



**RESEARCH ARTICLE**

**TOMINI GULF MARITIME AXIS IN  
INTERNATIONAL LAW REVIEW**

Mellisa Towadi<sup>1</sup>✉ , Julius T. Mandjo<sup>2</sup>

<sup>1,2</sup> Faculty of Law, Universitas Negeri Gorontalo, Indonesia

✉ mellisatowadi@ung.ac.id

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**ABSTRACT**

This article is based on the concept of a maritime axis based on several issue points in the Tomini Gulf area, researched to map issues based on a review of International Law. The article focuses on the existing conditions of the Tomini bay area in its management and protection but at the level of the maritime sector that is related to the issue of security defense of the gulf Tomini waters. Based on normative juridical methods, the article explains that the gulf of Tomini which is semi-enclosed water, still requires significant support from the executive elements, especially in terms of regional cooperation and international cooperation in the fields of economy, defence and security. This is concerned with the territorial and EEZ regions that simultaneously border the Pacific Ocean and the development of the

Gulf of Tomini from the aspect of prosperity and security. Moreover, the state does not have to refer to only one international intrusion. However, maritime synergy is needed in all aspects of the Tomini bay waters, be it from environmental, utilization and socio-cultural economy. Some specifically regulated international conventions need a more profound review to implement a targeted management system and definite legal protection at the regional level.

**Keywords:** Tomini Gulf; Maritime Axis; International Law

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## INTRODUCTION

ARTICLE 33 PARAGRAPH (3) of the Constitution of the Republic of Indonesia of 1945 states that "*the earth and water and natural wealth contained therein are controlled by the state and used for the greatest prosperity of the people*". The sea is a source of natural wealth for Indonesia. The authority of the state on the management of marine resources and other natural resources in Article 33 paragraph (3) of the 1945 NRI Constitution is further explained in Article 2 paragraph (2) of Law No. 5 of 1960 on Agrarian Subjects, which includes:

1. organize and organize the allotment, use, supply, and maintenance of the earth, water, and space;
2. determine and regulate the legal relations between peoples and earth, water and space;
3. determine and regulate the legal relations between people and the deeds of the law concerning the earth, water, and space.

As an archipelagic state with high marine biodiversity, Indonesia has abundant natural resource potential, especially in coastal areas and small islands. Coastal areas and small islands of Indonesia have a complete ecosystem that acts as a habitat for fish and other organisms foraging (feeding ground), laying eggs (nesting ground) and spawning ground.<sup>1</sup> Management of the potential of coastal resources and small islands must also be in line with protection and preservation efforts. As the implementer of the program of activities, the government is obliged to be able to improve services to the community and the public and conduct comprehensive management and protection in all elements of Indonesia's marine.

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<sup>1</sup> P. Joko Subagyo, *Hukum Laut Indonesia*, Jakarta: PT. Rineka Cipta, p. 8, 2012

The sea has excellent benefits and roles for human life, which is also part of the environment. Along with the development of science and technology, the function of the sea increased with the discovery of a variety of valuable mining and mining materials.<sup>2</sup> The sea has a unique nature to human life, as well as the laws of the sea. Law, in general, is a series of rules regarding the behaviour of people as members of that society. The sea is widespread water that extends between various continents and islands in the world. The sea functions give impetus to the control and utilization of the sea by any state or kingdom based on a conception of law.<sup>3</sup>

Indonesia is one of the countries that benefited from the passed and enactment of UNCLOS 1982, and this is because Indonesia has an extensive sea area and a unique geographical location.<sup>4</sup> In addition to the location of the Indonesian Archipelago, which is in the cross position of the world, namely between two continents, namely the Continent of Asia and Australia and between two oceans, namely the Indian Ocean and the Pacific Ocean. Indonesia's marine area can be detailed into 0.3 million km<sup>2</sup> of the territorial sea, 2.8 million km<sup>2</sup> of archipelago waters (archipelago waters), and 2.7 million km<sup>2</sup> of Indonesia's Exclusive Economic Zone.<sup>5</sup> Similarly, the bay of Tomini is a bit territorial water in *Tomini-Bocht* (Bend Tomini).

