

# Indonesia's Response to Sovereignty Threats in the Natuna Sea under UNCLOS 1982

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**Abstract.** *This region faces significant legal and geopolitical challenges due to the maritime conflict in the South China Sea, particularly China's unilateral claims over vast areas based on the Nine-Dash Line. This essay evaluates the direct impact of China's claims on Indonesia's sovereign rights, particularly in the North Natuna Sea, while critically examining the legitimacy of those claims in the context of the United Nations Convention on the Law of the Sea (UNCLOS) 1982. It is clear from legal precedents such as the 2016 ruling of the Permanent Court of Arbitration (PCA) that the Nine-Dash Line is baseless under UNCLOS, which rejects historical claims as a legitimate basis for maritime rights. China's claimed maritime borders have included portions of Indonesia's Exclusive Economic Zone (EEZ), which has resulted in frequent incursions by Chinese coast guard and fishing vessels. This has put Indonesia's maritime sovereignty, national security, and marine-based economy at risk. Indonesia has responded with a multi-pronged approach that includes deploying maritime forces to exert sovereignty over the disputed waters, strengthening domestic law in accordance with UNCLOS, and submitting diplomatic protests to the UN. Additionally, Indonesia is still pushing through ASEAN procedures for a regional code of conduct that is legally obligatory. The results highlight the international legal foundation of Indonesia's legal and policy responses and uphold UNCLOS's dominance as the main legal framework for maritime governance and dispute settlement in the Indo-Pacific area.*

**Keywords:** ASEAN, International Maritime Law, Nine-Dash Line, North Natuna Sea, UNCLOS 1982.

## 1. BACKGROUND

The South China Sea has significant economic, political, and military value globally; therefore, this region is highly strategic. More than 30% of global trade passes through this region, with approximately USD 5 trillion worth of goods traded annually in this area. Besides its vast natural resource wealth, such as oil and gas reserves, this region is also one of the best fishing grounds (Kompas, 2020). However, it is not just that; overlapping sovereignty claims by several countries and especially unilateral historical claims by China through the concept of the Nine-Dash Line have led to political tensions and the potential for armed conflict in the same area.

China first publicized the idea of the Nine-Dash Line in 1947, and it was later supported by a number of government publications. China claims almost the whole South China Sea and parts of the exclusive economic zones (EEZs) of other coastal countries. This is a clear violation of the principle-based resolution of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which acknowledges that jurisdictional rights over maritime areas in any coastal state are based on distance-based border assessments rather than historical claims. According to UNCLOS 1982, a nation's

Exclusive Economic Zone (EEZ) contains the right to explore and exploit natural resources up to 200 nautical miles from the baseline of the coast (UN, 1982).

Regardless of its position, Indonesia has a fundamental interest in preserving the integrity of its territory in the Northern Natuna Sea, even though it does not claim the disputed island groupings in the Spratly and Paracel Islands. This area falls within Indonesia's EEZ according to international law based on the provisions of UNCLOS, but regardless of that, this area is often entered by Chinese fishing vessels and coast guard ships that claim this area is part of their traditional fishing grounds. The intrusion of the Chinese coast guard into Indonesia's EEZ in December 2019, accompanied by Chinese fishing vessels, caused bilateral tensions (Kompas, 2020).

In response to this, Indonesia has taken a number of steps, including delivering diplomatic protests, enforcing the law through the Maritime Security Agency (Bakamla), deploying military patrols by the Indonesian Navy, and promoting an approach through international cooperation in several regional forums, including ASEAN. As highlighted in the Permanent Court of Arbitration's (PCA) 2016 verdict in the case between the Philippines and China, Indonesia also adamantly rejects the Nine-Dash Line claim and maintains that it lacks legal foundation under UNCLOS (Permanent Court of Arbitration, 2016).

However, there is ongoing discussion regarding the efficacy of different initiatives. According to some analysts, Indonesia's diplomatic approach is inconsistent and frequently reactionary. To provide a more potent deterrent impact, Indonesia's marine presence and operational capability in the area are also thought to require further development. This problem is further complicated by the lack of a legally enforceable regional mechanism and Indonesia's feeble legal stance in promoting the international implementation of UNCLOS principles (Ministry of Foreign Affairs of the Republic of Indonesia, 2021; CSIS Indonesia, 2020).

The effectiveness of Indonesia's diplomatic, legal, and operational responses to the threats to sovereignty posed by China's Nine-Dash Line claims in the North Natuna Sea must be carefully examined in light of the principles of international maritime law delineated in UNCLOS 1982.

