

## Case Analysis of the Entry of China's Ship at Natuna Sea in 2019 Based on International Law



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**ABSTRACT:** The entry of China's ships at Natuna Sea in 2019 poses a threat to Indonesia's sovereign rights. The entry of China's ships was followed by IUU fishing activities. This writing aims to analyze and find out the regulation of international law and efforts that Indonesia can do against foreign ships that entered the Indonesian EEZ. This writing uses normative legal research method by law and statutory approach. The conclusion of this writing is that Indonesia's claim to the Natuna sea already has a legal basis because it is included as EEZ in the UNCLOS 1982. The efforts that Indonesia can do against the entry of foreign ships in the EEZ are to propose a settlement through the court of its choice, and take actions such as arrest and detain foreign ships that entered Indonesian EEZ which are accompanied by IUU fishing activities, and follow up with law enforcements.

**KEYWORDS:** China's ships; Natuna; IUU fishing; EEZ; UNCLOS.

### INTRODUCTION

The conditions for the formation of a state have been expressly stated in the 1933 Montevideo Convention on the Rights and Duties of States, which was signed by the United States and several Latin American countries in Montevideo on December 26, 1933. Based on Article 1 the 1933 Montevideo Convention, it is stated that the state as a person of international law should possess the following qualifications:<sup>1</sup> a permanent population, a defined territory, government; and capacity to enter into relations with the other states.

Based on the conditions for the formation of a country, it can be seen that one of the conditions for the formation of a country is the existence of a defined territory. The area in question is a space that includes land, air and sea areas. As for the land area is an area that has confirmed clear boundaries to become a state territory; airspace includes outer space in accordance with land and sea boundaries; and the sea area is the water area close to the coast.<sup>2</sup> This means that the territory is not limited to only land and air areas but also sea areas. Therefore, if an entity has land, air, and sea areas, it can fulfill the regional requirements in the formation of a country. Indonesia has land, air and sea areas; therefore, Indonesia and its sea areas can fulfill the regional requirements as required in the formation of a country. Indonesian territorial ownership refers to the 1939 Dutch East Indies Ordinance, namely *Teritoriale Zeeën en Maritieme Kringen Ordonantie (TZMKO) 1939*, in which it is stated that the islands in the archipelago are separated by the surrounding sea, each island has a sea around it of 3 (three) miles from the shoreline.<sup>3</sup>

In its development, there was the Djuanda Declaration on December 13, 1957 which stated the concept of an archipelagic state. In the Djuanda Declaration, it is stated that Indonesia as an archipelagic country has its own characteristics and the archipelago is one unit. Through the Djuanda Declaration, Indonesia states that it adheres to the principles of an archipelagic state, so that the seas between islands are Indonesian territory.

The concept of an archipelagic state in the Djuanda Declaration was later included in the 1982 International Convention on the Law of the Sea (United Nation Convention of the Law of the Sea/UNCLOS 1982), because over time the awareness of the world community about the importance of regulating water boundaries, which was subsequently ratified by Indonesia. with Law Number 17 of 1985 concerning the Ratification of UNCLOS 1982.

Indonesia as an archipelagic country was then also affirmed in the 1945 Constitution of the Republic of Indonesia ("UUD NRI 1945"), namely in the second amendment in 2000 by adding Article 25A which reads "The Unitary State of the Republic of Indonesia is an archipelagic state characterized by the archipelago. territory and boundaries and their rights are determined by law". The existence of the determination of Indonesia's territory in the 1982 UNCLOS shows that there is an international recognition, especially regarding the Indonesian sea area.

<sup>1</sup> *Montevideo Convention on the Rights and Duties of States* (Montevideo, 1933).

<sup>2</sup> Suryo Sakti Hadiwijoyo, *Perbatasan Negara dalam Dimensi Hukum Internasional* (Yogyakarta: Graha Ilmu, 2011), 5.

