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# The Disputes of South China Sea From International Law Perspective

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ABSTRACT

*Disputes in the South China Sea (SCS) occur due to the seizure of maritime regions of Spratly and Paracel islands, the regions which are rich in natural resources of oil and gas. Indonesia is not a claimant state to the features in SCS, but Indonesia has a vital national interest to the jurisdiction of waters of the exclusive economic zone (EEZ) and the continental shelf which overlaps with claims 9 dashed lines of PRC. In analyzing and resolving these disputes, the writer uses theory of law-based state as a grand theory, the theory of international law as a middle range theory, and theory of conflict resolution as an applied theory. The method is a normative legal research. The legal materials are collected based on the identified list of problems/ issues and are assessed according to the classification of the problems. The legal materials are deductively managed to draw conclusions from the problems encountered, and are further analyzed to solve these problems. Conflict resolution to maritime territorial dispute can be achieved by legal means. The dispute settlement by legal means can be done through bilateral, multilateral, arbitration, to the International Court of Justice, while the dispute resolution through CBMs can be achieved through dialogue in international fora by applying the formula 6 + 4 + 2 or 6 + 4 + 1 + 1, and by conducting survey and research cooperation in the field of maritime.*

## Introduction

South China Sea issues is motivated by three (3) strategic factor, namely political, economic and strategic. Three of these factors is the primary motive for the Claimant States to strive for their rights in the South China Sea. Which became the object of dispute of the parties in the South China Sea focused on two (2) major islands, namely the Spratly and Paracel. The States claimants to the Spratly Islands are Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam. Taiwan and Vietnam also claim ownership of the Paracel Islands which are under the control of China since 1974..

Indonesia, although not directly involved in the dispute in the South China Sea, but Indonesia has sovereignty in the waters of Indonesia and the sovereign rights in the waters of the jurisdiction of the South China Sea region, so as to have the interests of the security in the region. Indonesian interest in parts of the South China Sea consists of the territorial integrity, regional stability and the economy. Interest in the territorial integrity associated with the People's Republic of China claims limit nine dashed lines over the South China Sea region that can not be defined, so it is feared to touch the jurisdictional waters of Indonesia, which is Exclusive Economic Zone and Indonesia continental shelf in the North Sea Natuna.

Indonesian National Interests in the South China Sea is specifically divided into two (2) terms, which is the interests Vital (Survival) and the main interest (Major). This vital interests are the interests of Indonesia that can not be negotiated because it involves the survival of the nation and the state. Shall include the vital interests of the sovereignty and sovereign rights in sea areas of national jurisdiction. Under UNCLOS (The United Nations Convention on the Law of the Sea) in 1982, has been arranged sovereignty and sovereign rights of Indonesia in jurisdictions Rl bordering other countries, including the sovereign rights (sovereign rights) for the purpose of exploration, exploitation, management, conservation natural resources, and protection of the citizen (Indonesian citizen) that the activity around the border of the Republic of Indonesia (Republic of Indonesia) from the violation of sovereignty and law, as well as the threat of state violence claimants (the aspect of national security).

The attitude of Indonesia in the South China Sea conflict was clear and light that it wants to resolve the conflict through peaceful means, but keep it within the sovereignty and law enforcement in the Indonesian jurisdiction. Background Indonesia as well as the underlying pioneering efforts at peaceful settlement of the conflict, either through first-track diplomacy and the second track diplomacy. In an attempt diplomacy, the Indonesian government participated in the preparation of the Declaration on the Conduct of Parties in the South China Sea (DoC), Conducting cooperative contained in the DoC while respecting the sovereignty and integrity of each other, and doing concrete efforts towards the realization CoC (Code of Conduct) to be applied in the South China Sea. Against the CoC, Indonesian political stance is wanted CoC legally binding, although not as a final settlement of the conflict.

