

TRANSFORMATION OF INDONESIA'S MARITIME SOVEREIGNTY AFTER THE RECOGNITION OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA 1982

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Abstract

This study aims to analyze the transformation of Indonesia's maritime sovereignty after the recognition of the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) and its implications for national legal arrangements. Prior to the recognition of UNCLOS 1982, the regulation of Indonesia's maritime territory still referred to the *Territoriale Zee en Maritieme Kringen Ordonantie 1939* which caused inter-island waters to be treated as high seas, thereby weakening national territorial integration. This study is a normative legal study employing statutory approach and conceptual approach. The results show that the recognition of the concept of an archipelagic state in UNCLOS 1982 provides legal legitimacy for Indonesia to establish archipelagic baselines, expand maritime jurisdiction, and affirm the sea as a unified national sovereign territory. UNCLOS 1982 also brought about a change in the conception of maritime sovereignty from its original absolute nature to differentiated sovereignty between full sovereignty in territorial seas and archipelagic waters with sovereign rights in the Exclusive Economic Zone and continental shelf. This transformation was then implemented through the harmonization of various national regulations concerning maritime affairs, waters, national territory, and Indonesia's EEZ. However, the implementation of Indonesia's maritime sovereignty still faces challenges in the form of overlapping maritime claims, the threat of violations at sea, and suboptimal maritime law enforcement.

Keywords: International Law of the Sea, Maritime Sovereignty, Archipelagic States, UNCLOS 1982.

INTRODUCTION

Indonesia is the world's largest archipelagic country, strategically positioned for global trade and transportation. Its unique geographical location, situated on the equator between the Asian and Australian continents, and the Indian and Pacific Oceans, makes Indonesia a crossroads for maritime routes connecting the east and west, while also facilitating access to various regions of the world.¹ As a maritime nation, Indonesia has enormous and diverse marine resource potential, both biological and non-biological, making this sector a national asset with great potential for development.² However, behind this enormous potential, there are also various challenges and threats that Indonesia must face in maintaining maritime sovereignty in the territory of the Republic of Indonesia.³ As an archipelagic nation, Indonesia has a long journey in fighting for its maritime sovereignty.⁴ Before the proclamation of independence, Indonesia's maritime territorial regulations still referred to Dutch regulations, namely *Territoriale*

¹Max Ki, "Indonesia's Strategic Position as the World's Maritime Axis: Location, Size and Territory," June 29, 2025, accessed April 6, 2026, <https://umsu.ac.id/berita/posisi-strategis-indonesia-sebagai-poros-maritim-dunia-letak-luas-dan-wilayah/>

²Heru Sabto Utomo, et al., "Potential and Challenges of Indonesia as a Maritime Nation in Realizing the World Maritime Axis," *Journal of Knowledge and Collaboration* 2, no. 5 (2025): 660.

³Muhamad Asrul, et al., "Indonesia's Maritime Defense Strategy in Securing Indonesian Territory," *SENTRI: Scientific Research Journal* 2, no. 7 (July 2023): 2859-2860.

⁴Alya Putri Abi, "The Djuanda Declaration: A Milestone of Indonesia's Sovereignty as an Archipelagic Nation," December 13, 2024, accessed April 5, 2026, https://mediaindonesia.com/politik-dan-hukum/725920/deklarasi-djuanda-tonggak-keaulatan-indonesia-sebagai-negara-kepulauan#goog_rewarded

Zeeën en Maritieme Kringen Ordonantie 1939. This regulation established a territorial sea limit of only 3 miles around each island in the Dutch East Indies. Consequently, the Indonesian islands were effectively fragmented and did not form a unified maritime territory.⁵ This maritime regime places the high seas between the islands outside Indonesian jurisdiction, thus complicating the country's efforts to unite the country amidst ethnic diversity after independence,⁶ and allows opportunities for foreign ships to cross inter-island seas, which ultimately weakens territorial integration.⁷

In the development of Indonesian maritime sovereignty, the Djuanda Declaration of December 13, 1957, was a significant milestone in the paradigm shift of Indonesian maritime sovereignty. This declaration affirmed Indonesia as an archipelagic state, where all waters between the Indonesian islands are an integral part of national sovereignty. Thus, the sea serves as a unifying element for thousands of islands, serving a strategic role in forming a unified geographical, political, and legal entity.⁸

For more than two decades, Indonesia has fought for international recognition of the concept of an archipelagic state through UN forums and conferences on the law of the sea. This struggle culminated in the recognition of the concept of an archipelagic state in the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982).⁹ This recognition provides legal legitimacy for Indonesia to establish archipelagic baselines and integrate all of its territorial waters into a single national sovereign entity.¹⁰ As a significant milestone in the evolution of international maritime law, this recognition affirms Indonesia's maritime sovereignty and reflects its contribution to the formation of a global maritime law regime.¹¹

However, recognition of UNCLOS 1982 is not the end of Indonesia's maritime sovereignty struggle, but rather the beginning of a new, more complex chapter. In practice, the transformation of Indonesia's maritime sovereignty still requires institutional strengthening, law enforcement, and synchronization of sectoral regulations, particularly in the areas of fisheries, the environment, and defense. Furthermore, various challenges continue to test the integrity of Indonesia's maritime sovereignty. One key issue is China's unilateral claim of the Nine-Dash Line in the North Natuna Sea, which encompasses part of Indonesia's Exclusive Economic Zone (EEZ). This claim contradicts the 2016 ruling of the International Court of Arbitration in the Philippines v. China case, which affirmed that the Nine-Dash Line has no legal basis under UNCLOS 1982.¹²

Thus, UNCLOS 1982 is not merely a normative basis, but an instrument that demands the affirmation and strengthening of the legal construction of Indonesia's maritime sovereignty so that it functions as a legal reality that has the power to maintain Indonesia's sovereignty in maritime areas.¹³ Based on this background, this study aims to examine the form of transformation of Indonesia's maritime sovereignty after the recognition of UNCLOS 1982, particularly in the change in the concept of sovereignty from a non-integrated condition to a unified archipelagic state recognized in international maritime law.