<sup>3</sup> Petro Energy, "Dibalik Deklarasi Djuanda Ada Perluasan Wilayah Laut", terakhir diubah 2021, diakses pada 31 Maret 2022, <https://www.petroenergy.id/article/dibalik-deklarasi-djuanda-ada-perluasan-wilayah-laut>.

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Based on the 1982 International Law of the Sea Convention (United Nation Convention of the Law of the Sea/UNCLOS), Indonesian marine waters are divided into 3 (three) areas, including the territorial sea, the exclusive economic zone, and continental shelf.

The division of Indonesia's marine territory that has been included in UNCLOS manifests international recognition of Indonesia's marine territory including the territorial sea, exclusive economic zone, and continental shelf. However, in reality, there are still cases that show violations of Indonesia's sovereign rights and jurisdiction in its sea areas, namely the entry of foreign ships into Indonesian seas, in this case the entry of Chinese-owned ships in the Natuna waters, Riau Islands, in 2019.

In December 2019, KRI Tjiptadi-381 while carrying out a sector patrol at the ZEEI border of the North Natuna Sea, precisely at position 05 06 20 U 109 15 80 T, detected 1 (one) ship contact on the radar at position 05 14 14 U 109 22 44 T a distance of 11.5 NM heading south at a speed of 3 (three) knots, and after being approached at a distance of 1 NM the contact was the China Coast Guard hull number 4301 (CCG 4301) which was escorting several Chinese fishing vessels carrying out fishing activities. Then communication was carried out, KRI Tjiptadi-381 then expelled fishing boats that were trying to catch fish illegally and prevented CCG 4301 vessels from escorting illegal, unreported, and unregulated fishing (IUUF) activities. Furthermore, the Minister of Foreign Affairs, Retno Marsudi, conveyed 4 (four) official stance points in response to China's actions that violated the Natuna waters, including:<sup>4</sup>

1. First, there has been a violation by Chinese ships in the Indonesian EEZ;
2. Second, Indonesia's EEZ area has been determined by international law, namely through UNCLOS 1982;
3. Third, China is a member of UNCLOS 1982, therefore it is an obligation for China to respect the implementation of UNCLOS 1982;
4. Fourth, Indonesia will never recognize the Nine-Dash Line, a unilateral claim made by China that has no legal grounds recognized by international law, especially UNCLOS 1982.

However, China through the Spokesperson for the PRC Ministry of Foreign Affairs, Geng Shuang, said that China has rights and interests in relevant waters.<sup>5</sup>

The existence of this case shows that there is a threat to Indonesia's security and sovereign rights due to illegal, unreported and unregulated (IUU) fishing actions or activities carried out in Indonesian marine areas. In fact, Indonesia has received international recognition for the sea area entered by the Chinese ship in UNCLOS, which is included in the ZEEI.

The state of the art writing is taken from several examples of previous research in the form of journals, including research entitled Natuna Islands Conflict between Indonesia and China (A Juridical Study) by Butje Tampi discussing efforts to defend the outermost islands in Indonesia, research entitled Dispute of the Republic of Indonesia - Republic of Indonesia. The Chinese People in Natuna Waters by Rani Purwani Ramli, Patrice Lumumba, and Burhanuddin discussed the development of the dispute between Indonesia and China over China's claims in the Natuna waters and that China's claims interfered with Indonesia's sovereignty, as well as discussing the potential of the Natuna waters, the research entitled Rejecting China's Historical Claims "Nine "Dash Line" and the Authority for Enforcement of Sovereignty and Law Enforcement in the Indonesian Exclusive Economic Zone by Mangisi Simanjuntak discusses why Indonesia rejects the nine dash line claim and how Indonesia's sovereign rights are in Indonesia's EEZ and which agencies have the authority to do so. encourage the enforcement of sovereignty and law enforcement.

