

Title : Archipelago Insight as the Foundation for Development to Maintain the Territory of Sovereignty and National Defense (the Unitary State of the Republic of Indonesia Perspective)

Author(s) : (1) Belardo Prasetya Mega Jaya, (2) Syafrijal Mughni Madda

Institution : University of Sultan Ageng Tirtayasa

Category : Article, Competition

Topics : History, government, law

Archipelago Insight as the Foundation for Development to Maintain the Territory of Sovereignty and National Defense (the Unitary State of the Republic of Indonesia Perspective)

Belardo Prasetya Mega Jaya¹, Syafrijal Mughni Madda²
Faculty of Law Universitas Sultan Ageng Tirtayasa
Email: belardoprasetya@untirta.ac.id

Abstract

Indonesia, an archipelagic country with the characteristics of the Archipelago Insight, has territorial boundaries on land and at sea with neighboring countries. The Archipelago Insight was first put forward through the 1957 Djuanda Declaration until it was universally recognized through UNCLOS 1982. The implementation of the Archipelago Insight is still constrained because no agreement has been reached on territorial boundaries in Indonesian waters with neighboring countries. Another problem is regarding the management of border areas and the outermost small islands that have not been maximized. This research was descriptive-analytical. The author described using a normative juridical approach, namely primary legal materials, secondary legal materials, and tertiary legal materials. This research aimed to represent how the application of the concept of Archipelago Insights in maintaining and defending Indonesia's sovereign territory and to describe how the function of Archipelago Insights as the foundation of development to maintain the defense of the Unitary State of the Republic of Indonesia. The results of this research showed that the Archipelago Insight can be used as a basis for defending the territory of the country's sovereignty concretely as outlined in the legal form and the Archipelago Insight as the reason for community development is positioned as the foundation for vision and conception in every time making policies to realize prosperity and maintain national defense.

Key Words: *Archipelago Insight, Archipelagic State, Sovereignty*

A. Introduction

Indonesia is an archipelagic country in 2/3 (two per three) of the area are sea. The Djuanda Declaration, in 1957 was a turning point in Indonesia's history for striving the territory of the country sovereign. At the beginning of independence, the territory of Indonesia was not seeing as we know it today. When Soekarno and Mohammad Hatta proclaimed Indonesia's Independence on August 17, 1945. The Indonesian sovereign territory means are legacy of the Dutch East Indies (Nederlandsch-Indie) which is stated in the Territoriale Zee en Maritieme Kringen Ordonantie 1939, and it was only a sea lane 3 miles away from the shoreline at the low tide that encircled every island. Those conditions very threaten the Indonesian sovereignty because the waters that separated an island from each other (archipelagic waters) that may involve the sea of Java, Natuna, Karimata, Sulawesi, Banda, Makassar, Arafura, and the others are international water then the foreign ships can through the area as free as they can.

The Indonesian striving to guard the sovereignty of the country was the announcement of the Djuanda Declaration on December 13, 1957, by the Indonesian government to the international community that brought the concept of *Nusantara* state or the state of

¹ Lecturer of International Law Department, Law Faculty, Untirta.

² Law Faculty Student, Untirta.

Archipelago. Based on the declaration which states that Indonesia's sovereign territory includes all waters around, among and the connecting island or part of the mainland of the Indonesia state, and regardless of the capacious or width is part of the territory of the Republic of Indonesia and thus it is part of the national waters which are under the absolute sovereignty of the Republic of Indonesia.

Indonesia's territorial boundary of the sea which was previously 3 miles is widened to 12 miles measured from the line connecting the outermost points on the outermost islands of the territory of the Republic of Indonesia at low tide. The legal consequence of the issuance of the declaration means that the *Territoriale Zee en Maritieme Kringen Ordonantie 1939* (Territorial Sea and Maritime Environment Ordinance 1939) the legacy from the Dutch East Indies (Nederlandsch-Indie) is not valid anymore. After the announcement of the 1957 Djuanda Declaration, it invited strong reactions from countries with maritime interests towards Indonesia's unilateral (unilateral) actions. The first country that defies Indonesia's unilateral action was the United States through its diplomatic note dated December 30, 1957.³ Then, it followed by Britain, Australia, the Netherlands, France, and New Zealand. The scruples from these countries are the problem of how to determine the territorial sea around the archipelago, the "straight baseline" system that connects the endpoints of the outermost islands and the width of the territorial sea as far as 12 miles.⁴

Indonesia in settle for its sovereign rights through the concept of an archipelagic state has gone through a long process. The First Law of the Sea Conference held in Geneva in 1958 did not bring up a good result for Indonesia. But ultimately, through the third Conference on the Law of the Sea, the concept of an archipelagic state was accepted by the countries participating in the conference. After being ratified by the United Nations Convention on the Law of the Sea (UNCLOS) on December 10, 1982, based on the Archipelago Insight (*Wawasan Nusantara*) initiated by Mochtar Kusuma Atmadja, Indonesia has sovereignty over land and sea territories. The concept of Indonesia as an archipelagic country with the title "*Tanah Air*" or land and water in English gave birth to the regulation of the maritime territory of an archipelagic state in the 1982 UNCLOS.

Indonesia is recognized as an archipelagic country that has 17,508 islands that contains from Sabang to Merauke and is legally stipulated in Law (UU) Number 6 of 1996 concerning Indonesian Waters.⁵ The importance of recording Indonesian islands as assets of the country and as an effort to maintain territorial integrity, Indonesia reported to the United Nations at the UNGEGN (United Nations Group of Experts on Geographical Names) session in 2019 and it was determined that the number of islands in Indonesia was 16,671 islands and after going through the National Gazetteer In 2020 there will be an increase in the number of islands in Indonesia, namely 16,771 islands.⁶

The concept of Archipelago Insight (*Wawasan Nusantara*) is currently a challenge for Indonesia to continue to maintain state sovereignty in the perspective of international law as

³ Suparlan, "Perjuangan Penetapan Batas Wilayah Perairan Laut di Indonesia", *Jurnal Pendidikan Pancasila dan Kewarganegaraan*, Volume 24, Number 1, February 2011, p. 46.

⁴ *Ibid*, p. 46.

⁵ See Law(UU) Number 6 of 1996 concerning Indonesian Waters.

⁶ Ministry of Maritime Affairs and Fisheries (Kementerian Kelautan dan Perikanan), "A Quantity of Islands", <https://kkp.go.id/djprl/p4k/page/4270-jumlah-pulau>, downloaded on August 6, 2021.

well as its national regulation in Indonesian constitutional law. National policies must be based on the Archipelago Insight as a national insight. In the history of the Indonesian state administration during the “*Orde Baru*” or New Era in English period through Decree of the People’s Consultative Assembly, TAP MPR No. IV/MPR/1973 concerning Outlines of State Policy concerning Basic Patterns of National Development Chapter II Sub E, as well as TAP MPR No. IV/MPR/1978 and TAP MPR No. II/MPR/1983 in the same chapter emphasizes that the insight in achieving national development goals is the Archipelago Insight which includes one Political unit, one Socio-Cultural unit, one Economic unit, and one Defense unit.⁷

After entering the Reformation Era and the Decree of the People’s Consultative Assembly (Ketetapan MPR) constancy was no longer valid seems to have lost its identity as a country with an Archipelago Concept, namely an archipelagic country separated by the sea and a country that has a diversity of ethnic groups, customs, and cultures through centralization in various sectors. The problem of implementing the Archipelago Insight which has been built since the announcement of the 1957 Djuanda Declaration has become an obstacle for Indonesia as an archipelagic country to progress and develop. The problem of determining regional boundaries that have not reached the point of the agreement through bilateral or trilateral agreements with neighboring countries.

Based on these problems, this article aims to explain how the application of the Archipelago Concept in maintaining and defending the sovereignty of Indonesia's territory and how the function of the Archipelago Insight as the foundation of development to maintain the defense of the Unitary State of the Republic of Indonesia.

B. Method

This research is descriptive-analytical research with a normative juridical approach, namely the approach through international conventions and applicable laws and regulations. The data used is secondary data consisting of primary legal materials (international conventions, statutory regulations, and court decisions), secondary legal materials (books and journal articles), and tertiary legal materials (legal dictionaries and internet).⁸ The data was obtained through library research by adjusting the relevance and suitability of the topics presented in a juridical-qualitative manner.

⁷ M. Budiarto, *Wawasan Nusantara dalam Peraturan Perundang-Undangan Negara Republik Indonesia*, Jakarta: Ghalia Indonesia, 1980, p. 15. As quoted in Esmi Warassih, “Pelestarian Sumber Kekayaan Daya Perikanan Sebagai Implementasi Wawasan Nusantara Beserta Ketentuan Hukum yang Berkaitan Dengannya”, *Journal of Law and Development*, Volume 15, Number 1, 1985, p. 35.

⁸ Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta: Rajawali Pers, 2015, pp. 113-114.

C. Discussion

1. Indonesia as Archipelagic State with Archipelago Concept

Indonesia in settle for sovereignty has gone through a long and tortuous process. Until 1957, Indonesia announced to the world the sovereign territory of the Unitary State of the Republic of Indonesia through the Djuanda Declaration dated December 13, 1957, which included land and sea. Then the Government of Indonesia issued Law(UU) Number 4 Prp (government lieu of regulation) 1960 concerning Indonesian Waters as the ratification of the declaration in Indonesian national law and the Announcement of the Indonesian Government on February 17, 1969, concerning the Continental Shelf as a form of fighting for the sovereignty of the Republic of Indonesia. Then in diplomatic efforts, Indonesia participated in an international conference discussing the codification of the law of the sea in Geneva in 1958 by proposing the concept of an archipelagic state.

