

## **Analysis of the Natuna Islands Conflict Between Indonesia and China in the Perspective of International Law**

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### **Abstract**

This article aims to analyze the dispute between Indonesia and China regarding the Natuna Islands from an international law perspective. As a maritime country with many islands, Indonesia has abundant natural wealth in its territory. However, Indonesia and China's conflicting claims over the Natuna Islands have created tensions and disputes between the two countries. The dispute is related to the ownership and utilization of resources on Natuna Island which is in the Indonesian Exclusive Economic Zone. The impact of this dispute includes economic instability, divisions between countries, political losses, and social problems. In dealing with these impacts, it is necessary to carry out effective resolution efforts. Settlement of the Natuna islands dispute between Indonesia and China can be done through several strategic steps. First, regional border management is improved, economic activity is improved by exploring for oil in the Natuna Islands, then through an international legal approach, this article will review the relevant legal basis, legal arguments used by both parties, as well as possible settlement efforts.

**Keywords:** Natuna Islands Conflict, UNCLOS 1982, Nine Dotted Lines



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### **INTRODUCTION**

Indonesia is an archipelagic country. Indonesia has approximately 17,000 islands, of which only about 7,000 are inhabited. Kalimantan, Java, Sulawesi, Sumatra and Papua are the main islands of Indonesia. State sovereignty is exercised in the country's territorial areas, the following are the country's territorial areas.

1. The Mainland and Subsoil. The land area is the part where citizens or residents of that country live permanently. It is also in the mainland that the state government carries out all its governmental activities. The land area between one country and another must have clear boundaries. The territory between the two countries is bounded by a river that flows on the border of the country's territory. The boundaries of the area are in the middle of the river flow or it can also be the boundaries of the area which are the deepest parts of the river flow, or are called Thalweg. The land boundary lines are determined through line agreements made between countries. The agreement also covers the maritime zone to the outermost or territorial limits. Below are several territorial sea boundary agreements that have been carried out by several countries that border each other.
  - Indonesia-Singapore, 25 May 1973
  - Indonesia-Malaysia, 17 March 1970
  - France-Spain, 29 January 1974
  - Denmark-Sweden, 30 January 1932
2. Waters Territory. Apart from the land area, what we will discuss next is the water area. This territorial waters includes its inland waters, archipelagic waters, territorial sea, and the

subsoil. Provisions regarding the Territorial Sea are stated in Article 3 and Article 33 of the 1982 UNCLOS. In its provisions, the territorial sea limit does not exceed 12 nautical miles measured from the normal baseline.

3. Air Space. Based on the practices and developments that existed during World War 1, that the status of the national air space is that countries have full and exclusive sovereignty over the air space over land territory and also the territorial sea. Air law does not provide for the right of innocent passage through national air space, but based on bilateral agreements or through multilateral conventions for foreign civil aircraft, the only thing that exists is the granting of permission to participate in air crossings.

Sovereignty is the highest power, a sovereign state means that the country does not recognize that there is a higher power than its own power. However, this supreme power also has its limits. According to Mochtar Kusumaatmadja, Understanding as the highest power has two important limitations in itself, namely: that power is limited to the boundaries of the territory of the country that has that power and that power ends where the power of another country begins. According to Jean Bodin (1530-1596), the state is an alliance led by a person who uses common sense and has sovereignty. The state as an organization in which there must be a group of people who live in a permanent area, there is a government that is sovereign both internally and externally to achieve common goals.

The state border is the most important manifestation of state territorial sovereignty which has an important role in determining boundaries, sovereign territory, managing the benefits of natural wealth, maintaining security and the integrity of a region. Thus, it is not uncommon for territorial disputes to occur between one country and another, this dispute will later become a dispute. EEZ is a water area that extends up to 200 nautical miles from the base line or coastline of a country. In this case, Indonesia's EEZ refers to the waters outside and adjacent to the Indonesian territorial sea, in accordance with applicable Indonesian water laws. The EEZ includes the seabed, the land beneath it and the water above it. The state has exclusive rights to all natural resources on the surface and on the seabed, as well as under the sea in the EEZ.

