

Integration of ASEAN Way Principles in Negotiations for The ASEAN-China Code of Conduct for Creating Stability of The Southeast Asia Region

Rahmaddi¹, Andri Yanto², Dwi Haryadi³

{ rahmaddiofficial@gmail.com. andri.fhubb.progresif@gmail.com
dwi8belitong@gmail.com }

^{1,3}Master of Law, Bangka Belitung University

²Bangka Belitung University Faculty of Law

Abstract. Since the early 21st century, ASEAN and China have been entangled in a conflict over the Nine Dash Line, claiming Southeast Asian territory in the South China Sea. Negotiations, culminating in the 2002 DoC agreement, aimed to peacefully address the conflict and discuss the CoC. This study uses a juridical-normative approach to determine the potentiality of the ASEAN Way principles integration strategy in resolving the conflict. This study finds ASEAN unity is seen as a key solution to strengthen the standing of Southeast Asian countries in countering China's dominance in the region. With the ASEAN Way, ASEAN, guided by the ASEAN Way, seeks peaceful resolution in South China Sea conflicts. The 1992 Declaration and 2022 ASEAN-China DoC lack clear sovereign boundaries. Unified ASEAN support in ongoing CoC discussions is crucial for resolution. China's NDL claim jeopardizes ASEAN's sovereignty, demanding collective efforts, especially during Indonesia's 2023 ASEAN chairmanship, for legal resolution and conflict prevention.

Keywords: ASEAN Way, Code of Conduct, Nine Dash Line, South China Sea

1 Introduction

Diplomatic relations between Indonesia and China have continued to experience fluctuation points that tend to be in binary opposition in recent years. According to data from the Investment Coordinating Board (BKPM), the Bamboo Curtain Country is listed as the second largest investor country in the country with a value of US\$ 5.18 billion in 2022.[1] This figure jumped

63.93% year-on-year and is a positive growth trend in projections for Indonesia-China cooperation in the last decade since the surge in investment in 2016.[1] Strengthening bilateral cooperation between the two countries is also demonstrated by close political relations and the many cooperative projects between the two Asian countries. However, behind the economic and political harmony that has been established, Indonesia and China stand in opposing positions in the North Natuna Sea conflict.[2] In 2019, China sent a protest note to the Indonesian government over oil drilling in the Riau Islands region. Meanwhile, data collected by the Ministry of Maritime Affairs shows the aggressiveness of Chinese coast guard ships which violated the boundaries and entered the Indonesian EEZ area in North Natuna at least four times in the 2019-2022 period.[3]

The conflict of interest between Indonesia and China in the North Natuna region has become a national security problem that has emerged in the last two decades since China re-proclaimed the Nine Dash Line principle over the South China Sea (SCS) region.[4] The claim of an imaginary line that stretches to control 90% of the SCS is based on a 1949 traditional Chinese map made after World War II.[5] According to China's claim, North Natuna, which in the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) is part of Indonesia's Exclusive Economic Zone (EEZ), is included as an integral part of its territory, along with a number of territorial areas of other Southeast Asian countries.[6] The bilateral conflict between Indonesia and China over North Natuna is part of the struggle for territory with very high economic potential for natural resources.

China's consistency in carrying out naval maneuvers in North Natuna shows the failure of the government's efforts to ward off threats and contingencies from abroad. Repeated patrols by Chinese Coast Guard (TCG) ships have created instability in maritime areas and disrupted Indonesia's access to exploration and exploitation of natural resources in North Natuna.[5] This condition requires immediate movement to create long-term conflict resolution.