Tomini Bay is located at 120°- 123°30' BT and 0030' LU - 1°30' LS. [8] Three provinces border the bay on Sulawesi island, namely

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<sup>2</sup> A. Soemarmi, E. Indarti, Pujiyono, & A. Diamantina, *Konsep Negara Kepulauan dalam Upaya Perlindungan Wilayah Pengelolaan Perikanan Indonesia*, *Jurnal Masalah-masalah Hukum*, 48 (3): 241-248, 2019.

<sup>3</sup> Hasbullah F. Sjawie, *Konsep Negara Kepulauan pada Konferensi Hukum Laut Tahun 1958 dan tahun 1960*, *Jurnal Hukum dan Pembangunan* 29 (2): 131-143, 1999.

<sup>4</sup> Usmawadi Amir, *Penegakkan Hukum IUU Fishing menurut UNCLOS 1982: Volga Case*, *Jurnal Opinio Juris*, 12:68-92, 2020.

<sup>5</sup> Dewa Gede Sudika Mangku, *Perlindungan dan Pelestarian Lingkungan Laut menurut Hukum Internasional*, *Tanjungpura Law Journal* 4 (2) July: 161-177, 2020

Central Sulawesi Province, North Sulawesi Province and Gorontalo Province. The International Hydrographic Organization defines Tomini Bay as one of the waters of the East Indies Islands, where it borders the Maluku Sea in the east and is surrounded by three provinces in the west, north, and south. North: North Peninsula of Sulawesi (Gorontalo Province and North Sulawesi Province, East: Maluku Sea, South: Central Sulawesi Province, West: Central Sulawesi Province.<sup>6</sup> In addition, the geographical location of the Gulf of Tomini is directly adjacent to the ALKI 3 (archipelagic sea lane) line that leads directly to the Indian And Pacific Oceans into a strong consideration of the need for strengthening maritime diplomacy and affirmation of the implementation of international instruments in terms of protection and management of the region of Tomini bay.

## DEFINITION OF THE GULF IN INTERNATIONAL LAW

THE DEFINITION OF A BAY is a sea shape that juts towards land with an area larger than the area of a semicircular diameter of the mouth indentation in the bay. In short, according to the Great Dictionary of Indonesian, the bay is a part of the sea that juts into the land. Article 10 paragraph (2) of the United Nations Convention on the Law of the Sea (UNCLOS) 1982 states:

*"For the purposes of this convention, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An*

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<sup>6</sup> Wikipedia, *Gulf of Tomini*, retrieved from [https://en.wikipedia.org/wiki/Gulf\\_of\\_Tomini](https://en.wikipedia.org/wiki/Gulf_of_Tomini), Accessed on July 8, 2021

*indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation."*<sup>7</sup>

The bay is a clear indentation, whose indentation is compared in such a way as to the width of its mouth that it contains closed waters and whose shape is more than just a mere coastal environment. The indentation is not considered a bay unless the area of the bay is wider than the area of a semicircular whose diameter the circle is along a line drawn across the mouth of the indentation. In article 10, paragraph 4 also describes the condition that the bay cover line should not have a length exceeding 24 nautical miles. The waters within the bay cover line can be directly defined as inland waters after the closure of the bay with the bay cover line. As a state of law, the naming of the bay should refer to UNCLOS regulations since conventions are one of the sources of law.

The maritime axis is a strategic idea that is realized to ensure connectivity between islands, the development of shipping and fisheries industry, improvement of sea transportation and focus on maritime security. The World Maritime Axis is to make the sea a sea lane. The World Maritime Axis is tasked with regulating maritime boundaries, structuring marine space and diplomacy, development of maritime industry and marine connectivity, development of natural resources industry, and marine services. The term "Maritime Axis of the World" is a short sentence that contains a broad understanding, must be observed, studied in-depth and addressed wisely, vigilantly and carefully. These terms can be interpreted as: "World Maritime Sea Lane", meaning the sea lane used for traffic by the ships of the world's countries to realize their countries' national interests. Therefore, it is not wrong if the world state will take whatever stance and measures

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<sup>7</sup> United Nation Convention on the Law of the Sea of 1982

are necessary to protect and secure the country's national interests during the crossing of the "World Maritime Sea Lane". National interests include political, economic, socio-cultural and security defence interests.<sup>8</sup> If this happens, it will undoubtedly be hazardous and detrimental to Indonesia's national interests. The term "World Maritime Axis" is replaced with another term that gives a clear, not widened, and measurable understanding, such as "Indonesia's World Door".