METHOD

This study employs a normative legal research method using both a statutory approach and a conceptual approach. The statutory approach is utilized to examine various national and international legal provisions related to Indonesia's maritime sovereignty, particularly the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) and national legislation in the maritime sector. Meanwhile, the conceptual approach is used to understand the development of the concepts of the archipelagic state, maritime sovereignty, and sovereign rights within the

⁵Muzhaffirah Gyda Kania Subagja, "The Journey of Indonesia's Maritime Boundaries: From the Djuanda Declaration to UNCLOS," April 9, 2025, accessed April 2, 2026, <https://mcpr.komitmen.org/2025/04/09/perjalanan-batas-maritim-indonesia-dari-deklarasi-djuanda-hingga-unclos/>

⁶Yunias Dao, "Indonesia as an Archipelagic State Based on UNCLOS 1982," *Mohagadate Journal*, Indonesian Defense University, (January 2023): 4.

⁷Alya Putri Abi, Op. Cit.

⁸Sandra, "The 1957 Djuanda Declaration: A Turning Point in Indonesian Maritime History," accessed April 28, 2026, <https://incaschool.sch.id/deklarasi-djuanda/>

⁹Ibid.

¹⁰Yunias Dao, Op. Cit., p. 5.

¹¹Daniel Sumarno, "The Djuanda Declaration that Inspired the Emergence of the Exclusive Economic Zone," April 27, 2026, accessed April 30, 2026, <https://www.goodnewsfromindonesia.id/2026/04/27/deklarasi-djuanda-yang-jadi-inspirasi-munculnya-zona-ekonomi-eksklusif#>

¹²U. Andre Baharudin, "Indonesia's Maritime Legal Sovereignty in the Perspective of UNCLOS 1982," accessed April 30, 2026, <https://lbh-cadhas.com/kedaulatan-hukum-laut-indonesia-dalam-perspektif-unclos-1982/#>

¹³Ibid.

framework of international law of the sea. In addition, this research applies a legal politics approach to analyze the direction of state policies in implementing the principles of UNCLOS 1982 into national law as part of efforts to strengthen Indonesia's maritime sovereignty. The legal materials used consist of primary legal materials in the form of international conventions and statutory regulations, as well as secondary legal materials including books, journals, articles, and other relevant literature. The collection of legal materials is conducted through library research, which is subsequently analyzed qualitatively using a descriptive-analytical method.

RESULTS AND DISCUSSION

Before the Djuanda Declaration of 1957, the boundaries of Indonesia's maritime territory still referred to the Dutch colonial legacy of the *Territoriale Zee en Maritieme Kringen Ordonantie 1939* which stipulated the width of the territorial sea to only 3 nautical miles from the coastline of each island, so that inter-island waters were treated as open seas that could be utilized by foreign parties.¹⁴ This condition allows foreign ships to sail freely even in areas such as the Java Sea, Banda Sea, and Makassar Sea, and has the potential to threaten the unity and integrity of Indonesia because the sea functions as a separator, not as a binding force for national territory.¹⁵ Therefore, the provisions of the 1939 Territorial Sea Ordinance are seen as contradicting the principle of territorial unity because they give rise to the division of the country's territory and weaken the country's sovereignty.¹⁶

The momentum for the implementation of the Djuanda Declaration was realized through the Third UN Conference on the Law of the Sea which resulted in the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982), which recognized Indonesia as an archipelagic state with the right to a territorial sea of 12 nautical miles, an additional zone of 24 nautical miles, an Exclusive Economic Zone of 200 nautical miles,¹⁷ and the continental shelf 200-350 nautical miles¹⁸. This recognition resulted in a significant expansion of Indonesia's territory to approximately 7.9 million km², consisting of approximately 1.9 million km² of land and approximately 5.8 million km² of ocean, while simultaneously eliminating the existence of open seas between islands and affirming the integrity of the territory as a single geographical and legal entity.¹⁹ This change confirms international recognition of Indonesia as an archipelagic state, while placing the utilization of mineral resources on the seabed outside national jurisdiction, which is subject to the common heritage of mankind.²⁰

The relevance of the 1957 Djuanda Declaration as a milestone for Indonesia's maritime sovereignty lies in the paradigm shift of the sea as a unifying force for the region, which then gained international legitimacy through UNCLOS 1982 with the recognition of Indonesia as an archipelagic state.²¹ The Djuanda Declaration established Indonesia's territorial seas to 12 nautical miles, measured from the straight baselines connecting the outermost points of the islands, and affirmed that all waters within it constitute inland waters under the sovereignty of the state, while still recognizing the right of innocent passage for foreign vessels. This arrangement was a strategic breakthrough not only in the legal field, but also had implications for politics, economics, and culture, as it strengthened Indonesia's territorial integrity and affirmed the unity of the Indonesian nation.²²

Normatively, through Articles 46-54 of Chapter IV of UNCLOS 1982, the concept of an archipelago state is recognized and also provides a legal basis for determining the archipelagic baseline for Indonesia. In UNCLOS 1982, an archipelagic state is defined as a country consisting of one or more groups of islands that form a single political or historical entity, while also regulating the archipelagic baseline, archipelagic waters, and archipelagic sea lanes.²³ The determination of this line has legal implications that all the waters within it are referred to as archipelagic

¹⁴Koransulindo.com, "Historical Traces of the Djuanda Declaration and Indonesian Maritime Sovereignty," December 13, 2025, accessed May 5, 2026, <https://koransulindo.com/jejak-sejarah-deklarasi-djuanda-dan-kedaulatan-laut-indonesia/>

¹⁵Ahmad Yasin, "History of the Djuanda Declaration and its Implementation," May 6, 2025, accessed May 5, 2026, <https://www.kompas.com/stori/read/2025/05/06/170000279/sejarah-deklarasi-djuanda-dan-impleentasinya>.