However, the lone-sovereignty disputes strategy implemented by Indonesia and a number of Southeast Asian countries has proven to be countered by China in the two decades of South China Sea conflict. China's claims have widely caused maritime insecurity in Southeast Asian countries, including Vietnam, the Philippines, Malaysia, Brunei Darussalam and Indonesia.[7] Each of these countries has carried out bilateral settlement efforts with China, but without certain and long-term results. In this position, the issue of NDL in the SCS should be the epicenter of discussion in the Association of South Asian ASEAN Nations (ASEAN) forum, as a form of threat to regional stability and the security of global shipping lanes in the SCS. ASEAN collectivity in handling LCS conflicts has now entered its second stage with the start of discussions on the Code of Conduct (CoC) in 2012 which replaced the Declaration on Conduct (DoC) which has been in place since 2002.[8] Until 2023, ASEAN-China negotiations on the CoC are still ongoing and have not yet obtained definite results, while various maneuvers and attempts at de facto claims are still taking place.

The protracted political-security diplomacy between ASEAN-China and between Southeast Asian countries and China shows the importance of ASEAN solidification to use the association

as a single forum for resolving disputes in the North Natuna conflict.[5] ASEAN has so far transformed from an economic-political cooperation organization into a multi-sector organization that encourages growth and creates regional stability in an integral and comprehensive manner. The ASEAN Political-Security Community (APSC), which is oriented to be the main forum for collective decision-making to create security stability in the Southeast Asia region, especially the SCS, is targeted to complete its formation in 2025. This movement is in line with the principles of the ASEAN Way, a perspective for ASEAN countries to prioritize the norms of consensus, diplomacy and non-intervention in resolving disputes.

Implementation of the ASEAN Way principles is still a challenge amidst ASEAN's heterogeneity in viewing SCS conflicts. Disagreements regarding the urgency and position of ASEAN in fighting China's claims limit the association's ability to stand on an equal footing with China as a claimant state over the SCS. This condition requires ASEAN to use the momentum of the formation of the APSC as a means, and Indonesia's Chairmanship for ASEAN 2023 with the vision of "ASEAN Matters: Epicentrum of Growth" to rebuild ASEAN unity and strength against China's claims. For Indonesia, this momentum is crucial to guarantee the creation of regional stability in general and the security of North Natuna's maritime resources in particular.

2 Method

Juridical-normative legal research methods are used as an approach in studying the material discussed in this research. In the study of legal science, the juridical-normative approach is a pattern of problem-solving by comparative analysis of statutory regulations with concrete realities that occur in the field.[9] This description will provide a complete picture of the legal gap between *das sollen* and *das sein* as well as the solutions that need to be taken to overcome the problems that arise.[10] In the juridical-normative research, a literature study was carried out with the legal materials used being primary legal materials, in the form of statutory regulations including the 1945 Constitution, Law Number 17 of 1985 concerning Ratification of UNCLOS 1982, the Fisheries Law, the Maritime Law, and every regulation. relevant legislation.[11] Meanwhile, secondary legal sources include books, journals, theses and news pages related to the resolution of the conflict between Indonesia and China in the North Natuna EEZ and its developments to support the credibility and quality of journal writing. The presentation of the discussion is carried out descriptively and systematically so as to enable conclusions to be drawn with the most ideal probability.

3 Results and Discussion

3.1 The Strategic Value of the South China Sea for ASEAN

The South China Sea (LTS) is a water area that stretches from the Karimata Strait and Malacca Strait, to the Taiwan Strait and is part of the Pacific Ocean with an area of 3,500,000 KM². [12]

The International Hydrographic Organization in its Limits of Oceans and Seas 3rd Edition (1953) describes the LTS boundary to the south as the mainland of China, to the east as Vietnam, to the west with the Philippines, to the east with the Malay Peninsula and Sumatra and the Singapore Strait, and to the north with the Bangka Belitung Islands, Riau Islands, and Kalimantan. The LTS area according to the provisions of UNCLOS 1982 is in several forms of jurisdiction, including international waters and territorial waters controlled by China, Vietnam, the Philippines, Malaysia, Brunei Darussalam and Indonesia.[5]