The considerations that encourage the Indonesian government as an archipelagic country in protecting its sovereign territory are to state Indonesian waters, namely:⁹

- a. The geographical shape of Indonesia in the form of an archipelagic state consisting of approximately seventeen thousand islands, large and small, spread over the ocean;¹⁰
- b. In order to maintain the integrity and territorial integrity of the Unitary State of the Republic of Indonesia, all islands and waters (straits) that exist between them are one unified whole, and cannot be separated from one island to another, or between islands and their waters;
- c. Determination of territorial waters boundaries as according to *Territoriale Zee en Maritieme Kringen Ordonantie 1939* contained in Staatsblad 1939 Number 442 Article 1 paragraph (1) is no longer in accordance with the interests and conditions of the Indonesian state after independence; and
- d. Indonesia after being sovereign as an independent country has full rights and obligations to regulate everything, in order to maintain the security and safety of the country and its people.

The idea of an archipelagic state was first put forward in an official international forum at the first Conference on the Law of the Sea in Geneva in 1958, but the effort did not get a response from the countries participating in the conference. This conception was put forward again at the third conference, when Indonesia together with the Philippines, Fiji and Mauritius proposed an "archipelagic state".¹¹ After going through discussions at Commission 2, ultimately the archipelagic concept was accepted by the participating countries of the Conference and then incorporated into the text of the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982) contained in Chapter IV which contains provisions concerning archipelagic state principles. Indonesia has ratified it with Law Number 17 of 1985

⁹ Fithriatus Shalihah, "Perlindungan Hukum Terhadap Kedaulatan Wilayah Negara Republik Indonesia Menurut Konsep Negara Kepulauan dalam (UNCLOS), Proceedings of the SNPK for Strengthening Maritime-Based Border Areas, Yogyakarta, 2016, pp. 2-3.

¹⁰ See Law (UU) Number 6 of 1996 concerning Indonesian Waters

¹¹ Etty R. Agoes, "Kebijakan dan Strategi Pembangunan Kelautan dan Perikanan dalam Mengisi Wawasan Nusantara", *Journal of Law and Development*, Volume 33, No. 1, 2003, p. 52.

concerning Ratification of the United Nations Convention on the Law of the Sea (UN Convention on the Law of the Sea).¹²

Article 46 of UNCLOS 1982 provides an understanding of an archipelagic state, namely a country consisting entirely of one or more islands and may include other islands. Archipelago means a group of islands, including parts of islands, interconnected waters, and other natural features that are closely related to each other, so that the islands, waters, and other natural features form a geographical unit historically recognized economics and politics.¹³

UNCLOS 1982 divides the sea area into 3 (three) namely the sovereign zone (sovereignty zone), the sovereign rights area (under jurisdiction zone), and the international zone (the area). The sovereignty area consists of the territorial sea, internal waters, and archipelagic waters specifically for archipelagic countries, which means that the coastal state has sovereign rights, and full authority to control the territory.¹⁴ In addition, each country also has sovereignty in the air space above the country's territory (land and sea), and the seabed and the land below it (sea-bed and subsoil). The territory of sovereign rights consists of a contiguous zone, the continental shelf, and the exclusive economic zone (EEZ). In this territory, the coastal state has sovereign rights. Sovereign rights are different from sovereignty rights because they are located outside the territorial sea. A coastal state does not have full sovereignty outside the territorial sea, but rather has sovereign rights.¹⁵

According to Article 56 of UNCLOS 1982,¹⁶ sovereign rights are rights to manage and utilize marine waters, in the exclusive economic zone for exploration and exploitation, conservation and management of natural resources, both living and non-living from the waters above the seabed and the seabed and subsoil and in connection with other activities for exploration and exploitation purposes. Indonesia's sovereign rights exist in the Indonesian Exclusive Economic Zone (ZEEI) which has been regulated in Article 57 of UNCLOS 1982 and through national laws which are regulated in Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone.¹⁷ Meanwhile, the international area (the area) is a high seas zone that is open to all countries, both coastal states and land-locked states.

The Implementation of the territorial waters of Indonesia, namely the promulgation of Law (UU) Number 6 of 1996 concerning Indonesian Waters. This law stipulates that the territorial waters of Indonesia include the territorial sea, archipelagic waters, and internal waters. The Indonesian territorial sea is a sea lane with a width of 12 nautical miles measured from the baseline of the Indonesian archipelago. Thus, the sovereignty of the state in Indonesian waters covers the Indonesian waters, the air space above the Indonesian waters, the seabed and the land below it, and the natural resources contained therein.

The boundaries of Indonesia's sovereign territory with other countries are the first on land bordering Malaysia, Papua New Guinea, and Timor Leste. Second, the sea border between Indonesia and other countries, namely India, Singapore, Malaysia, Thailand, Vietnam,

¹² See Chapter IV of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹³ See Article 46 (a) and (b) of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹⁴ See Article 2 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹⁵ Calvin Agasta, Peni Susetyorini and L. Tri Setyowanto R., "Hak Berdaulat Negara Kesatuan Republik Indonesia di Kepulauan Natuna", *Diponegoro Law Journal*, Volume 6 Number 2, 2017, p. 2.

¹⁶ See Article 56 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹⁷ See Law (UU) Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone.

the Philippines, Palau, Australia, Timor-Leste, and Papua New Guinea.¹⁸ Determination of the delimitation of regional boundaries between Indonesia and neighboring countries is shown in the map below. The application of the Archipelago Insight concept is the main point of the government to maintain and defend Indonesia's sovereign territory at the border.



Picture 1. Map of the Unitary State of the Republic of Indonesia according to the United Nations Convention on the Law of the Sea (UNCLOS) 1982 (Source: indonesia.go.id)

The border area is the outermost region of the Indonesian state, therefore increasing defense and security is important to do. The policies made must be oriented towards the welfare of border communities, especially residents of the outer islands of Indonesia bordering the territorial waters of other countries. Even though in normative juridical terms it is clear that the boundaries of the country's territory both on land and in waters (sea) are regulated in international law of the sea conventions and national laws, the issue of territorial boundaries must be determined in an international agreement. between countries bordering each other as stipulated in Article 59 of UNCLOS 1982.¹⁹ The absence of a bilateral agreement between Indonesia and neighboring countries regarding the determination of maritime boundaries will potentially lead to territorial disputes between countries.

UNCLOS 1982 has given instructions to coastal states on how to determine the boundaries of their sea areas through agreements, including in the waters of the Exclusive Economic Zone. In completing negotiations on territorial boundaries between countries, there is no set deadline given to countries according to international law. However, if the consensus process takes longer in diplomatic negotiations, it will lead to incidents such as what has happened

¹⁸ Ministry of Energy and Mineral Resources (Kementerian ESDM) , "Managing the Border Region of the Republic of Indonesia", <https://www.esdm.go.id/id/berita-unit/badan-geologi/mengelola-wilayah-perbatasan-nkri>, downloaded on August 22, 2021.

¹⁹ See Article 59 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

between Indonesia and Vietnam, which claim each other's territorial boundaries and feel they have each other's authority in law enforcement in the region. Indonesia and Vietnam in good faith must immediately complete the determination of the boundaries of the Exclusive Economic Zone in the Natuna waters.²⁰

Article 15 which regulates the delimitation of territorial sea boundaries, Article 74 concerning the exclusive economic zone, and Article 83 of UNCLOS 1982 concerning the continental shelf,²¹ has regulated the delimitation of maritime boundaries between countries that should be carried out by agreement (treaty). Article 74 of UNCLOS 1982 mandates states that are negotiating to make an agreement or temporary arrangement that aims not to take actions that are mutually detrimental and hinder the process of reaching an agreement on the territorial boundary. Like Indonesia and Malaysia in making temporary arrangements for the Exclusive Economic Zone (EEZ) which are being negotiated in the form of a Memorandum of Understanding Common Guidelines Concerning Treatment of Fishermen by Maritime Law Enforcement Agencies of Malaysia and the Republic of Indonesia (MoU Common Guidelines) on January 27, 2012, in Bali, Indonesia.

Settlement of territorial disputes between coastal states has been accommodated in Article 280 and Article 281 of UNCLOS 1982, which can be by peaceful means or dispute resolution using mandatory procedures.²² The coastal state is given the freedom to determine alternatives to be used in resolving disputes (dispute settlement) if peaceful means do not reach an agreement. However, the application of the zero-conflict principle must be emphasized in every dispute resolution. As long as the negotiation process between Indonesia and neighboring countries has not been completed regarding maritime boundary delimitation, the strategy adopted is to increase supervision by competent officials in the region to maintain state sovereignty and improve the quality of human resources and supporting infrastructure to maintain national sovereignty and territorial integrity of the sovereignty of the Unitary State of the Republic of Indonesia.

Archipelago insight (*Wawasan Nusantara*) as national geopolitics serves as the state's visionary foundation in determining the policies, decisions, and actions of state administrators that are oriented towards a perspective on the Indonesian environment which is characterized by an archipelago or *Nusantara*. Since the beginning of independence through the 1957 Djuanda Declaration, the Archipelago Insight has been manifestly outlined in the legal form to protect the territory of the state's sovereignty and protect national interests following the mandate of the 1945 Constitution of the Republic of Indonesia, namely to realize the ideals of an independent, sovereign, fair and just state prosperous. Thus, the Archipelago Insight can be used as a guideline in defending the sovereign territory in the eyes of the international community.

²⁰ Faculty of Law, Universitas Indonesia, "Batas Wilayah Laut dan Hak Berdaulat oleh Arie Afriansyah, SH, MIL, Ph.D.", <https://law.ui.ac.id/v3/batas-wilayah-laut-dan-hak-berdaulat-oleh-arie-afriansyah-s-h-m-i-l-ph-d/>, downloaded on August 25, 2021.

²¹ See Article 15, Article 74 and Article 83 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

²² Rizza Ayu S., Ramlan and Rahayu Repindowaty Harahap, "Penyelesaian Sengketa Perbatasan Antara Indonesia - Vietnam di Perairan Zona Ekonomi Eksklusif", *Journal of Uti Possidetis: Journal of International Law*, Volume 2, No. 2, 2021, p. 181.