Based on this description, the author raised the title Analysis of the Case of Chinese Ships in Nauna Waters, Indonesia in 2019 based on International Law. To provide an answer to this topic, the following issues will be discussed: First, the regulation of international law in general and international law of the sea in particular on the case of the entry of Chinese-owned ships in the Natuna waters in 2019, and Second, the efforts that can be made by the Indonesia against the entry of Chinese-owned ships in the Natuna waters.

### RESEARCH METHODS

The research method used in this paper is a normative legal research method, which uses a normative juridical approach and is supported by secondary data in the form of primary legal materials and secondary legal materials.<sup>6</sup> Legal research with a normative doctrinal approach or normative juridical legal research or normative legal research is an activity that will examine the internal aspects (to solve problems that exist in) positive law. The normative juridical approach is carried out by taking an approach that is based on the applicable laws and regulations.<sup>7</sup> This writing analyzes primary legal materials in the form of applicable international

<sup>4</sup> Rahajeng Kusumo Hastuti, "Ini Kronologis RI Protes Keras Klaim China Soal Natuna", *CNBC Indonesia*, terakhir diubah 2020, diakses pada 31 Maret 2022, <https://www.cnbcindonesia.com/news/20200104193648-4-127681/ini-kronologis-ri-protas-keras-klaim-china-soal-natuna>.

<sup>5</sup> Panji Suwarno, Siswo Hadi Sumantri, Fauzi Bahar, "Rekonstruksi Keamanan Maritim Indonesia Dalam Rangka Mewujudkan Katahanan Wilayah (Studi Di Kabupaten Natuna Periode Tahun 2019- 2020)", *Jurnal Ketahanan Nasional* 27, No. 1 (2021).

<sup>6</sup> Depri Liber Sonata, 'Metode Penelitian Hukum Normatif Dan Empiris Karakteristik Khas Dari Metode Meneliti Hukum', *Fiat Justisia Jurnal Ilmu Hukum*, 8.1 (2014), 15–35 <<https://doi.org/https://doi.org/10.51749/jphi.v2i1.14>>.

<sup>7</sup> Kornelius Benuf and Muhamad Azhar, 'Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Gema Keadilan*, 7.1 (2020), 20–33 <<https://doi.org/https://doi.org/10.14710/gk.7.1.20-33>>.

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law or international law of the sea and uses secondary legal materials in the form of journals, books, and articles related to this writing.

### DISCUSSION AND ANALYSIS

#### 1. Regulation of International Law and International Law of the Sea on the Case of the Entry of Chinese Ships in Natuna Waters in 2019

UNCLOS was signed by 117 countries on 10 December 1982 in Montego Bay, Jamaica. Article 308 paragraph (1) of UNCLOS is stated as follows: This convention shall enter into force 12 months after the date of deposit of the sixtieth instruments of ratification or accession". Therefore, after Guyana became the 60th country to ratify UNCLOS 1982 on November 16, 1993, this convention came into force on November 16, 1994.

China and Indonesia are included in the countries that have ratified UNCLOS 1982 or are referred to as participating countries of UNCLOS 1982. China ratified UNCLOS 1982 on June 7, 1996 and Indonesia ratified UNCLOS 1982 in 1985 through Law No. 17 of 1985 on the Ratification of Laws Number 17 of 1985 concerning Ratification of the United Nations Convention on the Law of the Sea. With the implementation of UNCLOS 1982, it means that all participating countries must comply with the provisions of UNCLOS 1982.

The case of the entry of Chinese-owned ships in the Natuna waters stems from a historical claim by China, namely the nine dash line or nine-dash line made unilaterally by China. The nine dash line has long been claimed by China based on historical reasons. The stipulation of the nine dash line was made by China since 1947 when the Koumintang Government was in power in mainland China which claimed a territorial area that covered almost the entire South China Sea area. Although the nine dash line map does not contain detailed and accurate boundaries, the map was adopted by the communist government which took power and established the People's Republic of China (PRC) in 1949. Since then the nine dash line has been used as the basis for claims. Territorial and political policies of the Beijing government until now. The total area included in the nine imaginary lines is 3.5 million square kilometers covering 90% (ninety percent) of the total area of the South China Sea. The nine dash line claim is not regulated in UNCLOS 1982.