The LTS area has strategic value in economic, political and maritime transportation aspects. LTS is the second busiest sea waterway in the world. According to the world's annual cargo ship tonnage, more than 50% of cargo ships carrying oil around the world pass through Malacca Strait, Sunda Strait, and Lombok Strait in LTS.[13] With around 1.6 million m³ (10 million barrels) crude oil per day through the Strait Malacca. This intensity makes the LTS a body of water with a number of ship passages 3 times greater than the Panama Canal in South America. Although there are frequent reports of maritime piracy, but the number of such incidents has decreased considerably from the mid-20th century. In regional trade between countries in the Southeast Asia region, LTS is the main transportation route that connects these countries.[14]

In terms of economic potential, this area has proven petroleum reserves of 1.2 km³ (7.7 billion barrel) with an estimated total of 4.5 km³ (28 billion barrels). Reserve the natural gas estimated at 7,500 km³ (266 trillion cubic feet).[13] A 2013 US Energy Information Administration report raised the estimate of total oil reserves there to 11 billion barrels. In 2014, China began searching for oil in waters disputed with Vietnam. The Council of Foreign Relations (CFR) report in 2019 released data on natural gas reserves in the LTS reaching 900 trillion cubic feet. This figure is much higher than that reported by the American Security Project in 2015 which estimated that LTS natural gas reserves were in the range of 266 trillion cubic feet and constituted 60-70% of the total natural gas reserves in the Southeast Asia region.[15] The Philippine Department of Environment and Natural Resources released a report that the LTS holds one-third of the world's marine biodiversity.[16] The existence of LTS has important value in ecosystem conservation and becomes a center for biodiversity germplasm. However, this figure is decreasing as the number of fish catches in the LTS continues to increase, which accounts for 10% of the total fish catch worldwide every year.

In general, the Southeast Asia region has a very high dependence on LTS in trade routes, fish catches and resource reserves for national energy security for each country. The LTS region which is included in the EEZ of ASEAN countries has a variety of potential that can support the national economy and be used as a high-value free trade route. China's claim to the EEZ waters of Southeast Asian countries in the LTS zone is considered a territorial violation and threatens the sovereignty of these countries.

As an archipelagic country that has an EEZ area in the South China Sea, Indonesia's projected interests focus on efforts to maintain sovereignty in North Natuna. Natuna has abundant natural and gas resource potential and is vital for the national economy. In economic surplus statistics, in January 2020, there were 812 vessels with a total gross weight of 60,715 Gross Tonnage (GT)

carrying out fishing activities in the WPP 711 zone, North Natuna. The annual fish potential obtained in North Natuna even reached 767,126 tons in 2017, with the total allowable catch value of WPP 711 being 613,699 tons. The high value of fish supplies in this region makes North Natuna a source of protein and seafood industry for Indonesia.[17] In 2022, a survey of proven natural gas reserves in North Natuna shows a figure of 1,045.62 million cubic feet (billions of standard cubic feet/BSCF). Meanwhile, potential natural gas reserves reached 1,605.24 BSCF, consisting of 1,083.61 BSCF of expected reserves and 521.63 possible reserves. Exploitation of natural gas in the Natuna region, both East and North Natuna, is carried out by Indonesia with the main BUMN consortium PT Pertamina, as well as collaborating with several global corporations including Exxon Mobil and EP Thailand.[18] Based on calculations and data from the Ministry of Energy and Mineral Resources (ESDM), in 2021, referring to one of the natural gas fields in the Natuna D-Alpha Block, this water area located at the outermost border of Indonesia holds gas reserves with a volume of 222 TCF (Trillion Cubic Feet). If this amount is used to meet domestic electrification needs, it will last up to 30 years. Meanwhile, the potential for recoverable or predictable gas in the Natuna Islands is 46 TCF, or the equivalent of 8.383 billion barrels of oil. With such a large amount, Natuna's natural gas reserves are predicted to be the largest in all of Asia Pacific, even the largest in the world. In practical economic value calculations, the total volume of gas in place (IGIP) with proven reserves is worth IDR 6,000 trillion. The value of this wealth is very large, and much higher than the total State Revenue and Expenditure Budget which is 'only' IDR 1,743.6 trillion in 2021.[18]

