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CONFLICTS BETWEEN CHINESE AND INDONESIA IN NORTH NATUNA SEA

*Chomariyah^{*1}, Sudirman²*

^{1,2}Universitas Hangtuah, Jl. Arief Rachman Hakim No. 150, Surabaya, Indonesia

**Correspondence: ¹chomariah@hangtuah.ac.id*

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ABSTRACT

The tension of the South China Sea dispute that involves Tiongkok and some countries of the member of southeast Asian Nations (ASEAN) is getting heats up. The PCA decision states that Tiongkok claims on the South China Sea have no valid legal basis. However, Tiongkok responds strongly rejected the decision of the PCA. Tiongkok's rejection impacted Indonesia, especially on the border of Indonesian territorial waters in the South China Sea. This study aims to identify the Indonesian position and the government's actual action to handle the conflict that occurs because of China's claim on the North Natuna Sea. This study followed the systematic literature review method that consists of four steps, designing a review, conducting a review, analyzing, and writing the review. The study's data were collected using documentation techniques and taken from books, articles, and national and international maritime regulations. The results of the study show that: (1) Based on the national and international maritime regulations, Indonesia has a strong position to protect the North Natuna Sea from Cina's claim; and (2) the efforts done by the Indonesian Government are launching protests regarding China's claims to parts of the Natuna Sea waters, based on UNCLOS 1982 and doing diplomatic approach.

INTRODUCTION

Conflicts of interest between countries in any region potentially cause conflict and instability in both globally and regionally. Conflicts of interest are originating from economic such as openness of trading (Garfinkel, Syropoulos, & Yotov, 2020) and debt agreement between countries (Pancrazi & Prospero, 2020), political such as the boycotts of logistics and help to other countries (Heilmann, 2016), and social interests such as redistribution policy across countries (Yamamura, 2016). When it is not managed properly, it leads to direct

conflicts of civil war around the world (Albornoz & Hauk, 2014), and possibly involving military forces between certain countries who concerned about their national interests that being disturbed (Estrada, Park, Tahir, & Khan, 2020).

The South China Sea is the focal point of geopolitics in the Asia Pacific region (Sinaga & Robertua, 2017). It is becoming an international level discussion because it has sparked conflict between some major countries in Asia and several member countries of the Association of South East Asian Nations (ASEAN). The main problem which is being debated is regarding claims of the border area (territorial zone). Located in Southeast Asia's heart, the South China Sea is a semi-enclosed sea surrounded by China and several southeast Asian powers (Castro, 2016). Until the end of last year, the dispute over the South China Sea region had dramatically impacted the polarizing waves of power of warring nations (Nasir, Dahalan, Harun, & Thariq, 2020). The intersection of territorial claims and territorial jurisdiction in the South China Sea region involves six countries: China, Taiwan, the Philippines, Vietnam, Malaysia, and Brunei Darussalam (Fravel, 2011). The nature of the pattern of interaction between each country becomes more conflictual due to the interests of each country in the South China Sea region.

The South China Sea Conflict is influenced by several factors, such as the absence of clear maritime boundaries as the South China Sea is geographically located in countries in the Asia Pacific and Southeast Asia (Dieter-Evers, 2014). What might occur is a dispute over ownership of the sea areas around these countries. The law applied for the sea is the legal rules governing the rights and authority of a country over the sea area under its national jurisdiction.

Aside from China makes unilateral claims over the South China Sea based on its nine-dash line (Gao & Jia, 2013), the conflict over it is also caused by the fact that the South China Sea has a lot to offer to its legal owner. Bu et al. (2019) conduct an exploration over the South China Sea by utilizing the ultrasonic wave technique. Their study results in micro-distribution patterns gas hydrates. Additionally, according to Qin et al. (2019), the South China Sea is rich with its natural resources, such as hydrocarbon resources. This means this area is equipped with a stratum structure of the gas hydrates layer (Sun, Ma, Guo, Jia, & Li, 2019). This gas hydrate carbon is known as the key future for clean energy resources (Li, et al., 2018).

The Chinese government insists that the Nine-Dash Line in the South China Sea is part of its territorial waters even though the Permanent Court of Arbitration (PCA) decision has strongly rejected the decision (Pogies, 2017). Chinese Nine-dash line began to become a serious problem for Indonesia as well. It started in 2016 since China fishing vessels come across Indonesian territory around Natuna (Kartikasari, 2019). It continued when an incident occurred between Indonesian Vessel *Imam Bonjol-383* and Chinese coast guard vessels. It leads the president of Indonesia to react to the case (Anggraini, Kusumawardhana, & Ramadhan, 2019).

