

10329-31705-2-RV Author Rev Ing Baru No Comment.docx

by desousa.freidelino@gmail.com 1

Submission date: 07-Oct-2024 07:37PM (UTC+0900)

Submission ID: 2477779571

File name: 10329-31705-2-RV_Author_Rev_Ing_Baru_No_Comment.docx (242.7K)

Word count: 8098

Character count: 45996

The Implementation of Equidistance Line on Maritime Delimitation Between Indonesia-Australia in Perth Treaty 1997

Elsha Renata Sukma¹, Rinindia Kusumaningrum², Freidelino Paixao Ramos Alves de Sousa³

Faculty of Law, Satya Wacana Christian University, Salatiga, Indonesia

elsharenata23@gmail.com

Abstract

This paper aims to provide suggestions to the government in renegotiating the Perth Treaty to provide a solution for a definitive maritime boundary between the two countries. Renegotiation of the Perth Treaty in terms of maritime delimitation between Indonesia and Australia needs to be done in relation to the limitation of sovereignty of both countries. This treaty has never been ratified by both countries after the signing in 1998, the fundamental reason by Australia is associated with the independence of Timor-Leste in 1999 so that the *rebus sic stantibus* principle then applies. The research method used in this paper is legal research to provide recommendations to the government as a basis for renegotiating the Perth Treaty according to international law. This research uses a statutory approach and a case approach. There are rational reasons for the urgency of renegotiating the Perth Treaty using the median line with an equidistance line approach. The median line in UNCLOS 1982 has proven to provide progressive results regarding the maritime delimitation of countries, but in the decisions of the International Court of Justice, there are various side effects with the use of the median line as a single effort to resolve maritime delimitation disputes. Therefore, a new solution is proposed, namely the median line with an equidistance line approach as the most effective way to create justice for each party. Equidistance line in international law is a legal settlement as a source of international law in the form of customary practice of countries which is then referred to as new customary law in resolving maritime delimitation disputes between countries. Harmonisation of the median line concept using the equidistance line approach in resolving maritime delimitation disputes between Indonesia and Australia is a new approach that can be used with the successful harmonisation of these two concepts in resolving delimitation disputes in world countries.

Keywords: Equidistance Line; Maritime Delimitation; Perth Treaty 1997.

1. INTRODUCTION

This article will discuss about the renegotiation of maritime delimitation between Indonesia and Australia in the Indonesia-Australia Perth Treaty 1997 (Perth Treaty) which should accommodate the median line principle with an equidistance line approach which is a new customary law in international law based on the provisions in United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982). It is known that Indonesia and Australia do not yet have a definitive maritime boundary.¹ It is recorded that the two countries have made an agreement that basically regulates the activities of marine resource utilization in the maritime border between the two countries which still uses the United Nations Convention on the Law

¹ Nadia Saidah Rahayu et al., 'Policy on Maritime Border Disputes Between Indonesia and Australia: Stephen M. Walt's Neorealism Perspective', *Journal of Islamic World and Politics* 7, no. 1 (30 June 2023): 86, <https://doi.org/10.18196/jiwp.v7i1.8>.

of the Sea 1958 (UNCLOS 1958) as its legal basis in 1973. Then in its development, the Perth Treaty was made as an update to the 1973 Treaty which focused more on maritime delimitation between the two countries. However, the problem is that the Perth Treaty as an update of the legal basis regarding maritime delimitation is not enforced by both Indonesia and Australia. With the legal void regarding maritime delimitation between Indonesia and Australia, the utilization of marine resources and state security do not have a definite legal basis. As far as the research is concerned, there are three reasons why the Perth Treaty does not apply or is not implemented by both countries. Firstly, the Perth Treaty is a non-self-executing treaty. Article 11 of the Perth Treaty requires each country to ratify the treaty in order for it to be binding on the country.² Both Indonesia and Australia did not ratify the Perth Treaty for reasons that are not very clear. As far as research goes, both countries only did not ratify after the signing in 1997. Legally, by not ratifying this treaty, the treaty itself cannot be implemented.

Second, the difference in legal basis reference. After the Perth Treaty was signed and not ratified, Australia inst¹¹ claimed that the reason for not ratifying was because the delimitation reference should use the continental shelf stipulated in the UNCLOS 1958 with the aim of obtaining the Timor Gap which is an oil and gas resource field.³ With Australia's geographical condition that protrudes into Indonesia, the determination of maritime delimitation based on the continental shelf can be detrimental to Indonesia. Actually, the UNCLOS 1982 and the UNCLOS 1958 stipulate that maritime delimitation between countries is determined through agreements between parties. However, what happened to Indonesia and Australia was that there was no agreement on the principles used in the Perth Treaty. This lack of maritime delimitation has resulted in several problems that often arise, including illegal fishing and natural resource exploration.

Third, the existence of *rebus sic stantibus*. It is known that in 1999 there was a change in the territory of Indonesia through the independence of East Timor, which later became Timor-Leste. With the independence of Timor-Leste, the maritime boundary used in the Perth Treaty is no longer relevant as a reference for measuring maritime delimitation between Indonesia and Australia.⁴ Previously, East Timor's proximity to Australia was the parameter for maritime delimitation. However, with the independence of East Timor, new boundaries needed to be measured in the renegotiation of the Perth Treaty. This was seen by Australia as a fundamental change that altered the content of the Perth Treaty itself. Australia is also one of the actors behind the independence of East Timor to become Timor-Leste, which is a complete reason for *rebus sic stantibus* that adds to the complexity and is one of the triggers for the implementation

² "Treaty between the Government of Australia and the Government of The Republic of Indonesia Establishing an Exclusive Economic Zone and Certain Seabed Boundaries (Perth, 14 March 1997)," 1997.

³ Shana Lia Mifroh, "Analisis Hubungan Antara Timor Leste Dan Australia Terkait Perebutan Sumber Daya Minyak Dan Gas Pada Sengketa Celah Timor (Timor Gap)" *Jurnal Polinter* 6, no. 2 (2021): 169–170, <https://doi.org/https://doi.org/10.52447/polinter.v6i2.4497>.

⁴ Arcelinocent Emile Pangemanan and Anak Agung Banyu Perwita, 'Diplomasi Pertahanan Maritim Indonesia: Kerjasama Kemaritiman Indonesia-Australia Dalam 'Plan Of Action For The Implementation Of The Joint Declaration On Maritime Cooperation 2018-2022', *Jurnal Maritim Indonesia* 10, no. 1 (2022): 37–38, <https://doi.org/https://doi.org/10.52307/jmi.v10i1.101>.

of the Perth Treaty.⁵ These geographical changes have also led to geopolitical changes in Indonesia and Australia. So far according to the research, Timor-Leste's independence brought about a new role for Indonesia in the region with a tripartite approach to discussing the problems of the three countries.⁶ In addition, since 2012 the United States has built a military base in Darwin, which is a northern region of Australia that is very close to Indonesian territory. These matters make the need for a definitive delimitation of Indonesia and Australia's seas very important to maintain territorial integrity and better utilisation of natural resources.

