

# THE CONCEPT OF ARCHIPELAGO AND ARCHIPELAGIC STATE INSIGHTS: FROM INDONESIA TO THE INTERNATIONAL WORLD

## Abstract

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Indonesia as an archipelagic country consists of thousands of islands ranging from Sabang to Merauke, where the cluster of thousands of islands is seen as a unified whole based on the concept of Archipelago Insight. One of the most obvious applications of the application of Archipelago Insight is in the geographical area. With the acceptance of the conception of the archipelago (as part of the Archipelago Insight) in the 1957 Djuanda Declaration in international forums contained in the United Nations Convention III on the International Law of the Sea, namely the 1982 United National Convention on the Law of the Sea (UNCLOS 1982). The purpose of this paper is to explain how the concept of Archipelago Insight underlies the concept of the Archipelagic State in the 1957 Djuanda Declaration which subsequently became a contribution of thought from Indonesia to the international community.

**Keyword:** *Archipelago Insight; Archipelagic Country, Sovereignty; from Indonesia to the World*

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## A. Introduction

Indonesia is a maritime country and an archipelagic country. Indonesia has a very wide sea because most of its territory consists of territorial waters. Indonesia as an archipelagic country with a group of islands consisting of more than 13,466 thousand in an expanse of sea covering an area of 5.8 million square km, with its coastline as one of the longest in the world, reaching 95,181 km.<sup>4</sup> the area of the ocean of Indonesia is larger than its land area, which Indonesia is consist of one-third of the land area and two-thirds of the ocean area.<sup>5</sup> This positioned Indonesia as the 7th largest country in the world after Russia, Canada, the United States, China, Brazil, and Australia. Indonesia also is the 2<sup>nd</sup> largest country in Asia and the largest country in Southeast Asia.<sup>6</sup>

Muhammad Yamin was one of the Indonesian figures at that time who alluded to the importance of the ocean area. His statement, "Indonesia's homeland is primarily an ocean area and has long beaches. For the land which is divided into thousands of islands that are recognized by all nations at once, it is not appropriate to just do it, because the Indonesian archipelago is not only bordered by the Pacific Ocean and the Indian Ocean, but also borders several seas and thousands of wide straits. or very narrow. In the straits and deep seas, the basis of the "free sea" cannot be carried out, and if it is carried out it will greatly undermine the sovereignty of the state and harm the position of shipping, sea trade, and weaken the defense of the state. Therefore, by determining state boundaries, it must also be determined which areas of ocean water enter the open seas."

According to Article 3 The law Number 6 Year 1996 concerning Indonesian waters, Indonesian waters contain the territorial sea, archipelagic waters, and internal

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<sup>4</sup> Amora Harris., dkk. "Strategi Pertahanan Laut Dalam Rangkaancaman Keamanan di Alur Laut Kepulauan Indonesia II", *Jurnal Education and development Institut Pendidikan Tapanuli Selatan*. Vol. 10 No. 2. (2022). p. 325.

<sup>5</sup> Marhaeni Siombo as quoted by Mas Nana Jumena dan Belardo Prasetya Mega Jaya, "Penegakan Hukum Iuu-Fishing yang Dilakukan oleh Kapal Asing di Laut Natuna pada Era Otonomi Daerah". *Aura Publishing*. Prosiding Nasional. p. 222

<sup>6</sup> Supriadi & Alimudin as quoted by Belardo Prasetya Mega Jaya, dkk. "State Exclusivity of Fisheries Resources on Exclusive Economic Zone in Efforts to Support the Fisheries Availability a s a Means of Increasing Food Security for the State". *Atlantis Press*. Vol 9. 2019, p. 213.

waters. That law is in the same line with the United Nations Convention on The Law of The Sea 1982 (UNCLOS 1982). According to article 2 UNCLOS 1982, the territory of a country consists of the territorial sea, internal waters, and archipelagic waters.<sup>7</sup> Indonesian waters are waters that have a lot of potentials. This potential is clearly seen through the many diverse resources in its waters. Along with developments in Indonesia's history, Indonesian waters have become one of the most vital things in various activities. The various activities are in the form of trade, transportation, livelihood, entertainment, and so on. From these various activities, special potentials were created. These potentials affect other nations so there is a desire from them to control the sovereign area.<sup>8</sup>