2. The Archipelago Concept as a Foundation for Development and Defense

Indonesia is a state of law (rule of law), thus all activities of the state, nation, and society must be regulated by law. The law was created to guarantee legal certainty and create a sense of justice in society. According to the utility theory (utilitarianism) pioneered by Jeremy Bentham, the law was created to provide the greatest benefit to society, namely by creating a sense of happiness and minimizing a sense of distress in people's lives.²³ Based on Bentham's thought, the idea of law is to provide benefits. Then, law is a means of state development to create welfare (welfare state).

Ramesh Mishra, Lawrence M. Friedman, and Jan M. Boekman, who emphasize the welfare state on the responsibility of the state to realize the welfare of its people in fulfilling the basic needs of life (basic needs), social services, and including market economic intervention. The responsibility of the state for the welfare of its people is not only interpreted as a political and economic right but is more a legal aspect. Friedman states that the welfare state is the responsibility of the state to include intervention in the market economy and banking, telecommunications, and transportation. The broad scope that includes legal facilities and public institutions to realize welfare for citizens makes it the responsibility of the state.²⁴

The constitution as the highest law of the state has guaranteed the rights of its citizens to be able to feel welfare. The connection with the Archipelago Insight is that welfare is the duty of the state to guarantee and realize it through a tangible form with the principle of a national perspective on the environment (geopolitics). Archipelago insight as Indonesian geopolitics is realized for the welfare of the nation in various fields, namely social, cultural, economic, political, legal and defense and security. The Legal policy is the most strategic and main policy as an instrument in community development to realize prosperity.

Roscoe Pound as a figure in the sociological jurisprudence school positions law as a tool of social engineering, namely law is a tool in community development. Pound argues that the law is a tool for the state to realize the welfare of its people. Individually, people have various interests to be achieved to fulfill their needs. Pound classifies the interests protected by law into three, namely:²⁵

- a. In the interest of the state, the state as a public legal entity (*publiek rechtspersoon*) is tasked with maintaining the nature and interests of the state as a guardian of social interests.
- b. Individual interests, which include personal interests, household (family) interests, and property interests.
- c. The public interest (social) which includes the public interest, security, general morality, the practice of social resources, social progress, and individual life.

Law also functions as social control, namely law as a means of social control. The existence of law in society is to create order in life. Mochtar Kusumaatmadja adopted Roscoe

²³ Eman Sulaiman, "Hukum dan Kepentingan Masyarakat (Memosisikan Hukum sebagai Penyeimbang Kepentingan Masyarakat)", *Journal of Dictum Law*, Volume 11, Number 1, January 2013, p. 100.

²⁴ Djauhari, "Kajian Teori Welfare State dalam Perspektif Barat dan Islam", *Journal of Law*, Volume XVI, No. 1, 2006, p. 29.

²⁵ Eman Sulaiman, "Hukum dan Kepentingan Masyarakat....", *Op.Cit.*, p. 101.

Pound's thinking and developed law as a means of community development by taking into account the characteristics of the Indonesian nation. In his theory, Mochtar Kusumaatmadja brilliantly changed the law as a tool into law as an instrument for building society. If the law is interpreted as a "tool", it will result in results that are not much different from the application of "legism" as was held during the Dutch East Indies (Nederlandsch-Indie) era. Law as an "instrument" has a broader meaning. The essence of Mochtar Kusumaatmadja's thinking is the main purpose of law itself to create an order which is the main condition for an orderly society.²⁶ Law as an instrument of providing regulation to other areas of life such as the economic, political, and socio-cultural fields.

After the amendments to the 1945 Constitution of the Republic of Indonesia, the state of Indonesia was constitutionally confirmed as an archipelagic state characterized by an archipelago (see Article 25A of the 1945 Constitution of the Republic of Indonesia).²⁷ The struggles of statesmen in the past have brought great changes to the Unitary State of the Republic of Indonesia. The Archipelago Insight (*Wawasan Nusantara*) is a unifier of the nation in the midst of differences and diversity. Etymologically, insight or "wawasan" in Indonesia, comes from the word "wawas" or watch out in English which is defined as a view, a review. Meanwhile, *Nusantara* (Sanskrit) is derived from the word "nusa" or "nesos" which means island and "antara" (between) which means sea, across, or outside. So Archipelago Insight (*Wawasan Nusantara*) is a nation's perspective of Indonesia on itself and its environment according to Pancasila and the 1945 Constitution of the Republic of Indonesia. So the Indonesian people view their country as an archipelago, namely a review of knowledge about the territory of the islands separated by the sea and the strait.

Mochtar Kusumaatmadja as the originator of the Archipelago Insight (*Wawasan Nusantara*) concept in the perspective of the law of the sea expressed his opinion that the Archipelago Insight is an insight or view of nationality where land and water are an inseparable unity which later developed into an insight into the unity of the nation and state which is better known as the Archipelago Insight.²⁸ Indonesia as an archipelagic country separated by territorial waters, seas, and straits is a reality that should be grateful for. Such a geographical situation has become a national strategy in the development of the nation and state through the concept of Archipelago Insight.

The Archipelago Insight is the foundation in the application of the geopolitics of the Indonesian state, which is the basis for the vision and conception in every time making policies in the economic, social, cultural, legal, defense, and security fields by paying attention to Indonesia's geographical problems. The sea is a water area that cannot be inhabited by humans but has great benefits for human survival. The sea functions as a source of human food, a source of natural wealth, both biological and non-biological, a means of conducting scientific research on marine affairs, a unifying tool for nations and separating nations, port

²⁶ Mochtar Kusumaatmadja, *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, Bandung: Binacipta Publishers, 1976, pp. 2-3.

²⁷ See Article 25A of the 1945 Constitution of the Republic of Indonesia.

²⁸ Mochtar Kusumaatmadja, "Konsepsi Hukum Negara Nusantara Pada Konferensi Hukum Laut Ke-III", *Journal of International Law*, Volume 1, Number 1, October 2003, p. 2.

facilities, ship traffic, and other transportation and can be used as a tourism place of economic value.

The Archipelago Insight has been universally institutionalized in international law, namely UNCLOS 1982, which was outlined in Chapter IV of UNCLOS 1982 concerning archipelagic states. Ratification of the convention has been carried out with the issuance of Law Number 17 of 1985 and the national implementation of the provisions of the law of the sea is outlined in Law Number 6 of 1996 concerning Indonesian Waters. So the existence of the Archipelago Insight in international law should not be questioned anymore, but this is a matter of filling and fostering it in national law.

The constitution clearly states that Indonesia is a unitary state whose territory is divided into Provinces and Provinces are divided into Regency/City areas based on the principle of regional autonomy.²⁹ Territorially, Indonesia's sovereignty is decentralized its management to the Province and Regency/City areas. Law (UU) Number 23 of 2014 concerning Regional Government regulates the province's regional areas with archipelagic characteristics. The management of marine areas and islands is the joint responsibility of the government and local governments to maintain sovereignty and improve the welfare of the community, especially in the outermost small islands.³⁰

Empowerment of the outer islands of Indonesia is an effort to maintain sovereignty and ensure the management of the natural resources contained therein. The objectives of the management of the outermost small islands are:³¹

- a. Maintain the territorial integrity of the Unitary State of the Republic of Indonesia, national security, state and nation defense and create regional stability;
- b. Utilizing natural resources in the context of sustainable development; and
- c. Empowering the community to improve welfare.

The problems that occur today are that several areas on the Indonesian border, especially in the outer islands of Indonesia, are generally still experiencing difficulties in the economic field, uneven education and inadequate access to transportation and telecommunications facilities. Areas on the Indonesian border, namely the Riau Islands Province (Provinsi Kepulauan Riau), Natuna Regency (Kabupaten Natuna) which borders Indonesia with Malaysia and Vietnam. The level of welfare of the people of Natuna is still low and access to telecommunications is difficult.³² The lack of quality human resources and the difficulty of accessing telecommunications networks have hampered development in the Natuna area as the outermost region of Indonesia. Indonesia's conflict with China in the Indonesian Exclusive Economic Zone (ZEEI) has not been resolved even though Indonesia's position has been strengthened by the provisions of the 1982 UNCLOS and China does not have a strong historical or juridical basis in claiming the boundaries of the South China Sea. China's claims

²⁹ See Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

³⁰ See Law (UU) Number 27 of 2007 concerning Management of Coastal Zone and Small Islands.

³¹ See Government Regulation Number 62 of 2010 concerning Utilization of Outermost Small Islands.