As the world's door, the signal conveyed is clear that Indonesia has full sovereignty and authority over the "World Maritime Sea Lane", the authority to guard the door, the authority when the door should be opened and when it should be closed. The door here in question is 4 (four) significant straits that cross the Indonesian Archipelago. Under UNCLOS 1982, as the Indonesian Islands State is allowed to replace (close) ALKI (Indonesian Archipelago Sea Lanes), if needed by the state, with the record of having to provide ALKI, others as a substitute. With the term "*Indonesia the Door of the World*", Indonesia has substantial authority to take discretionary measures in managing the "World Maritime Sea Road" in Indonesia's national interest<sup>9</sup> as it is known that the World Maritime Axis is a vision proclaimed by President Joko Widodo during his campaign as a presidential candidate. This vision was first presented at the third round of presidential debates around July 2014. This vision assumes a condition in which the geopolitical power of the economy is shifting from the western world to Asia.<sup>10</sup>

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<sup>8</sup> Muhar Junef, *Implementasi Poros Maritim dalam Perspektif Kebijakan*, Jurnal Penelitian Hukum *De Jure*, 19 (3) September: 303-322, 2019

<sup>9</sup> *Id.*

<sup>10</sup> BBC Indonesia, *Indonesia Debat Capres dua*, Retrieved from [http://www.Bbc.Com/Indonesia/Berita\\_Indonesia/2014/06/140622\\_indonesia\\_Debatcapres\\_dua](http://www.Bbc.Com/Indonesia/Berita_Indonesia/2014/06/140622_indonesia_Debatcapres_dua) , Accessed on March 3, 2021



Thus it can be said that Indonesia has an opportunity to improve its global position.<sup>11</sup> This vision comes amid the strengthening political consensus at home that Indonesia is experiencing increasingly external severe security threats, especially given the trend of militarization in both the Indian and Pacific Oceans, disputes between China and some Southeast Asian countries in the South China Sea, and possible Chinese claims to the waters around the Natuna Islands.<sup>12</sup> In the geopolitical context, this vision can reaffirm the mental map inherent in the parallel shadow of the political elite in Indonesia regarding the geographical existence of Indonesia.

In general, policymakers feel insecurity and fear of foreign exploitation of several Indonesian Archipelago Sea Lanes and Indonesia's strategic location between two continents and two oceans. It often gives rise to the urgency to implement control and patrols to Indonesian sustainability.<sup>13</sup> Specific in the conception of the World Maritime Axis is the re-recognition of the strategic value of the Indian Ocean together with the Pacific Ocean as the ocean that flanks Indonesia. By establishing the World Maritime Axis, President Joko Widodo intends to bring the Indian Ocean back into the "regional canvas" while projecting Indonesia's strength. Thus, this vision can be regarded as an attempt to translate the assumption that a foreign

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<sup>11</sup> Evan Laksamana., Evan A., Iis Gindarsah., dan Andrew W. Mantong, *Translating the Vision of the Global Maritime Axis into the Framework of Maritime Defense Diplomacy in Indonesia's Foreign Policy in the Jokowi Era 2018*, Jakarta: Centre for Strategic and International Studies, 2014

<sup>12</sup> Shekar., Vibhanshu., dan Joseph Chinyong Liow. *Indonesia as a Maritime Power: Jokowi's Vision, Strategies, and Obstacles Ahead*, Brookings, 2014, Retrieved from <https://www.brookings.edu/articles/indonesia-as-a-maritime-power-jokowis-vision-strategiesandobstacles-ahead/>.) Accessed on April 13, 2021