The nine dash line declared by China in May 2009 means that it has indisputable sovereignty over the islands in the China Sea and adjacent waters, and has sovereign rights and legal jurisdiction over these waters and the sea and the lands beneath it. Furthermore, in 2012, China erected a permanent structure on the Scarborough Shallow Reef where the position of the reef has the potential to threaten the security of the Philippines because it is located only 220 kilometers from the Philippine coast.<sup>8</sup> By claiming the nine dash line, China assumes that almost all of the waters in the South China Sea belong to it.<sup>9</sup> The South China Sea is one of the widest territorial waters in the world that has a strategic role in terms of economy, politics and security, therefore the South China Sea is a great potential for cooperation that can be utilized by the surrounding countries.<sup>10</sup>

The South China Sea has the potential for natural resources, especially abundant fisheries and other sectors, namely oil and gas, therefore it is not surprising that China claims that the waters of North Natuna are traditional fishing grounds.<sup>11</sup>

One of the countries protesting against China's claims to almost all of the waters in the South China Sea is the Philippines. In January 2013, the Philippines brought the South China Sea dispute to the Permanent Court of Arbitration, then on July 12, 2016, the Permanent Court of Arbitration issued a decision on the Philippines' lawsuit against China regarding the South China Sea issue. In essence, the Permanent Court of Arbitration states that China's claims regarding historic rights in relation to maritime areas in the South China Sea which are claimed using the nine-dash line are contrary to UNCLOS 1982.<sup>12</sup> China has no historical evidence of ownership and control over the disputed waters by the Philippines.<sup>13</sup> However, China said it does not accept and will not recognize the decision from the Permanent Court of Arbitration, saying that the ruling has no binding force.<sup>14</sup>

The claim of the nine dash line protrudes into the Indonesian Exclusive Economic Zone (EEZ) and overlaps with the Natuna waters which are within Indonesia's EEZ. This then underlies the entry of Chinese ships in the Natuna archipelago in 2019, because

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<sup>8</sup> Muhammad Rafi Darajati, Huala Adolf, Idris, "Putusan Sengketa Laut China Selatan serta Implikasi Hukumnya terhadap Negara Disekitar Kawasan tersebut", *Jurnal Hukum & Pembangunan* 48, No. 1 (2018).

<sup>9</sup> Mangisi Simanjuntak, "Menolak Klaim Historis China "Nine Dash Line" dan Kewenangan Penegakan Kedaulatan serta Penegakan Hukum di Zona Ekonomi Eksklusif Indonesia", *Jurnal Ilmiah Hukum Dirgantara-Fakultas Hukum Universitas Dirgantara Marsekal Suryadarma* 10, No. 2 (2020).

<sup>10</sup> Edmondus Sadesto Tandungan, "Sengketa Laut Cina Selatan dalam Perspektif Hukum Internasional", *Paulus Law Journal* 1, No. 2 (2020).

<sup>11</sup> Mangisi Simanjuntak, *Konvensi PBB 1982 tentang Hukum Laut. Makna dan Manfaatnya bagi Bangsa Indonesia* (Jakarta: Mitra Wacana Media, 2018), 122.

<sup>12</sup> Muhammad Rafi Darajati, Huala Adolf, Idris, *Op.Cit.*, hlm. 25.

<sup>13</sup> Andreas Pramudianto, "Peradilan Internasional dan Diplomasi dalam Sengketa Lingkungan Hidup Maritim", *Jurnal Hukum Lingkungan* 4, Issue 1 (2017).