³² BPS Kabupaten Natuna, *Indikator Kesejahteraan Rakyat Kabupaten Natuna*, Tanjung Pinang: Central Bureau of Statistics (BPS) of Natuna Regency, 2019, p. 78.

can disrupt the stability of the Indonesian economy in the Natuna Waters and can threaten Indonesia's sovereignty.³³

The province of East Nusa Tenggara (NTT), which borders Timor-Leste, has not yet defined maritime boundaries in the Ombai straits and the Wetar straits. The same condition is experienced by the people of NTT, who are still low in terms of welfare and have difficulty in accessing telecommunication networks (internet).³⁴ North Sulawesi province (Provinsi Sulawesi Utara) borders the Philippines. Miangas Island in the province of North Sulawesi is the outermost small island on the border between Indonesia and the Philippines in the Sulawesi sea. Miangas is in a difficult position, far from the economic center, difficult access to transport, and the lack of quality human resources have hampered the development of the Miangas community.³⁵

West Papua Province (Provinsi Papua Barat) which borders Palau and Papua Province (Provinsi Papua) which borders Papua New Guinea which currently lacks economic equality and difficulties in terms of telecommunication access.³⁶ Welfare in the social sector and low economic growth make it difficult to get access to education at a relatively high cost. As a result, development in border areas and the outermost small islands is hampered. The principle of the growth pole in every region in Indonesia needs to be applied under the Archipelago Insight as the basis for community development. Development in Indonesia should not only focus on one region (island) but must be evenly distributed to all archipelagic regions in Indonesia. Each region has its characteristics and natural resources that need to be developed by regional potential. According to Arsyad in Darnilawati, who explained that the growth pole is to function to build leading industries as the main driver of development in a region, equitable distribution of industrial centers will accelerate economic growth and regions that are relatively advanced or active will affect relatively passive regions (i.e. with areas with leading industries). The growth pole must be built in every region (island) in Indonesia to create an equitable distribution of community welfare.³⁷

Mochtar Kusumaatmadja's thoughts through Archipelago Insights and his theory of development law put the law at the forefront as a regulatory tool to guide the direction of state policy towards community reform. Law as a means (instrument) of national development does not stop only on the juridical dimension but must also be able to reach every aspect of life in reality (law in action). Archipelago insight (*Wawasan Nusantara*) is a material source of law that needs to be embodied in a concrete form as a basis for community development. The aim is to create equity in the social and economic fields to maintain national integration as a form of maintaining the territorial integrity of the country from within. Strengthening the

³³ Rani Purwani Ramli, Patrice Lumumba and Burhanuddin, "Sengketa Republik Indonesia-Republik Rakyat Tiongkok di Perairan Natuna", *Hasanuddin Journals of International Affairs*, Volume 1, No. 1, February 2021, p. 33.

³⁴ BPS Provinsi Nusa Tenggara Timur, *Statistik Kesejahteraan Rakyat Nusa Tenggara Timur*, Kupang: Central Bureau of Statistics (BPS) of East Nusa Tenggara Province, 2019, pp. 115-116.

³⁵ Echoristy Jandy Mamintada, "Makna Pembangunan Kawasan Perbatasan Indonesia", *Holistic Journal*, Year X, No. 20, July-December 2017, p. 16.

³⁶ BPS Provinsi Papua, *Indikator Kesejahteraan Rakyat Papua*, Jayapura: Central Bureau of Statistics (BPS) of Papua Province, 2019, p. 33.

³⁷ Darnilawati, "Strategi Kutub Pertumbuhan Ekonomi", *Journal of Economics*, Volume 26, Number 2, June 2018, p. 139.

principle of decentralization is a solution to maintain sovereignty and defense as well as community development through the role of local government.³⁸ The role of the government and local governments must be maximized in managing border areas and the outermost small islands both from the defense and security aspects as well as social and economic development.

D. Conclusion

The current problem is regarding the determination of water boundaries between Indonesia and neighboring countries which have not reached an agreement and must be stated in the form of bilateral or trilateral treaties with other countries. The territorial waters with unclear boundaries have the potential to cause territorial disputes between countries that border each other. The application of the Archipelago Insight (*Wawasan Nusantara*) concept is the main point of the government to maintain and defend Indonesia's sovereign territory at the border. Archipelago insight as national geopolitics is a way of looking at the Indonesian environment which is characterized by an archipelago or an archipelago. Since the beginning of independence through the 1957 Djuanda Declaration, the Archipelago Insight has been manifestly outlined in the form of law to protect the territory of the state's sovereignty and protect national interests under the mandate of the 1945 Constitution of the Republic of Indonesia, namely to realize the ideals of an independent, sovereign, fair and just state prosperous. Thus, the Archipelago Insight can be used as a guideline in defending the sovereign territory in the eyes of the international community.

Indonesia as an archipelagic country has legally strengthened its position, namely by managing the outermost small islands under the mandate of the law. Indonesia is a unitary state with the principle of regional autonomy, namely giving some of its authority to autonomous regions to manage their regions for the realization of social welfare. Archipelago insight is a material source of law that needs to be implemented in the form of a policy. Law as a means (instrument) of community development can be used as the basis for every time making policies to realize prosperity. The Government and Regional Governments must maximize national development based on the Archipelago Insight principle by applying growth poles in every region (island) in Indonesia based on regional autonomy.

³⁸ Dilla Janu Istanti, Anita Febriani and Netty Ariani, "Desentralisasi Asimetris dalam Resolusi Konflik Separatis Aceh dan Papua", *Moderat Journal*, Volume 7, Number 2, 2021, pp. 266-267.

Bibliography

Books

- BPS Kabupaten Natuna. (2019). *Indikator Kesejahteraan Rakyat Kabupaten Natuna*, Tanjung Pinang: Central Bureau of Statistics (BPS) of Natuna Regency.
- BPS Provinsi Nusa Tenggara Timur. (2019). *Statistik Kesejahteraan Rakyat Nusa Tenggara Timur*, Kupang: Central Bureau of Statistics (BPS) of East Nusa Tenggara Province.
- BPS Provinsi Papua. (2019). *Indikator Kesejahteraan Rakyat Papua*, Jayapura: Central Bureau of Statistics (BPS) of Papua Province.
- Budiarto, M. (1980). *Wawasan Nusantara dalam Peraturan Perundang-undangan Negara Republik Indonesia*, Jakarta: Ghalia Indonesia.
- Kusumaatmadja, M. (1976). *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, Bandung: Binacipta Publisher.
- Sunggono, B. (2015). *Metodologi Penelitian Hukum*, Jakarta: Rajawali Pers.
- Thontowi, J. and Iskandar, P. (2006). *Contemporary International Law*, Bandung: Refika Aditama.

Journal Articles

- Agasta, C., Susetyorini, P. and Setyowanto, L.T. (2017). Hak Berdaulat Negara Kesatuan Republik Indonesia di Kepulauan Natuna (Studi Khusus Indonesia Terhadap Klaim Peta Sembilan Garis Putus China di Kepulauan Natuna). *Diponegoro Law Journal*, 6 (2), 1-13.
- Widiyanta, D. (2019). Efforts to Maintain Sovereignty and Empower Indonesia's Outer Islands After the Release of Sipadan and Ligitan (2002-2007), *Mozaik Journal: Journal of Social Sciences and Humanities*, 10 (2), 1-13.
- Istanti, Dilla J., Febriani, A. and Ariani, N. (2021). Desentralisasi Asimetris dalam Resolusi Konflik Separatis Aceh dan Papua, *Moderat Journal*, 7 (2), 257-269.
- Darnilawati, (2018). "Strategi Kutub Pertumbuhan Ekonomi", *Journal of Economics*, 26 (2), 138-150.
- Djauhari, (2006). Kajian Teori Welfare State dalam Perspektif Barat dan Islam, *Journal of Law*, XVI (1), 27-38.
- Mamintada, E.J. (2017). Makna Pembangunan Kawasan Perbatasan Indonesia-Filipina Bagi Masyarakat Miangas, *Holistic Journal*, Year X, No. (20), 1-18.
- Sulaiman, E. (2013). Hukum dan Kepentingan Umum (Memposisikan Hukum sebagai Penyeimbang Kepentingan Umum, *Journal of Dictum Law*, 11 (1), 100-110.
- Warassih, E. (1985). Pelestarian Sumber Daya Perikanan Sebagai Implementasi Wawasan Nusantara dan Ketentuan Hukum Yang Berkaitan Dengannya, *Journal of Law and Development*, 15 (1), 32-40.
- Etty R. Agoes, (2003). Kebijakan dan Strategi Pembangunan Kelautan dan Perikanan dalam Mengisi Wawasan Nusantara, *Journal of Law and Development*, 33 (1), 51-66.
- Abidin, H.Z., et al. (2003). Status & Masalah Teknis Penetapan Batas Laut Indonesia – Timor Leste. *Journal of Surveying and Geodesy*, 8 (1), 27-47.
- Kusumaatmadja, M. (2003). Konsep Hukum Negara Kepulauan pada Konferensi Ketiga tentang Hukum Laut. *Journal of International Law*. 1 (1), 1-34.
- Ramli, R.P, Lumumba, P. and Burhanuddin, (2021). Perselisihan Republik Indonesia – Republik Rakyat Tiongkok di Perairan Natuna. *Hasanuddin Journals of International Affairs*, 1 (1), 20-35.
- Ayu S., Ramlan and Harahap, R.P. (2021). Penyelesaian Sengketa Perbatasan Maritim Indonesia-Vietnam di Padang Zona Ekonomi Eksklusif Indonesia. *Uti Possidetis Journal: Journal of International Law*, 2 (2), 167-188.

Suparlan, (2011). Perjuangan Penetapan Batas Wilayah Perairan Laut di Indonesia, *Journal of Pancasila and Citizenship Education*, (1), 40-49.

Papers

Salihah, F. (2016). Perlindungan Hukum Kedaulatan Teritorial Republik Indonesia Menurut Konsep Negara Kepulauan dalam Konvensi Perserikatan Bangsa-Bangsa tentang Hukum Laut 1982 (UNCLOS). *Proceedings of the SNPK for Maritime-Based Border Area Strengthening*, Yogyakarta.

Websites and Internet

Afriansyah, A. Faculty of Law Universitas Indonesia, "Batas Wilayah Laut dan Hak Berdaulat", <https://law.ui.ac.id/v3/batas-wilayah-laut-dan-hak-berdaulat-oleh-arie-afriansyah-s-h-m-i-l-ph-d/> downloaded on August 25, 2021.

Ministry of Energy and Mineral Resources (Kementerian ESDM), "Managing the Border Region of the Republic of Indonesia", <https://www.esdm.go.id/id/berita-unit/badan-geologi/mengelola-wilayah-perbatasan-nkridownload> downloaded on August 22, 2021.

Ministry of Maritime Affairs and Fisheries (Kementerian Kelautan dan Perikanan), "A Quantity of Islands", <https://kkp.go.id/djprl/p4k/page/4270-jumlah-pulaudownload> downloaded on August 6, 2021.

