The Study of Natuna Island Dispute Between Indonesia and China, Based on UNCLOS 1982

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Abstract*—Every sovereign statemust have territory. Either land, sea and air. Likewise with the country of Indonesia, which consists of 2/3 parts of its territory, the ocean. With the sovereign rights in the maritime area, Indonesia has the right to its jurisdiction in the maritime area by continuing to approve international maritime law or territories known as the United Nations Convention on the Law of the Sea (UNCLOS) 1982. The Natuna Islands in Indonesia, which have international legality, are sovereign rights Indonesia. However, this situation has changed due to the presence of foreign vessels, namely Chinese ships that have entered the area several times without permission from the Exclusive Economic Zone (EEZ) area. This had a major impact on the dispute between Indonesia and China. In this case, China itself claims that the territory it enters is the territory of its country inherited and controlled by its ancestors. As such, they claim the right to their natural resources. In this case, China decides and follows UNCLOS 1982. The method used in this study is normative jurisdiction, which is considered the main rule in disputes between countries.

Key-words : Disputes;Indonesia;Natuna Islands; China; UNCLOS.

I. INTRODUCTION

The state is an original international legal entity. The state is also the most important legal entity compared to other legal entities. As subjects of domestic international law, states have rights and obligations under international law. Brierly mentions the state as an institution where people can achieve their goals and carry out their activities. Fenwick defines the state as a political society that is regularly organized, occupies a certain area and lives within the boundaries of that area, free from the control of other countries, so that it can act as an independent body on earth [1]. The basic concept of the area for exercising sovereignty as the highest state power is limited by the state territory, so that the state has the highest power in its territory. Oppenheim said that a country without the existence of an area with certain boundaries cannot be considered the subject of international law. The definition of a state cannot be separated here from the basic concept of the state as a geographical unit with its respective sovereignty and jurisdiction [2].

The element of the state in the traditional sense is that if the state is natural enough to have three main elements for the birth of a country, namely: a particular territory, a population living in the region, and a government living in is able to regulate its population. The state element in this modern sense is one of the elements of the state in relation to a region or region that will form its state by freeing itself from colonialism or some other state power. While the state elements of the Montevideo Convention contain four detailed elements, namely: there must be residents (people, residents, citizens or nations), there must be a (certain) territory or area of power, there must be supreme power (sovereign power or sovereign government). and the ability to connect with other countries [3]

With the four Geneva Conventions of 1958 (Territorial Sea and Adjacent Zone, High Seas, Fisheries and Conservation of Living Resources of the High Seas and the Continental Shelf), which govern the territorial sea, extensive regulations were made regarding sovereignty and jurisdiction at sea. and additional zones, fishing and conservation of biological resources on the high seas, on the continental shelf and on the high seas. Until the 1970s, the four conventions were considered appropriate to regulate all human activities at sea. The demand for a review of these conventions arises together with the rapid development of mining technology on the seabed and the decreasing supply of biological resources in the sea. The conventions are again considered sufficient. Another no less important factor is the increase in the number of new countries that have recently become independent,

which leads to new demands on the sea. [4].The territorial sea is the sea that is on the outside of the baseline and does not exceed 12 nautical miles. In this area, full state sovereignty encompasses the airspace above. The right of peaceful passage is recognized for passing foreign ships. With the principle of not disturbing the national territory and coordinating the obtaining of permits from sovereign states. With regard to the territorial sea agreed in Unclos 1982, Indonesia has Law No. 43 of 2008 on Territory and Law No. 17 of 1985 on the ratification of Unclos 1982. [5]

The sea territorial based on the convention of Sea Law 1958 and 1960 has failed to determine the area of the sea area that has been generally accepted, namely 3 nautical miles with an additional zone of 3 nautical miles as a positive law in the convention. Indonesia itself and several countries that have a long coastal route have proposed that the area's sea width be determined, namely from 3 nautical miles to 12 nautical miles, as well as an additional zone of 12 nautical miles, so that the total area of Indonesian sovereignty becomes 24 nautical miles. On this proposal, there were countries that disagreed, especially countries that did not have a long coastal route. In general, the conventions of Sea Law 1958 and 1960, only resulted in: 1. Convention on Territorial Seas and Additional Routes, 2. Convention on the High Seas, 3. Convention on Fisheries and the Protection of Biodiversity of the High Seas, and 4. Convention on the Continental Shelf. As mentioned in the 1958 sea law convention Article 3 “Limits of the territorial Sea: Except where otherwise provided in these articles, the normal baselines for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large scale charts officialy recognized by the coastal State. UNCLOS 1958 Article 24 Sub 2 "The contiguous zone may not extend beyond 12 (twelve) miles from the baselines from which the breadth of the territorial sea is measured."