<sup>14</sup> Muhammad Rafi Darajati, Huala Adolf, Idris, *Loc.Cit.*

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according to China the Natuna islands they enter are still included in the area claimed by China from a long time ago based on the nine dash line and do not violate Indonesian sovereignty.

China and Indonesia have signed and ratified UNCLOS 1982. The implication of the ratification of UNCLOS 1982 as an international treaty is the implementation of the provisions of UNCLOS 1982 in the national law of the country concerned. In other words, participating countries that have ratified UNCLOS 1982 should comply with the provisions of UNCLOS 1982. Even if China later denies (denunciates) UNCLOS 1982 as referred to in Article 317 of the Convention, the denial will also not affect China's obligation to continue to fulfill obligations under UNCLOS 1982 as stated in Article 317 of UNCLOS 1982.

Based on the decision of the Permanent Court of Arbitration in 2016 which decided the dispute between the Philippines and China, Paragraph 262 essentially states that by ratifying UNCLOS, the rights that China may have had in the past are set aside. In addition, Paragraph 271 essentially states that by ratifying UNCLOS, China will release the freedom of the high seas that it used to be able to enjoy because the area became an EEZ from other countries.

As previously stated, the nine dash line claimed by China is not known in UNCLOS 1982, but in UNCLOS 1982 it is regulated regarding the division of territorial waters in Indonesia, among others:

- 1) Territorial sea (territorial sea). Territorial seas are waters along 12 (twelve) nautical miles measured from the archipelagic baselines in which Indonesia has full sovereignty over the sea, seabed, subsoil and air areas, as well as the natural resources contained therein.<sup>15</sup> Indonesia has an obligation to guarantee the right of innocent passage, both through archipelagic and traditional routes for international shipping.
- 2) Exclusive economic zone. Based on Article 2 of Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone, the Indonesian Exclusive Economic Zone ("ZEEI") is a lane outside and bordering the Indonesian territorial sea as stipulated under the applicable law concerning Indonesian waters which includes the seabed, the land below and the water above it with an outer limit of 200 (two hundred) nautical miles measured from the baseline of the Indonesian territorial sea. Based on Article 57 of UNCLOS 1982, it is stated as follows "The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured". Indonesia has sovereign rights for the exploration, exploitation, conservation, and management of natural resources.
- 3) Continental shelf, the limit of the continental shelf is 200 nautical miles from the base line and allows up to a maximum of 350 nautical miles provided that it must comply with the provisions in Article 76 paragraphs 4-6.<sup>16</sup>

Thus, the Natuna waters claimed by Indonesia are included in the EEZ area which has been regulated in UNCLOS 1982, especially Article 57, which based on Article 56 paragraph (1) of UNCLOS 1982 Indonesia has sovereign rights (sovereign rights) for exploration, exploitation, conservation and natural resource management.

Based on Article 58 paragraph (1) and Article 87 of UNCLOS 1982, other countries still have rights in the EEZ but are limited to the right to pass (freedom of navigation), aviation, laying submarine cables and pipelines, as well as other legal rights in accordance with UNCLOS. In exercising these rights, based on Article 58 paragraph (3) of UNCLOS 1982, other countries must respect Indonesia and comply with the laws and regulations established by Indonesia in accordance with UNCLOS and other international laws.

In addition, UNCLOS does not recognize the concept of traditional fishing grounds as stated by China, but what is known is the concept of traditional fishing rights, which is contained in Article 51 of UNCLOS 1982. Article 51 of UNCLOS 1982 states as follows:

"Without prejudice to article 49, an archipelagic State shall respect existing agreements with other States and shall recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighboring States in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights and activities, including the nature, the extent and the areas to which they apply, shall, at the request of any of the States concerned, be regulated by bilateral agreements between them".