In maintaining state sovereignty, Indonesia has struggled in international forums for decades so that the international community will recognize and respect the concept of an archipelagic state. Efforts to determine maritime boundaries are very important because the results of negotiations on these boundaries are a form of recognition by international countries towards Indonesia as an archipelagic country legally. Until finally the international community accepted the concept of the archipelago with the ratification of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) in Montego Bay, Jamaica in the same year as the initial countries that signed more than 150 countries including Indonesia, which ratified UNCLOS 1982 with Law No. 17 of 1985. These efforts paved the way for the Indonesian delegation to gain recognition of the concept of an archipelagic state from international forums when countries convened for the establishment of the 1982 UNCLOS.

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<sup>7</sup> Belardo Prasetya Mega Jaya dan Muhamad Uut Lutfi. "The Law Enforcement Towards Foreign Vessels which did Illegal, Unreported and Unregulated Fishing (IUU Fishing) in Indonesia Fisheries Management Areas". *Journal of Legal Dynamics*. Vol 20 No 1 2021, p. 248.

<sup>8</sup> Ernawati. "Implementasi Deklarasi Djuanda Dalam Perbatasan Perairan Lautan Indonesia". Prosiding Seminar Nasional Multi Disiplin Ilmu & Call For Papers UNISBANK (SENDI\_U). Law Faculty, University of Esa Unggul Jakarta.

Based on this description, this paper aims to explain how the Archipelago Concept is the basis of the archipelagic state concept, and how the archipelagic concept is a contribution of Indonesian thought to the international community.

## **A. Metode**

This research is a 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 the internet).<sup>9</sup> The data was obtained through library research by adjusting the relevance and suitability of the topics presented in a juridical-qualitative manner.

## **B. Concept of Archipelago and Archipelago State: from Indonesia to the World**

### **1. Archipelago Insights as the Foundation for the Archipelago State Concept**

Archipelago insight is the perspective of the Indonesian people towards the people, nation, and unitary territory of the Republic of Indonesia which includes land, sea, and air above it as a political, economic, socio-cultural, and defense and security unit. The basic concept of an archipelagic state has been laid down through the Djuanda declaration on December 13, 1957. The declaration has a very strategic meaning for the Indonesian nation because it has given birth to the concept of an archipelago insight that unites the territory of Indonesia, the sea is no longer a separator but a unifier of the Indonesian nation. Archipelago insight is a value that animates all Indonesian citizens, the state apparatus must think, act, and act as a whole for the sake of the interests of the Indonesian nation and state.<sup>10</sup>

The understanding of power and power developed in Indonesia is based on an understanding of the notions of war and peace and adapted to the conditions and

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<sup>9</sup> Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta: Rajawali Pers, 2015, pp. 113-114.

<sup>10</sup> Lemhannas RI [National Defense Institute of the Republic of Indonesia] 2014. *Implementasi System Logistic Ikan Nasional Guna Peningkatan Ketahanan Pangan Dalam Rangka Pembangunan Nasional*. p. 13

geographical constellations of Indonesia. Meanwhile, the understanding of the Indonesian state adheres to the concept of an archipelagic state, namely an understanding developed from the archipelago principle which is indeed different from the understanding of the archipelago in western countries in general. The essential difference from this understanding is that according to western understanding, the sea acts as an "island separator", while according to Indonesian understanding the sea is a "connector" so that the territory of the country becomes a unified whole as "Tanah Air" and is referred to as an archipelagic state..<sup>11</sup>

The concept of an archipelagic state was originally developed by Indonesia to avoid the existence of inland seas or inter-island waters in the territory of Indonesia which have the status of a free sea. In this way, the Indonesian archipelago is separated from the free sea and makes the Indonesian national territory a vast sea area dotted with islands. According to the concept of an archipelagic state, Indonesia's territorial sovereignty applies to land, archipelagic waters, territorial waters, and the space above it. However, UNCLOS 1982 stipulates the rights of other countries in the territory of an archipelagic state, which must be fulfilled. The rights referred to include, among others, the right of peaceful passage and transit passage, the right of archipelagic sea lane passage, crossing flight, and search and rescue.