The final settlement of the conflict must involve all countries that claim territory in the South China Sea. In searching for a peaceful solution to the South China Sea conflict, it is inevitable also that attitude does not compromise its claims against China over the South China Sea, have an impact on the interests of Indonesia to the South China Sea conflict. Claim People's Republic of China through nine dashed lines realized with offenses committed consistently and continuously by fishermen People's Republic of China against Indonesia Exclusive Economic Zone and the Natuna Sea and protected by the government ships People's Republic of China, it indicates that there is indeed a big problem between two (2) countries (Ali, 2012) ,

From the several problems that arise as a result of the disputed South China Sea region, the Indonesian government has yet to fully anticipate the impact of the dispute, including the impact of the decision of the Arbitration Court is ongoing, while the PRC provocation activities by reclaiming the Spratly Islands deepened. The Indonesian government itself also has not determined its position whether as claimant or claimants not jurisdiction Indonesian waters in the South China Sea that overlaps with claims PRC nine dashed lines.

In this study, The researcher wanted to indicate the main problems of the dispute in the South China Sea and would like to elaborate on the differences between *das sollen* and *das sein*, between the legislation and the existing theory and reality. Based on the description above, in this manuscript research problem formulation is as follows: (1) Why do still occur maritime territorial disputes in the South China Sea ?; (2) How is the construction of national interests in the South China Sea ?; (3) How the conflict resolution are legally facing maritime territorial disputes in the South China Sea?.

Article 1 (3) of the Constitution of the Republic of Indonesia Year 1945 states that "The State of Indonesia shall be a state based on the rule of law". State law in question is the country that uphold the rule of law to uphold truth and justice, and there is no power which is not accountability (MPR, 2010). As a country that adopts the State of Law, the Indonesian government imposed a three (3) basic principles, namely the supremacy of law, equality before the law, and law enforcement in a way not in conflict with due process of law (Fuady, 2009). The principle of supremacy of law is applied to all legislation both nationally and internationally, including the 1982 UNCLOS and other maritime regulations. The principle of equality before the law is applied to the Indonesian government in any maritime boundary negotiations with both the neighboring States with a small country like Singapore, as well as large countries such as China. The rule of law is applied to any violations of the territory and maritime Indonesian law by the imposition of sanctions in accordance with the applicable legislation. The concept of due process of law is actually contained in the concept of fundamental rights that can be applied in the determination of the territorial waters of a country that has full sovereign rights and jurisdiction of the territorial waters of which have sovereign rights. While the concept of independence/ordered liberty is an implementation of the sovereign rights and sovereignty is based on the legislation in force (Fuady, 2009)

Indonesia as the country's laws apply theories of international law in running the government. Use of international law in maintaining relations between nations with other countries. In the context of the problems occurred in the South China Sea involving several claimant states and other countries concerned, the role of international law, particularly the 1982 UNCLOS and other international habits is very important in dealing with various legal issues.

International law set the various interests of the State in dealing 1 (one) each other. These interests include the interests of territorial integrity and sovereign rights of a country to the area of land, sea and the air thereon. International law regulates the international community and the legal order of coordination of a number of States are independent and sovereign, while the national legal order of each state is merely a sub-ordination of international law.

Maritime territorial dispute that occurred in the South China Sea can be solved by using the theories of international law and international practices, including state border treaty between 1 (one) country to another. Claims against the features of an area can be used theory claims against features, such as islands, coral, reefs, elevation at low tide, shallow and atolls, while claims against the sea area can use the theory claims against marine areas, both territorial waters (internal waters, the archipelagic waters, and the territorial sea), as well as jurisdiction (contiguous zone, EEZ and continental shelf).

In keeping with international relations or the relations between the Nation with regard to territory in the South China Sea, will always confront two (2) main problems, namely the problem of conflicts over maritime areas and issues of cooperation in the region. The conflict occurs as a result of differences in determining the maritime boundaries of each country claimants and dissent in cooperating to manage the area, which in turn lead to conflict. Theory of Conflict Resolution in the script are used to solve and resolve the dispute in the South China Sea.