¹⁶Alya Putri Abi, Op. Cit.

¹⁷Koransulindo.com, Op. Cit.

¹⁸Mochamad Harris, "Continental Shelf: Definition, Determination Methods, and Existence in Indonesia," accessed May 5, 2026, <https://www.gramedia.com/literasi/landas-kontinen/>

¹⁹Yohana Nancy, "From the Djuanda Declaration of 1957 to UNCLOS 1982," 19 September 2017, accessed 5 May 2026, <https://indonesiannews.co/2017/09/19/dari-deklarasi-djuanda-1957/>

²⁰Nugroho Wisnumurti, "Legal Regime of Island Countries," 18 March 2014, accessed 4 May 2026, <https://law.ui.ac.id/rezim-hukum-negara-kepulauan/>

²¹Alya Putri Abi, Op. Cit.

²²Nugroho Wisnumurti, Op. Cit.

²³Yeheschiel Bartin Marewa and Edgar Michael Parinussa, "Protection of Indonesia's Outermost Islands Based on the Concept of an Archipelagic State," *PAULUS Law Journal* 2, no. 1 (September 2020): 1.

waters which are under the sovereignty of the state.²⁴ Furthermore, UNCLOS 1982 not only confirms Indonesia's sovereignty over archipelagic waters, but also differentiates the concepts of full sovereignty and sovereign rights in maritime zones.²⁵ Sovereignty can be understood as absolute power over a certain territory, which is the fundamental basis for the formation of a state.²⁶ According to Jean Bodin in his work *Six Livres de la Republique*, sovereignty is the highest power in a state which is eternal, not shared, and unlimited in the formation of laws.²⁷ In this case, full sovereignty applies to territorial seas and archipelagic waters, as affirmed in Article 2 paragraph 1 of UNCLOS 1982, which states that the sovereignty of a coastal state extends beyond its land area and inland waters, and for archipelagic states also includes its archipelagic waters, up to an adjacent sea lane known as the territorial sea. This sovereignty reflects the exclusive authority of the state to regulate, control, and enforce the law fully within its jurisdiction.²⁸

In contrast to territorial seas, the provisions of the Exclusive Economic Zone (EEZ) and continental shelf in UNCLOS 1982 do not grant countries full sovereignty but only limited sovereign rights. These sovereign rights are exercised beyond the territorial sea limit of 12 nautical miles. In the EEZ, the exercise of a country's sovereign rights in the sea area may not exceed 200 nautical miles from the baseline used to measure the territorial sea. Sovereign rights in the EEZ are regulated in Article 56 paragraph (1) letter a of UNCLOS 1982, which gives coastal states the authority to explore and exploit, conserve and manage natural resources, both living and non-living, from the waters above the seabed and from the seabed and the land beneath it. Thus, the existence of sovereign rights in the EEZ limits the use of living resources by other countries, which can only be carried out with the consent of the coastal state.²⁹

In addition to having sovereign rights over the utilization of natural resources in the EEZ, coastal states are also granted limited jurisdiction regarding the establishment and use of artificial islands, installations, and the protection and preservation of the marine environment. However, this authority cannot be equated with full sovereignty as applies to territorial seas, because coastal states do not have comprehensive legislative and law enforcement authority over all EEZ activities. Therefore, the EEZ is positioned as a special legal zone that accommodates dual interests for the interests of coastal states and the interests of other states. Based on Article 58 of UNCLOS 1982, other states still have the right to freedom of navigation and overflight, including the right to lay submarine cables and pipelines and carry out other lawful uses of the sea according to international law.³⁰

Meanwhile, the continental shelf is regulated in Article 76 paragraph (1) of UNCLOS 1982 which provides the boundaries of the coastal state's continental shelf including the seabed and the land beneath it located outside the territorial sea along the natural continuation of the coastal state's land territory to the outer edge of the continent, or at least as far as 200 nautical miles from the baseline from which the width of the territorial sea is measured, in the case that the outer edge of the continental edge does not reach that distance. The continental edge in question includes the continuation of the coastal state's land area below the water surface consisting of the seabed and the land beneath it which includes the continental plain, slope and rise, but does not include the deep ocean floor or the land beneath it.³¹ Furthermore, Article 77 of UNCLOS 1982 affirms that coastal states have sovereign rights to explore and exploit natural resources on the continental shelf. This right is exclusive, meaning that if the coastal state does not explore or exploit its natural resources, no one else may do so without the express consent of the coastal state. The natural resources in question include mineral resources, other non-living resources on the seabed and subsoil, and sedentary organisms that live permanently on the seabed or have a permanent physical attachment to the seabed.³² In addition, coastal states on the continental shelf also have various other jurisdictional rights such as the installation of submarine

²⁴Kapaldanlogistik.com, "Explanation of UNCLOS 1982 concerning Archipelagic States and Maritime Zones," December 19, 2020, accessed May 6, 2026, <https://www.kapaldanlogistik.com/2021/12/penjelasan-UNCLOS-1982-negara-kepulauan-zona-maritim.html#>

²⁵Audrey Putri Ramadhani, "Granting of Sovereign Rights of States at Sea Based on UNCLOS 1982," November 18, 2023, accessed May 6, 2026, <https://smartlawyer.id/sovereign-rights-at-sea/>

²⁶Sigit Riyanto, "State Sovereignty in the Framework of Contemporary International Law," *Yustisia* 1, no. 3 (September-December 2012): 6.

²⁷Hanis Tri Astuti and Serafica Gischa, "What Does Sovereignty Mean in a State?," January 8, 2026, accessed May 6, 2026, <https://www.kompas.com/skola/read/2026/01/08/180000869/apa-arti-kedaulatan-dalam-suatu-negara-?page=all#page2>.