<sup>13</sup> Evan Laksamana, *supra note* 11.

policy that rests solely on ASEAN<sup>14</sup> must no longer continue to be the prominent foreign policy footing. . So that the understanding of the world maritime axis is outlined in Presidential Regulation No. 16 of 2017 which reads that the World Maritime Axis is a vision of Indonesia to become a sovereign, advanced, independent, strong maritime country, and able to make a positive contribution to the security and peace of the region and the world following national interests.<sup>15</sup>

## MANAGEMENT OF TOMINI BAY

MANAGEMENT IS A PROCESS of planning, utilizing, supervising and controlling a resource in a particular sector. So, in this case, the management of Tomini bay is a series of processes but covers the resource area of coastal areas and small islands of the Tomini bay area between sectors, between the central government, the regional government of Gorontalo Province, Central Sulawesi province and the regional government of North Sulawesi province, as well as between the land and sea ecosystems of the bay and between science and management. All processes and synergies between these sectors are essential in the principle of Tomini bay management to improve the welfare of the people of the bay area. These resources include (Law No. 27 of 2007 on The Management of Coastal Areas and Small Islands):

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<sup>14</sup> Sukma., Rizal. *Indonesia Needs a Post-ASEAN Foreign Policy*, The Jakarta Post, 2009, Retrieved from <http://www.thejakartapost.com/news/2009/06/30/indonesia-needs-a-postasean-foreignpolicy.html> . Accessed on April 20, 2021

<sup>15</sup> Presidential Regulation of the Republic of Indonesia Number 16 of 2017 on Indonesian Ocean Policy.

1. Biological Resources
  - a. Fish,
  - b. Coral reefs,
  - c. Seagrass meadow,
  - d. Mangroves, and
  - e. Another marine biota.
2. Non-bio-living resources
  - a. Sand,
  - b. Seawater, and
  - c. Seafloor minerals,
3. Artificial resources
  - a. Marine infrastructure (marine and fisheries),
  - b. Environmental services (natural beauty, seafloor, underwater installations, marine wave energy found in coastal areas)
  - c. In 2015, Tomini bay became the centre of attention at sail Tomini national activities attended by fifth President Susilo Bambang Yudhoyono. The event was organized by the Central Sulawesi Provincial Government, Gorontalo Province, and North Sulawesi Province as hosts, intended to lift the region's economic potential focused on the tourism sector.

In the Sail Tomini event in September 2015, the Oceanography Research Center of the Indonesian Institute of Sciences participated in conducting research packaged in the Togeian Expedition. The expedition activity focused on oceanographic research in the waters of the Togeian Islands and surrounding areas, covering several aspects, including mangroves, seagrass meadows, coral reefs, and biota associated with coastal areas ecosystems, micro-biota, plankton, oceanographic chemistry, oceanographic physics, and geological aspects.

Togean Islands are in the middle of Tomini Bay; Togean Islands is under the Government of Tojo Una-Una Regency, being one of the largest large islands among other large islands in the Gulf of Tomini, namely Una-Una Island, Batukada Island, Togean Island, Talaktakoh Island, Waleakodi Island, and Waleabahi Island. Since 2004, based on the Decree of the Minister of Forestry No. 418 / Menhut-II / 2004, most of the Togean Islands area has been proclaimed the Togean Islands National Park, which is about 336,773 ha.<sup>16</sup> Which then Togean national marine park is an ideal international tourism destination that many foreign tourists visit.

Resource management strategies around the Tomini bay area are diverse and utilized by local governments, among others: Regencies and Cities crossed by the coastline of the Gulf of Tomini area are famous for the beauty of the beach, mangrove arrangements, many have dive spots, brackish water cultivation potential, seawater to the ecosystem. If mapped, marine culture contributes the most economic value through tourism in Tomini bay coastal villages. The rest, such as food security, handicrafts, or social culture in coastal villages, still require in-depth study. Another aspect of marine mariculture that still requires serious attention from the local government is the sea's exotic system. The fish, corals, and unique endemic underwater around the coast are still prone to extinction. This is a consideration because the geography of Tomini bay becomes access to Sulawesi traffic in terms of transportation and trade.