_____, "Map of Indonesia", <https://indonesia.go.id/peta-indonesia/22> downloaded on August 25, 2021.

Archipelago Insight as the Foundation for Development to Maintain the Territory of Sovereignty and National Defense (the Unitary State of the Republic of Indonesia Perspective)

Belardo Prasetya Mega Jaya¹, Syafrijal Mughni Madda²
Faculty of Law Universitas Sultan Ageng Tirtayasa
Email: belardoprasetya@untirta.ac.id

Abstract

Indonesia, an archipelagic country with the characteristics of the Archipelago Insight, has territorial boundaries on land and at sea with neighboring countries. The Archipelago Insight was first put forward through the 1957 Djuanda Declaration until it was universally recognized through UNCLOS 1982. The implementation of the Archipelago Insight is still constrained because no agreement has been reached on territorial boundaries in Indonesian waters with neighboring countries. Another problem is regarding the management of border areas and the outermost small islands that have not been maximized. This research was descriptive-analytical. The author described using a normative juridical approach, namely primary legal materials, secondary legal materials, and tertiary legal materials. This research aimed to represent how the application of the concept of Archipelago Insights in maintaining and defending Indonesia's sovereign territory and to describe how the function of Archipelago Insights as the foundation of development to maintain the defense of the Unitary State of the Republic of Indonesia. The results of this research showed that the Archipelago Insight can be used as a basis for defending the territory of the country's sovereignty concretely as outlined in the legal form and the Archipelago Insight as the reason for community development is positioned as the foundation for vision and conception in every time making policies to realize prosperity and maintain national defense.

Key Words: *Archipelago Insight, Archipelagic State, Sovereignty*

A. Introduction

Indonesia is an archipelagic country in 2/3 (two per three) of the area are sea. The Djuanda Declaration, in 1957 was a turning point in Indonesia's history for striving the territory of the country sovereign. At the beginning of independence, the territory of Indonesia was not seeing as we know it today. When Soekarno and Mohammad Hatta proclaimed Indonesia's Independence on August 17, 1945. The Indonesian sovereign territory means are legacy of the Dutch East Indies (Nederlandsch-Indie) which is stated in the Territoriale Zee en Maritieme Kringen Ordonantie 1939, and it was only a sea lane 3 miles away from the shoreline at the low tide that encircled every island. Those conditions very threaten the Indonesian sovereignty because the waters that separated an island from each other (archipelagic waters) that may involve the sea of Java, Natuna, Karimata, Sulawesi, Banda, Makassar, Arafura, and the others are international water then the foreign ships can through the area as free as they can.

The Indonesian striving to guard the sovereignty of the country was the announcement of the Djuanda Declaration on December 13, 1957, by the Indonesian government to the international community that brought the concept of *Nusantara* state or the state of

¹ Lecturer of International Law Department, Law Faculty, Untirta.

² Law Faculty Student, Untirta.

Archipelago. Based on the declaration which states that Indonesia's sovereign territory includes all waters around, among and the connecting island or part of the mainland of the Indonesia state, and regardless of the capacious or width is part of the territory of the Republic of Indonesia and thus it is part of the national waters which are under the absolute sovereignty of the Republic of Indonesia.

Indonesia's territorial boundary of the sea which was previously 3 miles is widened to 12 miles measured from the line connecting the outermost points on the outermost islands of the territory of the Republic of Indonesia at low tide. The legal consequence of the issuance of the declaration means that the *Territoriale Zee en Maritieme Kringen Ordonantie 1939* (Territorial Sea and Maritime Environment Ordinance 1939) the legacy from the Dutch East Indies (Nederlandsch-Indie) is not valid anymore. After the announcement of the 1957 Djuanda Declaration, it invited strong reactions from countries with maritime interests towards Indonesia's unilateral (unilateral) actions. The first country that defies Indonesia's unilateral action was the United States through its diplomatic note dated December 30, 1957.³ Then, it followed by Britain, Australia, the Netherlands, France, and New Zealand. The scruples from these countries are the problem of how to determine the territorial sea around the archipelago, the "straight baseline" system that connects the endpoints of the outermost islands and the width of the territorial sea as far as 12 miles.⁴

Indonesia in settle for its sovereign rights through the concept of an archipelagic state has gone through a long process. The First Law of the Sea Conference held in Geneva in 1958 did not bring up a good result for Indonesia. But ultimately, through the third Conference on the Law of the Sea, the concept of an archipelagic state was accepted by the countries participating in the conference. After being ratified by the United Nations Convention on the Law of the Sea (UNCLOS) on December 10, 1982, based on the Archipelago Insight (*Wawasan Nusantara*) initiated by Mochtar Kusuma Atmadja, Indonesia has sovereignty over land and sea territories. The concept of Indonesia as an archipelagic country with the title "*Tanah Air*" or land and water in English gave birth to the regulation of the maritime territory of an archipelagic state in the 1982 UNCLOS.

Indonesia is recognized as an archipelagic country that has 17,508 islands that contains from Sabang to Merauke and is legally stipulated in Law (UU) Number 6 of 1996 concerning Indonesian Waters.⁵ The importance of recording Indonesian islands as assets of the country and as an effort to maintain territorial integrity, Indonesia reported to the United Nations at the UNGEGN (United Nations Group of Experts on Geographical Names) session in 2019 and it was determined that the number of islands in Indonesia was 16,671 islands and after going through the National Gazetteer In 2020 there will be an increase in the number of islands in Indonesia, namely 16,771 islands.⁶

The concept of Archipelago Insight (*Wawasan Nusantara*) is currently a challenge for Indonesia to continue to maintain state sovereignty in the perspective of international law as

³ Suparlan, "Perjuangan Penetapan Batas Wilayah Perairan Laut di Indonesia", *Jurnal Pendidikan Pancasila dan Kewarganegaraan*, Volume 24, Number 1, February 2011, p. 46.

⁴ *Ibid*, p. 46.

⁵ See Law(UU) Number 6 of 1996 concerning Indonesian Waters.

⁶ Ministry of Maritime Affairs and Fisheries (Kementerian Kelautan dan Perikanan), "A Quantity of Islands", <https://kkp.go.id/djprl/p4k/page/4270-jumlah-pulau>, downloaded on August 6, 2021.

well as its national regulation in Indonesian constitutional law. National policies must be based on the Archipelago Insight as a national insight. In the history of the Indonesian state administration during the “*Orde Baru*” or New Era in English period through Decree of the People’s Consultative Assembly, TAP MPR No. IV/MPR/1973 concerning Outlines of State Policy concerning Basic Patterns of National Development Chapter II Sub E, as well as TAP MPRNo. IV/MPR/1978 and TAP MPR No. II/MPR/1983 in the same chapter emphasizes that the insight in achieving national development goals is the Archipelago Insight which includes one Political unit, one Socio-Cultural unit, one Economic unit, and one Defense unit.⁷

After entering the Reformation Era and the Decree of the People’s Consultative Assembly (Ketetapan MPR) constancy was no longer valid seems to have lost its identity as a country with an Archipelago Concept, namely an archipelagic country separated by the sea and a country that has a diversity of ethnic groups, customs, and cultures through centralization in various sectors. The problem of implementing the Archipelago Insight which has been built since the announcement of the 1957 Djuanda Declaration has become an obstacle for Indonesia as an archipelagic country to progress and develop. The problem of determining regional boundaries that have not reached the point of the agreement through bilateral or trilateral agreements with neighboring countries.

Based on these problems, this article aims to explain how the application of the Archipelago Concept in maintaining and defending the sovereignty of Indonesia's territory and how the function of the Archipelago Insight as the foundation of development to maintain the defense of the Unitary State of the Republic of Indonesia.

B. Method

This research is descriptive-analytical research with a normative juridical approach, namely the approach through international conventions and applicable laws and regulations. The data used is secondary data consisting of primary legal materials (international conventions, statutory regulations, and court decisions), secondary legal materials (books and journal articles), and tertiary legal materials (legal dictionaries and internet).⁸The data was obtained through library research by adjusting the relevance and suitability of the topics presented in a juridical-qualitative manner.

⁷ M. Budiarto, *Wawasan Nusantara dalam Peraturan Perundang-Undangan Negara Republik Indonesia*, Jakarta: Ghalia Indonesia, 1980, p. 15. As quoted in Esmi Warassih, “Pelestarian Sumber Kekayaan Daya Perikanan Sebagai Implementasi Wawasan Nusantara Beserta Ketentuan Hukum yang Berkaitan Dengannya”, *Journal of Law and Development*, Volume 15, Number 1, 1985, p. 35.

⁸ Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta: Rajawali Pers, 2015, pp. 113-114.

C. Discussion

1. Indonesia as Archipelagic State with Archipelago Concept

Indonesia in settle for sovereignty has gone through a long and tortuous process. Until 1957, Indonesia announced to the world the sovereign territory of the Unitary State of the Republic of Indonesia through the Djuanda Declaration dated December 13, 1957, which included land and sea. Then the Government of Indonesia issued Law(UU) Number 4 Prp (government lieu of regulation) 1960 concerning Indonesian Waters as the ratification of the declaration in Indonesian national law and the Announcement of the Indonesian Government on February 17, 1969, concerning the Continental Shelf as a form of fighting for the sovereignty of the Republic of Indonesia. Then in diplomatic efforts, Indonesia participated in an international conference discussing the codification of the law of the sea in Geneva in 1958 by proposing the concept of an archipelagic state.