Another problem that has been faced by an archipelagic country such as Indonesia, in particular, is that not all major countries have ratified the 1982 UNCLOS which approved the application of the concept of an archipelagic state, plus the concept of an archipelagic state, in reality, is not respected. Whereas for Indonesia, the enactment of the concept of an archipelagic state in addition to waters with international status, also increases the area of the Indonesian state in the form of territorial seas, while still observing international obligations. Moreover, with the change in the provisions regarding the width of the territorial sea, which was originally 3 miles from the coastline

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<sup>11</sup> Lemhannas RI [National Defense Institute of the Republic of Indonesia]. (2013). *Implementasi Wawasan Nusantara Guna Mewujudkan Kehidupan Demokrasi Dalam Rangka Meningkatkan Ketahanan Nasional*. pp. 53-54

to 12 miles. The addition of the territorial sea area also means that the content of natural resources is doubled.

The Indonesian people are aware of the geographical conditions inherent in the Indonesian nation and state. The geographical condition of the Indonesian territory is in the form of thousands of islands that are widely spread, large and small, with very varied land topography, building natural barriers that can hinder the circulation process of national life. Therefore, the concept of an archipelagic state needs to be realized in the life of society, nation, and state for the Indonesian people. It is hoped that the people of the nation will have responsiveness to the problems faced above in order to maintain the integrity of the Unitary State of the Republic of Indonesia (NKRI).<sup>12</sup>

The concept of an archipelagic state provides inspiration and encouragement to unite the entire Indonesian national territory consisting of land, sea, and air space above it. The connection is clearer in Mochtar Kusumaatmadja's explanation "So, to conclude that the concept of an archipelagic state is a territorial concept of an archipelagic state, in the case of Indonesia, it is called an archipelago. the conception of the archipelago (as part of the Archipelago Insight) in the international forum as stated in the 1982 UNCLOS, guarantees the territorial integration of the "Nusantara Sea" which was originally considered a "free" sea to become part of Indonesia's sovereign territory".<sup>13</sup>

When Indonesia just became independent in 1945, the maritime regime in force at that time was the *Territoriale Zee en Maritime Kringen Ordonnantie 1939* (Territorial Sea and Maritime Environment Ordinance 1939) which was made by the Dutch East Indies. This Ordinance only recognizes Indonesia's territorial sea as far as three nautical miles from the coastline of each island, where one nautical mile is equivalent to 1.85 km. As for the area outside the three nautical miles, based on customary law, it is a high sea that is freely traversed and utilized by all countries. Externally, these regulations make Indonesia vulnerable to foreign intervention from the sea. Internally, the regulation also

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<sup>12</sup> *Ibid.*, pp. 56-57

<sup>13</sup> Thomas Sunaryo. "Indonesia Sebagai Negara Kepulauan". *Jurnal Kajian Stratejik Ketahanan Nasional*, Vol. 2, No.2, (2019): p. 98

makes the sea seem to be a separator between islands in the archipelago, not a connector. Realizing this problem, the Indonesian government on December 13, 1957, then issued the Djuanda Declaration on the expansion of territorial waters. The Djuanda Declaration was later confirmed by the issuance of Law (UU) No. 4/ Prp 1960 concerning Indonesian Waters. There were at least two new concepts that were promoted by the Djuanda Declaration and challenged the international maritime regime at that time.<sup>14</sup>

The Archipelago Insight, as an extension of the contents of the Djuanda Declaration, was enacted as law during Adam Malik's tenure as Minister of Foreign Affairs. Adam Malik in 1978. Other experts revealed that during the New Order era, the Indonesian government under the leadership of President Soeharto implemented the idea of the Archipelago Insight. The idea of the Archipelago Insight adheres to the teaching that all waters that connect the islands of the archipelago, to each other, can no longer be considered open seas, but water within the jurisdiction of the Republic of Indonesia.<sup>15</sup>

## **2. The concept of an archipelagic state as a contribution of Indonesian thought to the world**

The struggle of the Indonesian people in realizing unified national unity throughout the archipelago was first raised by the "Djuanda Declaration" on December 13, 1957 which underlies the struggle of the Indonesian nation to become an archipelagic state regime as the basis of the territorial conception in Indonesia. order to create an archipelago insight. For Indonesia as an archipelagic country, the sea has a vital function, namely:

- 1) to ensure territorial integrity;

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<sup>14</sup> Sandy Nur Ikfal Raharjo. *Tinjauan Buku: Menegosiasikan Batas Wilayah Maritim Indonesia Dalam Bingkai Negara Kepulauan*. Masyarakat Indonesia, Vol. 41 (2), Desember 2015. pp. 227-228

<sup>15</sup> Nida Nurhidayati. "Dari Deklarasi Djuanda ke Wawasan Nusantara: Peranan Mochtar Kusumaatmadja dalam Mencapai Kedaulatan Wilayah Laut Indonesia, 1957-1982". *SUSURGALUR: Journal of Historical and Historical Education Study*. Volume 9(1), March 2021. p. 46

- 2) as a means of connecting, and
- 3) the interests of defense and security in the sense of military security.

Some of the considerations that prompted the Indonesian government as an archipelagic country to state the territorial waters of Indonesia are:

- a. Whereas the geographical shape of Indonesia is in the form of an archipelagic state, which consists of thirteen thousand islands, large and small, scattered in the ocean;
- b. For the sake of the territorial integrity of the Unitary State of the Republic of Indonesia, all the islands and the waters (straits) that exist between them are a unified whole, and cannot be separated from one island to another, or between islands and their waters;
- c. That the determination of the boundaries of territorial waters as according to the "*Territoriale Zee en Maritime Kringen Ordonantie 1939*" contained in the Staatblad 1939 No. 442 Article 1 paragraph (1) is no longer compatible with the interests of Indonesia after independence;
- d. That after becoming sovereign as an independent country, Indonesia has full rights and obligations to regulate everything, for the sake of the security and safety of the country and its people.<sup>16</sup>

In addition to the various considerations above, which prompted the government to issue the Djuanda Declaration in 1957, the issue of national integration was also the reason for the issuance of the Declaration, because the Indonesian people who live on various islands separated by water areas make the Indonesian nation consisting of various ethnic groups as if - as if each other's life without any unity. Regarding this, Mochtar Kusumaatmadja argues, as quoted directly by N. Pane (2015), as follows:

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<sup>16</sup> Fithriatus Shalihah. "Perlindungan Hukum Terhadap Kedaulatan Wilayah Negara Republik Indonesia Menurut Konsep Negara Kepulauan Dalam United Nation Convention On The Law Of The Sea (Unclos) 1982". Proceeding of the SNPK for Maritime Based Border Area Strengthening., Yogyakarta, 2016. pp. 114-115



*"In the past, we tended to think "I am a Sumatran, Javanese, Moluccan, Sulawesi person, and so on" because each island has its own sea. So finally, intentionally or not, this Archipelago Concept (Djuanda Declaration) also concretely eliminates differences based on the existence of these islands. The sea is no longer seen as separate, like the Dutch colonial era, but instead unites." (Pane, 2015:48).*

The concept of an archipelagic state was coined by Mochtar Kusumaatmaja who was the drafter of the 1957 Djuanda Declaration. Mochtar considered that as an archipelagic state, the sea area should be a unifying tool for the nation, not the other way around. The opinion of Mochtar Kusumaatmadja is also supported by Susanto Zuhdi (2014), and other scholars, who state that with such a perspective, the sea is considered a system that unites the territory of Indonesia. The marine system is used as a network that integrates tens of thousands of islands in Indonesia; this is in accordance with the territory of Indonesia as an archipelagic country.