## 2. THEORETICAL STUDY

The North Natuna Sea sovereignty question necessitates a more thorough theoretical approach, particularly through the context of maritime security, rather than being merely examined from the standpoint of international law. The idea of maritime security has broadened in meaning in the context of modern security discourse to include not only conventional threats like interstate armed conflict but also a variety of non-traditional threats like piracy, territorial violations, illicit exploitation of marine resources, disruptions to regional stability, and freedom of navigation. In addition to being a vital conduit for international trade, the sea serves as a battlefield for geopolitical rivalry and the exploitation of natural resources. In this regard, China's unilateral claim to the South China Sea, based on the Nine-Dash Line concept, has seriously threatened regional maritime security, particularly Indonesia's, and weakened the international legal order.

Indonesia must use the international law of the sea and maritime security paradigms as two primary frameworks to address a variety of new threats since it is an archipelagic nation with strategic interests in maintaining regional peace and the integrity of its maritime jurisdiction. Through Law No. 17 of 1985, Indonesia accepted the United Nations Convention on the Law of the Sea (UNCLOS) 1982, which governs coastal governments' marine rights, including the creation of an Exclusive Economic Zone (EEZ) that is 200 nautical miles out from the baseline. These clauses establish that the North Natuna Sea is legally part of Indonesia's EEZ, meaning that any actions taken by foreign nations without formal approval may be considered breaches of Indonesia's maritime sovereignty.

However, a purely legal approach is insufficient. Within the framework of maritime security, the presence of foreign actors in Indonesia's Exclusive Economic Zone, including coast guard vessels and fishing boats from China, needs to be understood as part of the power dynamics and a manifestation of hegemonic projects in the maritime region. The realism perspective in international relations studies, particularly the variant of defensive realism, emphasizes that countries will strive to maintain their existence and sovereignty by strengthening their defense capabilities and increasing military presence in strategic areas, as a reaction to gradually evolving potential threats. In this context, Indonesia's policy through intensified patrols by the Navy, the construction of military bases in Natuna, and the strengthening of Bakamla's role as the authority for civil maritime law enforcement can be understood as an adaptive strategy aligned with maritime security logic.

Additionally, Buzan and Waever's (2003) complex regional security theory emphasizes that security concerns within a region are inextricably linked and cannot be comprehended in isolation. In this perspective, the security of non-claiming nations like Indonesia is also affected by disputes in the South China Sea, in addition to directly claiming nations like Vietnam and the Philippines. In order to create a more robust regional maritime security architecture, Indonesia actively promotes the development of regional cooperation through ASEAN institutions and other maritime forums. The concept of collective maritime security, which is the multilateral and collective management of marine risks to preserve regional stability generally, is reflected in this strategy.

On the other hand, the concept of maritime domain awareness has become an important element in the technocratic approach to maritime security. This concept emphasizes the importance of information mastery as well as the ability to monitor and oversee all activities in the maritime areas under national jurisdiction. In this context, Indonesia's capacity enhancement in integrating technologies such as satellite data, radar systems, and expanding international cooperation in maritime traffic monitoring is part of a strategy aimed at strengthening the national maritime security posture comprehensively.

By combining a legal approach based on UNCLOS and a more comprehensive maritime security approach, Indonesia's response to China's Nine-Dash Line claims in the North Natuna Sea can be analyzed in terms of its effectiveness in maintaining national sovereignty, strengthening diplomatic position, and enhancing operational capacity in maritime areas. Therefore, this study aims to evaluate the level of effectiveness of Indonesia's response in both diplomatic, legal, and operational aspects in addressing sovereignty threats posed by China's unilateral claims, referencing the principles of UNCLOS 1982 in the context of broader maritime security.

### **3. RESEARCH METHODS**

This research uses a normative legal approach by focusing the analysis on the provisions of national law and international law in examining the issues of sovereignty in the North Natuna Sea region, which is related to the dynamics of the South China Sea dispute. This study is based on primary data in the form of legal instruments governing the maritime jurisdiction of countries, including provisions in the United Nations Convention on the Law of the Sea (UNCLOS) of 1982. In addition, the secondary data used includes scientific journals, academic books, institutional reports, and news articles relevant to the topic under discussion. Deductive reasoning techniques are used to qualitatively assess all

data, which are then presented as descriptive descriptions that enhance the understanding of the topics under investigation. By using this method, the author evaluates how well Indonesia's legal response to unilateral claims and foreign vessel operations that could jeopardize sovereignty in the North Natuna Sea can be based on the rules of UNCLOS 1982.