One of the benefits of the Exclusive Economic Zone is that foreign countries do not have rights over the Exclusive Economic Zone area of the coastal State. If a foreign party wants to carry out any activities or take advantage of natural resources in the Exclusive Economic Zone of the coastal State, it must obtain permission from the coastal State. EEZ (Exclusive Economic Zone) is regulated in Chapter V UNCLOS 1982 (United Nations Convention on the Law of the Sea 1982). The articles governing the EEZ are located between Article 55 to Article 75 of the 1982 UNCLOS. The EEZ complies with the special legal regime stipulated in Chapter V of the 1982 UNCLOS. In the EEZ, the coastal state has certain rights and jurisdiction, including exclusive rights for exploration and exploitation natural wealth, both in the waters and under the seabed and the land beneath it.

In accordance with the views of Mochtar Kusumaatmadja. International law includes legal principles and principles governing relations between states and other international law subjects. International law can be bilateral (between two countries), trilateral (between three countries), regional (governs a specific geographical area), multilateral (involves more than three countries), or universal (applies to the entire international community). As for the subjects of international law, namely states, international organizations, the International Red Cross, the Vatican Holy See, rebels, and individuals. An international agreement is an agreement reached between parties involved under international law. The agreement is binding on the countries and international organizations involved in it. Jeremy Bentham is considered one of

the figures who coined the term "international treaty" in the 18th century. In his view, international agreements are rules or legal instruments that regulate relations between countries. International law of the sea is a collection of rules and principles that govern various issues related to the boundaries of the territory of the state related to the sea. This includes (deep waters) as well as (high seas).

UNCLOS or United Nations Convention on the Law of the Sea is an international law of the sea applied by countries in the world. As a country that has the largest maritime area in the world, UNCLOS 1982 is very important for Indonesia. UNCLOS 1982 assists in determining maritime boundaries, the rights and obligations of states in the management of marine resources, and the settlement of maritime disputes. UNCLOS explains the rights and responsibilities of a country in the use of the world's seas. The convention which was concluded in 1982 entered into force in 1994, there are 158 countries that have joined this convention late including the European Union. Problem Formulation: How is the Natuna Islands conflict between Indonesia and China in the perspective of International Law? How is the settlement of the dispute over the Natuna Islands against the territory of the State of Indonesia?

## **RESEARCH METHODS**

The research method is a series of scientific procedures or steps used to obtain data and achieve research objectives. The research method must be carried out in a systematic, logical, and accountable manner. Priyono's view (2016:1) Research Method is the stage of doing something using a common mind to achieve a goal. By using normative juridical research methods and literature studies, researchers can develop a deep understanding of legal aspects that are relevant to the research being conducted. This approach allows researchers to examine existing legal concepts, regulations, and legal arguments to gain a better and fundamental understanding of research.

Literature study is a method of collecting data in research that involves efforts to collect information that fits the problem under study. Information can be obtained from various sources such as scientific books, research reports, scientific articles, theses and dissertations, regulations, decrees, and other written sources both in electronic and printed form. Literature study plays an important role in the research process. Before carrying out research, literature studies assist researchers in finding relationships between the problems studied with relevant previous studies and relevant theories. The purpose of the literature study is to find information that is appropriate to the problem to be studied. By conducting a literature study, researchers can gather in-depth information about the research topic they are researching. In addition, the literature study also aims to deepen the knowledge of researchers about the problems studied and related research fields. This helps researchers in developing a strong theoretical foundation and a better context for their research. By using the literature study method, researchers can leverage existing knowledge and gain a better understanding of their research topic before undertaking field research or other research methods. Literature study is an important basis in building research arguments and interpreting research results properly.