Considering the conflict between Indonesia and China on the North Nantuna Sea is heating, this study tried to determine the Indonesian government's efforts to solve the conflict. It is expected that this study will give sufficient information for the readers about the Indonesian position in handling the conflict.

METHOD

This study followed the systematic literature review method. The researcher used this method since the aim of the study is in line with the objective of conducting a systematic literature review that is to find empirical evidence of the phenomena being studied (Palmatier, Houston, & Hulland, 2018). This study followed the four steps of the systematic literature review method, namely designing the review, reviewing, analyzing, and writing the review (Snyder, 2019). The data were collected from books, articles, and national and international regulations on maritime. The collected data were analyzed qualitatively using an interactive data analysis model that consists of three steps, they are data reduction, data display, and conclusion drawing/verification (Miles, Huberman, & Saldana, 2014).

Finding and Discussion

In this section, based on the objectives of the study, two points are going to be discussed: The position of Indonesia based on national and international regulations and the actual action that the Indonesian government has done to face the conflict with China.

The position of Indonesia based on the national and international maritime regulation

The position based on the WPP NRI Point of View

According to Krisnafi, Iskandar, Wisudo, & Haluan (2017) The Fisheries Management Area of Republic Indonesia or often abbreviated as WPP-NRI is a fisheries management area for fishing, conservation, research and fisheries development covering inland waters, archipelagic waters, territorial sea, additional zones and the Exclusive Economic Zone of Indonesia (ZEEI). Several provisions should be understood and understood to be implemented properly, especially by the main actors of fishing (fishermen), business actors, and other stakeholders. Some regulations governing fishing activities are as follows:

a. Provisions on the Fishing Tracks in Indonesia are based on the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number: PER.02/MEN/2011 dated January 31, 2011, regarding Fishing Tracks and Placement of Fishing Equipment and Fishing Aids in the Fisheries Management Region of the Republic of Indonesia.

The purpose of the regulation of the Minister of Maritime Affairs and Fisheries is to realize the responsible utilization of fish resources. Besides, it is also the best practice for the long-term sustainability of fisheries and ecosystem services (Muawanah, et al., 2018). An optimal and sustainable and reducing conflict over the use of fish resources is based on the principles of management of fish resources (Pranoto, 2016).

The position based on the PCA rulings and maritime zone arrangements according to 1982 UNCLOS

As for the long process, PCA has finally decided to ensure objectivity and maintain the role of international law in handling territorial disputes (Pemmaraju, 2016). The PCA, which heard the Philippines case filed against China related to the conflict in the South China Sea on Tuesday, July 12, 2016, had indeed made a decision. The Arbitration Council consists of Thomas A. Mensah from Ghana, who acts as chairman, Jean-Pierre Cot (France), Stanislaw Pawlak (Poland), Alfred HA Soons (Netherlands), and Rudiger Wolfrum (Germany). The contents of the 501-page decision by various parties are being studied and reviewed. Along with the decision, the PCA secretariat has issued a press release summarizing the substance of the decision. This paper is based on a press release issued. The substance of the award is divided into two categories. First, it is on the authority of the assembly in examining cases and the absence of China at trial. The assembly stated that it had the authority and lack of defense, and the various documents needed by the assembly did not prevent the assembly from making a decision. The assembly relied on independent experts who were appointed and requested information from the Philippines. The second category contains the substance of the decision consisting of five things. First is the claim of nine broken lines by China based on historical rights (historic rights). For this matter, the assembly believes that China cannot make this claim because it does not comply with the Exclusive Economic Zone (EEZ) arrangement under the UN Convention on the Law of the Sea (UNCLOS). The panel also argued that China had no evidence relating to exercising exclusive rights over its waters and resources in the South China Sea (Juwana, 2016).

According to UNCLOS 1982, archipelago zone is divided into two parts, which are zones under and outside national jurisdiction (Aboukhewat, 2019). These zones under national jurisdiction are subdivided into maritime zones under the full sovereignty of a coastal state (Adangor & Aragu, 2018). The coastal states have an obligation to make every effort to enter into provisional arrangements of a practical nature, pending a final agreement on their maritime boundary (Wartini, 2017). Maritime zones under full sovereignty can be divided into internal waters, archipelagic waters, and territorial sea.

Indonesia has sovereignty in internal waters, archipelago, territorial waters, air space above internal waters, archipelagic waters, territorial seas, and the seabed and ground below, including natural resources contained therein (Lestari, 2017). All Indonesian laws and regulations are fully enforced in the inland waters. In contrast, in the territorial and territorial waters, the implementation must take into account the provisions of International Sea Law and other International Laws (Sodik, 2011). Three maritime zones are under the authority and special rights of coastal states (Mauna, 2005), which are *the Contiguous Zone*, *Exclusive Economic Zone*, and *Continental Shelf*.