#### **4. RESULTS AND DISCUSSION**

##### **The Legality of China's Claims and the Position of UNCLOS**

Among the most important concerns in the conflict over the South China Sea is the unilateral claims made by the People's Republic of China over maritime areas that they assert fall within the boundaries known as the Nine-Dash Line. This line was first published by Chinese authorities in 1947 in the form of a map displaying a U-shaped line, covering nearly the whole South China Sea area. The claim spans more than two million square kilometers and crosses over into the exclusive economic zones (EEZ) of a number of Southeast Asian nations, including Indonesia's sovereignty over a section of the Northern Natuna Sea.

Citing the fishing operations of Chinese fishermen who have used the region for navigation and fishing for many generations, China contends that the Nine-Dash Line claim is founded on historical rights. They contend that the idea of "traditional fishing grounds" predates the development of contemporary maritime legal frameworks. But claims that are made only for historical reasons don't have a solid legal basis in the context of modern international law. Historical territorial claims are not recognized under the United Nations Convention on the Law of the Sea (UNCLOS) 1982, the primary document governing international maritime law.

UNCLOS regulates the division of maritime zones based on geographical distance from a country's baseline, namely territorial sea up to 12 nautical miles, continental shelf, contiguous zone, and exclusive economic zone (EEZ) up to 200 nautical miles, without granting legal legitimacy to past claims that are unfounded. The Permanent Court of Arbitration's (PCA) July 12, 2016, decision in the Philippines v. China case sets a noteworthy precedent in this regard. According to the tribunal, China's claims based on the Nine-Dash Line are illegal and go against UNCLOS requirements. The ruling further stressed that claims of historical rights that infringe upon the UNCLOS-guaranteed marine rights of coastal states cannot be substantiated. The tribunal also found that China's resource development, reclamation, and harassing acts against Filipino fishermen have

breached the Philippines' sovereign rights in its EEZ (Beckman, 2015; Stephens, 2016; Ndi, 2016).

China has consistently rejected the Permanent Court of Arbitration's (PCA) jurisdiction and refused to acknowledge its rulings, even after ratifying UNCLOS in 1996. This stance raises international concerns about China's commitment to the principle of *pacta sunt servanda*, which is a principle of international law that requires every state to fulfill agreements made in good faith. China's rejection of international dispute resolution mechanisms reflects the tension between national interests and universally binding international legal norms (Silviani, 2019).

Therefore, in terms of international maritime law, China's claim to the Nine-Dash Line is illegitimate. On the other hand, a unilateral claim without legal support cannot nullify the UNCLOS's explicit legal basis for the partition of marine zones, including Indonesia's Exclusive Economic Zone (EEZ) in the North Natuna Sea.

### **The Impact of China's Claims on Indonesia's Interests**

China's Nine-Dash Line claim directly affects Indonesia's sovereignty and strategic interests, especially in the North Natuna Sea region. According to the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and Law Number 5 of 1983 concerning Exclusive Economic Zones, Indonesia has full sovereign rights over its EEZ up to 200 nautical miles from the baseline of its coast. The North Natuna Sea is geographically and legally within that EEZ, meaning that Indonesia is able to conduct exploration, exploitation, management, and preservation of natural resources in the water column, the seabed, and the subsurface. Nevertheless, China's claim through the Nine-Dash Line directly cuts into a portion of Indonesia's EEZ. China has repeatedly sent fishing vessels and coast guard ships to that area, citing historical rights to traditional fishing zones. Such activities not only violate Indonesia's jurisdiction but also pose maritime incidents that threaten the safety of sailors, disrupt economic activities, and present a serious challenge to national sovereignty.

A significant incident happened between late 2019 and early 2020 when several Chinese fishing vessels entered the North Natuna Sea under the escort of coast guard ships and clashed with Indonesian maritime law enforcement. Despite the fact that Indonesia does not have any claims in the South China Sea islands dispute, China does have the Nine-Dash Line directly intersect with Indonesian maritime jurisdiction. This situation has

created a clear conflict of interest and has the potential to disrupt regional stability (Aulawi & Edwina, 2023; Fernandes et al., 2021).

The presence of foreign ships in Indonesia's EEZ brings significant economic consequences. Many Indonesian fishermen are reluctant to go to sea in the area due to concerns about intimidation or interception by Chinese coast guard vessels. Additionally, the unpredictability of the security situation and the possibility of conflict escalation impede efforts to explore and develop the region's oil and gas resources. This circumstance demonstrates that the Nine-Dash Line claim has direct effects on economic factors and national energy resilience in addition to being an issue of law and sovereignty (Wisayantono et al., 2023).