## **RESEARCH RESULTS AND DISCUSSION**

### **How is the Natuna Islands conflict between Indonesia and China in the perspective of International Law?**

Indonesia, with the existence of thousands of islands and a long coastline that reaches thousands of kilometers, is indeed called a maritime country. The existence of abundant islands and seas in Indonesia provides a very rich natural potential. The sea as an important part of Indonesia's territory has a strategic role in the life of the state and society. Law Number 43 of 2008 concerning the Territory of the Unitary State of the Republic of Indonesia regulates the

territory of Indonesia. Article 1 of the Law explains that the territory of Indonesia includes land, inland waters, archipelagic waters, territorial sea along with the seabed and soil beneath it, as well as the airspace above it. Indonesia's abundant natural wealth, especially natural and marine wealth, has made Indonesia the center of attention for other countries. The potential for large natural wealth in the territory of Indonesia can be a factor that attracts the attention of other countries to establish economic, investment and trade cooperation. However, this potential can also be a potential source of conflict or dispute, especially in the case of encroachment on maritime boundaries.

The Natuna Islands do have abundant natural wealth potential, including natural gas reserves which are estimated to be one of the largest in the Asia Pacific and even in the world. This rich natural potential is a factor that triggers the interest of other countries to claim the territory of the Natuna Islands. The Natuna Islands dispute has indeed been going on since 2016 and until now it is still fit to be an issue. One of the reasons for this dispute is the entry of foreign ships, especially from China, into the waters of the Natuna Islands without the approval of the Indonesian government. In addition, the change in the naming of the South China Sea by China to the North Sea has also caused tension and disputes in the region. There are several factors influencing China's interest in and claims to ownership of the Natuna Sea. Some of the factors are:

1. The North Natuna Sea has a strategic position and is a security key for China. This area is the entry point to the western Pacific Ocean, which is important for China's security interests and could also affect the US military presence in the region. Control over this area allows China to oversee and control vital shipping lanes.
2. Has a strategic position as an important transportation route for East and Southeast Asia, towards the Middle East and Africa. Control over this area provides China with efficient access to connecting its territory with other economic and resource areas.
3. Known for having abundant natural resource potential. The region has high fish stocks, an important resource for the fishing industry. In addition, there is also the potential for large reserves of oil and natural gas in this region. These natural resources are an attraction for countries that want to claim the area for economic and energy purposes.

Problems that arise in the South China Sea between neighboring countries, including Indonesia, are caused by differences in the application of principles and claims regarding the boundaries of the continental shelf. The South China Sea is a strategic area with high global influence and has significant economic value because it is an important shipping lane. One issue that has sparked concern in the South China Sea is China's claim of self-will, known as the 'nine-dash line', the line that marks the broad territorial claims that cover most of the South China Sea. This claim contradicts the claims of neighboring countries that also have interests in the region, including Indonesia, the Philippines, Vietnam, Malaysia and Singapore. Indonesia has a strong legal basis guided by international law, including the United Nations Convention on the Law of the Sea (UNCLOS) which recognizes sovereign rights of states over the Exclusive Economic Zone (EEZ) and continental shelf areas. Indonesia has asserted its claims to the Natuna Islands under UNCLOS and regards China's claims involving the area as baseless. Indonesia has also taken steps to increase its military presence and patrol activities in the Natuna region in order to maintain the sovereignty and security of its territory. Through dialogue, diplomacy and regional cooperation, ASEAN countries seek to reach a peaceful and lawful settlement and maintain stability and security in the region.

EEZ is a water area that extends up to 200 nautical miles from the base line or coastline of a country. In this case, Indonesia's EEZ refers to the waters outside and adjacent to the Indonesian territorial sea, in accordance with applicable Indonesian water laws. The EEZ

includes the seabed, the land beneath it and the water above it. The state has exclusive rights to all natural resources on the surface and on the seabed, as well as under the sea in the EEZ. This exclusive right means that only the country that owns the EEZ has the authority to exploit and manage the natural wealth in that area. With the existence of an Exclusive Economic Zone in a country, special rights are obtained for the country entitled to that area. The state has the right to carry out any activity according to applicable regulations, exploit natural resources in that place, then the state can manage and develop these resources to increase the country's economic rate.