In this regard, disputes over maritime boundaries between states have always been a recurring topic. The determination of maritime delimitation between states is closely related to political matters, historical and cultural factors, strategic and security issues, the economic interests of a country, and other factors.⁷ In this regard, in determining maritime delimitation, the median line concept is used as a settlement effort when two or more disputing countries cannot find an agreement regarding the use of the Exclusive Economic Zone (EEZ) or Continental Shelf as the basic concept of maritime delimitation of each country. In the case of adjacent countries, maritime delimitation is carried out using the provisions in UNCLOS 1982, which in this case is the median line as international law that applies bindingly to all countries without exception as an implication of UNCLOS 1982 which is a codification of customary international law, but it is different when applied to countries that face each other, then the equidistance line approach is applied to produce an equitable conflict resolution. The equitable principle can be interpreted as the principle of state boundaries in a fair manner by considering all relevant conditions in the region, which in this discussion is created by the equidistance line.⁸ Against the legal issues described above, this research argues that the renegotiation to establish maritime delimitation between Indonesia and Australia¹² can be done again by referring to most of the contents in the 1997 Perth Treaty and using the median line with an equidistance line approach because the median line with an equidistance line approach has become a new customary law in international law that can be used as a way to resolve maritime delimitation disputes between countries that are considered equitable for the parties to the dispute. This research finds that in international customary law, the principle of equidistance line is referred to as a legal source used to resolve maritime delimitation issues between states.⁹

With regard to the element of research novelty, there are three writings that support this research. The first is by Yildiz (2020) which discusses the conflict between Turkey and Greece in the supremacy of the Eastern Mediterranean sea area, which in principle has similarities with

⁵ Putriana Septi Nauli dan Stivani Ismawira Sinambela, "Upaya Penyelesaian Sengketa Delimitasi Batas Maritim Di Wilayah Greater Sunrise Antara Timor Leste dan Australia Dari Perspektif Kajian Hukum Perjanjian Internasional," *Jurnal PIR* 6, no. 1 (2021): 100, <https://doi.org/http://dx.doi.org/10.22303/pir.6.1.2021.94-108>.

⁶ Indriana Kartini et al., 'Penguatan Konektivitas Lintas Batas Dalam Kerja Sama Subregional' 17, no. 1 (2020): 122, <https://doi.org/https://doi.org/10.14203/jpp.v17i1.859>.

⁷ Evi Purwanti, 'Relevansi Delimitasi Perbatasan Maritim Dengan Faktor Lingkungan', *Balobe Law Journal* 1, no. 2 (October 2021): 77, <https://doi.org/https://doi.org/10.47268/balobe.v1i2.650>.

⁸ Seguito Monteiro, 'Yurisdiksi Negara Pantai Di Wilayah Delimitasi Maritim Zona Ekonomi Eksklusif Yang Belum Ditetapkan Berdasarkan Ketentuan Hukum Laut Internasional (Study Di Timor Leste-Indonesia)', *Jurnal Komunikasi Hukum* 6, no. 1 (2020): 317–318, <https://doi.org/https://doi.org/10.23887/jkh.v6i1.23770>.

⁹ Regarding the international custom of the equidistance line principle being referred to as a source of law will be further explained in the discussion of

the conflict in this research which is closely related to the state of maritime delimitation disputes between countries. Maritime delimitation between Turkey and Greece encountered difficulties in terms of using the median line as a settlement of maritime delimitation disputes, the median line cannot stand alone as the only effort to resolve maritime delimitation disputes between countries. The article does not provide factors that hinder the use of the median line as an effort to resolve maritime delimitation disputes, but only explains the disagreements between the two countries that lead to deadlock. This has implications for creating an unclear situation, that it is true that the median line is declared unusable in the case of Turkey and Greece, but the factors that hinder the application of the median line are not clearly explained, so it does not provide a final result that provides clarity regarding the inability of the median line as an effort to resolve maritime delimitation disputes only without any elaboration with other principles.

The second article by Kake (2023), has a research focus on the balance of territorial waters management, especially in the discussion related to Pasir Island and provides novelty in the form of efforts to resolve conflicts over the use of Pasir Island by considering the traditional rights of fishermen of Rote Island, East Nusa Tenggara by proposing a maritime boundary agreement (joint exploration) between Indonesia and Australia in the 1997 Perth Treaty. The article also discusses the matters that form the basis for renegotiation in the Perth Treaty, however, it only focuses on the rights of traditional fishermen without providing implications for maritime delimitation between countries in terms of providing definitive boundaries related to a country's sovereignty in its territorial waters. In the last comparative article, namely by Toni (2023), an element of novelty is given that the 1982 United Nations Convention on the Law of the Sea regime is too inclined to limit the sea area related to state jurisdiction and there is a need for further discussion related to international law of the sea based on international fisheries ecosystems in relation to each country's marine resources. The article does not provide considerations related to the limitations of marine territory coupled with restrictions related to fisheries resources, but only focuses on the urgency of establishing international regulations related to the law of the sea based on fisheries ecosystems to create justice in the management of marine resources in the territory of states.

Thus, there is an element of novelty in this research that accommodates the shortcomings in previous writings that can be classified as advanced research. This research provides answers to the shortcomings of the first article related to the factors that hinder the median line as an effort to resolve the maritime delimitation dispute of the only country by providing a new perspective regarding the use of the median line by elaborating it using the equidistance line approach which has been recognised in the international world as one of the sources of valid international law according to Article 38 of the Statute of the International Court of Justice. This research also continues the research conducted in the second article which provides suggestions regarding additional arrangements needed by the Perth Treaty in regulating the recognition of the traditional rights of Rote Island fishermen by renegotiating the Perth Treaty in terms of determining the definitive maritime boundary between Indonesia and Australia to provide clear sovereignty boundaries for each country. In relation to the urgency of establishing international regulations based on fisheries ecosystems to create justice in the management of

marine resources in the third article, this research provides an element of novelty by providing new elements in international law, namely the elaboration between the concept of median line and the concept of equidistance line which can then be classified as a form of new customary law in international law, which in practice has been done by world countries. This article aims to provide suggestions to the government in the event that it will renegotiate sea delimitation with Australia, it can still refer to the Perth Treaty but the equidistance line approach must be accommodated in order to create equitable results related to the maritime boundaries of the two countries.

2. METHODS

This type of research uses legal research to provide recommendations to the government of the Republic of Indonesia in renegotiating the determination of the delimitation of maritime between Indonesia and Australia by referring to applicable international law. This type of legal research is in line with the idea that the existence of normative and empirical types of research is only the development of types of legal research that are the result of the thoughts of legal philosophers.¹⁰ This is supported by the thoughts of legal researchers who argue that legal research is the result of research on legal people only, so there is no type of research other than legal research.¹¹ The approaches in this research are statute approach and case approach.¹² In the Legislation approach, the Indonesia-Australia Perth Treaty 1997, the Statute of the International Court of Justice, and the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) are used as legal sources in the research. While the case approach is carried out by referring to the decisions of the International Court of Justice (ICJ) related to maritime delimitation disputes between countries that use the median line principle with an equidistance line approach.

3. RESULT AND DISCUSSION

To answer the legal issues in this article, the research will focus on two main things, first, the equidistance line approach as a law for resolving maritime delimitation as a new customary law in international law of the sea, and second, the renegotiation of Indonesia and Australia's maritime delimitation on the basis of the Perth Treaty can accommodate the equidistance line approach for equitable maritime boundary.

3.1 Equidistance Line Approach as Law in Maritime Delimitation

The determination of maritime delimitation is influenced and interacts with several issues such as politics, historical and cultural factors, strategic and security issues, economic interests, and

¹⁰ Yati Nurhayati et al., "Normative and Empirical Methodology in the Perspective of Legal Science," *Journal of Law Enforcement Indonesia (JPHI)* 2, no. 1 (2021): 3, <https://doi.org/https://doi.org/10.51749/jphi.v2i1.14>.

¹¹ Muammar Muammar and Iqbal Taufik, "Quo Vadis of Legal Research: A Way to Straighten Out Misconceptions of Legal Research Direction Trends," *Journal USM Law Review* 7, no. 2 (December 1, 2024): 636–38, <https://doi.org/http://dx.doi.org/10.26623/julr.v7i2.7917>.