Based on the above conditions, the three provinces (Sulut, Sulteng and Gorontalo) Teluk Tomini, in collaboration with the Ministry of Villages on Development of Disadvantaged Areas and

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<sup>16</sup> Directorate General of Marine Space Management of the Ministry of Marine Affairs and Fisheries, *Central Sulawesi Conservation Area Database*, 2014, Retrieved from <http://kkji.kp3k.kkp.go.id/index.php/basisdata-kawasan-konservasi/details/1/14> , Accessed on April 15, 2021

Transmigration and Gorontalo State University, built a commitment through the Establishment of the Tomini Bay Consortium to develop the Tomini Bay area into a Special Economic Area. The Regional Meeting held in June 2021, which was attended by all parties above, produced a policy that will reference the grand strategy of management and development of the Gulf of Tomini area. The policy covers the prosperity aspect and the security aspect.

Based on the policy of building the Tomini Bay Area, the grand strategy of the development of the Tomini Bay Special Economic Area is pursued through improving the standard of living of the community through the provision of basic facilities and infrastructure (especially transportation) optimally by utilizing the potential of the region, increasing the quantity and quality of government apparatus in the Tomini Bay Area, and realizing a security belt along with the Tomini Bay Area as well as It is an antidote to the possibility of direct threats to state sovereignty, security, and public order.<sup>17</sup>

## PROTECTION OF TOMINI GULF LAW BASED ON MARITIME AXIS

TOMINI BAY IS ONE of the ecoregions with about 90 islands on the boundary line of the spread of Asian flora and fauna (Wallace-weber), so in its development strategy, the government must be serious about managing the sustainability of the ecosystem and marine environment of the Tomini Bay. Referring to Presidential Regulation No. 2 of 2015 on National Medium Term Development Plan (RPJMN)

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<sup>17</sup> Eduart Wolok, et. al, *Draft Model Strategy and Conception The Development of Tomini Bay into a Special Economic Area*, Universitas Negeri Gorontalo, 2021

2015-2019, the gulf of Tomini must be supported by 5 (five) main maritime pillars<sup>18</sup>:

- 1) Rebuilding the maritime culture of coastal communities
- 2) Managing the marine resources of the Gulf of Tomini area, focusing on building sea sovereignty by placing fishers as the main pillars.
- 3) Commitment to encourage the development of maritime connectivity and maritime tourism.
- 4) Diplomacy in the maritime field.
- 5) Build the strength of maritime resilience.

In line with the previous medium-term plan, Presidential Regulation No. 18 of 2020 on The National Medium Term Development Plan (RPJMN) 2020-2024 also confirmed the development of Fisheries Processing Area (WPP) area 715, of which Tomini bay is one of them. On this basis, it gives light to President Jokowi's development direction in Indonesia's marine region, especially the Tomini bay, starting from:

1. Security belt settings; make the Gulf of Tomini sea region the safest, in terms of sea traffic, state sovereignty and business access;
2. Protection of multiculturalism and the marine environment; managing fisheries resources and conservation of the area
3. Protection of the coastal environment; develop tourist villages in support of 14 KSPN
4. Guarantee of the rights of coastal communities; they help and welfare of the community.

The idea became a fundamental element of the national development strategy to make Indonesia a maritime country.<sup>19</sup>

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<sup>18</sup> Muhar Junef, *Implementasi Poros Maritim dalam Perspektif Kebijakan*, Jurnal Penelitian Hukum *De Jure* 19 (3): 303-322, 2019

<sup>19</sup> M. Najeri Al Syahrin, *Kebijakan Poros Maritim Jokowi dan Sinergitas Strategi Ekonomi dan Keamanan Laut Indonesia*, Indonesian Perspective 3 (1): 1-17, 2018

Therefore, Indonesia must be able to optimize the Gulf of Tomini area as a base for the development of defence forces and a regional economic centre. Optimization through the implementation of the management of the gulf of Tomini must meet the principle of legal certainty in aspects of its protection, especially all matters of management that benefit all coastal communities of the Gulf of Tomini area, as stated in Article 3 of Law No. 32 of 2014 on Marine. Even in article 6 of the Marine Law, it is affirmed that the management and utilization must be implemented following laws and regulations and international law.