One of the benefits of the Exclusive Economic Zone is that foreign countries do not have rights over the Exclusive Economic Zone area of the coastal State. If a foreign party wants to carry out any activities or take advantage of natural resources in the Exclusive Economic Zone of the coastal State, it must obtain permission from the coastal State. EEZ (Exclusive Economic Zone) is regulated in Chapter V UNCLOS 1982 (United Nations Convention on the Law of the Sea 1982). The articles governing the EEZ are located between Article 55 to Article 75 of the 1982 UNCLOS. The EEZ complies with the special legal regime stipulated in Chapter V of the 1982 UNCLOS. In the EEZ, the coastal state has certain rights and jurisdiction, including exclusive rights for exploration and exploitation natural wealth, both in the waters and under the seabed and the land beneath it.

At first China asked Indonesia to stop oil and gas drilling activities in the Natuna Sea. This happened because China claimed that Natuna was Chinese territory. China thought this was because it was based on the Nine Dash Line, but Indonesia stated that this was not true. Natuna is clearly part of Indonesian territory, this is based on UNCLOS 1982. Foreign ships belonging to the State of China have also entered Natuna territory several times, but the government has clearly taken firm steps in this regard, because there is no tolerance for boundaries between countries. .

The initial dispute or conflict in the Natuna Islands began with the entry of illegal fishing vessels, including those from China, into Natuna waters in March 2016. The Indonesian government has taken steps to arrest these foreign vessels who fish illegally in the Natuna Sea. However, in carrying out the arrest of these vessels, an incident occurred where the Chinese Coast Guard vessel was involved in obstructing and preventing the KM Kway Fey 10078 ship, which is an Indonesian fishery control vessel. This incident exacerbated tensions between Indonesia and China regarding territorial claims in the Natuna Islands.

Arrangements regarding the territorial sea and additional zones, territorial sea boundaries, and innocent passage in the territorial sea are contained in the 1982 UNCLOS rules that apply to countries that have signed them. The Natuna Islands dispute between Indonesia and China has had a significant impact. Some of the impacts that might arise from the dispute According to (Novianto, Firmansyah, & Pratama, 2020):

1. This dispute could affect the economic stability in the region. Economic activities, such as trade and investment, can be disrupted due to the uncertainty and tension that takes place in disputes.
2. Territorial disputes involving large countries such as Indonesia and China can have an impact that extends to the international community. This can lead to divisions or disputes among the countries involved in the issue.
3. Has an impact on political relations between Indonesia and China, and has the potential to harm the country in political terms. This includes influence in bilateral cooperation, diplomacy, and regional political interests.
4. Can affect social life in the affected area. Tensions between communities involved in disputes, friction between groups, and security issues can occur.

In maintaining stability and resolving territorial disputes, ASEAN has dialogue and cooperation mechanisms such as the ASEAN Regional Forum (ARF) and the Code of Conduct (COC) in the South China Sea. Through diplomacy and dialogue, it is hoped that ASEAN countries can reach a common understanding and resolve disputes peacefully. UNCLOS 1982 ended the principle of "Freedom of the Seas" or "Freedom of the Seas" which had been in force since the 17th century. This principle states that the sea is a free open space and is not owned by anyone, so that all countries have the same rights to access and utilize the sea. However, this principle also limits national rights to the sea and causes tensions and conflicts between countries in the utilization of natural resources and the determination of maritime boundaries.

The principle of "Freedom of the Seas" or "Freedom of the Seas" which claims that the sea is an open space that is free and belongs to no one has been criticized in a series of forums since 1956. This then led to efforts to produce international agreements that regulate more clearly in use and protection of the sea. The result of these efforts was the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982), which was signed by 117 countries including Indonesia and China. The 1982 UNCLOS superseded and updated a number of previous agreements, including the 1958 Geneva Convention on the Law of the Sea which became the basis for criticizing the principle of "Freedom of the Seas". UNCLOS 1982 regulates in detail the rights and obligations of coastal states in the utilization and protection of territorial waters which include internal waters, territorial sea, contiguous zone, exclusive economic zone (EEZ), the continental shelf, and the high seas.