²⁸Audrey Putri Ramadhani, Op. Cit.

²⁹Ibid.

³⁰Admin, "The Tension between the Sovereign Rights of Coastal States and Freedom of Navigation Under UNCLOS 1982," January 22, 2026, accessed May 7, 2026, <https://advokathanum.com/the-tension-between-the-sovereign-rights-of-coastal-countries-and-the-freedom-of-navigation-according-to-unclos-1982/#>

³¹Audrey Putri Ramadhani, Op. Cit.

³²Ibid.

cables and pipelines, the construction of artificial islands, installations and structures, the granting of drilling permits, the establishment of safety zones, and protection against marine environmental pollution. In this case, coastal states have an obligation to respect the rights of other states, including the freedom to install submarine cables and pipelines, make payments or contributions to the International Seabed Authority for the exploitation of non-living resources of the continental shelf beyond 200 nautical miles as stipulated in Article 82 of UNCLOS 1982.³³

In practice, the determination of the EEZ and continental shelf area up to 200 nautical miles from the baseline that Indonesia has the right to claim often clashes with similar claims from 9 neighboring countries, namely Australia, the Philippines, India, Malaysia, Palau, Papua New Guinea, Thailand, Timor Leste, and Vietnam.³⁴ This conflict is particularly evident in several cases, such as overlapping claims of Indonesia's EEZ with India in the Indian Ocean (around the Andaman and Nicobar Islands), with Thailand in the Andaman Sea, and with Palau in the Western Pacific. Furthermore, more complex dynamics are evident in relations with Vietnam in the North Natuna Sea, where, although an EEZ delimitation agreement was reached in 2022, domestic ratification is a prerequisite for its full implementation. Meanwhile, with Australia, the maritime boundary arrangements relating to the continental shelf and EEZ through the 1997 Perth Treaty have not been fully effective because they have not been comprehensively ratified. These cases demonstrate that, as the world's largest archipelagic nation, the issue of delimitation of Indonesia's EEZ and continental shelf is not merely technical, but also involves aspects of sovereignty, strategic economic interests, and the dynamics of international political law.³⁵

In dealing with overlapping maritime claims, UNCLOS 1982 through Articles 74 and 83 requires that the delimitation of the EEZ and continental shelf be carried out through agreements based on international law and the principle of equity, so that unilateral claims cannot be justified and resolution must be reached through negotiations or international forums.³⁶ This provision functions as an instrument to prevent conflict due to differences in interpretation of territorial boundaries while also encouraging peace and stability between countries.³⁷ Its relevance for Indonesia is seen in the handling of undelimited waters, such as in the EEZ of the Strait of Malacca, where overlapping jurisdictions have the potential to trigger friction between authorities, weaken the monitoring of cross-border crime, and create economic uncertainty. Therefore, Article 74 paragraph (3) and Article 83 paragraph (3) of UNCLOS 1982, the countries concerned are obliged to establish provisional arrangements and adhere to the principle of non-jeopardy by refraining from unilateral action. This step is implemented through joint patrols, collective resource management, and accelerated negotiations based on the principles of equidistance and equitable solutions to maintain the stability of the maritime region.³⁸ Mochtar Kusumaatmadja and Hasjim Djalal emphasized that UNCLOS 1982 was an important milestone in recognizing the concept of the Nusantara perspective which confirmed the unity of Indonesia's land and sea territory as the basis for the legitimacy of maritime sovereignty and sustainable marine management.³⁹ In its implementation, maritime sovereignty reflects the exclusive authority of the state to carry out state activities freely within its jurisdiction, which is realized through collective efforts of the government and society in maintaining the integrity of the Republic of Indonesia and protecting marine resources from foreign threats.⁴⁰

³³Ramlan, et al., *International Maritime Law*, (Jambi: Faculty of Law, University of Jambi, 2025), 124-125.

³⁴Ayu Pratiwi, "Not All of Indonesia's Maritime Boundaries Have Been Determined, EEZ Claims Could Overlap," May 7, 2019, accessed May 7, 2026, <https://www.kompas.id/artikel/belum-semua-batas-maritim-indonesia-ditentukan-klaim-zee-bisa-tumpang-tindih/>

³⁵Hamidin, "Indonesia's Border Issues: Sovereignty, Diplomacy, and Systemic Challenges," April 30, 2026, accessed May 11, 2026, <https://bnpp.go.id/berita/esensi-persoalan-perbatasan-indonesia-antara-kedaulatan-diplomasi-dan-kebelumpastian-sistemik>

³⁶Andi Hendra, "Maritime Territorial Dispute and Diplomatic Crisis between Country X and Country Y," May 16, 2025, accessed May 11, 2026, <https://www.buletinnews.com/laut-territory-dispute-and-diplomatic-crisis-between-country-x-and-country-y/>

³⁷Farhah Kamilatun Nuha Al-Murtadho, "International Law of the Sea: Regulations and Challenges," September 8, 2023, accessed May 11, 2026, <https://pinterhukum.or.id/hukum-laut-internasional-pengaturan-dan-tantangan/>

³⁸Robert Marpaung, "Understanding the Undelimited Waters Area of the Indonesian Exclusive Economic Zone (ZEEI)-Malacca Strait and the Rights and Obligations of the Parties," November 2, 2025, accessed May 11, 2026, <https://klikwarta.com/memaknai-area-undelimited-waters-zeei-selat-malaka-serta-hak-dan-kewajiban-negara-para-bagian>

³⁹Zahwa Mu Adel, "Indonesian Maritime Territory in the Perspective of International Maritime Law," October 12, 2025, accessed May 11, 2026, <https://www.kompasiana.com/zahwaadel9074/68ebb7a938207a2b0b161771/wilayah-laut-indonesia-dalam-perspektif-hukum-laut-internasional>