### **Responses and Implementation of Indonesia towards UNCLOS**

Indonesia has taken a number of strategic actions using diplomatic, legal, and defense strategies in reaction to China's illegal operations and unilateral claims in the North Natuna Sea. At the diplomatic level, Indonesia maintains that its exclusive economic zones (EEZs) do not overlap with China's, and it vehemently denies the Nine-Dash Line assertion. A diplomatic note stating that China's claims are illegal and in violation of UNCLOS was submitted to the UN in May 2020 to communicate this point. The Indonesian Foreign Minister has also made a similar claim in a number of international forums, such as discussions with ASEAN nations and other strategic allies (Djarra & Seniwati, 2024).

From a legal perspective, Indonesia enforces the provisions of Law Number 5 of 1983 concerning the Exclusive Economic Zone (EEZ), which clearly establishes Indonesia's sovereign rights over the EEZ. Law enforcement efforts are strengthened through maritime patrol operations by the Indonesian Navy (TNI Angkatan Laut), the Maritime Security Agency (Bakamla), and other related agencies. Foreign vessels found to be in violation are dealt with strictly and processed according to national legal provisions. Furthermore, the Natuna region's defensive infrastructure is being developed by the government, such as the construction of military bases, surveillance radar installations, and the strengthening of naval fleets. These measures aim to actively demonstrate the state's presence in maritime border areas and reaffirm Indonesia's position as a sovereign archipelagic state (Pradana, 2017).

Furthermore, Indonesia proactively encourages the establishment of a Code of Conduct (CoC) in the South China Sea as a binding normative framework to prevent potential conflicts and ensure peace in the region. Although negotiations between ASEAN and China regarding the CoC are progressing slowly, Indonesia remains consistent in pursuing diplomacy and multilateral cooperation as the primary approach to maintaining regional stability. In addition, Indonesia is also strengthening strategic partnerships with countries such as Japan, Australia, and the United States in the field of maritime security, through the implementation of joint exercises and intelligence information exchanges (Rossiana, 2022).

The steps taken by Indonesia demonstrate a consistent and constructive approach in upholding UNCLOS as the main foundation of international maritime law. This approach is not solely aimed at maintaining national sovereignty, but also helps to improve maritime governance on a regional and international scale, to encourage the development of an Indo-Pacific area that is safe, tranquil, and stable.

## **5. CONCLUSION**

China's Nine-Dash Line claim has no legitimate legal basis under international maritime law, according to the analysis of the legality of China's claims in the South China Sea, its effect on Indonesia's strategic interests in the North Natuna Sea region, and an assessment of Indonesia's response and policies in light of international law, particularly UNCLOS 1982. The 1982 United Nations Convention on the Law of the Sea creates marine zoning according to geographic distance from the baseline and expressly rejects claims based on historical rights, as China has done. The 2016 Permanent Court of Arbitration (PCA) decision, which declared the claim to be void and in violation of UNCLOS, further solidifies the legal standing of the impacted nations, including Indonesia. Indonesia's sovereignty and sovereign rights over the Exclusive Economic Zone (EEZ) in the North Natuna Sea are directly threatened by China's unilateral claims. The presence of Chinese ships entering the area without official permission, accompanied by security personnel, constitutes a violation of Indonesian legal jurisdiction and also threatens national security stability as well as the sustainability of the maritime economy and the livelihood of local fishermen.

In addition, China's aggressive stance in the North Natuna Sea area hinders energy resource exploration activities that are part of Indonesia's strategic interests. In response to this situation, Indonesia has taken a series of strategic steps that include diplomatic, legal,



and military approaches. Internationally, Indonesia consistently conveys protest notes to the United Nations (UN) and voices its rejection of the Nine-Dash Line claims in various global forums. Increased sea patrols and the construction of defense facilities in the Natuna region are examples of domestic measures to uphold sovereignty. Additionally, Indonesia actively promotes regional collaboration for peaceful conflict settlement, especially by bolstering the Code of Conduct (CoC) drafting process in the South China Sea. The entirety of Indonesia's response shows a dedication to upholding national interests, bolstering multilateral norms, and upholding the primacy of international law. In this sense, Indonesia's marine jurisdiction is primarily reinforced by the 1982 UNCLOS, which also acts as a vital international legal tool for preserving Indo-Pacific stability and peace.

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