The Nine Dash Line or "Nine Dash Line" is the boundary line designed by the Chinese government to claim most of the South China Sea. This line consists of nine imaginary points that connect the water areas that cover most of the South China Sea. This claim is unilateral and not based on the principles of international law of the sea contained in the 1982 UNCLOS. China's claim to the Nine Dash Line has no legal basis recognized by the 1982 UNCLOS. The 1982 UNCLOS regulates clear methods for determining maritime boundaries, including Exclusive Economic Zone (EEZ) and Territorial Sea, through the withdrawal of legally established baselines. UNCLOS 1982 states that the territorial sea limit of a coastal state is 12 nautical miles measured from a predetermined baseline. In addition, UNCLOS 1982 also recognizes the rights of coastal states to claim EEZ within 200 nautical miles of the base line. Baseline drawing methods recognized by UNCLOS 1982 include the normal baseline, straight baseline, and archipelagic baseline).

China's claim regarding the Nine Dash Line is not accompanied by a baseline set by UNCLOS 1982 and does not clearly explain the boundaries of areas claimed by China. Therefore, China's claims with the Nine Dash Line have been questioned by several countries, including Indonesia. The Indonesian government, along with other countries that have interests in the South China Sea, have attempted to negotiate a settlement of disputes based on international law, including the 1982 UNCLOS. Indonesia adheres to the principles of international law of the sea in upholding its sovereignty and rights in the Natuna Sea region, which included in Indonesia's EEZ based on the provisions of the 1982 UNCLOS. In addition to the 1982 UNCLOS, the law that regulates waters in Indonesian territory is the Law of the Republic of Indonesia Number 6 of 1996 concerning Indonesian Waters.

### **How is the settlement of the dispute over the Natuna Islands against the territory of the State of Indonesia?**

In international relations, peaceful settlement of disputes is a principle regulated in the United Nations (UN) Charter. Article 2 paragraph (3) of the UN Charter states that UN members must resolve their international disputes peacefully and not use threats or use of force in international relations. This article distinguishes two methods of dispute resolution, namely

dispute resolution outside the court and through the courts. The principle of peaceful settlement of disputes dictates that the use of force in interstate relations is prohibited and that states must seek peaceful solutions to their disputes. International law provides a legal framework governing these methods of dispute resolution and encourages states to seek to resolve their disputes peacefully in order to maintain international peace and security.

Mediation is a way of settling international disputes involving a neutral third party. The mediator's job is to facilitate dialogue between disputing parties and help them reach an agreement. Mediators can be from countries, international organizations, or individuals who have expertise and trust from both parties. When mediating, the mediator acts as a facilitator who directs communication between the disputing parties. The mediator also provides information and suggestions for resolving disputes based on neutral understanding and knowledge. If the settlement proposal is not accepted, the mediator can submit a new proposal or continue negotiations to find a solution that is acceptable to both parties. At the end of the negotiations, the mediator provides suggestions for resolving disputes, but these suggestions are recommended and not binding on the parties to the dispute. The mediator aims to help reach mutually beneficial agreements and obtain agreement from the disputing parties. Mediation is an effective tool to reach a peaceful settlement of international disputes by involving the active participation of a neutral third party.

A mediation approach involving a third party, such as the International Court of Justice, to resolve disputes between Indonesia and China regarding the Natuna Islands is a possible step. Neutral and independent mediators can assist in reaching mutually beneficial agreements for both parties. The International Court of Justice is an international legal institution that has a mandate to resolve disputes between its member states. As a mediator in the Natuna Islands dispute, the International Court of Justice must be neutral and impartial to one of the parties. The main function of the International Court of Justice is to facilitate dialogue between Indonesia and China, provide advice and recommendations for dispute resolution based on applicable international law.

In the context of resolving disputes between Indonesia and China regarding the Natuna Islands, involving the International Court of Justice as a litigation route can be the right choice if diplomatic efforts fail to reach a mutual agreement. Lawsuits to the International Court of Justice can be filed by the Indonesian government to resolve the issue of illegal fishing by China. This litigation suit will involve an international court to decide the dispute based on applicable international law. In this case, the Indonesian government will present legal arguments in support of its claim to the Natuna Islands and hold China responsible for violations of illegal fishing in the area. The outcome of the International Court of Justice's decision is binding for both parties, but implementation and enforcement of the decision can be a challenge depending on the will and cooperation of the disputing countries. Dispute resolution through litigation shows that the Indonesian government considers this issue to have an important legal dimension and pays attention to aspects of international law. In an effort to safeguard national interests, aspects of international law and legal ethics must be the main considerations in the dispute resolution process.

