one of which is in the economic sector, because it can have an impact on the loss of fishery natural resource products that affect Indonesia's income. As well as supporting orderly fisheries management and development, it must be better socialized and implemented properly to improve prevention of IUU Fishing. The diplomatic route is also one of all efforts to resolve illegal fishing between Indonesia and China. through diplomacy this is done through giving a protest note from Indonesia against China and summoning the Chinese Ambassador.⁴² The diplomacy aims to negotiate maritime boundaries and safeguard the interests of marine resources from IUU Fishing actions, especially between Indonesia and China.

In addition, Indonesia and China conducted a Regional Convention also in 2016 Indonesia made a Regional Convention against Illegal, Unreported, Unregulated (IUU) Fishing and Its Related Crime periodically or a Regional Convention with China to increase cooperation and establish good relations with China. This convention was first held by Indonesia in Bali on May 19, 2016 and the second was held in Yogyakarta on October 12-13, 2016. This regional convention is Indonesia's effort to eradicate Illegal Fishing disputes in collaboration with other countries, especially Illegal Fishing disputes that have been repeatedly carried out by China in the Natuna Sea area.⁴³ As an effort to resolve disputes, Port State Measures in the international scope of illegal fishing cases in Natuna waters carried out on May 10, 2016 which is an international provision that regulates port countries to combat, prevent, and eradicate IUU Fishing signed in the Food and Agriculture Organization (FAO) Forum

⁴² Riska, "Diplomasi Maritim Indonesia Terhadap Aktivitas Penangkapan Ikan Ilegal (Illegal Fishing) oleh Nelayan China di ZEE Perairan Kepulauan Natuna."

⁴³ Riska.

in 2009. The implementation of PSM is expected to ensure long-term conservation and sustainable utilization of marine and fisheries resources and ecosystems. PSM can also be useful to reduce the opportunity for IUU Fishing practices to occur because PSM regulates port empowerment to supervise vessels suspected of illegal fishing practices will be immediately followed up based on the mechanism regulated in the PSM.⁴⁴

The problem with the Chinese claim is the demarcation line, the line is unstable because it can easily change from eleven to nine lines for no apparent reason and is not well defined because it has no specific geographical coordinates and does not explain its shape when all the lines are connected. So far there have been no negotiations to establish the EEZ boundary line between China and Indonesia in Natuna waters. This is because China itself and other ASEAN countries that claim sovereignty in the South China Sea region have not reached an agreement. However, the Indonesian government continues to make diplomatic efforts with the Chinese government, so that the South China Sea dispute does not extend to Indonesia's sovereign territory in the Natuna Islands. In this regard, the two countries have agreed to prioritize diplomacy in resolving South China Sea disputes, by fully and effectively implementing the Declaration on the Conduct of Parties in the South China Sea (DOC), namely building mutual trust, increasing cooperation, maintaining peace and stability in the South China Sea. In resolving disputes, the Indonesian government already has adequate conflict resolution instruments. The initiative of former Foreign Minister Marty Natalegawa has proposed that the initial draft code of conduct or zero draft code of conduct of the South China Sea can be used as a powerful weapon for Indonesian diplomacy.

Conclusion

In conclusion, the Natuna waters dispute underscores Indonesia's vulnerability to threats against its territorial integrity and maritime sovereignty. As an archipelagic nation with vast maritime boundaries, Indonesia faces challenges in effectively supervising and securing its outermost islands, leaving them susceptible to encroachment by neighboring countries. The lack of clarity regarding territorial

⁴⁴ Riska.

demarcations and differing interpretations of international law, particularly pertaining to the UNCLOS, exacerbates tensions and fosters disputes between adjacent states. China's violations of Indonesia's Exclusive Economic Zone (EEZ) in the Natuna Islands, through activities such as illegal fishing and maritime patrols, not only jeopardize Indonesia's economic interests but also pose a broader threat to regional stability.