The considerations that encourage the Indonesian government as an archipelagic country in protecting its sovereign territory are to state Indonesian waters, namely:⁹

- a. The geographical shape of Indonesia in the form of an archipelagic state consisting of approximately seventeen thousand islands, large and small, spread over the ocean;¹⁰
- b. In order to maintain the integrity and territorial integrity of the Unitary State of the Republic of Indonesia, all islands and waters (straits) that exist between them are one unified whole, and cannot be separated from one island to another, or between islands and their waters;
- c. Determination of territorial waters boundaries as according to *Territoriale Zee en Maritieme Kringen Ordonantie 1939* contained in Staatsblad 1939 Number 442 Article 1 paragraph (1) is no longer in accordance with the interests and conditions of the Indonesian state after independence; and
- d. Indonesia after being sovereign as an independent country has full rights and obligations to regulate everything, in order to maintain the security and safety of the country and its people.

The idea of an archipelagic state was first put forward in an official international forum at the first Conference on the Law of the Sea in Geneva in 1958, but the effort did not get a response from the countries participating in the conference. This conception was put forward again at the third conference, when Indonesia together with the Philippines, Fiji and Mauritius proposed an "archipelagic state".¹¹ After going through discussions at Commission 2, ultimately the archipelagic concept was accepted by the participating countries of the Conference and then incorporated into the text of the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982) contained in Chapter IV which contains provisions concerning archipelagic state principles. Indonesia has ratified it with Law Number 17 of 1985

⁹ Fithriatus Shalihah, "Perlindungan Hukum Terhadap Kedaulatan Wilayah Negara Republik Indonesia Menurut Konsep Negara Kepulauan dalam (UNCLOS), Proceedings of the SNPK for Strengthening Maritime-Based Border Areas, Yogyakarta, 2016, pp. 2-3.

¹⁰ See Law (UU) Number 6 of 1996 concerning Indonesian Waters

¹¹ Etty R. Agoes, "Kebijakan dan Strategi Pembangunan Kelautan dan Perikanan dalam Mengisi Wawasan Nusantara", *Journal of Law and Development*, Volume 33, No. 1, 2003, p. 52.

concerning Ratification of the United Nations Convention on the Law of the Sea (UN Convention on the Law of the Sea).¹²

Article 46 of UNCLOS 1982 provides an understanding of an archipelagic state, namely a country consisting entirely of one or more islands and may include other islands. Archipelago means a group of islands, including parts of islands, interconnected waters, and other natural features that are closely related to each other, so that the islands, waters, and other natural features form a geographical unit historically recognized economics and politics.¹³

UNCLOS 1982 divides the sea area into 3 (three) namely the sovereign zone (sovereignty zone), the sovereign rights area (under jurisdiction zone), and the international zone (the area). The sovereignty area consists of the territorial sea, internal waters, and archipelagic waters specifically for archipelagic countries, which means that the coastal state has sovereign rights, and full authority to control the territory.¹⁴ In addition, each country also has sovereignty in the air space above the country's territory (land and sea), and the seabed and the land below it (sea-bed and subsoil). The territory of sovereign rights consists of a contiguous zone, the continental shelf, and the exclusive economic zone (EEZ). In this territory, the coastal state has sovereign rights. Sovereign rights are different from sovereignty rights because they are located outside the territorial sea. A coastal state does not have full sovereignty outside the territorial sea, but rather has sovereign rights.¹⁵

According to Article 56 of UNCLOS 1982,¹⁶ sovereign rights are rights to manage and utilize marine waters, in the exclusive economic zone for exploration and exploitation, conservation and management of natural resources, both living and non-living from the waters above the seabed and the seabed and subsoil and in connection with other activities for exploration and exploitation purposes. Indonesia's sovereign rights exist in the Indonesian Exclusive Economic Zone (ZEEI) which has been regulated in Article 57 of UNCLOS 1982 and through national laws which are regulated in Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone.¹⁷ Meanwhile, the international area (the area) is a high seas zone that is open to all countries, both coastal states and land-locked states.

The Implementation of the territorial waters of Indonesia, namely the promulgation of Law (UU) Number 6 of 1996 concerning Indonesian Waters. This law stipulates that the territorial waters of Indonesia include the territorial sea, archipelagic waters, and internal waters. The Indonesian territorial sea is a sea lane with a width of 12 nautical miles measured from the baseline of the Indonesian archipelago. Thus, the sovereignty of the state in Indonesian waters covers the Indonesian waters, the air space above the Indonesian waters, the seabed and the land below it, and the natural resources contained therein.

The boundaries of Indonesia's sovereign territory with other countries are the first on land bordering Malaysia, Papua New Guinea, and Timor Leste. Second, the sea border between Indonesia and other countries, namely India, Singapore, Malaysia, Thailand, Vietnam,

¹² See Chapter IV of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹³ See Article 46 (a) and (b) of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹⁴ See Article 2 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹⁵ Calvin Agasta, Peni Susetyorini and L. Tri Setyowanto R., "Hak Berdaulat Negara Kesatuan Republik Indonesia di Kepulauan Natuna", *Diponegoro Law Journal*, Volume 6 Number 2, 2017, p. 2.

¹⁶ See Article 56 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

¹⁷ See Law (UU) Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone.

the Philippines, Palau, Australia, Timor-Leste, and Papua New Guinea.¹⁸ Determination of the delimitation of regional boundaries between Indonesia and neighboring countries is shown in the map below. The application of the Archipelago Insight concept is the main point of the government to maintain and defend Indonesia's sovereign territory at the border.



Picture 1. Map of the Unitary State of the Republic of Indonesia according to the United Nations Convention on the Law of the Sea (UNCLOS) 1982 (Source: indonesia.go.id)

The border area is the outermost region of the Indonesian state, therefore increasing defense and security is important to do. The policies made must be oriented towards the welfare of border communities, especially residents of the outer islands of Indonesia bordering the territorial waters of other countries. Even though in normative juridical terms it is clear that the boundaries of the country's territory both on land and in waters (sea) are regulated in international law of the sea conventions and national laws, the issue of territorial boundaries must be determined in an international agreement. between countries bordering each other as stipulated in Article 59 of UNCLOS 1982.¹⁹ The absence of a bilateral agreement between Indonesia and neighboring countries regarding the determination of maritime boundaries will potentially lead to territorial disputes between countries.

UNCLOS 1982 has given instructions to coastal states on how to determine the boundaries of their sea areas through agreements, including in the waters of the Exclusive Economic Zone. In completing negotiations on territorial boundaries between countries, there is no set deadline given to countries according to international law. However, if the consensus process takes longer in diplomatic negotiations, it will lead to incidents such as what has happened

¹⁸ Ministry of Energy and Mineral Resources (Kementerian ESDM) , "Managing the Border Region of the Republic of Indonesia", <https://www.esdm.go.id/id/berita-unit/badan-geologi/mengelola-wilayah-perbatasan-nkri>, downloaded on August 22, 2021.

¹⁹ See Article 59 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

between Indonesia and Vietnam, which claim each other's territorial boundaries and feel they have each other's authority in law enforcement in the region. Indonesia and Vietnam in good faith must immediately complete the determination of the boundaries of the Exclusive Economic Zone in the Natuna waters.²⁰

Article 15 which regulates the delimitation of territorial sea boundaries, Article 74 concerning the exclusive economic zone, and Article 83 of UNCLOS 1982 concerning the continental shelf,²¹ has regulated the delimitation of maritime boundaries between countries that should be carried out by agreement (treaty). Article 74 of UNCLOS 1982 mandates states that are negotiating to make an agreement or temporary arrangement that aims not to take actions that are mutually detrimental and hinder the process of reaching an agreement on the territorial boundary. Like Indonesia and Malaysia in making temporary arrangements for the Exclusive Economic Zone (EEZ) which are being negotiated in the form of a Memorandum of Understanding Common Guidelines Concerning Treatment of Fishermen by Maritime Law Enforcement Agencies of Malaysia and the Republic of Indonesia (MoU Common Guidelines) on January 27, 2012, in Bali, Indonesia.

Settlement of territorial disputes between coastal states has been accommodated in Article 280 and Article 281 of UNCLOS 1982, which can be by peaceful means or dispute resolution using mandatory procedures.²² The coastal state is given the freedom to determine alternatives to be used in resolving disputes (dispute settlement) if peaceful means do not reach an agreement. However, the application of the zero-conflict principle must be emphasized in every dispute resolution. As long as the negotiation process between Indonesia and neighboring countries has not been completed regarding maritime boundary delimitation, the strategy adopted is to increase supervision by competent officials in the region to maintain state sovereignty and improve the quality of human resources and supporting infrastructure to maintain national sovereignty and territorial integrity of the sovereignty of the Unitary State of the Republic of Indonesia.

Archipelago insight (*Wawasan Nusantara*) as national geopolitics serves as the state's visionary foundation in determining the policies, decisions, and actions of state administrators that are oriented towards a perspective on the Indonesian environment which is characterized by an archipelago or *Nusantara*. Since the beginning of independence through the 1957 Djuanda Declaration, the Archipelago Insight has been manifestly outlined in the legal form to protect the territory of the state's sovereignty and protect national interests following the mandate of the 1945 Constitution of the Republic of Indonesia, namely to realize the ideals of an independent, sovereign, fair and just state prosperous. Thus, the Archipelago Insight can be used as a guideline in defending the sovereign territory in the eyes of the international community.

²⁰ Faculty of Law, Universitas Indonesia, "Batas Wilayah Laut dan Hak Berdaulat oleh Arie Afriansyah, SH, MIL, Ph.D.", <https://law.ui.ac.id/v3/batas-wilayah-laut-dan-hak-berdaulat-oleh-arie-afriansyah-s-h-m-i-l-ph-d/>, downloaded on August 25, 2021.

²¹ See Article 15, Article 74 and Article 83 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982.

²² Rizza Ayu S., Ramlan and Rahayu Repindowaty Harahap, "Penyelesaian Sengketa Perbatasan Antara Indonesia - Vietnam di Perairan Zona Ekonomi Eksklusif", *Journal of Uti Possidetis: Journal of International Law*, Volume 2, No. 2, 2021, p. 181.