Apart from holding the largest natural gas potential in Indonesia, North Natuna also has significant oil reserves. According to data from the Ministry of Energy and Mineral Resources, proven oil reserves in the North Natuna sea are 92.63 million barrels or Million Barret Stock Tanks (MMSTB). Meanwhile, potential reserves are in the range of 137.13 MMSTB. These potential reserves consist of expected reserves of 88.90 MMSTB and possible reserves of 48.23 MMSTB. This amount is sufficient to contribute to national oil reserves, which amount to 3,774.6 MMSTB. Cumulatively, Indonesia's future energy availability is dependent on reserves in the North Natuna sea.[19]

Outside the energy sector, the potential of North Natuna's marine fisheries resources also produces important economic contributions. The results of studies and identification of potential marine fish resources in 2011 show that Natuna has a sustainable fish potential of 504,212.85 tons per year. The amount of catch allowed in this zone is 403,370 tons per year, which reaches 80% of the sustainable potential. However, the number of catches and distribution of fisheries in North Natuna can still be optimized, by strengthening the maritime economic sector and improving fishing facilities and infrastructure by domestic fishermen.[19]

In the Indonesian maritime economic conception, the use of natural resources in the North Natuna region is in line with the provisions in Article 33 Paragraph (3) of the 1945 Constitution which requires state control and utilization orientation for the greatest welfare of the people.[20]

This economic approach requires the state to integratively build economic sovereignty over all its territories, including North Natuna which is within Indonesia's EEZ.[21]

The way Vietnam, the Philippines, Malaysia and Brunei Darussalam view China's claim to their EEZ LTS is the same as Indonesia's view of North Natuna. Meanwhile, for ASEAN in general, China's unilateral claim to the South China Sea could threaten the economic stability of its member countries. China, which is not part of the ASEAN Free Trade Area (AFTA) or ASEAN, could impose strict shipping policies on the LTS, threatening the future of global maritime transportation.[7] This can affect energy distribution flows which reach more than 50% of the world's total oil shipping vessels. The real threat of China's claims will have a broad impact on the future of the region's economy, transportation, energy and growth.

Thus, the LTS conflict has very high significance for ASEAN countries. The common goods principle encourages cooperation between countries with the same interests to work collectively.[22] In this case, ASEAN is the ideal forum for encouraging an integrative and comprehensive resolution of the North Natuna conflict.

3.2. The Challenge of Heterogeneity of ASEAN Countries Against China's Claims

Nine Dash Line or *Nine Dotted Line*, is a line segment on China's regional map that is claimed to be part of the country's undisputed territory.[23] The NDL stretches around the entire sea coast of China, and overlaps with the EEZ areas of other countries, including the Senkaku Islands, Paracel, Taiping, Sparty, Pratas, Macclesfield, Scarborough, Natuna, and most of the South China Sea. Historically, the NDL has appeared on official maps made by the Chinese government since December 1, 1947, as a conception that confirms that the entire South China Sea region is within that country's jurisdiction.[24]

China's claim to the NDS is based on facts and history of traditional fishing, which shows that Chinese fishermen have long used the South China Sea region as their traditional fishing area. On that basis, China stated that legally, the South China Sea region belonged to it.[5] This claim was also conveyed by the Chinese government in the Permanent Court of Arbitration which handled the maritime dispute between China and the Philippines in 2013.