Maritime territorial disputes in the South China Sea occurred partly also due to a conflict of interest with a variety of motifs, such as political interests, economic, and military strategy. Characteristics of the conflict is also diverse, can be a conflict area is limited, conflicts related to the composition of the government, a conflict of national honor, imperialism regional conflicts exemption, as well as conflict national unification, so that conflict resolution is used also varies depending on the characteristics of the conflict at hand.

In a dispute over maritime areas in the South China Sea, considering not only involves six (6) State claimants, but also involves several countries the Non claimants and other States that have an interest in the region, so that the resolution of the conflict can not be resolved bilaterally or trilateral alone, but must be resolved multilaterally. Conflict resolution in resolving the dispute in addition to using the basic international law, also use habits of international and bilateral agreements or other multilateral agreements that have been ratified into national law of the States involved in the agreement.

## Research Methods

This type of research is a normative legal research. According Soekanto and Mamuji (2010), normative legal study includes an inventory of the principles of the law, the systematic law, research into law enforcement both running operationally by the institution and in terms of the settlement process of law in

practice, and then conducted research into the level of vertical sync and horizontal, comparative law and legal history. In consideration of the above, the starting point of research on the disputed region of South China Sea is an analysis of the Law of the Sea UNCLOS 1982, the international conventions, bilateral agreements, and the habits of international and national legislation governing sovereign territory and jurisdictions in the sea.

In connection the type of research is a normative legal research it is necessary to approach the problem. In this research the authors used four (4) approach to answer the existing problems (Ibrahim, 2010), that is statute approach, the conceptual approach, historical approach as well as the approach of case study. Materials used in the study of law is adjusted to review by the authors of the resolution of the conflict in the disputed maritime area. Ingredients such laws are: (1) The primary legal materials used include 1945, maritime legislation (Law no. 1/1973 on the Continental Shelf, Law no. 5/1983 of EEZI), bilateral agreements continental shelf boundary between Indonesia and Malaysia and Indonesia-Vietnam), China's national legislation, and the jurisprudence of the council over ownership of the territory; (2) secondary law derived from the text books that discuss the concept of a state of law, the books and papers of the dispute in the South China Sea, as well as the opinions of scholars and legal experts on conflict resolution in the face of disputes in the China Sea South; and (3) tertiary legal materials are materials that provide guidance and clarification for the primary and secondary legal materials. For example, foreign language translation dictionaries, encyclopedias, etc.

The collection of legal materials needed for this study were collected based on topics the problems that have been formulated and assessed according to the classification by source and hierarchy issues in a comprehensive manner. Analysis of the data in the processing of legal material that is carried out deductively drawing conclusions from a territorial dispute that occurred in the South China Sea. Further material existing laws are analyzed to solve the fundamental problem of disputes in South China Sea.

## Results and Discussion

### Dispute the Maritime Territory in the South China Sea

The main basis of the South China Sea territorial claims actually only consists of two (2) aspects, namely historical (history) and the laws. If we want to examine aspects of the history, the claimants state that uses this basis only 3 (three) parties, that is China, Taiwan and Vietnam. For China, began during the Nationalist Government of Chiang Kai-Shek in 1947 that has set nine interrupted mark which covers almost the entire South China Sea region. This was reiterated by Zhou En-Lai who asserts a claim over the territory in 1951, but in its claim, the Chinese did not explain the legal aspects of maritime boundary delimitation. Settlement of maritime territorial disputes can only be done based on international law or UNCLOS in 1982, but the claim is not recognized in the history of UNCLOS.

Indonesia claimed the territory sovereignty and national jurisdiction of Indonesia through the creation of the Indonesian Government Regulation Number 38 of 2002 on List Baselines of Indonesia, and Government Regulation No. 37 of 2008 on the Amendment to Government Regulation No. 38 of 2002 on Geographic Coordinates Point the base-point line Indonesian Islands (State Gazette of the Republic of Indonesia 2002 Number 72, Supplement to State Gazette of the Republic of Indonesia Number 4211).