Resolving the Natuna waters conflict necessitates proactive diplomatic efforts aimed at safeguarding Indonesia's interests and security. The Indonesian government must engage in constructive dialogue with relevant stakeholders, including China and other disputing parties, to seek peaceful resolutions based on international legal principles. Strengthening maritime law enforcement, particularly to combat illegal fishing, and bolstering defense and security measures in the outer regions are imperative to protect Indonesia's marine resources and economic interests. By prioritizing effective governance, diplomatic engagement, and strategic investments, Indonesia can secure its position as a maritime nation and harness the abundant natural resources of the Natuna Sea for sustainable economic growth while ensuring the preservation of its territorial sovereignty for future generations.

References

- Adolf, Huala. *Hukum penyelesaian sengketa internasional*. Sinar Grafika, 2020.
- Ahimsa-Putra, Heddy Shri. "Koentjaraningrat Dan Integrasi Nasional Indonesia: Sebuah Telaah Kritis." *Patra Widya: Seri Penerbitan Penelitian Sejarah dan Budaya*. 20.2 (2019): 115-130.
- Anggraini, Silvia Dian, Indra Kusumawardhana, and Iqbal Ramadhan. "The implication of Indonesia's IUU fishing policy in Natuna territorial waters towards South China Sea geopolitics." *Jurnal Hubungan Internasional* 7.2 (2019): 118-132.
- Anggraini, Silvia Dian, Indra Kusumawardhana, and Iqbal Ramadhan. "The implication of Indonesia's IUU fishing policy in Natuna territorial waters towards South China Sea geopolitics." *Jurnal Hubungan Internasional* 7.2 (2019): 118-132.

- Ardila, Ririn. "Sengketa Wilayah Zona Ekonomi Eksklusif Indonesia (Studi Kasus Klaim Cina Atas Laut Natuna Utara)." *Uti Possidetis: Journal of International Law* 1.3 (2020): 358-377.
- Butcher, John G., and Robert Edward Elson. *Sovereignty and the sea: How Indonesia became an archipelagic state*. NUS Press, 2017.
- Chapsos, Ioannis, and Steve Hamilton. "Illegal fishing and fisheries crime as a transnational organized crime in Indonesia." *Trends in Organized Crime* 22.3 (2019): 255-273.
- Damastuti, Tiara Aji, et al. "Penyelesaian Sengketa Ilegal Fishing Di Wilayah Laut Natuna Antara Indonesia Dengan China." *Jurnal Reformasi Hukum: Cogito Ergo Sum* 1.2 (2018): 51-58.
- Darusman, Yoyon Mulyana. "Pengaruh Konvensi Hukum Laut Internasional Tahun 1982 Terhadap Wilayah Laut Indonesia." *Jurnal Cita Hukum* 6.2 (2018): 343-360.
- Dipua, Angkasa, et al. "An analysis of the South China Sea conflict: Indonesia's perspectives, contexts and recommendations." *PalArch's Journal of Archaeology of Egypt/Egyptology* 17.4 (2020): 976-990.
- Dutton, Peter. "Three disputes and three objectives: China and the South China Sea." *Naval War College Review* 64.4 (2011): 42-67.
- Fauzan, Fauzan, Kamarulnizam Abdullah, and Mohammad Zaki Ahmad. "Border security problems in the waters of the Natuna Islands: Between national boundaries and illegal fishing." *AEGIS: Journal of International Relations* 3.2 (2019).
- Fauzan, Fauzan, Kamarulnizam Abdullah, and Mohammad Zaki Ahmad. "Border security problems in the waters of the Natuna Islands: Between national boundaries and illegal fishing." *AEGIS: Journal of International Relations* 3.2 (2019).
- Fernandes, Inggrit, et al. "Status of Indonesia's sovereign rights in the north natuna sea conflict area consequences of China's nine-dash line claim." *Linguistics and Culture Review* 5.S3 (2021): 1775-1783.
- Furtado, Xavier. "International law and the dispute over the spratly Islands: Whither UNCLOS?." *Contemporary Southeast Asia* (1999): 386-404.
- Gao, Zhiguo, and Bing Bing Jia. "The nine-dash line in the South China Sea: History, status, and implications." *American Journal of International Law* 107.1 (2013): 98-123.