⁴⁰Topan Yuniarto, "Indonesia's Maritime Sovereignty: Its History and Portrait," April 11, 2021, accessed May 11, 2026, <https://www.kompas.id/artikel/kedaulatan-maritim-indonesia-sejarah-dan-potretnya>

Transformation of Maritime Sovereignty in National Regulations

The transformation of maritime sovereignty after UNCLOS 1982 not only strengthens Indonesia's international legitimacy as an archipelagic state through the recognition of the principle of an archipelagic state,⁴¹ but also demands a systematic legal harmonization process between international norms and the national legal system, so that its implementation is not merely in the form of formal adoption into legislation, but also substantive adjustments that are in line with the legal structure, legal culture, and national needs in order to ensure the creation of synergy and avoid normative conflicts.⁴²

a. Law Number 17 of 1985 concerning the Ratification of UNCLOS 1982

In this case, Law Number 17 of 1985 concerning the Ratification of the United Nations Convention on the Law of the Sea does not merely function as an instrument of ratification, but also as a fundamental point of transformation in the paradigm of Indonesian maritime sovereignty.⁴³ Through the ratification of UNCLOS 1982, Indonesia legally positioned itself as an integral part of the international maritime law regime which requires the implementation of all conventions in their entirety without reservation.⁴⁴ Consequently, Indonesia does not only adopt certain norms selectively, but is subject to the overall structural norms that regulate various maritime zones, starting from territorial seas, additional zones, Exclusive Economic Zones (EEZ), continental shelves, to international seabed areas as the common heritage of mankind.⁴⁵

More profoundly, the ratification of UNCLOS 1982 brought a fundamental shift in how Indonesia views its maritime authority, from one that initially saw absolute, unlimited sovereignty to one that is layered and differentiated. Indonesia retains full sovereignty in areas close to its coast, but in more distant zones, such as the EEZ, its authority is limited to the sovereign right to manage natural resources.⁴⁶ This is reflected in the regulation that coastal states have sovereignty over their territorial seas, airspace, and seabed, but are still limited by the obligation to respect the right of innocent passage for foreign vessels, so that Indonesia's maritime sovereignty is no longer absolute, but is bound by international norms that regulate national balance with the interests of the international community.

Furthermore, this law represents a structural change through the introduction of a differentiated maritime zoning regime. UNCLOS 1982 classifies maritime territories into various legal zones with varying degrees of authority, such as the EEZ, which grants states sovereign rights over natural resource exploration while still guaranteeing freedom of international navigation. This paradigm marks a shift from the concept of absolute territorial control,⁴⁷ towards functional jurisdiction⁴⁸, where the state no longer monopolizes authority, but must share legal space with other international legal subjects within an agreed legal framework.

Furthermore, this ratification has institutional implications in the form of legal responsibilities. Indonesia not only obtains various rights but also assumes obligations to protect the marine environment, regulate marine scientific research, and participate in global mechanisms such as the International Seabed Authority. Furthermore, Indonesia is also bound by the obligation to peacefully resolve international disputes in accordance with the UN Charter, either through the International Court of Justice (ICJ) or the International Tribunal for the Law of the Sea (ITLOS), as well as various other non-judicial mechanisms.⁴⁹

⁴¹Aditya Fajar Indrawan, "Assessing the Direction of International Maritime Law in Indonesian Maritime Policy," December 15, 2025, accessed May 3, 2026, <https://www.hukumonline.com/berita/a/menakar-arah-hukum-laut-internasional-dalam-kebijakan-maritim-indonesia-lt693ff02a967ab/?page=all>

⁴²Syafa Ananda Kayla, "Harmonization of International Law and State Practices in Maritime Boundary Disputes: A Case Study of Indonesia and Malaysia," Indonesian Legal Media 3, no. 2 (June 2025): 534.

⁴³Law Number 17 of 1985 concerning Ratification of the United Nations Convention on the Law of the Sea.

⁴⁴United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982), Article 309.

⁴⁵Mochtar Kusumaatmadja, *International Maritime Law*, (Bandung: Binacipta, 2005), 158.

⁴⁶Melda Kamil Ariadno, *International Law: Living Law*, (Jakarta: RajaGrafindo Persada, 2007), 32-35.

⁴⁷Territorial sovereignty is a principle of international law that affirms that a state has full rights over its territory, including borders, natural resources, and governance. See Admin, "What is territorial sovereignty?," May 21, 2025, accessed May 18, 2026, <https://www.omahbse.com/blog/apa-yang-dimaksud-dengan-kedaulatan-teritorial/>

⁴⁸States no longer have full authority over maritime territories, but they do have certain rights in accordance with their functions, such as the EEZ, where states have sovereign rights to explore and exploit natural resources, but are not authorized to limit the authority of international navigational freedom. See Titi Dwi Janti, et al., "Maritime Jurisdiction Area," pp. 15-16. Accessed May 18, 2026, <https://www.scribd.com/document/856412932/KELOMPOK-2-WILAYAH-YURISDIKSI-LAUT>

⁴⁹Kelashukumonline.com, "International Dispute Settlement," accessed May 18, 2026, <https://www.kelashukumonline.com/2025/06/penyelesaian-kasus-internasional.html>

However, despite this law's strategic significance as a normative foundation, its declarative nature presents challenges in implementation. Its regulations lack detailed operational mechanisms for maritime boundary delimitation or integrated law enforcement, creating opportunities for implementation gaps. Therefore, the transformation of Indonesia's maritime sovereignty post-UNCLOS 1982 is not only a normative issue but also depends on institutional capacity and the direction of legal policy to ensure its effectiveness.

b. Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone

Law Number 5 of 1983 concerning the Exclusive Economic Zone is one of the progressive and strategic national legal instruments, even before Indonesia ratified UNCLOS 1982 through Law No. 17 of 1985. Formally, this law codifies the Government Announcement of March 21, 1980 regarding the claim of a maritime zone up to 200 nautical miles from the baseline.⁵⁰ The presence of this law marks a significant development in national maritime law by emphasizing the appropriate, directed, and wise utilization of marine natural resources, both living and non-living, accompanied by the obligation to protect the marine environment and regulate scientific research, while strengthening the implementation of Indonesia's sovereign rights, jurisdiction, and obligations in the EEZ within the framework of international maritime law.⁵¹