Products of this law on the basis of Article 75 Paragraph (2) of UNCLOS 1982 has been deposited to the UN Secretary General, to be published officially and in order to get a response from other countries. Officially the UN Secretary General has received the deposit List Baselines of Indonesia and to date specifically in the area of North Natuna no country protested against the claim. The products of this law has been strengthened with the issuance of the Law of the Republic of Indonesia Number 43 of 2008 on the territory of the State which has become effective from the regulations enacted on November 14, 2008.

The problem is not automatically resolved the state border with statutory, because in fact the state border will be obtained after going through bilateral or multilateral negotiations which resulted in agreement between the parties. In the Act No. 43 of 2008 Article 1 has been set firmly covering the territory of the land areas, internal waters, archipelagic waters, territorial sea as well as the seabed and subsoil and air space above it. In connection with the foregoing, and to uphold the rule of law in the Indonesian jurisdiction required the establishment of maritime boundaries Indonesia in the South China Sea in full. Maritime delimitation is carried out under the provisions of the International Law of the Sea, which is regulated in UNCLOS 1982 has been ratified by the Indonesian government through Act No. 17 in 1985.

Implementation of the ratification is the need for management of the maritime borders which include sea borders with neighboring countries and that is not bordered by another state. As for the maritime boundaries of the Republic of Indonesia and neighboring countries (in accordance unilateral claims) covering the territorial sea, contiguous zone boundary, the boundary EEZ and continental shelf boundaries, which the illustrations for this new form of Homeland maps which are updated every year. Until now only claim unilateral EEZI depicted on the map Homeland, but not yet deposited to the UN Secretary General, so it does not have the force of law.

President Jokowi during a state visit to Japan on March 23, 2015 has stated unequivocally that the PRC Claims nine dashed lines in the South China Sea is unfounded and does not have a strong legal foundation (Reuters in the Yomiuri, 2015). Politically, it would be an affirmation Jokowi parameters for ASEAN to be similar in terms of maritime territorial disputes in the South China Sea. While Moeldoko (2014) also confirmed that due to the dispute over the South China Sea, Indonesia affected be instability of national security, therefore Moeldoko has instructed the TNI to build up the strength of the Army, Navy, and Air Force in Natuna to maintain the sovereignty of Indonesia ,.

PRC claims in the South China Sea has been clarified by the Chinese government to a certain extent that is not described in detail coordinates. Such claims are depicted in a map cartography made in China up to now not recognized by the international legitimacy. With the cartographic maps that attach nine dotted lines (nine dashed lines), China has officially inform the international community that the maritime boundary maps are very important to the country's claim in the South China Sea, including the Spratly and Paracel Islands.

PRC and Indonesia are both international maritime law ratified UNCLOS in 1982, so it certainly will respect the regime of maritime and sovereignty and sovereign rights of a country, but in a different application. Indonesia more consistent use of the legal basis of UNCLOS 1982 which has been ratified into Law No. 17 of 1985 on the ratification of UNCLOS in 1982 in the claim area of its territory, while the Chinese prefer the approach to history and lack of respect for international law and practice. The application of the rule of law and law enforcement in resolving the maritime boundary claims as part of the rule of law which is upheld by Indonesia (Indonesian Maritime Institute, 2013).

International legal theory used to resolve disputes in this region came from several theories, including the theory of natural law, willingness the state, willingness with the state, and legal norms. Together with the willingness countries such dispute to resolve the problem by peaceful means, then the appropriate international legal norms that can be applied to ensure justice for all countries concerned. According Starke on the principal elements that reinforce the mandatory nature of the rules of international law is an empirical fact that the countries would insist on maintaining their rights according to the rules. According Djalal (2013) that the basic tie the law is absolutely necessary to be able to fulfill the needs of the nations, and the theory of international maritime law is most appropriate for arranging the ownership status of the region consisting of theory claims against the territorial sea and the claims of the features in the South China Sea in accordance UNCLOS 1982.