2. The Archipelago Concept as a Foundation for Development and Defense

Indonesia is a state of law (rule of law), thus all activities of the state, nation, and society must be regulated by law. The law was created to guarantee legal certainty and create a sense of justice in society. According to the utility theory (utilitarianism) pioneered by Jeremy Bentham, the law was created to provide the greatest benefit to society, namely by creating a sense of happiness and minimizing a sense of distress in people's lives.²³ Based on Bentham's thought, the idea of law is to provide benefits. Then, law is a means of state development to create welfare (welfare state).

Ramesh Mishra, Lawrence M. Friedman, and Jan M. Boekman, who emphasize the welfare state on the responsibility of the state to realize the welfare of its people in fulfilling the basic needs of life (basic needs), social services, and including market economic intervention. The responsibility of the state for the welfare of its people is not only interpreted as a political and economic right but is more a legal aspect. Friedman states that the welfare state is the responsibility of the state to include intervention in the market economy and banking, telecommunications, and transportation. The broad scope that includes legal facilities and public institutions to realize welfare for citizens makes it the responsibility of the state.²⁴

The constitution as the highest law of the state has guaranteed the rights of its citizens to be able to feel welfare. The connection with the Archipelago Insight is that welfare is the duty of the state to guarantee and realize it through a tangible form with the principle of a national perspective on the environment (geopolitics). Archipelago insight as Indonesian geopolitics is realized for the welfare of the nation in various fields, namely social, cultural, economic, political, legal and defense and security. The Legal policy is the most strategic and main policy as an instrument in community development to realize prosperity.

Roscoe Pound as a figure in the sociological jurisprudence school positions law as a tool of social engineering, namely law is a tool in community development. Pound argues that the law is a tool for the state to realize the welfare of its people. Individually, people have various interests to be achieved to fulfill their needs. Pound classifies the interests protected by law into three, namely:²⁵

- a. In the interest of the state, the state as a public legal entity (*publiek rechtspersoon*) is tasked with maintaining the nature and interests of the state as a guardian of social interests.
- b. Individual interests, which include personal interests, household (family) interests, and property interests.
- c. The public interest (social) which includes the public interest, security, general morality, the practice of social resources, social progress, and individual life.

Law also functions as social control, namely law as a means of social control. The existence of law in society is to create order in life. Mochtar Kusumaatmadja adopted Roscoe

²³ Eman Sulaiman, "Hukum dan Kepentingan Masyarakat (Memosisikan Hukum sebagai Penyeimbang Kepentingan Masyarakat)", *Journal of Dictum Law*, Volume 11, Number 1, January 2013, p. 100.

²⁴ Djauhari, "Kajian Teori Welfare State dalam Perspektif Barat dan Islam", *Journal of Law*, Volume XVI, No. 1, 2006, p. 29.

²⁵ Eman Sulaiman, "Hukum dan Kepentingan Masyarakat....", *Op.Cit.*, p. 101.

Pound's thinking and developed law as a means of community development by taking into account the characteristics of the Indonesian nation. In his theory, Mochtar Kusumaatmadja brilliantly changed the law as a tool into law as an instrument for building society. If the law is interpreted as a "tool", it will result in results that are not much different from the application of "legism" as was held during the Dutch East Indies (Nederlandsch-Indie) era. Law as an "instrument" has a broader meaning. The essence of Mochtar Kusumaatmadja's thinking is the main purpose of law itself to create an order which is the main condition for an orderly society.²⁶ Law as an instrument of providing regulation to other areas of life such as the economic, political, and socio-cultural fields.

After the amendments to the 1945 Constitution of the Republic of Indonesia, the state of Indonesia was constitutionally confirmed as an archipelagic state characterized by an archipelago (see Article 25A of the 1945 Constitution of the Republic of Indonesia).²⁷ The struggles of statesmen in the past have brought great changes to the Unitary State of the Republic of Indonesia. The Archipelago Insight (*Wawasan Nusantara*) is a unifier of the nation in the midst of differences and diversity. Etymologically, insight or "wawasan" in Indonesia, comes from the word "wawas" or watch out in English which is defined as a view, a review. Meanwhile, *Nusantara* (Sanskrit) is derived from the word "nusa" or "nesos" which means island and "antara" (between) which means sea, across, or outside. So Archipelago Insight (*Wawasan Nusantara*) is a nation's perspective of Indonesia on itself and its environment according to Pancasila and the 1945 Constitution of the Republic of Indonesia. So the Indonesian people view their country as an archipelago, namely a review of knowledge about the territory of the islands separated by the sea and the strait.

Mochtar Kusumaatmadja as the originator of the Archipelago Insight (*Wawasan Nusantara*) concept in the perspective of the law of the sea expressed his opinion that the Archipelago Insight is an insight or view of nationality where land and water are an inseparable unity which later developed into an insight into the unity of the nation and state which is better known as the Archipelago Insight.²⁸ Indonesia as an archipelagic country separated by territorial waters, seas, and straits is a reality that should be grateful for. Such a geographical situation has become a national strategy in the development of the nation and state through the concept of Archipelago Insight.

The Archipelago Insight is the foundation in the application of the geopolitics of the Indonesian state, which is the basis for the vision and conception in every time making policies in the economic, social, cultural, legal, defense, and security fields by paying attention to Indonesia's geographical problems. The sea is a water area that cannot be inhabited by humans but has great benefits for human survival. The sea functions as a source of human food, a source of natural wealth, both biological and non-biological, a means of conducting scientific research on marine affairs, a unifying tool for nations and separating nations, port

²⁶ Mochtar Kusumaatmadja, *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, Bandung: Binacipta Publishers, 1976, pp. 2-3.

²⁷ See Article 25A of the 1945 Constitution of the Republic of Indonesia.

²⁸ Mochtar Kusumaatmadja, "Konsepsi Hukum Negara Nusantara Pada Konferensi Hukum Laut Ke-III", *Journal of International Law*, Volume 1, Number 1, October 2003, p. 2.

facilities, ship traffic, and other transportation and can be used as a tourism place of economic value.

The Archipelago Insight has been universally institutionalized in international law, namely UNCLOS 1982, which was outlined in Chapter IV of UNCLOS 1982 concerning archipelagic states. Ratification of the convention has been carried out with the issuance of Law Number 17 of 1985 and the national implementation of the provisions of the law of the sea is outlined in Law Number 6 of 1996 concerning Indonesian Waters. So the existence of the Archipelago Insight in international law should not be questioned anymore, but this is a matter of filling and fostering it in national law.

The constitution clearly states that Indonesia is a unitary state whose territory is divided into Provinces and Provinces are divided into Regency/City areas based on the principle of regional autonomy.²⁹ Territorially, Indonesia's sovereignty is decentralized its management to the Province and Regency/City areas. Law (UU) Number 23 of 2014 concerning Regional Government regulates the province's regional areas with archipelagic characteristics. The management of marine areas and islands is the joint responsibility of the government and local governments to maintain sovereignty and improve the welfare of the community, especially in the outermost small islands.³⁰

Empowerment of the outer islands of Indonesia is an effort to maintain sovereignty and ensure the management of the natural resources contained therein. The objectives of the management of the outermost small islands are:³¹

- a. Maintain the territorial integrity of the Unitary State of the Republic of Indonesia, national security, state and nation defense and create regional stability;
- b. Utilizing natural resources in the context of sustainable development; and
- c. Empowering the community to improve welfare.

The problems that occur today are that several areas on the Indonesian border, especially in the outer islands of Indonesia, are generally still experiencing difficulties in the economic field, uneven education and inadequate access to transportation and telecommunications facilities. Areas on the Indonesian border, namely the Riau Islands Province (Provinsi Kepulauan Riau), Natuna Regency (Kabupaten Natuna) which borders Indonesia with Malaysia and Vietnam. The level of welfare of the people of Natuna is still low and access to telecommunications is difficult.³² The lack of quality human resources and the difficulty of accessing telecommunications networks have hampered development in the Natuna area as the outermost region of Indonesia. Indonesia's conflict with China in the Indonesian Exclusive Economic Zone (ZEEI) has not been resolved even though Indonesia's position has been strengthened by the provisions of the 1982 UNCLOS and China does not have a strong historical or juridical basis in claiming the boundaries of the South China Sea. China's claims

²⁹ See Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

³⁰ See Law (UU) Number 27 of 2007 concerning Management of Coastal Zone and Small Islands.

³¹ See Government Regulation Number 62 of 2010 concerning Utilization of Outermost Small Islands.