This means that traditional fishing rights must be based on bilateral agreements between countries. However, until now Indonesia only has bilateral agreements regarding traditional fishing rights with Malaysia, therefore traditional fishing grounds are only based on the nine dash line claim.<sup>17</sup>

In addition, if Article 51 of UNCLOS is reviewed, then traditional fishing rights are owned by neighboring countries that have direct borders, on the other hand China is not a neighboring country that directly borders with Indonesia, because the southernmost part of China's claims in the Spratly Islands is located around 1,100 (one thousand one hundred) kilometers from the

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<sup>15</sup> Tommy Hendra Purwaka, "Tinjauan Hukum Laut terhadap Wilayah Negara Kesatuan Republik Indonesia", *Mimbar Hukum* 26, No. 3 (2014).

<sup>16</sup> Davina Oktivana, "Urgensi Revisi Undang-Undang Landas Kontinen Indonesia", *Padjadjaran Jurnal Ilmu Hukum* 3, No. 2 (2016).

<sup>17</sup> Hikmahanto Juwana, "Sembilan Garis Putus Tiongkok", terakhir diubah 2016, diakses pada 3 April 2022, <https://law.ui.ac.id/v3/770/>.

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Natuna Islands which is far beyond the maximum limit of the EEZ. Thus, the provisions regarding bilateral agreements in Article 51 of UNCLOS will not be fulfilled because China is not a neighboring country that directly borders with Indonesia.

In addition to traditional fishing rights, UNCLOS also recognizes surplus allowable catch which allows other countries to take advantage of the number of catches in the EEZ. Granting access to other countries in the EEZ must be based on surplus.<sup>18</sup> Based on Article 62 of UNCLOS 1982, the surplus of allowable catch is only carried out if Indonesia does not have the ability to catch all of the allowable catch; there must be an agreement; the surplus goes first to land-locked states and/or geographically disadvantaged states; Indonesia needs to consider factors such as the significance of fish stocks that will be opened to the community's economy and other national interests, as well as the need to minimize economic disparities. On the other hand, the case of IUU fishing carried out by China does not fulfill all of these requirements.

Fishing activities by China in the Natuna waters in 2019 are not regulated and cannot be accommodated in UNCLOS, therefore these activities can be categorized as illegal, unreported and unregulated (IUU) fishing. In UNCLOS 1982, there are differences between sovereign rights and sovereignty. Based on Article 2 paragraph (1), sovereignty applies in land areas, inland waters, archipelagic waters if an archipelagic country reaches the territorial sea, which is 12 (twelve) miles from the baseline, while sovereign rights apply in the EEZ and continental shelf that provide rights for coastal states to exploit and manage natural resources. The nine-dash line claim and fishing by China in the Natuna waters are a violation of sovereign rights, so that Indonesia has a maritime territorial dispute with China.

### 2. Efforts That Can Be Done by Indonesia against the Entry of Chinese Ships in the Natuna Waters

In UNCLOS 1982, it is regulated regarding dispute resolution in Chapter XV Article 279, namely the obligation of participating countries to resolve any dispute regarding the interpretation or application of UNCLOS 1982 by peaceful means. However, if the settlement is not reached, then based on Article 286 of UNCLOS 1982, the participating countries can submit a dispute resolution to the court that has jurisdiction over the dispute. Based on Article 287, dispute resolution can be done through:

- 1) The International Tribunal for the Law of the Sea. Dispute resolution through the International Court of Law of the Sea is carried out by submitting a written application first. Subsequently, an examination and trial process is carried out to resolve the case. The Court will issue a decision by a majority vote of the members of the Court present provided that the Chief Justice can cast a decisive vote by stating the reasons.<sup>19</sup>
- 2) International Court of Justice. Dispute resolution through this Court follows the general dispute resolution process at the International Court of Justice.<sup>20</sup>
- 3) Arbitration. Based on UNCLOS 1982, dispute resolution through arbitration is carried out by prior written notification to the other party to the dispute, accompanied by a statement regarding the claim and the underlying reasons.
- 4) Special Arbitral Tribunal. State parties may submit disputes to special arbitration for disputes regarding the interpretation and application of UNCLOS 1982 relating to issues of fisheries, protection and preservation of the marine environment, marine scientific research, or navigation including pollution originating from water vehicles and caused by dumping with notification accompanied by with a statement regarding the claim and the reasons behind it.