Possession of territory and jurisdiction in the South China Sea as the claim made by the government of Indonesia, can be explained using the theory claims against sea area consists of Claim ownership of Inland Waterway (in accordance with Article 7 of UNCLOS 1982), claim archipelagic waters (in accordance with Article 49 of UNCLOS 1982), Claim Territorial Sea (in accordance with Article 2 of UNCLOS 1982), Claim Zone Supplement (in accordance with Article 33 of UNCLOS 1982), claims the Exclusive Economic Zone (in accordance with Article 55 of UNCLOS 1982), and Claims Continental Shelf (in accordance with Article 76 of UNCLOS 1982). Theory claims to features can be applied to the articles of the UNCLOS 1982 as follows: Claims against the island using Article 121 of UNCLOS in 1982; claims against the coral reef and use Article 6 of UNCLOS in 1982; claims against the elevation at low tide, shallow and atolls use of article 13 of UNCLOS 1982. These claims tied to the legal status of the maritime zone and its features.

Djalal (2013) also found a legal perspective in this dispute is also rooted in problems of international customary law, which may be the freedom of the sea, the cooperation of regional countries, handling disputes peacefully, as well as international conventions and treaties, such as the UNCLOS 1982 , agreements or bilateral agreements (such as the delimitation of the continental shelf between Indonesia and Malaysia and Indonesia-Vietnam) and regional

agreements, including the provisions of the UN and other international conventions, such as the IMO, ICAO and UNESCO.

The assertion attitude Jokowi (2015) for claim nine dashed lines by PRC are not based on international law is an attitude of a statesman who want to advance the rule of international law. PRC as a state party for UNCLOS in 1982, but did not apply the rule of law in nine claims dashed lines, so it is a denial of the rule of international law. PRC prefers products made domestic law is not based on international law in applying its maritime territorial claims in the South China Sea. Conditions such as these that complicate dispute resolution, so that the South China Sea dispute is up to date can not be solved.

### National interests of the Republic of Indonesia in South China Sea

Maritime territorial disputes in the South China Sea generally has not involving Indonesia, the Indonesian government is still stated that the Indonesian maritime territory there is no problem with the claims of PRC territories. Indonesian government still think that the Indonesian maritime boundary with 10 (ten) neighboring countries, namely India, Thailand, Malaysia, Singapore, Vietnam, Philippines, Palau, Papua New Guinea, East Timor, and Australia. Indonesia is not including the claimants in the South China Sea, but Indonesia has a national interest of the territory in the form of Indonesian waters and jurisdictions in the form of jurisdictional waters.

This waters in the Indonesia territory has full sovereignty in the waters of Indonesia and the sovereign rights in the waters of the jurisdiction of Indonesia for the exploration and exploitation of natural resources both on the surface of the sea, in the sea, and the subsoil. South China Sea is the main line of ships in or out of Indonesian territory through ALKI-I, when it was declared unsafe waters, the shipments will be higher insurance costs resulting price of goods exports and imports will rise.

Indonesia as a country of law as reflected in Article 1 Paragraph (3) of the Constitution in 1945, adheres to the principle of the rule of law and the law is the source of sovereignty. In the theory of the rule of law to use the rule of law developed by Dicey, and in the United States become jargon The Rule of Law and Not a Man, which is the principle that considers not the person who is the leader, but the law as leaders themselves. In terms of law enforcement, the state is obliged to uphold the rule of law to defend truth and justice, and there is no power which is not accounted for in accountability. In the theory of state law declared that all legal materials national, regional and international force in the territory of the Republic of Indonesia, and the three basic principles of a state of law, which must be adhered to, which is the rule of law (supremacy of law), equality before the law (equality before the law ), and law enforcement in a way not in conflict with the law (due process of law).

The Indonesian Government in resolving the issue, both domestically and abroad should always be based on national or international law. Starke stated that the main elements that reinforce the mandatory nature of the rules of international law is the empirical fact that the countries would insist on maintaining their rights according to the rules of the country deems should obey the rules. Settlement of maritime boundary claims is part of the rule of law which is upheld by the Indonesian government and has been included in the working agenda of the Cabinet Jokowi. Based on the considerations and reasons of national interest to resolve the claim boundaries in the South China Sea, decisive action is needed as the mandate and constitutional obligations that must be implemented by the Indonesian government given the increasingly aggressive presence of PRC in the South China Sea.