³² BPS Kabupaten Natuna, *Indikator Kesejahteraan Rakyat Kabupaten Natuna*, Tanjung Pinang: Central Bureau of Statistics (BPS) of Natuna Regency, 2019, p. 78.

can disrupt the stability of the Indonesian economy in the Natuna Waters and can threaten Indonesia's sovereignty.³³

The province of East Nusa Tenggara (NTT), which borders Timor-Leste, has not yet defined maritime boundaries in the Ombai straits and the Wetar straits. The same condition is experienced by the people of NTT, who are still low in terms of welfare and have difficulty in accessing telecommunication networks (internet).³⁴ North Sulawesi province (Provinsi Sulawesi Utara) borders the Philippines. Miangas Island in the province of North Sulawesi is the outermost small island on the border between Indonesia and the Philippines in the Sulawesi sea. Miangas is in a difficult position, far from the economic center, difficult access to transport, and the lack of quality human resources have hampered the development of the Miangas community.³⁵

West Papua Province (Provinsi Papua Barat) which borders Palau and Papua Province (Provinsi Papua) which borders Papua New Guinea which currently lacks economic equality and difficulties in terms of telecommunication access.³⁶ Welfare in the social sector and low economic growth make it difficult to get access to education at a relatively high cost. As a result, development in border areas and the outermost small islands is hampered. The principle of the growth pole in every region in Indonesia needs to be applied under the Archipelago Insight as the basis for community development. Development in Indonesia should not only focus on one region (island) but must be evenly distributed to all archipelagic regions in Indonesia. Each region has its characteristics and natural resources that need to be developed by regional potential. According to Arsyad in Darnilawati, who explained that the growth pole is to function to build leading industries as the main driver of development in a region, equitable distribution of industrial centers will accelerate economic growth and regions that are relatively advanced or active will affect relatively passive regions (i.e. with areas with leading industries). The growth pole must be built in every region (island) in Indonesia to create an equitable distribution of community welfare.³⁷

Mochtar Kusumaatmadja's thoughts through Archipelago Insights and his theory of development law put the law at the forefront as a regulatory tool to guide the direction of state policy towards community reform. Law as a means (instrument) of national development does not stop only on the juridical dimension but must also be able to reach every aspect of life in reality (law in action). Archipelago insight (*Wawasan Nusantara*) is a material source of law that needs to be embodied in a concrete form as a basis for community development. The aim is to create equity in the social and economic fields to maintain national integration as a form of maintaining the territorial integrity of the country from within. Strengthening the

³³ Rani Purwani Ramli, Patrice Lumumba and Burhanuddin, "Sengketa Republik Indonesia-Republik Rakyat Tiongkok di Perairan Natuna", *Hasanuddin Journals of International Affairs*, Volume 1, No. 1, February 2021, p. 33.

³⁴ BPS Provinsi Nusa Tenggara Timur, *Statistik Kesejahteraan Rakyat Nusa Tenggara Timur*, Kupang: Central Bureau of Statistics (BPS) of East Nusa Tenggara Province, 2019, pp. 115-116.

³⁵ Echoristy Jandy Mamintada, "Makna Pembangunan Kawasan Perbatasan Indonesia", *Holistic Journal*, Year X, No. 20, July-December 2017, p. 16.

³⁶ BPS Provinsi Papua, *Indikator Kesejahteraan Rakyat Papua*, Jayapura: Central Bureau of Statistics (BPS) of Papua Province, 2019, p. 33.

³⁷ Darnilawati, "Strategi Kutub Pertumbuhan Ekonomi", *Journal of Economics*, Volume 26, Number 2, June 2018, p. 139.

principle of decentralization is a solution to maintain sovereignty and defense as well as community development through the role of local government.³⁸ The role of the government and local governments must be maximized in managing border areas and the outermost small islands both from the defense and security aspects as well as social and economic development.

D. Conclusion

The current problem is regarding the determination of water boundaries between Indonesia and neighboring countries which have not reached an agreement and must be stated in the form of bilateral or trilateral treaties with other countries. The territorial waters with unclear boundaries have the potential to cause territorial disputes between countries that border each other. The application of the Archipelago Insight (*Wawasan Nusantara*) concept is the main point of the government to maintain and defend Indonesia's sovereign territory at the border. Archipelago insight as national geopolitics is a way of looking at the Indonesian environment which is characterized by an archipelago or an archipelago. Since the beginning of independence through the 1957 Djuanda Declaration, the Archipelago Insight has been manifestly outlined in the form of law to protect the territory of the state's sovereignty and protect national interests under the mandate of the 1945 Constitution of the Republic of Indonesia, namely to realize the ideals of an independent, sovereign, fair and just state prosperous. Thus, the Archipelago Insight can be used as a guideline in defending the sovereign territory in the eyes of the international community.

Indonesia as an archipelagic country has legally strengthened its position, namely by managing the outermost small islands under the mandate of the law. Indonesia is a unitary state with the principle of regional autonomy, namely giving some of its authority to autonomous regions to manage their regions for the realization of social welfare. Archipelago insight is a material source of law that needs to be implemented in the form of a policy. Law as a means (instrument) of community development can be used as the basis for every time making policies to realize prosperity. The Government and Regional Governments must maximize national development based on the Archipelago Insight principle by applying growth poles in every region (island) in Indonesia based on regional autonomy.

³⁸ Dilla Janu Istanti, Anita Febriani and Netty Ariani, "Desentralisasi Asimetris dalam Resolusi Konflik Separatis Aceh dan Papua", *Moderat Journal*, Volume 7, Number 2, 2021, pp. 266-267.

Bibliography

Books

- BPS Kabupaten Natuna. (2019). *Indikator Kesejahteraan Rakyat Kabupaten Natuna*, Tanjung Pinang: Central Bureau of Statistics (BPS) of Natuna Regency.
- BPS Provinsi Nusa Tenggara Timur. (2019). *Statistik Kesejahteraan Rakyat Nusa Tenggara Timur*, Kupang: Central Bureau of Statistics (BPS) of East Nusa Tenggara Province.
- BPS Provinsi Papua. (2019). *Indikator Kesejahteraan Rakyat Papua*, Jayapura: Central Bureau of Statistics (BPS) of Papua Province.
- Budiarto, M. (1980). *Wawasan Nusantara dalam Peraturan Perundang-undangan Negara Republik Indonesia*, Jakarta: Ghalia Indonesia.
- Kusumaatmadja, M. (1976). *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, Bandung: Binacipta Publisher.
- Sunggono, B. (2015). *Metodologi Penelitian Hukum*, Jakarta: Rajawali Pers.
- Thontowi, J. and Iskandar, P. (2006). *Contemporary International Law*, Bandung: Refika Aditama.

Journal Articles

- Agasta, C., Susetyorini, P. and Setyowanto, L.T. (2017). Hak Berdaulat Negara Kesatuan Republik Indonesia di Kepulauan Natuna (Studi Khusus Indonesia Terhadap Klaim Peta Sembilan Garis Putus China di Kepulauan Natuna). *Diponegoro Law Journal*, 6 (2), 1-13.
- Widiyanta, D. (2019). Efforts to Maintain Sovereignty and Empower Indonesia's Outer Islands After the Release of Sipadan and Ligitan (2002-2007), *Mozaik Journal: Journal of Social Sciences and Humanities*, 10 (2), 1-13.
- Istanti, Dilla J., Febriani, A. and Ariani, N. (2021). Desentralisasi Asimetris dalam Resolusi Konflik Separatis Aceh dan Papua, *Moderat Journal*, 7 (2), 257-269.
- Darnilawati, (2018). "Strategi Kutub Pertumbuhan Ekonomi", *Journal of Economics*, 26 (2), 138-150.
- Djauhari, (2006). Kajian Teori Welfare State dalam Perspektif Barat dan Islam, *Journal of Law*, XVI (1), 27-38.
- Mamintada, E.J. (2017). Makna Pembangunan Kawasan Perbatasan Indonesia-Filipina Bagi Masyarakat Miangas, *Holistic Journal*, Year X, No. (20), 1-18.
- Sulaiman, E. (2013). Hukum dan Kepentingan Umum (Memposisikan Hukum sebagai Penyeimbang Kepentingan Umum, *Journal of Dictum Law*, 11 (1), 100-110.
- Warassih, E. (1985). Pelestarian Sumber Daya Perikanan Sebagai Implementasi Wawasan Nusantara dan Ketentuan Hukum Yang Berkaitan Dengannya, *Journal of Law and Development*, 15 (1), 32-40.
- Etty R. Agoes, (2003). Kebijakan dan Strategi Pembangunan Kelautan dan Perikanan dalam Mengisi Wawasan Nusantara, *Journal of Law and Development*, 33 (1), 51-66.
- Abidin, H.Z., et al. (2003). Status & Masalah Teknis Penetapan Batas Laut Indonesia – Timor Leste. *Journal of Surveying and Geodesy*, 8 (1), 27-47.
- Kusumaatmadja, M. (2003). Konsep Hukum Negara Kepulauan pada Konferensi Ketiga tentang Hukum Laut. *Journal of International Law*. 1 (1), 1-34.
- Ramli, R.P, Lumumba, P. and Burhanuddin, (2021). Perselisihan Republik Indonesia – Republik Rakyat Tiongkok di Perairan Natuna. *Hasanuddin Journals of International Affairs*, 1 (1), 20-35.
- Ayu S., Ramlan and Harahap, R.P. (2021). Penyelesaian Sengketa Perbatasan Maritim Indonesia-Vietnam di Padang Zona Ekonomi Eksklusif Indonesia. *Uti Possidetis Journal: Journal of International Law*, 2 (2), 167-188.

Suparlan, (2011). Perjuangan Penetapan Batas Wilayah Perairan Laut di Indonesia, *Journal of Pancasila and Citizenship Education*, (1), 40-49.

Papers

Salihah, F. (2016). Perlindungan Hukum Kedaulatan Teritorial Republik Indonesia Menurut Konsep Negara Kepulauan dalam Konvensi Perserikatan Bangsa-Bangsa tentang Hukum Laut 1982 (UNCLOS). *Proceedings of the SNPK for Maritime-Based Border Area Strengthening*, Yogyakarta.

Websites and Internet

Afriansyah, A. Faculty of Law Universitas Indonesia, "Batas Wilayah Laut dan Hak Berdaulat", <https://law.ui.ac.id/v3/batas-wilayah-laut-dan-hak-berdaulat-oleh-arie-afriansyah-s-h-m-i-l-ph-d/> downloaded on August 25, 2021.

Ministry of Energy and Mineral Resources (Kementerian ESDM), "Managing the Border Region of the Republic of Indonesia", <https://www.esdm.go.id/id/berita-unit/badan-geologi/mengelola-wilayah-perbatasan-nkridownload> downloaded on August 22, 2021.

Ministry of Maritime Affairs and Fisheries (Kementerian Kelautan dan Perikanan), "A Quantity of Islands", <https://kkp.go.id/djprl/p4k/page/4270-jumlah-pulaudownload> downloaded on August 6, 2021.

_____, "Map of Indonesia", <https://indonesia.go.id/peta-indonesia/22> downloaded on August 25, 2021.