Here are the maritime zones outside the national jurisdiction divided into two the *High seas* and the *International seabed area*. The formulation of the delimitation rules on territorial seas at UNCLOS 1982 was mutually consistent with the 1958 Geneva Convention (Article 12). This rule emphasizes on the use of the median line principle in determining territorial sea boundaries unless there are historical reasons or other circumstances. It is stated that:

Small insular formations have in more recent times, with the advent of major maritime zones such as the 200 nautical miles Exclusive Economic Zone (EEZ). The expanded definition of the continental shelf in the 1982 United Nations Convention on The Law Of The Sea (UNCLOS) caused legal disputes all over the world in terms of entitlement to such zones under UNCLOS and as to what effect. They should have in the delimitation of such zones between neighboring states (Jayakumar, Tommy, & Robert, 2014).

The Position based on the Role and Duty of Marine Force

The Marine Force in carrying out its duties is directed to guarantee the achievement of national interests in and or by sea, both in times of peace and during wars. This was carried out through Military Operations for War and Military Operations Other Than War in the context of upholding sovereignty and maintaining the integrity of the Unitary Republic of Indonesia, overcoming foreign military aggression and creating a deterrent impact, supporting the government's foreign policy, and maintaining security stability country (Marsetio, 2013).

a. Marine Force Universal Role:

- 1) **Military Role.** The Indonesian Marine Force Navy carries out its military role to uphold the sovereignty of the country at sea using national defense and deterrence, preparing forces for war preparations, warding off any military threats through the sea, protecting and guarding sea borders with neighboring countries, and maintaining maritime security stability.
- 2) **Diplomatic Role.** Indonesian Marine Force Navy conducts naval diplomacy (naval diplomacy) because it has the capacity as a military force. This role is an important role for every navy throughout the world and is known as a "show of naval power."
- 3) **The role of the Constabulary (the police).** The Indonesian Marine Force Navy carries out the role of the police to uphold the law at sea, protect national marine resources and wealth, maintain order at sea, and support national development in contributing to national stability and development.

b. Duty of the Navy. Under Article 9 of Law Number 34 of 2004 concerning the Navy, the duties of the navy are as follows:

- 1) Carry out the duties of the Matra Laut Navy in the field of defense;
- 2) Uphold the law and maintain security in the sea territories of national jurisdictions following the provisions of national law, international law which has been ratified;
- 3) Carry out Navy diplomacy to support foreign policy set by the government;
- 4) Carry out the tasks of the TNI in the development and development of the strength of the sea dimension; and

- 5) Carry out the empowerment of marine defense areas.

The Actual Action of the Indonesian Government in Facing the Conflict

President Joko Widodo held a Limited Meeting (or also called as Ratas) regarding Natuna Islands and *KRI Imam Bonjol*, on Thursday, June 23, 2016. Indirectly, President Joko Widodo's steps showed Indonesia's attitude that was not daunted by Chinese maneuvers. This limit was held only a week after objections were thrown by the Chinese Ministry of Foreign Affairs over the shooting incident of their traditional fishing boats by the Navy on June 17, 2016. The Foreign Minister of the Republic of Indonesia, Retno Marsudi, stated that Indonesia had no political problems with China. The capture of the Chinese ship by the Navy at Natuna last week, he said, was a law enforcement measure and not related to political issues. "Our communication (the Indonesian government) continues with China. Our relationship with China is also good. This is a matter of law enforcement, not politics," Retno said. Concerning law enforcement, Retno asserted that Indonesia would continue to maintain the sovereignty of its territory, including by punishing foreign vessels carrying out economic activities in the Natuna waters of the region that entered Indonesia's Exclusive Economic Zone (EEZ) (Gumilang, 2016).

This response is released because overlapping claims over the exclusive economic zone (EEZ) near the Natuna water (Pramono, Darmawan, Deffinika, & Soelistijo, 2020). This exceeds the explorative rights within 200 nautical miles, starting from the outer rims of Natuna (Wicaksana, 2019). Based on the response from Indonesia Government, the supervision and control of foreign vessels fishing in the Exclusive Economic Zone (EEZ) region of Indonesia can continue to be improved through applying more strict rules (Kurnia & Martinelli, 2016), because this also concerns and test the sovereignty of the country (Rosdiana, 2018). Potential threats towards sovereignty require the state to be present through initiatives such as military facilities (Simangunsong & Hutasoit, 2018).