Sea territorial based on Unclos 1982. After going through long negotiations, the participating countries of the 3rd UN Conference on the Law of the Sea finally agreed to the United Nations Convention on the Law of the Sea-UNCLOS in 1982 which consisted of of 320 articles and 9 Annexes. This Convention regulates all activities at sea, such as delimitation, right of passage, pollution to the environment, marine scientific research, economic and trade activities, technology transfer and dispute resolution on marine issues. In accordance with the provisions of Article 308 this Convention entered into force on 16 November 1994, namely 12 after the receipt of the 60th ratification.

The 1982 Convention on the Law of the Sea recognizes the right of states to claim various maritime zones with different legal statuses, which are divided as follows:

1. Being under the full sovereignty of the state covering the inland sea, territorial sea and straits used for international shipping;
2. The state has special and limited jurisdiction, namely the additional zone;
3. The state has exclusive jurisdiction to utilize its natural resources, namely the exclusive economic zone and the continental shelf;
4. Being under a special international arrangement, namely the seabed area of the deep ocean, or better known as the area (international sea-bed area or area); and
5. Not under the sovereignty or jurisdiction of any country, namely the high seas.

Since 2015, China has been very active in claiming the sovereignty of the sea in the South China Sea. China's claim was followed by concrete steps, for example by sending its warships to the South China Sea, for example the claim over the Spratly Islands which caused a strong reaction from countries in the area, for example Vietnam and the Philippines. Then, in 2019 by sending military ships to the Natuna archipelago, which also immediately received a strong reaction from the Indonesian state. However, It has been argued that China's sovereignty in the South China Sea is not an issue that UNCLOS should decide, as China's claims are based on historical rights established under a regime independent from UNCLOS. In addition, he argued that the continued insistence of some countries attempting to use UNCLOS to debate China's claims in the South China Sea was not only false but also increased the risk of regional instability. [6]

II. PROBLEMS

The focus of problems in this research are:

1. What is the position of the Natuna Islands in the dispute between Indonesia and China, based on UNCLOS 1982?
2. What is the best solution to finalize the dispute between Indonesia and China, based on UNCLOS 1982?

III. RESEARCH METHOD

In this study, the research model used is a qualitative research model, where the data used is a reference data which is weighted in order to provide reinforcement to the object of research and validation of the research results. [7] Furthermore, the research approach used is a national and international legal and statutory approach. [8] And the research specification is descriptive analytical, in which everything related to legal principles and events is examined in depth and described completely and clearly. [9] The data used in this research is secondary data which includes international conventions, national legislation, opinions of experts in the field of international law, related scientific journals and information obtained via the internet. [10]

IV. DISCUSSION

In this discussion, shall be explained concerning to the position of Natuna island area which is locate in the South Sea of China, regarding to the situation before and after been declared of Unclos 1982. Than, in relation how are the argumentation Indonesia and China. Also shall be described the content of convention, which is providing to the Unclos 1982:

1. Map of Geografical Arround Natuna Islands

a. Before Unclos 1982

Description :

The map illustrates that the condition which becomes the point of contact between the land area and the sea area of a country, including the surrounding islands, It does not yet show a position which is the basis of a country's territory. This is due to the absence of a legal basis for the international sea which regulates the definite area of the sea, the area of the additional zone, the area of the exclusive economic zone, including what about the position of the sea area in the interior area between the islands and the mainland. So that all countries feel that they have these islands as their territory, including the Natuna Islands

b. After Unclos 1982

Description :

The map illustrates that the condition which is the point of contact between the land area and the sea area of a country, including the surrounding islands, has shown a position which is the basis of a country's territory. This is due to the absence of a legal basis for the international sea which regulates the definite area of the sea (3 - 12 Seamiles), the area of the additional zone (24 Seamils), the area of the exclusive economic zone (200 Seamiles), including what about the position of the sea area in inland areas between the islands and the mainland. In

accordance with the 1982 Unclos provisions relating to archipelagic states, it has been determined that the inland waters between islands are an integral part of a country. Therefore, the position of the territorial sea of a country will be drawn from the outer lines of the mainland and the outer lines of the outer islands. Likewise with the position of the sea area in the Natuna archipelago