¹² David Tan, "Legal Research Methods: Exploring and Reviewing Methodologies in Conducting Legal Research," *Nusantara* 8, no. 8 (2021): 2467–2468, <https://doi.org/10.31604/jips.v8i8.2021.2463-2478>.

interests for community groups.¹³ The determination of maritime delimitation relating to a country's territorial sea, in its actions, needs to take into account other forms of consequences and considerations so that international public interests are equally viable.¹⁴ In terms of determining maritime delimitation, maritime delimitation agreements or agreements between countries are important in determining territorial sovereignty, marine natural resource management rights, and strategic interests.¹⁵ In terms of efforts to delimit maritime territory, from the 19th to 20th centuries, there were other efforts outside the determination of maritime delimitation using UNCLOS, known as the equidistance line. Equidistance line can be understood as a concept outside of international treaties that has been used in the practice of countries as a basis for determining maritime delimitation between confronting countries. Implicitly, the 1958 Convention slightly alludes to the equidistance line as a line at any point equidistant from the nearest point of the measured width of the territorial sea of each country. In principle, the equidistance line is a variation of the median line. Similar but not the same as the equidistance line, the median line itself is a concept that can be applied in maritime delimitation, where if there is no agreement between states, and unless there is another boundary line justified by special circumstances, then the boundary is the median line, each point of which is equidistant from the nearest point of the base line from which the width of the territorial sea of each state is measured.¹⁶ In addition to being a codification of customary law contained in UNCLOS, the practice of countries also shows that the median line has been accepted as a maritime boundary.¹⁷ With regard to these provisions, the median line as written law in UNCLOS 1982 can be understood in the provisions of Article 15 of UNCLOS 1982 which states that,

"Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith."

In relation with the disagreement of countries that have confronting maritime boundaries, the international court in practice legalizes the use of temporary maritime delimitation using the

¹³ Nuno M. Antunes, *Toward the Conceptualisation of Maritime Delimitation* (Leiden: Martinus Nijhoff Publishers, 2003).

¹⁴ Bambang S. Irianto, 'Penegakan Hukum Di Zona Ekonomi Eksklusif Indonesia (Zeei) Dalam Rangka Kepentingan Nasional Indonesia Di Bidang Kelautan', *Jurnal Justiciabelen* 4, no. 2 (2022): 34, <https://journal.umg.ac.id/index.php/justiciabelen/article/view/3564/2176>.

¹⁵ Muhammad Yuan Fauzil and Agussalim Burhanuddin, 'Prospek Hubungan Maritim Indonesia – Malaysia Pasca Kesepakatan Batas Laut 2023', *Eksekusi : Jurnal Ilmu Hukum Dan Administrasi Negara* 2, no. 1 (13 December 2023): 201, <https://doi.org/https://doi.org/10.55606/eksekusi.v2i1.864>.

¹⁶ Malcolm D. Evans, *The Oxford Handbook of the Law of the Sea* (Oxford: Oxford University Press, 2015).

¹⁷ As Syifa Ulchairan H, 'Analisis Penetapan Batas Zona Maritim Lebanon-Israel Dalam Maritime Boundary Line Agreement Berdasarkan Konvensi Hukum Laut 1982', *Jurnal Ilmu Hukum Toposantaro* 1, no. 2 (2024): 151, <https://jurnal.fakum.untad.ac.id/index.php/TPS/article/view/1113>.

median line. Median line as a form of maritime delimitation dispute settlement between countries cannot necessarily be applied mutatis mutandis by each disputing country. There are three main elements in the use of the median line, namely: a) *Where the coasts of two States are opposite or adjacent to each other*; b) *neither of the two States is entitled, failing agreement between them to the contrary*; dan c) *the above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances*. In Article 15 of UNCLOS 1982, the median line concept cannot be applied if there are historical rights or special circumstances in determining the boundary of the territorial sea. Such special circumstances may include large or small offshore islands, coastlines, or special claims to waters based on historical considerations.¹⁸ Regulations related to the recognition of median lines from a national perspective can be seen in the provisions of Law Number 32 of 2014 concerning Maritime Affairs which adapts Article 16 of UNCLOS 1982, that where the coast of Indonesia is located opposite or adjacent to another country, unless there is an agreement to the contrary, the territorial sea boundary line between Indonesia and that country is a median line whose points are equidistant from the nearest points on the base line from which the width of the territorial sea of each country is measured.¹⁹

The fundamental point that is then taken into consideration by the court in deciding disputes related to maritime delimitation is the relevant or appropriate circumstances to obtain an equitable result and states that it is impossible to apply the median line approach as a stand-alone method. With regard to the equitable principle, the Indonesian government is responsible for regulating and ensuring fair and equitable interests for its people, including in the settlement of delimitation disputes that have implications for the lives of coastal communities, especially the island of Rote, which until now still requires the existence of Pasir Island in terms of their shipping needs even though the ownership of Pasir Island has been acquired by Australia using historical reasons that cause confusion in terms of state sovereignty in the real maritime area. Based on this, an effort was made to produce justice not only for the internal Indonesian state but also to maintain the good relations that had previously been guaranteed between Indonesia and Australia.²⁰ In the analysis of the International Law Commission (ILC), as far as practice is concerned, the approach to resolving disputes using a median line settlement is not enough to satisfy all parties to the dispute, it is necessary to hold joint norms to perfect this arrangement in order to create justice in order to provide territorial sea sovereignty and control of each country's sea area, which in this case is the equidistance line concept which is an elaborated

¹⁸ Toni T. et al., 'Exclusive Economic Zone: Contemporary Law of the Sea Fisheries Regulations', *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 3, no. 2 (July 2023): 184, <https://doi.org/https://doi.org/10.15294/ipmhi.v3i2.71165>.

¹⁹ Belardo Prasetya Mega Jaya, Ferina Ardhi Cahyani, and Rika Ratna Permata, 'Method and Principle of Maritime Boundary Delimitation Between States with Opposite or Adjacent Coasts (Case of Indonesia and Timor-Leste)', *Diponegoro Law Review* 07, no. 01 (2022): 150, <https://doi.org/https://doi.org/10.14710/dilrev.7.1.2022.150-172>.

²⁰ Muhammad Junaidi and Khikmah Khikmah, 'Perlindungan Hukum Dan Penempatan Pekerja Migran Indonesia Di Luar Negeri', *Jurnal USM Law Reveiw* 7, no. 1 (2024): 494, <https://doi.org/http://dx.doi.org/10.26623/julr.v7i1.8127>.

approach in the median line as a form of joint norms for efforts to resolve state maritime delimitation disputes. Looking at Boogs' 1951 writing, in the provisions described earlier in this study, it can then be called the median line principle using the offshore equidistance method. The concept of the median line in the area of overlapping maritime zones in the practice of countries is carried out by simulating the delimitation of maritime boundaries using the equidistance line.²¹ Thus, it can be used as a reference for the application of the boundary line method by Indonesia and Timor-Leste median line to separate the territorial sea of the two countries between Pantar Island and Alor with Oecusse on Timor Island and equidistance line to separate the territorial sea of the two countries that adjoin each other on Timor Island as a successful use of this method in resolving maritime delimitation disputes between countries.²²

1 another consideration, when dealing with the adjacent coast case, Kennedy referred to not one, but three possible methods:²³ a) The adaptation of the median line principle amounts to the calculation of the median line of two adjacent coasts; b)) The offshore equidistance method mainly consists of varying the distance offshore of a series of boundaries along the coasts of adjacent countries by the arc of circle method, followed by the determination of the intersection point of the most seaward arc centered on each country. The resulting line is formed by successive points of intersection of boundaries at different distances offshore which are then joined by a series of straight lines. Insofar as such a line runs reasonably close to the true centerline, and does not escape controlling basepoints (e.g. island headlands) located near the ends of the land boundary, this method is a slight approximation to the centerline principle; c) Equidistance of the territorial boundary is based on joining by straight lines a series of points, each equidistant from a point on the coast that is equidistant from the position where the land boundary meets the shore.