Suing the illegal fishing case by China in the Natuna Islands to the International Court of Justice (ICJ) through litigation is one of the steps that the Indonesian government can take. ICJ is an international legal forum that has the authority to handle disputes between countries. In an effort to sue cases of illegal fishing, the Indonesian government can present legal arguments that support its claim against the Natuna Islands. This refers to the principles of international law of the sea regulated by UNCLOS 1982, which recognizes the rights of coastal states to natural resources in their Exclusive Economic Zone (EEZ) (Rosana, Dewi, & Agustín, 2021). The

litigation route involves settling disputes through courts and is different from diplomacy. In the context of the Natuna Islands dispute between Indonesia and China, if negotiations and diplomacy do not result in a satisfactory resolution, Indonesia has the right to take further legal action. As a sovereign country, Indonesia has rights and obligations to protect its territorial sovereignty and the natural resources contained therein. If China's illegal fishing in the Natuna Islands continues and harms Indonesia's national interests, the Indonesian government can take firm action and sue China with litigation. In resolving maritime border disputes, it is important to consider aspects of international law and national law and uphold applicable legal principles. International law, provides an important framework in determining the rights and obligations of countries related to maritime borders and management of natural resources in the waters concerned.

## **CONCLUSION**

The dispute between Indonesia and China in the Natuna Islands is related to differences in the application of the principle of delimiting the continental shelf between the two countries. China has claimed part of the sea area around the Natuna Islands by referring to the Nine Dash Line doctrine made by the Chinese government. Meanwhile, Indonesia adheres to the principles of international law, including the 1982 UN Convention on the Law of the Sea (UNCLOS). The beginning of the dispute was the entry of foreign ships from China into Indonesian waters without the approval of the Indonesian government. This action sparked tensions between the two countries because Indonesia considered it a violation of territorial sovereignty. Then the change of name related to the South China Sea to the North Natuna Sea (Natuna Islands) in 2017 was one of the factors that exacerbated this dispute. This step was taken by Indonesia as a response to China's unilateral claim to the Natuna Islands and the Indonesian Exclusive Economic Zone (EEZ) area around the islands. China's unilateral claim to the Natuna Islands and Indonesia's EEZ is based on the Nine Dash Line made by China itself. However, this is contrary to the principles of international law of the sea regulated by the 1982 United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS recognizes the rights of coastal states over their continental shelf and EEZ based on international legal principles. Disputes between Indonesia and China regarding the Natuna Islands can have various impacts, namely disrupting economic stability, triggering divisions in the international community, losses in the political field, creating social tensions and problems in social relations between the people of Indonesia and China.

There have been various attempts to resolve the dispute between Indonesia and China regarding the Natuna Islands. First, improving regional border management, including more intensive surveillance and patrols, can help maintain Indonesia's sovereignty in the Natuna Islands region. Second, Optimizing natural wealth, including oil and gas, in the Natuna Islands region can help strengthen Indonesia's position and there is increased economic interest in the area. Third, increasing capabilities in the Natuna Islands region, including aspects of defense, security and infrastructure, can strengthen Indonesia's presence in the area. If previous efforts through diplomatic channels have not resulted in a satisfactory resolution, suing the violation case to the International Court of Justice through litigation may be an option that can be taken. In carrying out efforts, it is important to pay attention to aspects of international law and national law and to consider Indonesia's national interests as a top priority. Efforts to resolve disputes must be carried out in a manner that is in accordance with applicable legal provisions in order to realize world peace.

Suggestions from the author on this matter are that the Government must be firm in similar cases, because Indonesia has a strong legal basis, Indonesia's sovereign rights are SAH based on UNCLOS 1982, the government must be coordinated and go hand in hand between

each government agency to protect Indonesia's territory and the Government as well must manage Natural Resources properly and correctly so that they are not used by irresponsible parties.

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