## MAPPING OF TOMINI GULF MARITIME ISSUES IN INTERNATIONAL LAW

THE PROVISION OF INTERNATIONAL LAW that provides the basis for the regulation of sea areas is the United Nations Convention on the Law of the Sea (UNCLOS) 1982. Indonesia itself has ratified the convention, with Law No. 17 of 1985 on the Ratification of UNCLOS 1982, which has consequences for Indonesia to exercise rights and obligations in managing Indonesian marine areas under the convention.

Tomini bay management does need to be done by the region to optimize existing natural resources, but in the management, it is necessary to pay attention to the sustainability aspect. If this is not considered, there will inevitably be environmental degradation in the future. Arrangements on the importance of protecting and preserving the Gulf of Tomini marine environment can be found in UNCLOS 1982 Part XII on Protection and Preservation of the Marine Environment, wherein the management of marine areas, especially coastal areas, must be managed to be able to reflect the integration of

land and sea ecosystems. UNCLOS 1982 no provides an understanding of the marine environment, and it is just that the understanding of marine environmental pollution can be found in Article 1 UNCLOS 1982, which reads:

*"Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, a hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for the use of seawater and reduction of amenities."*

This gives the understanding that pollution of the marine environment means the entry by humans directly or indirectly, materials or energy into the marine environment including river, resulting in or may have adverse consequences such as damage to biological wealth and life in the sea, harmful to human health, disrupting activities at sea including fishing and other legitimate uses of the sea, Reduce the quality of seawater use and reduce the comfort of living things around the sea and land. UNCLOS 1982's regulatory interest in environmental aspects is sufficient to contribute significant legal certainty to marine areas in Indonesia. The environment becomes an important aspect that needs to be studied and continues to be followed up for its development for the resilience of the sea and its ecosystem, in addition to the cultural, socioeconomic aspects to the territorial resilience of the Tomini Bay become an aspect that cannot be ignored because it is a support for marine survival in the tomuni bay area. Here is a matrix of legal protection issues in the Gulf of Tomini area according to International Law:



**TABLE 1.** *Mapping of the Gulf of Tomini Issues according to International Law*

No	Issues	International Law	National/ Region Responsibility
<b>Territorial Management</b>			
1	Overlapping management of cultivation areas with protected areas.	<ul style="list-style-type: none"> <li>• United Nations Convention on Environment and Development.</li> <li>• United Nations on Biological Diversity (passed through Law No. 5 of 1994)</li> </ul>	<ul style="list-style-type: none"> <li>• Rationalize the carrying capacity and capacity of the region</li> <li>• Encourage legal certainty of regional management arrangements</li> </ul>
2	Conflicts between mining, fisheries, marine and forestry activities.		
<b>Territorial Security</b>			
3	Tomini Bay is crowded into trade and traffic between islands.	United Nation Convention on the Law of the Sea 1982 Passed through Law No. 17 of 1985 concerning the Ratification of the Convention on the Law of the Sea	<ul style="list-style-type: none"> <li>• Formulating concepts and agreements for the resolution of the Tomini Bay Area problems related to security defence and political aspects include the establishment of the borders of the Tomini Bay Area of the country, the construction of legal cross-border posts, the exploitation of natural resources (land and sea) across national borders, the utilization of buffer areas and the establishment of a security belt.</li> </ul>
4	There has been no confirmation of the status of the Tomini Bay area.		
5	There has been no agreement on cross-border activities related to the management of buffer areas along the tomini Gulf area line.		<ul style="list-style-type: none"> <li>• Encourage the creation of legal certainty in the operationalization of the development of the Tomini Bay Area as a barometer of success and ensure the sustainability of national development.</li> </ul>
6	Tomini Bay is directly adjacent to the ALKI 3 line leading directly to the Indian Ocean and the Pacific Ocean.		<ul style="list-style-type: none"> <li>• Socializing the national political system in various media and encouraging the</li> </ul>