As a supporter of the validity of the use of the median line dispute resolution method with the equidistance line approach, the Statute of the International Court of Justice (ICJ) has presented an interpretation of the sources of international law recognized as the law maker of international law in terms of deciding cases at the ICJ. Article 38 Paragraph (1) of the ICJ Statute states that, *The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: a) International conventions, whether general or particular, establishing rules expressly recognized by the contesting states; b) International custom, as evidence of a general practice accepted as law; c) The general principles of law recognized by civilized nations; d) Subject to the provisions of Article 59, judicial decisions and the teachings*

²¹ Chika Laksita Dewi and I Made Andi Arsana, 'Kedaulatan Pulau Dan Delimitasi Batas Maritim Di Laut China Selatan: Kajian Atas Kepemilikan Kepulauan Paracel Dan Dampaknya Terhadap Delimitasi Batas Maritim Antara China Dan Vietnam', *Majalah Geografi Indonesia* 37, no. 2 (17 June 2023): 130, <https://doi.org/https://doi.org/10.22146/mgi.78262>.

²² Yanto MP Ekon, 'Penetapan Batas Laut Teritorial Indonesia-Timor Leste Di Wilayah Laut Tumpang Tindih', *Arena Hukum* 14, no. 3 (2021): 476, <https://doi.org/https://doi.org/10.21776/ub.arenahukum.2021.01403.3>.

²³ Ria Tri Vinata, 'Harmonisasi Equidistance Line Principle Dan Median Line Principle Dalam Penentuan Batas Wilayah Laut', *Perspektif Hukum* 17, no. 2 (2017): 217-18, <https://doi.org/https://doi.org/10.30649/ph.v17i2.70>.

of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law,

This can be the basis for understanding that in fact, the settlement of maritime delimitation disputes between confronting countries can be resolved using other efforts outside of international law contained in international treaties. Furthermore, related to dispute resolution outside of international law, an effort to resolve international conflict disputes can be categorized as an international custom that is recognized and used as a source of law, the international custom in question must meet the elements of:²⁴ a) Factual element, meaning that the general practice by countries is carried out repeatedly over a long period of time (the evidence of material facts); b) Psychological element (opinion juris necessitas), meaning that to test the existence of a customary law is not enough just to see the practice of countries, but it is necessary to know why the state is practicing like that. This must be followed by a belief in the state, that what they practice is an obligation or law that must be obeyed not just habitually.

Based on customary practice in international courts and the practice of determining the maritime delimitation of states, if there is no agreement, the most commonly used method in the practice of determining international maritime boundaries is the median line.²⁵ To measure whether the median line method can be continued or should be reconsidered, the principle of proportionality is used by looking at the composition of the shoreline length ratio between the two confronting areas.²⁶ The UNCLOS 1958 in this regard uses the term median line for the equidistance line between conflicting states.²⁷ The equidistance approach has been applied since before the UNCLOS 1958 and is still a practice that is considered to be able to resolve maritime boundary disputes between states by the ICJ because it is classified as customary law. In relation to this issue, Article 15 of UNCLOS 1982 is a codification of customary international law which is accepted as law as a universally applicable legal principle. In Article 38 of the Statute of the International Court of Justice, international custom is ranked second in the sources of international law. Furthermore, regarding what international customs can be used as a source of law, the international custom in question must fulfill the factual elements and psychological elements to be considered as an international custom.²⁸ In this case, the use of the equidistance line in maritime delimitation can be justified because it has met the requirements, namely that it is carried out periodically as a practice of world countries in determining maritime delimitation. One of the factors that influence the realization of a new breakthrough concept in law is how the legal system is enforced in dispute resolution.²⁹ The implementation of this understanding can be seen in another case, namely between Cameroon and Nigeria, there was no maritime boundary that was successfully agreed upon by the two parties, where Cameroon rejected the difference in the length of the coastline and Nigeria in the Gulf of Guinea, so the

²⁴ Sefriani, *Suatu Pengantar Hukum Internasional* (Jakarta: PT. RajaGrafindo Persada, 2010).

²⁵ Jianhui Zhang et al., 'Median Line Method In Maritime Delimitation Based On Earth Ellipsoid', *United States Patent Application Publication*, 2022, 1.

²⁶ Evi Purwanti, 'Relevansi Delimitasi Perbatasan Maritim Dengan Faktor Lingkungan', *Balobe Law Journal* 1, no. 2 (October 2021): 77, <https://doi.org/https://doi.org/10.47268/balobe.v1i2.650>.

²⁷ 'Geneva Convention 1958 on the Territorial Sea and the Contiguous Zone Article 12 and Geneva Convention 1958 on the Continental Shelf Article 6', n.d.

²⁸ Sefriani, *Suatu Pengantar Hukum Internasional*.

²⁹ Muhamad Akmal Fadillah and Aidul Fitriaciada Azhari, 'Conceptualizing Nature as a Legal Subject: A Comparative Study of Laws Between Indonesia, New Zealand, and Ecuador', *Jurnal USM Law Review* 7, no. 1 (2024): 387, <https://doi.org/http://dx.doi.org/10.26623/julr.v7i1.8880>.

court then took the first step, namely drawing the equidistance line and considering other factors that could create justice, which this equidistance approach was sufficient to create justice.³⁰ Further implications of the state's habit of using the median line with an equidistance line approach as an effort to resolve maritime delimitation disputes with its neighbors can then provide considerations that further demonstrate that the practice of resolving maritime delimitation disputes has presented equitable results for these countries. Practices that can be used as a reference in determining maritime delimitation between countries outside of written international law, for example in the North Sea Continental Shelf Case related to several cases in international courts, including: a) Canada and USA³¹, On November 25, 1981, Canada and the United States submitted a Special Agreement to the ICJ which referred to the establishment of a special chamber to decide the issue of delimitation of maritime boundaries separating the continental shelf and fisheries zones of the two countries in the 90,000 km² Gulf of Maine. In the decision, it was divided into three segments, namely, the first segment is within the Gulf of Maine. The delimitation line connects the starting points agreed upon by the two countries and is an angular centerline formed by a perpendicular line from Cape Elizabeth to the terminus point of the existing boundary and a perpendicular line from the terminus point of the boundary to Cape Sable. The second segment follows a median centerline drawn parallel to the coasts of Nova Scotia and Massachusetts, with correction for differences in coastal length and the presence of Seal Island off Nova Scotia. Also, the third segment is in the open ocean and consists of a line perpendicular to the closing line of the bay; b) Denmark and Germany³², On February 20, 1969, the court ruled that the delimitation in question was made by agreement of the Parties to the treaty in accordance with the principles of customary international law. The international tribunal rejected the contention that the delimitation in question was carried out in accordance with the principle of equidistance as defined in UNCLOS 1958 due to the fact that Germany had not ratified UNCLOS 1958 and therefore was not attached to the basic concept of continental shelf rights and this principle was not a rule of customary international law; c) Libya and Malta³³, in the delimitation between Libya and Malta, the court also considered that the equidistance method of the continental shelf in the practice of states in international law should not be used and is not the only appropriate delimitation technique. In this case, the court took into account the main features of the coasts, the difference in length of the coasts, and the distance between them; d) El Salvador and Honduras (Nicaragua intervention)³⁴, In determining the land area of this case, the basic principle of land area determination, *uti possidetis juris*, generally accepted in the America and Spain, that international boundaries follow previous colonial administrative boundaries, was used. The Tribunal then considered successively, from west to east, each of the six disputed sectors of the land boundary, specifically devoted to the

³⁰ International Court of Justice, Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening) (10 October 2002).