As a unilateral claim that is not recognized by other countries, China's position is isolated in the NDL conflict. On July 12, 2016, the arbitration court established under UNCLOS 1982, firmly underlined that China's claim of historical rights to maritime areas in the NDL has no legal consequences for other countries and is considered invalid.[25] Moreover, China itself is also part of UNCLOS 1982, with the ratification of international legal provisions on June 7 1996. The UNCLOS arbitration court decision should be a binding legal guideline, and mediate China's maritime conflicts in the South China Sea region with other countries, including Indonesia. [26] However, in practice, arbitration court decisions are rejected by the Chinese government. The PRC regime remains of the opinion that the NDL is a legitimate claim, has a historical basis, and is vital to the national interests of the Bamboo Curtain country.[25]

China's solid stance towards its sovereignty claims over the South China Sea is proportional to the country's economic, military and political strength. In 2023, China is the second most populous country in the world, has the largest economy, the third strongest military after the US and Russia, and has control of weapons of mass destruction and the strongest navy in all of Asia. This condition is inversely proportional to the ASEAN countries involved in conflict with China in the South China Sea, which are still developing countries with limited economic, military and political influence in the global order.

The ASEAN Unity, which is oriented as a collective forum for ASEAN countries in fighting for the liberation of territorial areas in the South China Sea from China's claims, still faces a number of difficult challenges.[8] One of the main challenges is the heterogeneity of opinion within ASEAN countries regarding China's NDL claims in the LTS.

Malaysia uses a pragmatic and rational approach in discussing the NDL dispute covering its territory in the South China Sea. This pragmatic politics is realized by continuing economic and military cooperation with China and the US. In 2009, after Malaysia and Vietnam confirmed their claims to the LTS, China and Malaysia formed a Joint Action Plan on Strategic Cooperation which then spread to the economic sector. At this time, the Malaysian economy was experiencing a decline so Malaysia took a soft stance towards China to maintain bilateral relations and surplus economic incentives. According to Pramersaran (2017), Malaysia tends to carry out 'quiet' diplomacy and prioritizes the principle of sustainable economic prosperity and domestic development by not taking confrontational action against China,[27]

In contrast to Malaysia, Vietnam and the Philippines are two ASEAN countries that have adopted an open confrontational policy towards China's NDL claims in the LTS. Vietnam is the only country that was involved in the war against China in 1974 due to the dispute in the Paracel Islands.[28] In the war that killed 70 Vietnamese sailors and 14 Chinese sailors, Vietnam had to admit defeat and withdraw its claim in 1976.[28] Meanwhile, in 1994, the Philippines attempted to file a claim with the Arbitration Court under UNCLOS 1982 which was also ratified by China. China responded to this demand by building a base on Mischief Reef Island. In 1997, a conflict between Philippine and Chinese naval vessels occurred at Scarborough Shoal which sparked tensions between the two countries.[23] These efforts did not stop until in 2013, the Philippines again submitted a court application to the Permanent Court of Arbitration, which the Philippines won but the results were refused to be recognized by China. Both Vietnam and the Philippines are still pursuing confrontational politics towards China's claims.[29]

Furthermore, despite protesting China's claims to its territorial area in the South China Sea, Brunei Darussalam is using a less intensive approach. Brunei Darussalam's economic ties with China mean that Brunei's political economy in the South China Sea has similarities with Malaysia. Until now, China is not only the main consumer and owner of offshore drilling technology, but also a potential market for Brunei as a potential alternative income from the hydrocarbon sector that the country relies heavily on. Meanwhile, the absence of direct interest for Laos, Cambodia and Thailand in the LTS makes the role of these countries insignificant in the NDL claim.[16] Even though Cambodia was the country that persuaded China to agree to

the DOC in 2012 when it was Chair of ASEAN, since 2012, Cambodia's role has tended to decline. Cambodia also did not put the LTS issue on the agenda at the ASEAN summit in 2012 on the grounds that it was 'not very important'. The same attitude was shown by Thailand and Laos which supported peace talks to resolve the conflict in the South China Sea, but did not make it a common agenda that needed intensive attention in the foreign policies of these countries.