Essentially, this law emphasizes the fundamental difference between full sovereignty and sovereign rights. Through Article 4 paragraph (1), Indonesia emphasizes that in the EEZ region the state does not have absolute sovereignty, but only sovereign rights limited to the exploration, exploitation, management and conservation of natural resources, accompanied by certain jurisdictions such as the creation and use of artificial islands, installations and other structures, marine research and environmental protection.⁵² The explanation of this article emphasizes that this sovereign right is not only equated with full sovereignty applicable in territorial seas and inland waters, but must still respect the rights of other countries under international law. This normative differentiation has implications for the legal framework in which Indonesia retains law enforcement authority, including hot pursuit of violating foreign vessels, but is also obliged to respect the rights of other countries under international law, such as freedom of navigation, overflight, and the installation of submarine cables and pipelines.⁵³

The nature of sovereign rights in the EEZ is limited and conditional, which is realized through the licensing mechanism regulated in Article 5, where every exploration and exploitation activity, whether by national or foreign parties, must be based on a permit from the Government of the Republic of Indonesia or international agreement, and is subject to management and conservation provisions.⁵⁴ In addition, Article 5 paragraph (3) allows for the involvement of foreign parties in the exploration and exploitation of biological resources in certain areas, as long as the catch amount determined by the government exceeds Indonesia's capacity to utilize it, while still requiring government permission and international agreements.⁵⁵ This regulation demonstrates Indonesia's efforts to ensure conservation by establishing sustainable harvest limits and allowable catch amounts, as well as controlling their utilization through international permits and agreements.⁵⁶

In addition to the economic utilization aspect, this law also introduces regulations in the field of marine environmental protection through the implementation of strict liability.⁵⁷ Article 11 states that any party in the Indonesian EEZ who causes marine environmental pollution and/or destruction of natural resources bears absolute responsibility and is obliged to immediately pay the costs of rehabilitating the environment and/or natural resources in an adequate amount.⁵⁸ Based on this regulation, responsibility is imposed absolutely without the need to prove the element of fault, as long as there is a relationship between the act and the pollution or damage caused, unless the perpetrator can prove the existence of exceptional circumstances.⁵⁹ This provision also confirms that this responsibility applies from the time environmental pollution or damage occurs as a consequence of the obligation to maintain ecological balance.

⁵⁰Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone, Consideration of letters a and g.

⁵¹Ibid., Considerations Considering letters b, c, d, e, and h.

⁵²Ibid., Article 4 paragraph (1).

⁵³Ibid., Explanation of Article 4 paragraph (1).

⁵⁴Ibid., Article 5 paragraphs (1) and (2).

⁵⁵Ibid., Article 5 paragraph (3).

⁵⁶Ibid., Explanation of Article 5 paragraph (3).

⁵⁷Ibid., Explanation of Article 11 paragraph (1).

⁵⁸Ibid., Article 11 paragraph (1).

⁵⁹Ibid., Article 11 paragraph (2).

The aspect of EEZ boundary delimitation is regulated in Article 3 of Law No. 5 of 1983 to anticipate overlapping EEZ boundaries with countries whose coasts face each other or are adjacent. Article 3 paragraph (1) stipulates that boundary delimitation is carried out through an agreement between Indonesia and the country concerned. As long as an agreement has not been reached and there are no special circumstances that need to be considered, Article 3 paragraph (2) determines the use of the median line or equidistance line as a temporary boundary.⁶⁰In addition, the law enforcement aspect is strictly regulated in Chapter VI of Law No. 5 of 1983 to guarantee the implementation of Indonesia's sovereign rights and jurisdiction in the EEZ. Article 13 authorizes law enforcement officers to take action against violations in the EEZ in accordance with the Criminal Procedure Code, while Article 14 paragraph (1) stipulates that investigations are carried out by Indonesian Navy officers appointed by the ABRI Commander, thus emphasizing the certainty of jurisdiction and the role of the Indonesian Navy in law enforcement at sea.⁶¹These regulations indicate that this law does not merely function as a legal basis for the utilization of the EEZ, but also as an instrument for protecting Indonesia's sovereignty, jurisdictional certainty, and the stability of maritime relations in accordance with the principles of international maritime law.

c. Law Number 6 of 1996 concerning Indonesian Waters

Law Number 6 of 1996 concerning Indonesian Waters plays a crucial role as a strategic national legal instrument in accommodating the development of the international maritime law regime, particularly the recognition of the concept of archipelagic state law in Chapter IV of UNCLOS 1982, while also replacing the inadequate Law Number 4 Prp. of 1960. The presence of this law emphasizes the recognition of the concept of the Archipelagic Outlook,⁶² which views the sea not as a divider between islands, but as a unifying element that forms the complete unity of the territory of the Republic of Indonesia⁶³. In line with this, Article 2 emphasizes that inter-island waters within Indonesian territory constitute an integral part of the country's territory under Indonesian sovereignty.⁶⁴Furthermore, Article 3 paragraph (1) emphasizes that Indonesian waters include territorial seas, archipelagic waters and inland waters.⁶⁵This provision, as emphasized in Article 4, shows that Indonesia's sovereignty covers not only the waters, but also the airspace above them as well as the seabed and land beneath them along with all the natural resources contained therein.⁶⁶The implications of the affirmation of this norm place Indonesia in a strong position to uphold full sovereignty throughout its territorial waters within the boundaries of the archipelagic baselines.