³¹ International Court of Justice, Case Concerning Delimitation Of The Maritime Boundary In The Gulf Of Maine At (Canada/United States Of America) (1984).

³² International Court of Justice, North Sea Continental Shelf (Federal Republic of Germany/Netherlands) (1968).

³³ International Court of Justice, Continental Shelf (Libyan Arab Jamahiriya/Malta) (1985).

³⁴ International Court of Justice, Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (1986).

152 courtyards.² It found that the waters of the Gulf, other than a three-mile stretch, are historic waters and subject to the joint sovereignty of the three coastal states. It was noted that there has been no attempt to divide the waters based on the principle of *uti possidetis juris*. Thus, the joint succession of the three states in the maritime area appears to be the logical outcome of the *uti possidetis* principle. Therefore, the Chamber finds that Honduras has legal rights in the waters up to the closing line of the bay, which is also considered the baseline. With respect to the effect of the Award on the intervening State, the Chamber finds that it is not *res judicata* as to Nicaragua.

3.2 Application of Equidistance Line Approach as the Basis⁵ of Maritime Delimitation Between Indonesia and Australia in the Perth Treaty 1997

Referring to the practical example above, the issue of maritime delimitation between Indonesia and Australia which was originally stipulated in the Perth Treaty based on *rebus sic stantibus* can actually be renegotiated. Renegotiation is a logical step that can be taken by both countries based on the Perth Treaty, but what needs to be considered is the need for an equitable principle in determining maritime delimitation between Indonesia and Australia. Therefore, the use of the median line with an equidistance line approach as the basis for determining maritime delimitation between Indonesia and Australia can be used with reference to international legal sources in the form of the practice of world countries in determining maritime delimitation as new customary law.

Despite all the reasons that hinder the ratification of the Perth Treaty, it is now necessary to renegotiate the maritime delimitation agreement between Indonesia and Australia. This is because so far the two countries have only relied on the good relations established and the 1973 Treaty which no longer fulfills the element of novelty with the changing realities that occur in Indonesia regarding its territorial boundaries. In addition, the treaty still contained Timor-Leste, which was still included in the sovereign territory of the Unitary State of the Republic of Indonesia, making its use irrelevant. Therefore, after Timor-Leste's independence, Australia and Timor-Leste made a Treaty between Australia and the Democratic Republic of Timor-Leste Establishing Their Maritime Borders in the Timor Sea. Meanwhile, the Perth Treaty, which is still in the renegotiation stage, needs to be accelerated so that there is no legal vacuum regarding maritime delimitation between Indonesia and Australia.³⁵ In the renegotiation of the Perth Treaty, which is included in border diplomacy, it must be carried out immediately because it involves aspects of environmental utilization and national security.³⁶ Although Indonesia has established the Indonesian Marine Security Agency (Bakamla) as a form of the Indonesian government's efforts in the defense and security of maritime areas including maritime

³⁵ Arcelinocent Emile Pangemanan and Anak Agung Banyu Perwita, 'Diplomasi Pertahanan Maritim Indonesia: Kerjasama Kemaritiman Indonesia-Australia Dalam "Plan Of Action For The Implementation Of The Joint Declaration On Maritime Cooperation 2018-2022"', *Jurnal Maritim Indonesia* 10, no. 1 (2022): 41–43, <https://doi.org/https://doi.org/10.52307/jmi.v10i1.101>.

³⁶ June Kuncoro et al., 'Diplomasi Maritim: Meletakkan Fondasi Poros Maritim Dunia', *Jurnal Maritim Indonesia* 8, no. 1 (2020): 100–101, <https://doi.org/https://doi.org/10.52307/ijm.v8i1.55>.

delimitation with Australia, without the Perth Treaty as a legal basis, the security of maritime areas will not be maximized.³⁷

In the absence of a definitive maritime delimitation between Indonesia and Australia, this concerns the aspect of marine resource utilization. The fact that the marine area between Indonesia and Australia has biodiversity and marine wealth in it is an advantage and disadvantage for both countries.³⁸ The advantages show that both countries can utilize marine resources to meet their needs. However, the drawback in this utilization lies in the unclear maritime delimitation, so that the utilization cannot be done optimally. As for the illegal fishing issue, both Indonesia and Australia have agencies or task forces that are authorized to monitor and take action against illegal fishing that occurs in their territories. This is contentious because there is not even a definitive maritime boundary between the two countries, so this has led to the arrest of Indonesian fishermen who fish in the Australian Fishing Zone (AFZ).³⁹ The majority of these fishermen are traditional fishermen who have been fishing in the area even before the official boundary between the two countries was established.⁴⁰ Whereas in the activities of utilizing marine resources at the maritime border between the two countries, the 1973 Agreement has been made, but the understanding of traditional fishermen regarding this matter is less socialized and many traditional fishermen still instill historical values then cause many fishermen to be arrested by the Australian Fisheries Management Authority (AFMA). Coupled with the 1973 Agreement which still uses UNCLOS 1958 and does not regulate maritime delimitation, it becomes an additional point regarding the urgency of renegotiating the maritime delimitation between Indonesia and Australia.

In addition, the absence of definitive maritime delimitation between the two countries also creates insecurity in the bordering countries. In an effort by the Indonesian government to secure Indonesia's maritime territory, Bakamla and a sea defence agency (TNI AL) were established. However, even with the establishment of specialised agencies and institutions to secure maritime territory, uncertain maritime delimitation still has the potential to cause misunderstandings between the two countries. For example, in 2011, the President of the United States announced the deployment of 2,500 US marine personnel at the Australian military base located in Darwin.⁴¹ These marines are intended to improve the preparedness of emergency response operations in the Asia Pacific Region. However, the purpose of building this military base is not clearly explained, so Indonesia needs to be aware of all the possibilities that can occur.⁴² The fact that the military base was built in Darwin, which is one of the areas close to

³⁷ David Maharya Ardyantara et al., 'Reposisi Kewenangan Antar Lembaga Negara Dalam Pengaturan Terkait Pertahanan Keamanan Kemaritiman Nasional', *Jurnal USM Law Review* 3, no. 2 (2020): 413–416, <https://doi.org/http://dx.doi.org/10.26623/julr.v3i2.2593>.

³⁸ Aprilia Suliska Tuanger, Cornelis Dj Massie, and Thor B Sinaga, 'Mekanisme Penyelesaian Hukum Illegal Fishing Di Perbatasan Indonesia Dan Australia' 12, no. 3 (2023).

³⁹ Chenika Fricila, R. Dudy Heryadi, and Dairatul Ma'arif, 'Kerjasama Indonesia-Australia Dalam Menanggulangi Illegal, Unreported, Unregulated Fishing Di Laut Timor Australia Tahun 2017-2021', *Global Political Studies Journal* 6, no. 2 (2022): 91, <https://doi.org/10.34010/gpsjournal.v6i2>.

⁴⁰ Chenika Fricila, R. Dudy Heryadi, and Dairatul Ma'arif.

⁴¹ Suspada Siswoputro et al., 'The World's Maritime Axis, A Critical Analysis', *Formosa Journal of Science and Technology* 3, no. 3 (22 March 2024): 454, <https://doi.org/10.55927/fjst.v3i3.7655>.