- Guan, Ang Cheng. "The South China Sea Dispute Revisited." *Australian Journal of International Affairs* 54.2 (2000): 201-215.
- Hong, Nong. *UNCLOS and ocean dispute settlement: Law and politics in the South China Sea*. Routledge, 2012.
- Jinming, Li, and Li Dexia. "The dotted line on the Chinese map of the South China Sea: a note." *Ocean Development & International Law* 34.3-4 (2003): 287-295.
- Johnson, Douglas. "Drawn into the fray: Indonesia's Natuna Islands meet China's long gaze South." *Asian Affairs: An American Review* 24.3 (1997): 153-161
- Kalembang, Joseph Victoryadi. "Analisis sengketa zona ekonomi eksklusif antara Indonesia dan RRT di kepulauan natuna." *Journal of Politic and Government Studies* 9.4 (2020): 1-14.
- Kasim, Nurdin, and Aris Widagdo. "Combating illegal, unreported, unregulated (IUU) fishing in Indonesia." *Aquaculture, Aquarium, Conservation & Legislation* 12.6 (2019): 2243-2251.
- Keyuan, Zou. "Historic rights in international law and in China's practice." *Ocean Development & International Law* 32.2 (2001): 149-168.
- Keyuan, Zou. "The Chinese Traditional Maritime Boundary Line in the South China Sea and Its Legal I Consequences for the Resolution of the Dispute over the Spratly Islands." *The International Journal of Marine and Coastal Law* 14.1 (1999): 27-55.
- Kipgen, Nehginpao. "ASEAN and China in the South China Sea disputes." *Asian Affairs* 49.3 (2018): 433-448.
- Kipgen, Nehginpao. "Indonesia: a reluctant participant in the South China Sea disputes." *Strategic Analysis* 45.2 (2021): 116-127.
- Kurnia, Ida, and Imelda Martinelli. "Seeking and Evaluating The Regulations of Indonesia's Exclusive Economic Zone." *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 28.1 (2016): 123-137
- Kurniaty, R., and P. A. Ruslijanto. "Analysis on traditional fishing grounds in Indonesias Natuna waters under International Law." *IOP Conference Series: Earth and Environmental Science*. Vol. 137. No. 1. IOP Publishing, 2018.

- Laksmana, Evan A. "The enduring strategic trinity: explaining Indonesia's geopolitical architecture." *Journal of the Indian Ocean Region* 7.1 (2011): 95-116.
- Latipulhayat, Atip. "Khazanah: Mochtar Kusumaatmadja." *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 1.3 (2014).
- McDorman, Ted L. "Rights and jurisdiction over resources in the South China Sea: UNCLOS and the 'nine-dash line'." *The South China Sea Disputes and Law of the Sea*. Edward Elgar Publishing, 2014. 144-163.
- Napang, Marthen, et al. "Contesting views of the philippines and china over the nine-dash line in the south china sea." *ASEAN International Law* (2022): 405-414.
- Narwastuty, Dian, Arman Tjoneng, and Novalita Sidabutar. "The International Law Of The Sea Border Dispute In Natuna Waters Concerning Sea Natural Resources In Water Border Based." *Indonesian Law Journal* 13.1 (2020): 45-60.
- Nurhidayati, Nida. "Dari Deklarasi Djuanda ke Wawasan Nusantara: Peranan Mochtar Kusumaatmadja dalam Mencapai Kedaulatan Wilayah Laut Indonesia, 1957-1982." *SUSURGALUR* 9.1 (2021): 37-54.
- Parameswaran, Prashanth. "Delicate Equilibrium: Indonesia's Approach to the South China Sea." *Power Politics in Asia's Contested Waters: Territorial Disputes in the South China Sea* (2016): 319-336.
- Perwita, Anak Agung Banyu, S. E. Ian Montratama, and M. Si MEB. *Pengelolaan Pertahanan Perbatasan Maritim Kepulauan Natuna*. Jakad Media Publishing, 2021.
- Peters, Anne. "International dispute settlement: a network of cooperational duties." *European Journal of International Law* 14.1 (2003): 1-34.
- Pradana, Raden Florentinus Bagus Adhi. "Akibat Hukum Klaim Nine Dash Line Cina Terhadap Hak Berdaulat Indonesia di Perairan Kepulauan Natuna (Khususnya Kabupaten Natuna) Menurut Unclos 1982." *Thesis*. (Yogyakarta: UAJY, 2017).
- Puspitawati, Dhiana. *Hukum Laut Internasional*. Kencana, 2017.