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- availability of security defence apparatus partners in local, territorial development
  - We can build a sense of community nationality by conveying information through various mass media (TVRI, RRI, Internet, and others).
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Identification of international instruments on the issue of prosperity and security aspects in the Gulf of Tomini refers to areas that are not only strategic waters in a country, both strategic economically and development, but also refer to the geographical location of the gulf of Tomini as semi-enclosed waters. Semi-enclosed or semi-enclosed waters in the gulf of Tomini are waters with characteristic curves connected directly to the Maluku Sea that empties into the Pacific and Indian Oceans through narrow grooves consisting of territorial waters seas and exclusive economic zones of Indonesia and the Philippines. This definition is contained in Article 122 Chapter IX UNCLOS 1982 that:

*“A gulf, basin or sea surrounded by two or more states and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal states”.*

The article affirms the 4 (four) characteristics of semi-enclosed waters and affirms the issues in table 1, namely:

1. Surrounded by land

The geological condition of the waters of the Gulf of Tomini is surrounded by land lined with fraudulent cliffs with an elevation of coastal slopes >45 degrees with a depth of up to 4000 meters

and, of course, becomes a breeding ground for marine life. To preserve it and oversee the coastal activities of the waters, it also requires supervision and identification of water quality from upstream to downstream of the Bone river or other large rivers that empty into Tomini Bay, which is generally loaded with heavy metal waste from upstream mining areas. Examples of heavy metals include mercury, cyanide and sulfide.<sup>20</sup>

2. Connected to a narrow maritime area

In the southeastern and northeastern parts of the Gulf of Tomini, which is partly connected to the Maluku sea, it becomes a place of migration of pelagic fish (tuna, another group of fish that becomes a source of income for fishers).

3. Surrounded by two or more countries

Tomini Bay is located among 3 (three) provinces on the island of Sulawesi that are directly opposite the Philippines, close to the expanse of the Pacific Ocean. In this regard, attention to the environmental and regional security resilience sector requires strong diplomatic relations with neighbouring countries and maritime organizations.

4. The existence of territorial seas and EEZ

5. The affirmation of cooperation in the field of security defence is that semi-closed characteristics demand more complex regional management of the interconnected political dimensions of economics and ecology.

In essence, the management of the gulf of Tomini is not only urgent on the internal management of the region but also urgent from the aspect of external relations of the region. This management will

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<sup>20</sup> Delyuzar Ilahude, *Pergerakan Arus Global di Perairan Teluk Tomini*, 2018, Retrieved from <https://darilaut.id/kajian/pergerakan-arus-global-di-perairan-gorontalo-teluk-tomini> , Accessed on April 21, 2021

create more sustainable indicators of regional development and automatically lead to comprehensive legal protection.

## CONCLUSION

THE EXISTENCE OF THE STATE as an international legal entity that has not been optimal in handling waters with small gulf curves such as the Gulf of Tomini, due to the role of the government that has not been pro-active on the issue of maritime diplomacy and instead the central government is less socialized to the potential and impact of universal territorial security on small waters such as the gulf of Tomini. This is identified on the issues that have been outlined and in the data on the results of the formulation of the development of particular economic areas that have only been initiated this year. The following, the geographical form of the Gulf of Tomini, semi-enclosed water, still requires significant support from the executive elements, especially in terms of regional cooperation and international cooperation in economy, defence and security. This considers the territorial and EEZ areas that simultaneously border the Pacific Ocean and urges the development of the Gulf of Tomini from prosperity and security. Although the above are regulated in UNCLOS 1982, the state does not have to refer to only one international intrusion. However, maritime synergy is needed in all aspects of the Tomini bay waters, be it from environmental, utilization and socio-cultural economy. Some specifically regulated international conventions need a more profound review to implement a targeted management system and definite legal protection at the regional level.

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