⁴² Siswoputro et al.

Indonesia, is a cause for concern. Coupled with the absence of a definitive maritime delimitation is one of the weaknesses if something detrimental happens to Indonesia. With the intervention of the United States in security matters between Indonesia and Australia, the renegotiation of maritime delimitation between Indonesia and Australia must be done immediately.

Median line is one of the efforts to determine maritime delimitation contained in UNCLOS 1982 as an update of the 1958 Convention. According to this research, the determination of maritime delimitation between Indonesia and Australia using the median line which is also based on the equidistance line approach is the most appropriate effort used without harming the two countries. With the determination of maritime delimitation using the median line, Indonesia, which is a coastal country, does not lose money compared to the use of the continental shelf. In addition, the use of UNCLOS 1982 is also an effort to update the existing law, the use of the 1958 Convention which is not relevant to Indonesia is also a form of selfishness of one of the parties to the agreement.⁴³ So far, Indonesia and Australia, which do not have definite arrangements regarding maritime delimitation, have used the median line as stipulated in Article 15 of UNCLOS 1982. With a determination that benefits both parties, disputes can be minimised and good relations can be maintained.

So far, Indonesia and Australia, which do not have definite arrangements regarding maritime delimitation, have used the median line as stipulated in Article 15 of UNCLOS 1982. With a determination that benefits both parties, disputes can be minimized and good relations can be maintained.⁴⁴ The Perth Treaty renegotiation is considered as a solution to the treaty's ambiguity due to the disagreement on the use of legal basis in maritime delimitation. The Perth Treaty renegotiation is geared towards the use of the median line, which also refers to the equidistance line approach, as an update of the legal basis used in an effort to apply new customary law in this treaty. The equidistance line itself is the most widely used approach by countries that have disputed maritime delimitation and then settled at the ICJ by drawing the equidistance line. Renegotiation is considered the most appropriate because the main reason for not ratifying the Perth Treaty is the legal basis for determining maritime delimitation only. Therefore, it is expected that the renegotiation of the Perth Treaty that accommodates the use of the median line with the equidistance line approach will be fairer for Indonesia as a coastal state without harming Australia. Equidistance line as an approach commonly used by disputing countries in their maritime delimitation indicates that this approach is the fairest way to be applied in maritime delimitation without harming both countries.⁴⁵ With Indonesia's territorial sovereignty after Timor-Leste's independence, the equidistance line in terms of territorial remeasurement is considered fundamental for the justice of both countries. Given that Indonesia and Australia are

⁴³ M. Wirtsa Firdaus, Andri Yanto, and Sigit Nugroho, 'Urgensi Resolusi Konflik Klaim Nine Dash Line Tingkok Di perairan Natuna Utara', *Jurnal Ius Constituendum* 8, no. 2 (2023): 278, <https://doi.org/http://dx.doi.org/10.26623/jic.v8i2.6972>.

⁴⁴ Rani Pajrin et al., 'Dinamika Sengketa Internasional Wilayah Ashmore Reef Antara Indonesia Dengan Australia', *JHPIS* 3, no. 2 (2024): 420, <https://doi.org/10.55606/jhpis.v3i2.3845>.

⁴⁵ Ria Tri Vinata, 'Harmonisasi Equidistance Line Principle Dan Median Line Principle Dalam Penentuan Batas Wilayah Laut', *Perspektif Hukum* 17, no. 2 (2017): 224, <https://doi.org/https://doi.org/10.30649/ph.v17i2.70>.

confronting countries,⁸ the equidistance line should be applied in the renegotiation of the Perth Treaty because it has been proven to resolve maritime delimitation¹² issues as in the practice of several countries described in the previous section, such as the settlement of maritime delimitation disputes between Canada and the USA⁴⁶, Denmark and Jerman⁴⁷, Libya and Malta⁴⁸, El Salvador and Honduras (Nicaragua Intervention)⁴⁹.

When looking further at the fundamental substance of the formation of the Perth Treaty, the use of the UNCLOS 1958 as the basis for determining Indonesia's maritime delimitation with Australia puts Indonesia in an unequal position. The use of the UNCLOS 1958, which actually does not regulate coastal states, is detrimental to Indonesia.⁵⁰ The arrangements contained in the convention actually do not regulate coastal states. Thus, the renewal of the coastal state is regulated in UNCLOS 1982 as a new customary law in International Law. Meanwhile, the continental shelf that is used as a reference in determining maritime delimitation has proven to be unsuitable to be applied to Indonesia's geographical conditions, which in fact there is an Australian continental slope located under Indonesian territorial jurisdiction. With this overlap, which is very detrimental to Indonesia and creates uncertainty about maritime delimitation between countries. The uncertainty regarding the continental shelf regulated in this convention⁹ as further explained in UNCLOS 1982.⁵¹ Therefore, the use of UNCLOS 1982, which is a development of the International Law of the Sea, needs to be considered. Although the regulation of the continental shelf has been further explained in UNCLOS 1982, the use of the median line with the equidistance line approach in the Perth Treaty renegotiation is a very appropriate effort. The geographical location between Indonesia and Australia in measuring less than 200 miles makes it impossible to apply other maritime delimitation efforts listed in UNCLOS 1982, namely the Exclusive Economic Zone (EEZ) in the Perth Treaty renegotiation. With the exception of Timor-Leste, the use of the median line with an equidistance line approach is then more appropriate to create an equitable outcome in this renegotiation, and the use of this measure is in accordance with UNCLOS 1982 as new customary law.

4. CONCLUSION

This article aims to provide suggestions to the¹⁰ government in renegotiating the Perth Treaty to provide a solution for a definitive maritime boundary between the two countries. Renegotiating the Perth Treaty using the median line with an equidistance line approach to determine the state

⁴⁶ International Court of Justice, Case Concerning Delimitation Of The Maritime Boundary In The Gulf Of Maine Area (Canada/United States Of America).

⁴⁷ International Court of Justice, North Sea Continental Shelf (Federal Republic of Germany/Netherlands), 1.

⁴⁸ International Court of Justice, Continental Shelf (Libyan Arab Jamahiriya/Malta).

⁴⁹ International Court of Justice, Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening).

⁵⁰ Yulia Wiliawati, Danial, and Fatkhul Muin, 'Eksistensi UNCLOS 1982 Dalam Upaya Penegakan Hukum Laut Internasional Di Perairan Negara Pantai', *Jurnal Riset Ilmu Hukum* 2, no. 2 (2022): 293, <https://doi.org/https://dx.doi.org/10.51825/sjp.v2i2.17064>.

⁵¹ Early Wulandari, "Landas Kontinen: Eksistensi dalam Hukum Internasional dan Praktik di Indonesia," *Uti Possidetis: Journal of International Law* 4, no. 2 (2023): 237, <https://doi.org/https://doi.org/10.22437/up.v4i2.21041>.

boundary in the sea area facing Australia is a logical choice to determine the definitive sea boundary. The use of the median line elaborated by the equidistance line approach is justified as a principle accommodated as a source of international law based on the practice of world countries in determining maritime delimitation. As a manifestation of the validity of the use of the equidistance line, which is actually not accommodated in any international treaty, there are state practices that use this method as a determination of maritime delimitation, one of the major examples is the United States and Canada, Denmark and Germany, Libya and Malta, and El Salvador and Honduras. The use of the equidistance line approach can provide a new perspective on the use of the median line by elaborating it, this elaboration has been recognised in the international world as one of the legitimate sources of international law according to Article 38 of the Statute of the International Court of Justice. For the maritime delimitation of Indonesia and Australia, which created a state of *rebus sic stantibus*, it is certainly necessary to update the Perth Treaty, especially when talking about the measurement of distance between confronting countries that need to be reviewed with regard to changes in Indonesia's territory. The median line with the equidistance line approach is a new customary law in international law, where the Perth Treaty has not yet been ratified when the two countries have signed it, therefore new international law concepts contained in UNCLOS 1982 and the collaboration of international customary law are needed to provide a maritime delimitation dispute resolution result that is relevant to the current state of the country.