Mochtar considers Indonesia as an archipelagic country, where the sea is no longer considered a dividing tool, but a unifying tool; because as a maritime country, land, and sea are considered as a unit, which at first could not be applied just like that in Indonesia. 1939<sup>17</sup> regulation which regulates the International Sea Boundary is considered an obstacle to the realization of Indonesia as an archipelagic state. Through his speech at the International Law of the Sea Conference I in 1958, the Indonesian delegation put forward the Archipelagic State Principle. This is the first time the international community has heard an explanation regarding the implementation of the Archipelagic State Principle, which at that time still sounded foreign to the world. The Indonesian delegation made every effort that the decision at the conference did not limit the length of the straight baseline drawn from end to end, because if such a decision was taken, it would destroy the ideals of unity between the islands and the waters around them, as stated in the Djuanda Declaration, on December 13, 1957.<sup>18</sup>

After experiencing failures at the Law Conferences I 1958 and II in 1960, did not make Indonesia give up, then the Indonesian delegation began to try to establish the

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<sup>17</sup> *Teritoriale Zeeën en Maritieme Kringen Ordonantie 1939*

<sup>18</sup> Nida Nurhidayati. *Op.Cit.*, p. 46

continental shelf line, by entering into bilateral and trilateral agreements with countries directly bordering the two countries. to facilitate Indonesia's steps in obtaining recognition of sovereignty as an archipelagic State in the Law of the Sea Conference which will be held next. (Djalal, 1979; Dam, 1991; dan Ghafir, 2018). If the Conference on the Law of the Sea I in 1958 and II in 1960 was a struggle to introduce the concept of an "Archipelagic State", then the Conference on the Law of the Sea III in 1982 was a struggle to give the concept of an "Archipelagic State" a completely legal form and a final stage of struggle to gain world recognition. International. Indonesia carried out this struggle, both individually and in groups, namely together with other archipelagic countries.

Indonesia's struggle since the Djuanda Declaration in 1957 has resulted in the recognition of the Archipelago State conception in the 1982 United Nations Convention on The Law of the Sea (UNCLOS) as well as establishing the Archipelagic Baseline or Archipelagic Baseline. After being ratified by UNCLOS 1982 on December 10, 1982, based on the Archipelago Insight initiated by Mochtar Kusumaatmadja, Indonesia has sovereignty over land and sea territories. The concept of Indonesia as an archipelagic country with the title "Tanah Air" (land and water) created the regulation of the maritime territory of an archipelagic state in the 1982 UNCLOS.<sup>19</sup> In UNCLOS, provisions regarding archipelagic countries are contained in Chapter IV, starting from Article 46 to Article 54. In that chapter, three terms characterize an archipelagic state, namely archipelagic baselines, archipelagic waters, and archipelagic sea lanes. UNCLOS 1982 stipulates that an archipelagic state is a country consisting of one or more groups of islands, of which other islands are a political unit or historically are a bond.<sup>20</sup>

The maritime boundaries of Indonesia at the beginning of independence were 3 nautical miles wide from the coastline (Coastal Baseline) of each island, namely the

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<sup>19</sup> Belardo Prasetya Mega Jaya. & Mada, *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)*. i-WIN (International Waqaf Ilmu Nusantara) Online Library, 2021, p. 3. available on: <https://waqafilmu nusantara.com/>

<sup>20</sup> Yeheschiel Bartin Marewa & Edgar Michael Parinussa. "Perindungan Pulau-Pulau Terluar Indonesia Berdasarkan Konsep Negara Kepulauan" *Paulus Law Journal* Vol. 2 No. 1, September 2020. p. 1

waters surrounding the Indonesian Archipelago, the former Dutch East Indies territory (*Territoriale Zee en Maritime Kringen Ordonantie 1939 in Soewito et al 2000*).<sup>21</sup> After independence, the struggle to guarantee the sovereignty of the Unitary State of the Republic of Indonesia (NKRI) to realize the ideals of independence was stated in the Preamble of UUD 1945, the Indonesian government which at that time was led by the Prime Minister Djuanda on December 13, 1957, announced Djuanda's statement, which state::

- a. That the geographical form of Indonesia as an archipelagic country has its characteristics and features.
- b. According to history, the Indonesian archipelago has always been unity. Whereas the territorial sea boundary as outlined in the *Territoriale Zee en Maritime Kringen Ordonantie 1939* breaks the territorial integrity of Indonesia because it divides the Indonesian land area into separate parts with its territory.<sup>22</sup>