In order to confirm the boundaries of the region, Article 5 regulates that the drawing of the archipelagic baseline is drawn with a straight line connecting the outermost points on the low water line of the island and the outermost reef, with the length of the line in principle not exceeding 100 nautical miles, except that a maximum of 3% of the total line can reach a maximum of 125 nautical miles, and cannot be drawn from the low tide elevation unless the conditions are met.⁶⁷This arrangement not only strengthens Indonesia's claim to sovereignty over its waters but also demonstrates its alignment with international law. However, this sovereignty is not absolute, as Indonesia remains obligated to respect the rights of the international community.⁶⁸This is reflected in Article 11 which guarantees and respects the right of innocent passage for ships of all countries, both coastal and landlocked states, to cross territorial seas and archipelagic waters continuously, directly and as quickly as possible, while still being able to stop or drop anchor as long as it is related to normal navigation, force majeure, experiencing difficulties or providing assistance.⁶⁹Furthermore, through Article 18, it recognizes the right of archipelagic sea lanes passage for foreign ships and aircraft through designated archipelagic sea lanes, which are implemented in accordance with the provisions of the convention in a normal manner to carry out continuous, direct, and as fast as possible and unobstructed transit between one part of the high seas or EEZ to another part.⁷⁰Thus, this regulation confirms that Indonesia's sovereignty is exercised within a framework of balance between national interests and international obligations.

⁶⁰Ibid., Article 3 paragraphs (1) & (2).

⁶¹Ibid., Articles 13 & 14 paragraph (1).

⁶²Law Number 6 of 1996 concerning Indonesian Waters, Considerations regarding letters a to d.

⁶³Ibid., Explanation of the general section.

⁶⁴Ibid., Article 2 paragraph (2).

⁶⁵Ibid., Article 3 paragraph (1).

⁶⁶Ibid., Article 4.

⁶⁷Ibid., Article 5.

⁶⁸Ibid., General Explanation.

⁶⁹Ibid., Article 11.

⁷⁰Ibid., Article 18.

Furthermore, the implementation of sovereignty and law enforcement in Indonesian waters is regulated in Article 24, including the airspace above it, the seabed, the land beneath it, and all natural resources contained therein along with sanctions for violations are implemented in accordance with UNCLOS 1982, other international laws, and national laws, with the aim of maintaining territorial integrity and protecting national interests at sea. In this case, jurisdiction over foreign vessels crossing territorial seas and archipelagic waters includes criminal, civil, and administrative jurisdiction, but its implementation is not absolute because it is subject to international legal restrictions, especially as reflected in the provisions regarding the limitations of criminal and civil jurisdiction during passage. Its implementation is carried out by the TNI/POLRI or related agencies in accordance with their authority, and if necessary can be coordinated through coordination to ensure the effectiveness of law enforcement.⁷¹

Overall, this law not only functions as a legal instrument that strengthens Indonesia's maritime sovereignty, but also reflects the transformation of the concept of sovereignty from absolute to sovereignty that is limited and regulated within the framework of international law, thus enabling the creation of a balance between upholding state sovereignty and the interests of the international community in maintaining the smooth flow of global navigation.

d. Law Number 43 of 2008 concerning State Territory

Law Number 43 of 2008 concerning State Territory is a very fundamental national legal instrument because it is intended to provide legal certainty regarding the scope of state territory, authority to manage state territory, and sovereign rights.⁷²The birth of this law was driven by the need to embody the constitutional mandate of Article 25A of the 1945 Constitution of the Republic of Indonesia, which affirms the character of the Republic of Indonesia as an archipelagic state characterized by the archipelago with territories whose boundaries and rights are determined by law.⁷³Legally, this law establishes the territory of the state as one of the elements of the state which is a unified land area and water area which includes inland waters, archipelagic waters, and territorial seas along with the seabed and land beneath it, as well as the air space above it, including all sources of wealth contained therein.⁷⁴The affirmation of the state's territorial boundaries in this law has a legal political dimension in order to align national law with international maritime law after UNCLOS 1982 which aims to guarantee the integrity of the state's territory, state sovereignty, and order in border areas for the benefit of the welfare of the entire nation, uphold sovereignty and sovereign rights, and regulate the management, utilization including supervision of its boundaries.⁷⁵

The important significance of this law after UNCLOS 1982 lies in its ability to adopt and clearly distinguish between state territory and jurisdictional territory. Through the regulated provisions, it is determined that the jurisdictional territory is the area outside the state territory consisting of the Contiguous Zone with a width not exceeding 24 nautical miles, the EEZ with an outer limit of 200 nautical miles, and the Continental Shelf that can reach up to 350 nautical miles based on scientific continuation, Indonesia does not have full sovereignty but rather certain functional authorities according to international law.⁷⁶This rigid regulation serves as a crucial legal guideline for maritime diplomacy in advocating for maritime economic exploitation rights at the international negotiating table. Furthermore, the protection of spatial integrity is reinforced by the prohibition on anyone removing, damaging, altering, or moving national boundary markers, reducing the size of a state's territory, or otherwise rendering boundary markers inoperative.⁷⁷All maritime spatial governance must integrate a welfare approach to increase the prosperity of border communities, a security approach to ensure territorial integrity and the protection of all nations, and an environmental sustainability approach to realize sustainable development.⁷⁸

As a concrete step to uphold sovereignty at the implementation level, a national management body and regional national bodies were formed.⁷⁹This cross-sectoral institution, whose members are government elements and relevant regional governments, functions to end institutional egos in handling border areas and outermost islands which are strategic for state sovereignty, territorial integrity, law enforcement, and the welfare of the people.⁸⁰This agency has the central task of determining border development program policies, preparing budget requirements

⁷¹Ibid., Article 24 and its Explanation.

⁷²Law Number 43 of 2008 concerning State Territory, General Explanation number I.

⁷³Ibid., Consideration of letter a and General Explanation number I.

⁷⁴Ibid., Article 1 number 1 jo. Article 4.

⁷⁵Ibid., Article 3.

⁷⁶Ibid., Article 1 number 3 jo. General explanation of number 1, number 7, number 8, and number 9 jo. Article 7.