REFERENCES

- Antunes, Nuno M. *Toward the Conceptualisation of Maritime Delimitation*. Leiden: Martinus Nijhoff Publishers, 2003.
- Arcelinocent Emile Pangemanan, and Anak Agung Banyu Perwita. 'Diplomasi Pertahanan Maritim Indonesia: Kerjasama Kemaritiman Indonesia-Australia Dalam 'Plan Of Action For The Implementation Of The Joint Declaration On Maritime Cooperation 2018-2022''. *Jurnal Maritim Indonesia* 10, no. 1 (2022): 37–38. <https://doi.org/https://doi.org/10.52307/jmi.v10i1.101>.
- . 'Diplomasi Pertahanan Maritim Indonesia: Kerjasama Kemaritiman Indonesia-Australia Dalam "Plan Of Action For The Implementation Of The Joint Declaration On Maritime Cooperation 2018-2022"'. *Jurnal Maritim Indonesia* 10, no. 1 (2022): 41–43. <https://doi.org/https://doi.org/10.52307/jmi.v10i1.101>.
- As Syifa Ulchairan H. 'Analisis Penetapan Batas Zona Maritim Lebanon-Israel Dalam Maritime Boundary Line Agreement Berdasarkan Konvensi Hukum Laut 1982'. *Jurnal Ilmu Hukum Toposantaro* 1, no. 2 (2024): 151. <https://jurnal.fakum.untad.ac.id/index.php/TPS/article/view/1113>.
- Bambang S. Irianto. 'Penegakan Hukum Di Zona Ekonomi Eksklusif Indonesia (Zeei) Dalam Rangka Kepentingan Nasional Indonesia Di Bidang Kelautan'. *Jurnal Justiciabelen* 4, no. 2 (2022): 34. <https://journal.umg.ac.id/index.php/justiciabelen/article/view/3564/2176>.

- Chenika Fricila, R. Dudy Heryadi, and Dairatul Ma'arif. 'Kerjasama Indonesia-Australia Dalam Menanggulangi Illegal, Unreported, Unregulated Fishing Di Laut Timor Australia Tahun 2017-2021'. *Global Political Studies Journal* 6, no. 2 (2022): 91. <https://doi.org/10.34010/gpsjournal.v6i2>.
- Chika Laksita Dewi, and I Made Andi Arsana. 'Kedaulatan Pulau Dan Delimitasi Batas Maritim Di Laut China Selatan: Kajian Atas Kepemilikan Kepulauan Paracel Dan Dampaknya Terhadap Delimitasi Batas Maritim Antara China Dan Vietnam'. *Majalah Geografi Indonesia* 37, no. 2 (17 June 2023): 130. <https://doi.org/https://doi.org/10.22146/mgi.78262>.
- David Maharya Ardyantara, Kadi Sukarna, Bambang Sadono, and Zaenal Arifin. 'Reposisi Kewenangan Antar Lembaga Negara Dalam Pengaturan Terkait Pertahanan Keamanan Kemaritiman Nasional'. *Jurnal USM Law Review* 3, no. 2 (2020): 413–16. <https://doi.org/http://dx.doi.org/10.26623/julr.v3i2.2593>.
- Evans, Malcolm D. *The Oxford Handbook of the Law of the Sea*. Oxford: Oxford University Press, 2015.
- Evi Purwanti. 'Relevansi Delimitasi Perbatasan Maritim Dengan Faktor Lingkungan'. *Balobe Law Journal* 1, no. 2 (October 2021): 77. <https://doi.org/https://doi.org/10.47268/balobe.v1i2.650>.
- . 'Relevansi Delimitasi Perbatasan Maritim Dengan Faktor Lingkungan'. *Balobe Law Journal* 1, no. 2 (October 2021): 77. <https://doi.org/https://doi.org/10.47268/balobe.v1i2.650>.
- 'Geneva Convention 1958 on the Territorial Sea and the Contiguous Zone Article 12 and Geneva Convention 1958 on the Continental Shelf Article 6', n.d.
- Indriana Kartini, Awani Irewati, Agus R. Rahman, Tri Nuke Pudjiastuti, CPF Luhulima, Rosita Dewi, Sandy Nur Ikfal Raharjo, and Hayati Nufus. 'Penguatan Konektivitas Lintas Batas Dalam Kerja Sama Subregional' 17, no. 1 (2020): 122. <https://doi.org/https://doi.org/10.14203/jpp.v17i1.859>.
- International Court of Justice. *Case Concerning Delimitation Of The Maritime Boundary In The Gulf Of Maine Area (Canada/United States Of America)* (1984).
- . *Continental Shelf (Libyan Arab Jamahiriya/Malta)* (1985).
- . *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)* (10 October 2002).
- . *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* (1986).
- . *North Sea Continental Shelf (Federal Republic of Germany/Netherlands)* (1968).

- Jianhui Zhang, Xiaoting Fan, Wenlu Bi, Yanfen Gong, and Jinrong Li. 'Median Line Method In Maritime Delimitation Based On Earth Ellipsoid'. *United States Patent Application Publication*, 2022, 1.
- Kuncoro, June, Hadiningrat Direktur, Sekolah Staf, Dan Pimpinan, Kementerian Luar, Negeri Pusdiklat, and Kemenlu Republik Indonesia. 'Diplomasi Maritim: Meletakkan Fondasi Poros Maritim Dunia'. *Jurnal Maritim Indonesia* 8, no. 1 (2020): 100–101. <https://doi.org/https://doi.org/10.52307/ijm.v8i1.55>.
- M. Wirtsa Firdaus, Andri Yanto, and Sigit Nugroho. 'Urgensi Resolusi Konflik Klaim Nine Dash Line Tingkok Di Perairan Natuna Utara'. *Jurnal Ius Constituendum* 8, no. 2 (2023): 278. <https://doi.org/http://dx.doi.org/10.26623/jic.v8i2.6972>.
- Mifroh, Shana Lia. 'Analisis Hubungan Antara Timor Leste Dan Australia Terkait Perebutan Sumber Daya Minyak Dan Gas Pada Sengketa Celah Timor (Timor Gap)'. *Jurnal Polinter* 6, no. 2 (2021): 169–70. <https://doi.org/https://doi.org/10.52447/polinter.v6i2.4497>.
- Muammar Muammar, and Iqbal Taufik. 'Quo Vadis Penelitian Hukum: Sebuah Jalan Meluruskan Miskonsepsi Arah Penelitian Hukum'. *Jurnal USM Law Review* 7, no. 2 (1 December 2024): 636–38. <https://doi.org/http://dx.doi.org/10.26623/julr.v7i2.7917>.
- Muhamad Akmal Fadillah, and Aidul Fitriciada Azhari. 'Conceptualizing Nature as a Legal Subject: A Comparative Study of Laws Between Indonesia, New Zealand, and Ecuador'. *Jurnal USM Law Review* 7, no. 1 (2024): 387. <https://doi.org/http://dx.doi.org/10.26623/julr.v7i1.8880>.
- Muhammad Junaidi, and Khikmah Khikmah. 'Perlindungan Hukum Dan Penempatan Pekerja Migran Indonesia Di Luar Negeri'. *Jurnal USM Law Review* 7, no. 1 (2024): 494. <https://doi.org/http://dx.doi.org/10.26623/julr.v7i1.8127>.
- Muhammad Yuan Fauzil, and Agussalim Burhanuddin. 'Prospek Hubungan Maritim Indonesia – Malaysia Pasca Kesepakatan Batas Laut 2023'. *Eksekusi : Jurnal Ilmu Hukum Dan Administrasi Negara* 2, no. 1 (13 December 2023): 201. <https://doi.org/https://doi.org/10.55606/eksekusi.v2i1.864>.
- Nurhayati, Yati, MYasir Said, Fakultas Hukum, Universitas Lambung Mangkurat JI Brigjen Hasan Basry, Kota Banjarmasin, JI H Brigjen Hasan Basri Komplek Polsek Banjarmasin Utara Jalur, and Provinsi Kalimantan Selatan. 'Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum'. *Jurnal Penegakan Hukum Indonesia (JPHI)* 2, no. 1 (2021): 3. <https://doi.org/https://doi.org/10.51749/jphi.v2i1.14>.
- Pajrin, Rani, Muhammad Razaq Firdaus, Vinky Wahyu Anjas Prianggoro, and Sheva Andika Ramajagandhi. 'Dinamika Sengketa Internasional Wilayah Ashmore Reef Antara Indonesia Dengan Australia'. *JHPIS* 3, no. 2 (2024): 420. <https://doi.org/10.55606/jhpis.v3i2.3845>.
- Prasetya Mega Jaya, Belardo, Ferina Ardhi Cahyani, and Rika Ratna Permata. 'Method and Principle of Maritime Boundary Delimitation Between States with Opposite or Adjacent