The national interests of a country is to strive remembering the international world is the arena of power struggle or anarchy so that every country should be able to defend itself and its interests in order not oppressed by other countries. National interest which may be worth fighting for power, defense and security. Indonesia's interests at sea must be fought include the Survival (part of the political interest) in the form of sovereignty and sovereign rights to territorial waters and jurisdiction of Indonesia are not negotiable, because it involves the lives of the people of Indonesia, and the interests of Major that such as ensuring maritime safety, the safety of navigation of the threat of violence and lawlessness, transnational crimes and environmental safety, which is a shared interest for the nations in the region.

Other purposes relating to territorial integrity (limit maritime claims), regional stability (security Indonesia and the region, part of ASEAN) and economic (sovereign rights) relating to exploration and exploitation, conservation and management of natural resources of biological and non-biological from the waters above the seabed and the seabed and ground base beneath and with regard to other activities

such as the production of energy from water, currents and winds.

### Facing Conflict Dispute Resolution Maritime Territory in the South China Sea

In order to uphold the sovereignty and laws in the South China Sea required a complete maritime delimitation based on UNCLOS 1982 and Act No. 17 of 1985. Considering that Indonesia is a country of law, then the resolution of the conflict must be guided by the law. This is to create legal certainty that can support a wide range of maritime such as sovereignty and law enforcement, fisheries, and exploration and exploitation of natural resources, in addition to giving firmness and certainty boundary of the Unitary Republic of Indonesia.

Forums conflict resolution used may be: (i) bilateral/multilateral; (ii) seminars and conferences; (iii) the AMF and ARF. Johan Galtung's theory of conflict resolution that can be applied, such as: peacekeeping, peace building and peacemaking and reconciliation process to bring or political attitudes and strategies of the warring parties can through mediation, negotiation, or arbitration, especially at the elite level/leader. Handling this dispute to be settled by peaceful means, then it is done by presenting a third party as a mediator or peace building patterns, namely by managing along the disputed territory.

Some theoretical models of conflict resolution are often used can be, coersion (by force or use of force), negotiation, bargaining, adjudication (through international courts), mediation (using a third party), arbitration (third party resolve conflicts and accepted and obeyed by both parties, if the third party can not be selected, then the government appointed court). Settlement in other ways, namely by negotiation or facilitation of a third party such as the International Court of Justice (ICJ), the Permanent Court of Arbitration (PCA) or the International Tribunal on the Law of the Sea (ITLOS).

In discussions about international relations or relations between nations needs to learn two major studies, namely; conflict and cooperation. Grouping conflict may consist of: the warring parties, a source of conflict and the causes of conflict, and the conflict in the South China Sea is the conflict between countries, because actors are not the only countries claimants but also other countries concerned in the region. Characteristics of conflict can be caused by: a conflict area is limited, or claims to an area in order to control the territory controlled by another country. These conflicts can be solved by using several models of conflict resolution theory, and conflict resolution is a way out to resolve the conflict.

Resolution of conflict can be done by peaceful means or by force. Resolution of conflict by peaceful means done by using diplomatic means, or with physical activity, such as building a lighthouse, established a boundary post in the border area between the two countries. Siswanto (2014) states that in using means of diplomacy with various theoretical approaches, such as the theory of conflict, conflict resolution theory, the theory of international relations, diplomacy theory and the theory of defense diplomacy. Settlement of the conflict by using violence, according Sihite (2012) performed with hard power such as the ability to force others to do something. This action may include bringing the power of the military or government apparatus to impose its will, as is often carried out by Navy ships and ship PRC Government in the South China Sea. Disputes in the South China Sea has been frequently discussed in forums conflict resolution, such as: (i) Bilateral or Multilateral Forum. (ii) Seminars and conferences. (iii) AMF and ARF.