As a member of ASEAN, Myanmar is taking a different path to China's tendencies. Basically, Myanmar does not make the LTS issue the focus of discussion and follows the opinions of other ASEAN countries, both in the DoC and CoC. However, the burden of international sanctions and confrontational relations with the US in the region has made Myanmar politically closer to China. Since 1992, China has even stationed its military at the Hainggyi Island naval base, Myanmar. In 2011, Thein Sein's regime openly supported China's position in the South China Sea dispute. Finally, Timor Leste, which just joined ASEAN in 2022, has not provided a general view on the NDL conflict in the LTS.[8]

The differences in views of ASEAN member countries can basically be understood as part of the freedom of opinion and the principle of non-intervention of a sovereign country. Each country has the right to determine the legal politics of its country in accordance with the national interests of each country. However, this principle makes the position of each country in conflict at a disadvantage in front of China, so that NDL claims cannot receive immediate resolution. For this reason, ASEAN collectivity is a strategic solution to make ASEAN unity an equal party in competing with China's position and influence in the Southeast Asia region.

3.3. ASEAN Way and Collective Interests in Creating Regional Stability

ASEAN's regional approach in resolving conflicts in the South China Sea can be seen as a progressive step that has received attention since the early 1990s. As a cooperative organization aimed at achieving regional peace and stability, ASEAN is equipped with a number of principles that speak to unity. One of the important principles is the ASEAN Way.[8] This principle views that efforts to resolve conflicts in the region must be resolved peacefully through independent diplomacy and free from all forms of intervention. ASEAN respects the independence of each of its members in forming opinions, but has the same interest in achieving regional stability.

In response to China's NDL claims in the South China Sea, ASEAN on July 22 1992 issued the ASEAN Declaration on the South China Sea which contains the importance of resolving disputes peacefully and encouraging the implementation of cooperative exploration related to safety of maritime navigation and communication, protection of the marine environment, coordination of search and rescue, efforts to combat crimes at sea and illicit drug trafficking. Furthermore, in 2022, ASEAN and China reached an agreement on the Declaration on the Conduct of Parties in the South China Sea or DoC. The DoC is the first ASEAN-China agreement that explicitly regulates general principles in the use of LTS for peaceful purposes. The contents of the DoC are as follows:

- a. The parties reaffirm their commitment to the objectives and principles of the UN Charter, UNCLOS 1982, TAC, and the principles of international law that apply as basic norms governing state-to-state relations;
- b. The parties commit to improving ways to build trust in accordance with the above-mentioned principles and on the basis of equality and mutual respect;
- c. The parties reaffirm their respect and commitment to freedom of navigation and overflight over the SCS as determined by universally recognized principles of international law, including UNCLOS 82;
- d. The interested parties seek to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through consultations and negotiations between the sovereign states directly involved, in accordance with universally recognized principles of international law. , including UNCLOS 82;
- e. The parties agree to refrain from carrying out activities that will increase the escalation of conflict and will affect peace and stability in the region, including, among other things, refraining from inhabiting uninhabited islands, coral reefs, etc. Features and to deal constructively with their differences;
- f. Before there is a comprehensive and permanent resolution of the conflict, the parties concerned agree to carry out exploration or carry out cooperative activities, including the following:
 - 1) Marine environmental protection;
 - 2) Marine scientific research;
 - 3) Security of navigation and communications at sea;
 - 4) SAR operations;
 - 5) Combating transnational crime.
- g. The parties involved are ready to continue consultations and dialogue on related issues, through modalities to be agreed upon by them, including regular consultations on this declaration, with the aim of building good closeness and transparency, building harmony, mutual understanding and cooperation, and facilitating resolution peaceful dispute between them;
- h. The parties agree to respect and comply with the provisions of this declaration and take actions consistent with it;
- i. The parties encourage other countries to respect the principles set out in this declaration;
- j. The interested parties reiterated that the implementation of the code of conduct in the South China Sea would increase peace and stability in the region and agreed to continue the process of achieving this goal.