A few days after the 1957 Djuanda Declaration was issued, various protests emerged from the international community, especially from major maritime countries, such as Britain and the United States. The United States sent a diplomatic message to the Indonesian Minister of Foreign Affairs at that time, which contained a protest against the expansion of Indonesia's territorial waters to the 12-mile limit. Other maritime countries followed suit, including Australia, the Netherlands, France, and New Zealand<sup>23</sup>. While those who stated support were only the countries of the Soviet Union and the People's Republic of China.<sup>24</sup>

Responding to protests from various countries regarding the 1957 Djuanda Declaration, Mochtar Kusumaatmadja in his biography, as quoted by N. Pane (2015), argues that every sovereign country is obliged to take action to maintain the integrity and

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<sup>21</sup> Fithriatus Shalihah. *Op.Cit.* pp. 113-114

<sup>22</sup> Thomas Sunaryo. *Op.Cit.* p. 100

<sup>23</sup> Lemhannas RI [National Defense Institute of the Republic of Indonesia]. (1995). *Wawasan Nusantara*. Jakarta: Balai Pustaka.

<sup>24</sup> Mochtar Kusumaatmadja, *Hukum Laut Internasional*, Binacipta, Bandung, 1987, p.190

safety of its country. It should be noted that at that time Indonesia was facing dangers from outside and from within: from the outside, namely the conflict with the Netherlands over the West Irian issue; and from within the country threatened by separatist movements in the regions that turned into rebellions. (cf Harvey, 1984; Leirissa, 1991; dan Pane, 2015:54).<sup>25</sup>

To strengthen its legal position, the Djuanda Declaration was confirmed by Government Regulation in Lieu of Law (PERPU) No. 4 of 1960 which was followed by implementing regulations regarding the peaceful traffic of foreign sea vehicles in the form of Government Regulation (PP) No. 8 of 1962. The enactment of PERPU No. 4 of 1960, which stated that the sea area was 12 miles wide measured from a straight baseline (straight baseline) and that all islands and seas lying between the currents are considered as a spherical entity. This unanimous unity refers a lot to the dimension of the Archipelago Insight, that the national territory with all its contents and wealth is an area, container, scope, and unitary dimension of the entire nation, as well as being the capital and common property of the nation.

The Indonesian government also stated that peaceful traffic in inland waters (Indonesian territorial sea) for foreign ships was guaranteed, and Indonesia's stance was put forward at international conferences on the international law of the sea. Recognition of the existence of Indonesia's sovereignty as an archipelagic state is not easily obtained but is achieved through a long and persistent struggle (*de facto & de jure*).<sup>26</sup>

Djuanda Declaration on December 13, 1957, which was recognized by the United Nations on December 10, 1982, and ratified by the Indonesian government with Law no. 17 of 1985 concerning the Law of the Sea. The United Nations Convention on the Law of the Sea 1982 (UNCLOS) has so far been ratified by 140 countries. Archipelagic States (Archipelagic States) have the right to manage an Exclusive Economic Zone (EEZ)

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<sup>25</sup> Nida Nurhidayati. *Op.Cit.*, pp. 44-45

<sup>26</sup> Thomas Sunaryo *Loc.Cit.*

covering an area of 200 nautical miles outside their territory. As an archipelagic country, Indonesia has the right to manage (jurisdiction) the Exclusive Economic Zone.

The determination of Indonesian Exclusive Economic Zone (ZEEI) reaches a distance of 200 nautical miles, measured from the baseline of the Indonesian territory towards the high seas. This stipulation was later confirmed through Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone. The consequence of the implementation of the law is that the area of Indonesia's marine waters has increased by about 2.7 million Km<sup>2</sup>, to 5.8 million Km<sup>2</sup>. The United Nations Convention on the International Law of the Sea 1982 (UNCLOS 1982) created eight regulatory zonings (regimes) for the law of the sea, namely:

I. Internal Waters.

II. Archipelagic Waters, including the straits used for international shipping.

I. Territorial Seas (Territorial Waters).

II. Additional Zone (Contiguous Waters).

III. Exclusive Economic Zone.

IV. Continental Shelf.

V. The High Seas.

VI. International Sea-Bed Area

In this case, the 1982 International Law of the Sea Convention regulates the use of the sea under the legal status of the eight zoning arrangements. Countries bordering the sea, including Indonesia, have full sovereignty over the inland waters, archipelagic waters, and the territorial sea, while for additional zones, exclusive economic zones, and continental shelves, the state has exclusive rights, for example, the right to utilize existing natural resources. in the zone. On the other hand, the high seas is a zone that cannot be

owned by any country, while the international seabed area is used as part of the heritage of mankind.<sup>27</sup>