⁷⁷Ibid., Article 20.

⁷⁸Ibid., General explanation of number I.

⁷⁹Ibid., Article 14 paragraph (1).

⁸⁰Ibid., Article 14 paragraph (3) jo. General Explanation number I page 4 point 4.

plans, coordinating implementation, as well as evaluation and supervision.⁸¹ Working relations between the national and regional levels are coordinated,⁸² assisted by a permanent secretariat based in the ministry whose duties and responsibilities are in the field of domestic government.⁸³ By establishing a coordinating institutional framework, this law shifts the border from being partial to comprehensive in order to ensure the effectiveness of government functions in maintaining the integrity of the country's territory, management authority, and Indonesia's sovereign rights at sea.⁸⁴

e. Law Number 32 of 2014 concerning Maritime Affairs

Law Number 32 of 2014 concerning Maritime Affairs is a legal pillar of Indonesian maritime governance after the recognition of the concept of an archipelagic state in UNCLOS 1982. In the General Explanation it is explained that Indonesia is the largest archipelagic country in the world with abundant potential and natural resources and has an important meaning as a living space and fighting space that connects the islands in a unified ideology, politics, economy, social, culture, defense, and security within the territory of the Republic of Indonesia. Two-thirds of Indonesia's territory is sea and Indonesia has a very long coastline and a strategic geographical location between two continents and two oceans, thus making Indonesia have advantages as well as high dependence on the maritime sector. Therefore, the Indonesian sea is seen as the mainstay of national economic development that must be managed, maintained, utilized, and preserved according to the mandate of Article 33 of the 1945 Constitution.⁸⁵

The recognition of the concept of an archipelagic state in UNCLOS 1982 is the result of Indonesia's long struggle since the Djuanda Declaration of 1957. Through UNCLOS 1982, Indonesia was recognized as an archipelagic state with the right to draw archipelagic baselines so that the waters between the Indonesian islands were recognized as part of the national sovereign territory. This recognition expanded Indonesia's territorial waters while strengthening Indonesia's position in controlling territorial seas, exclusive economic zones, and continental shelves. However, UNCLOS 1982 also emphasized that the implementation of Indonesia's sovereignty in archipelagic waters must still respect the right of archipelagic sea lanes passage for other countries.⁸⁶

Substantively, this law broadens the meaning of maritime sovereignty beyond territorial control to encompass the management of marine resources for the greatest prosperity of the people. The government conducts maritime management through the utilization and exploitation of marine resources based on blue economy principles.⁸⁷ Furthermore, the maritime economic policy aims to make the maritime sector the basis for national economic development.⁸⁸ Thus, the sea is no longer viewed solely as a space for national defense, but also as an instrument of economic development and social welfare.

Strengthening maritime sovereignty is also evident in the regulation of marine space management and marine environmental protection. Marine space management is carried out to protect marine resources and the environment, utilize marine resource potential, and develop strategic areas while taking into account Indonesia's characteristics as an archipelagic nation.⁸⁹ In addition, protection of the marine environment through marine conservation, control of marine pollution, and prevention of damage to marine ecosystems.⁹⁰ This regulation shows that the implementation of Indonesia's maritime sovereignty also includes the state's responsibility to maintain the sustainability of the marine environment in accordance with the principles of international maritime law.

In strengthening Indonesia's maritime security system through the establishment of the Maritime Security Agency (Bakamla) to manage state sovereignty and maintain the integrity of the territory of the Republic of Indonesia at sea, a maritime defense system was formed.⁹¹ Furthermore, the formation of Bakamla, which is tasked with carrying out security and safety patrols in Indonesian waters and Indonesian jurisdictional areas.⁹² The presence of Bakamla (the Indonesian Maritime Security Agency) is crucial because the large number of maritime agencies with authority can potentially lead to miscoordination, overlapping authority, and sectoral egos in maritime law enforcement. Therefore, Bakamla was established as a single, integrative institution to coordinate security, safety,

⁸¹Ibid., Article 15 paragraph (1).

⁸²Ibid., Article 16.

⁸³Ibid., Article 17.

⁸⁴Ibid., General Explanation number I page 2.

⁸⁵Law Number 32 of 2014 concerning Maritime Affairs, General Explanation.

⁸⁶Ibid., General Explanation.

⁸⁷Ibid., Article 14.

⁸⁸Ibid., Article 15.

⁸⁹Ibid., Article 42.

⁹⁰Ibid., Article 50.

⁹¹Ibid., Articles 58 & 59.

⁹²Ibid., Article 61.

and law enforcement in Indonesian waters. Bakamla's presence is also aimed at strengthening oversight of various maritime threats such as illegal fishing, smuggling, piracy, and violations of Indonesian jurisdiction.⁹³

CONCLUSION

The transformation of Indonesia's maritime sovereignty following the recognition of the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982) shows a fundamental change in the conception of Indonesia's maritime territory, from a colonial system that separated islands into a unified archipelagic state recognized internationally. Recognition of the concept of an archipelagic state provides legal legitimacy for Indonesia to establish archipelagic baselines, expand maritime jurisdiction, and affirm the sea as a unifying element of national territory. UNCLOS 1982 also distinguishes between full sovereignty in territorial seas and archipelagic waters with sovereign rights in the Exclusive Economic Zone and continental shelf, so that the implementation of Indonesia's sovereignty must be carried out in accordance with the principles of international law.

This transformation was then implemented through the harmonization of various national regulations concerning maritime affairs, waters, state territory, and Indonesia's EEZ. These regulations demonstrate that maritime sovereignty extends beyond territorial control to marine resource management, marine environmental protection, and strengthening maritime security and law enforcement. However, the implementation of Indonesia's maritime sovereignty still faces challenges in the form of overlapping maritime claims, the threat of violations at sea, and suboptimal coordination of maritime law enforcement institutions.

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