Based on the 1982 UNCLOS, Indonesia can propose a dispute resolution with China regarding the interpretation or application of the 1982 UNCLOS through a court of its choosing.

In addition, based on Article 73 of UNCLOS 1982, in protecting sovereign rights (sovereign rights) in the Natuna waters, Indonesia can take actions such as arresting and detaining foreign vessels entering the Indonesian EEZ area and carrying out fishing activities or IUU fishing and following up on them. With further law enforcement efforts.

When examining diplomatic relations between Indonesia and China, Indonesia has a very important role for China in the field of defense and security, namely as a defense partner, as an important factor in Southeast Asian security guards because Indonesia does not have a dispute with China, and as a partner in countering non-state threats. Traditional (non-traditional threats). Based on this, Indonesia has always been a mediator in ASEAN countries in resolving South China Sea disputes. In the case of the entry of Chinese-owned vessels in the Natuna waters due to China's claim to the nine dash line, Indonesia must be firm by not recognizing the nine dash line and traditional fishing grounds claimed by China. In this regard, the Indonesian government through the Minister of Foreign Affairs, Retno Marsudi, has expressed an official stance in response to China's actions which essentially do not recognize the nine dash line. Indonesia still has to make a firm protest against China. If in the future China continues to repeat its actions to enter Indonesia's EEZ area and even carry out IUU fishing, then Indonesia can re-evaluate its role as a mediator in the South China Sea dispute and must be brave to be able to state that Indonesia has a dispute with China. The Indonesian government

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<sup>18</sup> Ida Kurnia, "Pengaturan Sumber Daya Perikanan di Zona Ekonomi Eksklusif (ZEE) Indonesia", *Mimbar Hukum* 26, No. 2 (2014).

<sup>19</sup> Verena J. B. Rehatta, "Penyelesaian Sengketa Perikanan di Laut Lepas Menurut Hukum Internasional", *Jurnal Sasi* 20, No. 1 (2014).

<sup>20</sup> *Ibid.*

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can also terminate economic cooperation with China. In addition, Indonesia can carry out patrols in the Natuna waters, and optimize fishing activities in the Natuna waters to explore the wealth that exists in the area in order to achieve Indonesian prosperity.

### CONCLUSION

Based on the rules of international law, if a country has ratified a convention then that country should comply with the provisions contained in the convention, including in this case UNCLOS 1982. Furthermore, based on international law of the sea, Indonesia's claim to the Natuna waters is in accordance with international law, especially international law of the sea, because the area is included in the Indonesian EEZ as regulated in UNCLOS 1982, while China's claim regarding the nine dash line is not regulated in international law or UNCLOS 1982. In addition, fishing activities by China has violated international law because it cannot be accommodated in international law, especially UNCLOS 1982. Efforts that can be made by Indonesia based on UNCLOS 1982 are to propose a dispute resolution with China regarding the interpretation or application of UNCLOS 1982 through a court of its choosing, besides that Indonesia can arrest and detain foreign ships that enter the Indonesian EEZ area and carry out IUU fishing and then follow up with efforts -Further law enforcement efforts. The case of the entry of Chinese-owned ships in the Natuna waters is a sign that Indonesia must be careful with threats to sovereign rights in Indonesia's EEZ area, therefore Indonesia must continue to protest strongly against China. If China continues to repeat the same actions, the Indonesian government needs to evaluate Indonesia's role as a mediator in the South China Sea dispute, and even submit a dispute over the sea area to the court it chooses. As a preventive measure, Indonesia can conduct patrols in the Natuna waters and optimize exploration and wealth management activities in the Natuna waters.

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