UNCLOS regulates the maritime law regimes, including the law of the archipelagic state (which has an important meaning and role to strengthen Indonesia's position in the context of implementing the archipelago perspective in accordance with the mandate of the Indonesian People's Consultative Assembly) as a whole. Meanwhile, in the Republic of Indonesia Law number 6 of 1996, the area of the Indonesian Archipelago and its territorial sea is 3.1 million square kilometers (measured 12 miles from the baseline at the lowest tide), while the area of the Exclusive Economic Zone (EEZ) owned is 2.7 million square kilometers relating to the right to explore, exploit and manage biological and non-living resources. With the concept of an archipelagic state, Indonesia has full rights to the waters on the side of the islands. Not only that, but Indonesia also has the right to space and everything on the seabed.<sup>28</sup>



Republic of Indonesia's Map

Sumber: <http://maritimnews.com/2016/05/perjuangan-panjang-deklarasi-djuanda-dan-archipelagic-principal-state/>

<sup>27</sup> Ernawati. "Implementasi Deklarasi Djuanda Dalam Perbatasan Perairan Lautan Indonesia". Prosiding Seminar Nasional Multi Disiplin Ilmu & Call For Papers UNISBANK (SENDI\_U). Law Faculty, University of Esa Unggul Jakarta.

<sup>28</sup> Ayub Torry Satriyo Kusumo. "Optimalisasi Pengelolaan Dan Pemberdayaan Pulau-Pulau Terluar Dalam Rangka Mempertahankan Keutuhan Negara Kesatuan Republik Indonesia". *Journal of Legal Dynamics*. Vol.10 No. 3 September 2010. p. 328

## **CONCLUSION**

The concept of archipelago insight is the Indonesian nation's perspective on the people, nation, and unitary territory of the Republic of Indonesia which includes land, sea, and air above it as a political, economic, socio-cultural, and defense and security unit. The real application of the Archipelago Concept in the geographical area, namely by giving birth to the concept of the Archipelago State which makes the cluster of thousands of islands in Indonesia into a unified whole and is recognized by international law, where the concept is contained in the 1957 Djuanda Declaration and recognized in the 1982 UNCLOS. Declaration Djuanda December 13, 1957 has a very important meaning for the Indonesian nation, because it is based on the concept of an archipelagic state that unites the territory of Indonesia, where the sea is no longer a separator but a unifier of the Indonesian nation.

The struggle of the Indonesian people in realizing the concept of an archipelagic state to obtain international legal recognition is not easy. Indonesia failed to convince the international community regarding the concept of an Archipelago State which it introduced at the United Nations Conferences I and II, but in the end, Indonesia's struggle since the Djuanda Declaration in 1957 resulted in the recognition of the Archipelago State concept in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) establish the Archipelagic Baseline or Archipelagic Baseline at the Third United Nations Conference. After being ratified by UNCLOS 1982 on December 10, 1982, based on the Archipelago Insight initiated by Mochtar Kusumaatmadja, Indonesia has sovereignty over land and sea territories.

## **SUGGESTION**

The concept of an archipelagic state has become international law in general, but at the level of implementation of the existence of the sovereignty of an archipelagic state, Indonesia as an archipelagic state must continue to fight for it. In this case, the struggle is related to the protection of the boundaries between Indonesia and neighboring countries while at the same time affirming Indonesia's sovereignty.

As an archipelagic country, Indonesia has often faced various problems and threats related to its territorial integrity, especially related to territorial boundaries. Protection efforts that can be done are to maintain the integrity of the Unitary State of the Republic of Indonesia. Indonesia must be able to defend its territorial sovereignty in the event of a territorial dispute, considering that Indonesia is the largest archipelagic country in the world, which is a challenge for Indonesia to maintain the sovereignty of the Republic of Indonesia.



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**WEB, SCIENTIFIC WORK, ARTICLE, ETC.**

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