- Coasts (Case of Indonesia and Timor-Leste)'. *Diponegoro Law Review* 07, no. 01 (2022): 150. <https://doi.org/https://doi.org/10.14710/dilrev.7.1.2022.150-172>.
- Putriana Septi Nauli, and Stivani Ismawira Sinambela. 'Upaya Penyelesaian Sengketa Delimitasi Batas Maritim Di Wilayah Greater Sunrise Antara Timor Leste Dan Australia Dari Perspektif Kajian Hukum Perjanjian Internasional'. *Jurnal PIR* 6, no. 1 (2021): 100. <https://doi.org/http://dx.doi.org/10.22303/pir.6.1.2021.94-108>.
- Rahayu, Nadia Saidah, Najma Imtinan Rasaf, Ghana Aldila Septiani, and Penny Respati Yurisa. 'Policy on Maritime Border Disputes Between Indonesia and Australia: Stephen M. Walt's Neorealism Perspective'. *Journal of Islamic World and Politics* 7, no. 1 (30 June 2023): 86. <https://doi.org/10.18196/jiwp.v7i1.8>.
- Ria Tri Vinata. 'Harmonisasi Equidistance Line Principle Dan Median Line Principle Dalam Penentuan Batas Wilayah Laut'. *Perspektif Hukum* 17, no. 2 (2017): 217–18. <https://doi.org/https://doi.org/10.30649/ph.v17i2.70>.
- . 'Harmonisasi Equidistance Line Principle Dan Median Line Principle Dalam Penentuan Batas Wilayah Laut'. *Perspektif Hukum* 17, no. 2 (2017): 224. <https://doi.org/https://doi.org/10.30649/ph.v17i2.70>.
- Sefriani. *Suatu Pengantar Hukum Internasional*. Jakarta: PT. RajaGrafindo Persada, 2010.
- Seguito Monteiro. 'Yurisdiksi Negara Pantai Di Wilayah Delimitasi Maritim Zona Ekonomi Eksklusif Yang Belum Ditetapkan Berdasarkan Ketentuan Hukum Laut Internasional (Study Di Timor Leste-Indonesia)'. *Jurnal Komunikasi Hukum* 6, no. 1 (2020): 317–18. <https://doi.org/https://doi.org/10.23887/jkh.v6i1.23770>.
- Siswoputro, Suspada, Anak Agung Banju Perwita, Budi Suseto, and Lukman Yudho Prakoso. 'The World's Maritime Axis, A Critical Analysis'. *Formosa Journal of Science and Technology* 3, no. 3 (22 March 2024): 454. <https://doi.org/10.55927/fjst.v3i3.7655>.
- Suliska Tuanger, Aprilia, Cornelis Dj Massie, and Thor B Sinaga. 'Mekanisme Penyelesaian Hukum Illegal Fishing Di Perbatasan Indonesia Dan Australia' 12, no. 3 (2023).
- Tan, David. 'Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum'. *Nusantara* 8, no. 8 (2021): 2467–68. <https://doi.org/10.31604/jips.v8i8.2021.2463-2478>.
- Toni T., Winanda Kusuma, A. Cery Kurnia, Muhammad Syaiful Anwar, and Rafiqi Sari. 'Exclusive Economic Zone: Contemporary Law of the Sea Fisheries Regulations'. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 3, no. 2 (July 2023): 184. <https://doi.org/https://doi.org/10.15294/ipmhi.v3i2.71165>.
- 'Treaty between the Government of Australia and the Government of the Republic of Indonesia Establishing an Exclusive Economic Zone and Certain Seabed Boundaries (Perth, 14 March 1997)', 1997.

- Wulandari, Early. 'Landas Kontinen: Eksistensi dalam Hukum '. *Uti Possidetis: Journal of International Law* 4, no. 2 (2023): 237. <https://doi.org/https://doi.org/10.22437/up.v4i2.21041>.
- Yanto MP Ekon. 'Penetapan Batas Laut Teritorial Indonesia-Timor Leste Di Wilayah Laut Tumpang Tindih'. *Arena Hukum* 14, no. 3 (2021): 476. <https://doi.org/https://doi.org/10.21776/ub.arenahukum.2021.01403.3>.
- Yulia Wiliawati, Danial, and Fatkhul Muin. 'Eksistensi UNCLOS 1982 Dalam Upaya Penegakan Hukum Laut Internasional Di Perairan Negara Pantai'. *Jurnal Riset Ilmu Hukum* 2, no. 2 (2022): 293. <https://doi.org/https://dx.doi.org/10.51825/sjp.v2i2.17064>.

ORIGINALITY REPORT

10%

SIMILARITY INDEX

10%

INTERNET SOURCES

12%

PUBLICATIONS

2%

STUDENT PAPERS

PRIMARY SOURCES

1	Nuno Marques Antunes. "Towards the Conceptualisation of Maritime Delimitation", Brill, 2003 Publication	2%
2	doczz.net Internet Source	1%
3	www.hukumonline.com Internet Source	1%
4	5dok.net Internet Source	1%
5	ro.uow.edu.au Internet Source	1%
6	www.icj-cij.org Internet Source	1%
7	Submitted to University of the West Indies Student Paper	1%
8	colr.xmu.edu.cn Internet Source	1%

nsgl.gso.uri.edu

9

Internet Source

1 %

10

dokumen.pub

Internet Source

1 %

11

www.un.org

Internet Source

1 %

12

Vasco Becker-Weinberg. "Joint Development of Hydrocarbon Deposits in the Law of the Sea", Springer Nature, 2014

Publication

1 %

Exclude quotes On

Exclude matches < 1%

Exclude bibliography On

10329-31705-2-RV Author Rev Ing Baru No Comment.docx

PAGE 1

PAGE 2

PAGE 3

PAGE 4

PAGE 5

PAGE 6

PAGE 7

PAGE 8

PAGE 9

PAGE 10

PAGE 11

PAGE 12

PAGE 13

PAGE 14

PAGE 15

PAGE 16

PAGE 17

PAGE 18

PAGE 19