- Putri, Hetria, and Wilmar Salim. "The Maritime Silk Road's potential effects on outer island development: The Natuna Islands, Indonesia." *Island Studies Journal* 15.2 (2020): 155-172.
- Ramli, Rani Purwanti, and Patrice Lumumba. "Sengketa Republik Indonesia–Republik Rakyat Tiongkok di Perairan Natuna." *Hasanuddin Journal of International Affairs* 1.1 (2021): 20-35.
- Rasyid, Sulaiman. "Determination of the Jurisdiction of Fisheries Crimes as Transnational Organized Crimes." *Unnes Law Journal* 7.1 (2021): 167-188.
- Republic of Indonesia. *Law No. 5 of 1983 concerning Indonesia's Exclusive Economic Zone*.
- Riska, Ela. "Diplomasi Maritim Indonesia Terhadap Aktivitas Penangkapan Ikan Ilegal (Illegal Fishing) oleh Nelayan China di ZEE Perairan Kepulauan Natuna." *Jurnal Diplomasi Pertahanan* 3.2 (2017).
- Risnain, Muhammad. "The Concept of the Archipelagic Province and Archipelagic State in the Perspective of National and International Law." *Lampung Journal of International Law* 3.2 (2021): 73-84.
- Ruyat, Yayat. "Peran Indonesia dalam Menjaga Wilayah Laut Natuna dan Menyelesaikan Konflik Laut Tiongkok Selatan." *Jurnal Lemhannas RI* 5.1 (2017): 65-75.
- Scott, Shirley V. "China's nine-dash line, international law, and the Monroe Doctrine analogy." *China information* 30.3 (2016): 296-311.
- Shicun, Wu, and Ren Huaifeng. "More Than a Declaration: A Commentary on the Background and the Significance of the Declaration on the Conduct of the Parties in the South China Sea." *Chinese Journal of International Law* 2.1 (2003): 311-319.
- Siombo, Marhaeni Ria. *Hukum Perikanan Nasional dan Internasional*. Gramedia Pustaka Utama, 2013.
- Spain, Anna. "International Dispute Resolution in an Era of Globalization." *International Law in the New Age of Globalization*. Brill Nijhoff, 2013. 41-70.

- Storey, Ian James. "Creeping Assertiveness: China, the Philippines and the South China Sea Dispute." *Contemporary Southeast Asia* (1999): 95-118.
- Tarigan, Muhammad Insan. "Implementation of countermeasures effort of illegal fishing in Indonesia (case study on sinking the FV Viking vessel)." *Journal of Indonesian Legal Studies* 3.1 (2018): 131-146.
- Thao, Nguyen Hong. "The declaration on the Conduct of Parties in the south China sea: A Vietnamese Perspective, 2002–2007." *Security and International Politics in the South China Sea*. Routledge, 2008. 223-237.
- Vinata, Ria Tri. "Konstruksi Archipelagic State Principle Dalam Pembangunan Hukum Laut Internasional." *Jurnal Ilmiah Hukum DE'JURE: Kajian Ilmiah Hukum* 4.2 (2019): 322-345.
- Weatherbee, Donald E. *Re-assessing Indonesia's Role in the South China Sea*. ISEAS-Yusof Ishak Institute, 2016.
- Wirajuda, N. Hassan. "UNCLOS 35 Years Later: We Are Still at Sea." *The Marine Environment and United Nations Sustainable Development Goal 14*. Brill Nijhoff, 2018. 10-15.

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 : April 12, 2022

Revised : August 21, 2022; December 11, 2022

Accepted : January 11, 2023

Published : January 31, 2023