Thus, the Government of Indonesia establishes Bakamla as a marine security unit and its ability to carry out its duties and authority as law enforcement officers in the Republic of Indonesia's territorial sea. Besides, marine security will adjudicate according to the Fisheries Fisheries Act on foreign fish being caught and known to be conducting illegal fishing in the Natuna Sea as a form of shock therapy for foreign vessels that enter the Natuna Sea region without permission. It also activates and maximizes the management of conservation of Fish Resources in the Natuna Sea. This is a form of security "internal" measures.

The Indonesian government is also expected to be able to focus more on maintaining and activating NRI WPP, especially in the Natuna Sea, which is known to store a lot of potential natural resources, especially fisheries. Prayogo and Arthana (2012) add that the natuna Sea is a perfect habitat for pelagic fish. The Natuna Sea area and its surroundings are essentially endowed with a series of natural resource potentials that have not been adequately managed, such as oil and gas (Mursitama & Notoharjo, 2020). One of the rare fish species called

Napoleon fish is also commonly found in these waters. This is proven by a study conducted by Prianto, Puspasari, Oktaviani, Sulaiman, & Anggawangsa (2019) that the potential of these fish is high. Thus, fisheries are one of the important economic activities in the Natuna Sea; many fishermen depend on their lives from this sea, so in this case, WPP NRI has an important role (Hidayat, Pujiyati, Suman, & Hestirianoto, 2019).

Moreover, the South China Sea dispute leaves tensions between countries in the Asia Pacific region, especially China and countries in Southeast Asia (Weissmann, 2015). Even there was an initial strategic development between China and Southeast Asian countries such as the Philippines and Vietnam in the South China Sea, and territorial line leads to another dispute (Qi, 2019). The latest conflict occurred between the Philippines and China at the Scarborough Base. It is proven from the survey that 91% of the respondents say the tension is rising in Philippines due to South China Sea conflicts (Regilme, 2018). Tensions between the two countries are exacerbated by the involvement of the United States (US) (Shoji, 2012). The US is keen to contain China's growing political, military, and economic influence. The US containment policy has resulted in increased military presence in the South China Sea (Teixeira, 2018). The US is reported to have sent two aircraft carriers near the conflicted area. The US and the Philippines have often held joint military exercises; the Philippines has also received donations from several US military fleets. The Philippines contests these claims on the ground that they are incompatible with the 1982 Convention on the Law of the Sea (Pemmaraju, 2016).

The Philippine Foreign Ministry confirmed that the Philippine international legal team was heading to the Permanent Court of Arbitration in The Hague to present the initial argument that the five-panel prosecutors in the court had the legal power to hear the case. Manila filed a case of the South China Sea conflict in 2013 to obtain its legal rights to utilize the waters of the South China Sea in 200 nautical miles of the Exclusive Economic Zone (EEZ), as permitted by the United Nations International Sea Law Convention (UNCLOS 1982).

The International Arbitration Court based in The Hague, Netherlands, on Tuesday, July 12, 2016, ruled that China had violated Philippine sovereignty in the South China Sea. This decision was also called the Permanent Court of Arbitration (PCA) decision. "China has violated the right of Philippine sovereignty in its exclusive economic zone by fishing and doing oil exploration, building artificial islands and not banning Chinese fishermen from working in the zone also the court ruled that there is no legal basis for China to claim historical rights regarding natural resources in the oceans that are said to have entered Nine-Dash Line, "the International Arbitration Court said (Hardoko, 2019).

CONCLUSION AND SUGGESTION

Based on the results of the study, this study concludes that the Government of Indonesia has a strong position to protect WPP NRI in the Natuna Sea related to the PCA ruling based on UNCLOS 1982 and The Indonesian Government

bring this conflict to the International Court of Justice to achieve a fair solution and strengthens military defense both land, sea, and air by presenting patrol ships in the Natuna Sea region for all time, and increasing the role of the Marine Force Navy in diplomacy as an effort to safeguard "exit." It is expected that the Indonesian government's position and the efforts taken to solve the problem will become a solution for the conflict. Since this study is only conducted through a systematic literature review, a further study exploring the Indonesian government's detailed efforts should be done to give comprehensive information to the Indonesian people and the other people of different countries about the legal status of Indonesia in North Natuna Sea.

To avoid further conflict in the future, the Indonesian government is suggested to do the following things:

- a. Strengthen the military defense system in strategic areas with escalating vulnerability to high-level disputes, in this case, the Natuna Sea, and conducting peaceful diplomacy in the form of cooperation in all fields with neighboring countries.
- b. Indonesian Government has to do rejuvenation and procurement of Bakamla defense equipment and improve the management technology of conservation of Fish Resources in the Natuna Sea so that the achievement of objectives can be maximized.

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