Ras (2013) also argues that efforts to avoid conflict is often done through the forum of ASEAN political and security cooperation, namely by practicing elements prevent conflicts, the role of ARF in resolving potential conflicts, security management based on the interests of the same by means of multilateral coordination and common security. Conflict resolution by Johan Galtung can be done by: (i) peacekeeping; (ii) peace building, and; (iii) peacemaking and reconciliation process to bring or political attitudes and strategies of the warring parties could be through mediation, negotiation, and arbitration especially at the elite level or leadership. Settlement of disputes by peaceful means can be done by presenting the third party as a mediator, while the peace building efforts can be optimized by processing along the disputed territory.

Indonesian government in dealing with maritime territorial disputes in the South China Sea, faced with two choices, as a country not as a claimant or claimants state jurisdictional waters of Indonesia. From the analysis of the advantages and disadvantages when Indonesia to act as claimants territorial waters or not claim or remain without an attitude as shown by the government to date, so from the standpoint of formal judicial it's time for the government to be firm in stating its claim on the territorial waters of the jurisdiction of Indonesia in North Natuna.

Unequivocal statement claims against the waters of the jurisdiction of Indonesia to uphold the rule of law and strengthen the delimitation of the continental shelf between Indonesia and Malaysia as well as Indonesia and Vietnam, and complement a unilateral claim of Indonesia to coordinate fundamental points that have been deposited to the UN Secretary General, as it also strengthens marine maps Indonesia and Candy CTF 354 number of Regional Fisheries Management the Republic of Indonesia.

## Conclusion

*First*, the maritime territorial disputes in the South China Sea has lasted a long time and is still happening, because PRC persisted in its claim nine dashed lines reinforced by national legislation Rules PRC No. 55 in 1992, but contrary to international maritime law UNCLOS in 1982. The claim is based on the history of the region (PRC, Taiwan, Vietnam), and based on the Law (ASEAN Countries), making it difficult to solve until now.

*Secondly*, even though Indonesia is not a country claimants to the features in the Spratly Islands, but Indonesia has a vital interest of national form of sovereign rights in the waters of the jurisdiction of the Indonesian Exclusive Economic Zone and continental shelf which should be maintained, and the main interest to ensure the safety and maritime safety in the South China Sea. Indonesia as a state legally obliged to enforce national laws, bilateral agreements and international law applicable in order to maintain the sovereignty of the Republic of Indonesia.

*Thirdly*, the resolution of the conflict on South China Sea dispute has been done legally and diplomacy to build CBMs. Legal settlement efforts have been done bilaterally, through regional forums, to the Permanent Court of Arbitration, while the completion of the build CBMs performed with various maritime cooperation in order to build together the region into conflict.

## Recommendations

*First*, considering the problem of the disputed maritime area is very complex and has continued until today, the government must maintain good relations with the countries of claimants and non-claimants, particularly the ASEAN countries, and maintaining regional security and stability in the South China Sea. Role as a mediator is still being done in international forums in order to help the settlement of the dispute.

*Secondly*, Indonesia's national the vital interests of must be fought in the forums of bilateral, regional, and international levels. Into our own country, the government should immediately finalize the drafting of the additional zones that are still dormant, and revise Law No. 5 of 1983 concerning EEZI and continue the revision of Law No. 73 of 1971 on the continental shelf, which is adapted to the provisions of the UNCLOS 1982.

Thirdly, the conflict resolution of disputes in the South China Sea should be resolved legally and build CBMs. Legal settlement should be based on national legislation, bilateral agreements and international law, and the Indonesian government must immediately take a position related to the ongoing proceedings in the PCA.

This research is certainly not free from the limitations in both scope and depth, some topics are left in this study include advanced EEZ boundary negotiations between Indonesia and Vietnam, and the EEZ boundary negotiations between Indonesia and Malaysia, which of course starts from the territorial boundary negotiations beforehand. Some of these activities include depositing Indonesian EEZ claims and make the Law on Supplementary Zone, revise law on Indonesian EEZ and the continental shelf as well as legislate the establishment of maritime boundaries between Indonesia and China. These tasks are chores to be done by the administration of President Jokowi, and is expected to be a separate study that will be addressed in future studies.

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