The DoC generally shows the significant success of negotiations with China carried out collectively by ASEAN to maintain regional stability since 2002.[4] However, the DoC does not yet contain concrete provisions that can provide strict guarantees of sovereign territorial boundaries. This stems from the fact that China has different views on the territorial boundaries of countries in the South China Sea, even though they both base their views on UNCLOS 1982.[16] Therefore, the subsequent discussion in the Code of Conduct (CoC) is important and is expected to provide solutions with legal certainty. CoC discussions are currently still ongoing

and have gone through the second reading stage so that it can be projected to be completed in the next few years. CoC negotiations between ASEAN-China are the key to resolving disputes in the LTS, and therefore require unity and collective support from ASEAN countries with the principles of the ASEAN Way.

The importance of the momentum of the CoC discussion should be seen as a collective struggle of ASEAN countries. Even though the LTS only has direct contact with a few countries, and not all ASEAN members, the commitment to establishing ASEAN from the start means that the LTS issue cannot be put aside. Moreover, the LTS dispute will have a broad impact on regional stability in general, so that China's claims can be seen as a 'common threat' that cannot be tolerated.

The principles of the ASEAN Way must be integrated by creating two different diplomatic perspectives for its member countries. National foreign policy and ASEAN politics must be placed in different domains. In national interests with China, ASEAN member countries can implement political schemes that are compromising and mutually beneficial, while when standing on behalf of ASEAN, confrontational politics with a complete rejection of China's claims to the South China Sea must be implemented. The ASEAN Way binds ASEAN countries to have a sense of 'shared destiny' as peace-loving Southeast Asian nations, and resolving disputes in the LTS is an unavoidable option.

The momentum of Indonesia's Chairmanship for ASEAN 2023 is the right time for the government to push the LTS issue and accelerate CoC negotiations between ASEAN and China. This position is in line with ASEAN's mission to complete the formation of the APSC by 2025, as a forum for ASEAN multilateral cooperation that handles regional political and security issues. The creation of a free and safe Southeast Asia is a shared responsibility of ASEAN members, so that resolving the NDL conflict in the South China Sea through the CoC must be pursued as an achievement of the common interests of the nations in the Southeast Asia region.

4 Conclusion

The border conflict between ASEAN and China in the South China Sea due to the Nine Dash Line claim is a threat to regional security and the sovereignty of ASEAN member countries. By UNCLOS 1982 and the International Arbitration decision, China does not have any juridical rights in the South China Sea territory claimed in part of the NDL. The wealth of natural resources and the strategic position of LTS which controls global trade routes is a valuable potential that is very important to guarantee the economic growth of ASEAN countries. Specifically for Indonesia, China's interests in the South China Sea directly overlap with the EEZ in North Natuna, as one of the waters rich in oil, gas and potential ties in Western Indonesia. Therefore, the projected resolution of the NDL dispute in the South China Sea requires ASEAN countries to build collective work based on the principles of the ASEAN Way, which calls for efforts to resolve disputes in the region peacefully and non-interventively. The spirit of the ASEAN Way must be oriented towards a common perception that NDL in the South China Sea is a form of illegal claim by China based on UNCLOS 1982. ASEAN countries must unite and

uphold the principle of respecting the independence and territorial territory of sovereign states. With this unity, ASEAN can stand in a better position to face China. Settlement of disputes through the CoC is currently ongoing and has gone through several negotiation stages since 2012. CoC decision making needs to be encouraged to be accelerated, to immediately provide guarantees of legal certainty and prevent conflict and provocation in LTS. The momentum of Indonesia's chairmanship of ASEAN in 2023 is the right time to raise the issue of NDL again in the LTS, foster unity in the spirit of the ASEAN Way, and encourage accelerated conflict resolution according to international jurisdiction through a just CoC scheme.

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