2. International Law Resources.

International law resources, which be used in the international legal practices, including to solve the interlational sea territorial disputes, can be seen as follow:

a. International legal rules, in this case in the form of international treaties (Treaty), either general or specific;
b. Legal principles / principles, both those that have been confirmed in international agreements and those that have not been affirmed in international agreements;
c. Theories, which are the opinions of experts. Even though this is not binding, it is often used as a consideration in solving problems in international relations;
d. Decisions of international institutions or organizations. These decisions are primarily binding on the parties or member states, but are often used as a reference in international relations. [11]

In international agreements, the countries are also subject to the rules (international law) for international agreements. Today there are two international rules regulating the conclusion of international treaties, namely the Vienna Convention on the Law of Treaties of 1969 and the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 1986. The difference between the two Agreement is only in subject matter. international contract manufacturer,so that some general principles or principles are more or less the same in the conclusion of international agreements. International treaties are essentially types of the genre in terms of agreements in general. [12]

In every agreement, including international agreements, there are principles that serve as the basis for their implementation. The most basic principle is the *PactaSuntServanda* principle, namely that the promise as law is binding on those who make it. This is considered fundamental as this principle underlies the formation of the agreement, including international agreements, and the implementation of the agreement in accordance with the agreements of the parties. No agreement can be reached without the agreed promises. The agreement must be carried out by the parties as the promises made by the parties. As a partner, the principle of *PactaSuntServanda* is the principle of good faith. [12]The implementation of these promises must of course be carried out with full awareness, a sense of responsibility and taking into account the interests of the parties promised in the agreement. Therefore, in order to avoid or prevent disputes, it is necessary to understand the principles of agreements, including international agreements. [13]

3. United Nation Convention Law of the Sea(UNCLOS) 1982

In the regulation of Unclos 1982 has been resulting the better agreements as a revised from the regulation Internation Convention of Sea Law 1958 and 1960. The new regulations declaring as follow:

a. The territorial sea as defined in the Statute of UNCLOS 82 Part II Part 2 Article 3 "Each State has the right to determine the breadth of the territorial sea up to a limit of not more than 12 nautical miles, measured against the baselines established under this Convention." In Article 4, "The outer limit of the territorial sea on a line where each point is at a distance from the nearest point on the baseline is the breadth of the territorial sea".
b. Straight, as a law on UNCLOS 82 Part III Part 2 "Article 44" obligations of the states bordering the road. States bordering on straits may not impede transit and must submit appropriate publications on hazards to shipping or flight within or across straits of which they are aware. There must be no suspension of the transit passage. "Part II Part 2 Article 7.1" In places where the coastline is heavily indented and intersected or where there are island edges on the adjacent coast, the straight baseline method can be used to combine precise points when drawing baselines. from which the area of the territorial sea is measured "

c. Water in the landward side, according to the law in Article 8.1 UNCLOS 1982 "Unless otherwise specified in Part IV, water on the land side of the baseline of the territorial sea is one of the inland waters of the state." Article 8.2 "If the formation of a straight baseline in accordance with the method set out in Article 7 results in the closure of an inland water area not previously considered as such, the right of innocent passage in such waters provided for in this Convention shall apply."
d. Contiguous zones, according to UNCLOS statutes 82 Article 33 “I. In a zone adjacent to its territorial sea, which is defined as an adjacent zone, the coastal state can carry out the necessary controls for; (a) Preventing violations of customs, tax, immigration or sanitation laws and regulations in its territorial waters or territorial seas; (b) to punish violations of the above-mentioned laws and regulations that have been committed in the territorial sea or in the territorial sea. II. The contiguous zone must not exceed 24 nautical miles from the baseline from which the breadth of the territorial sea is measured.
e. Economic exclusive zone as defined in the law of UNCLOS 82 Article 55 “The exclusive economic zone is an area outside and on the border with the territorial sea, which is subject to a specific legal system established in this part and in which the rights and responsibilities of the coastal state as well the rights and freedoms of other countries apply The states are subject to the relevant provisions of this Convention "Article 57". The exclusive economic zone must not exceed 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.
f. The continent shelf according to UNCLOS law 82, Article 76 “The continental shelf of a coastal state consists of the seabed and the subsoil of the submarine territory, which extends beyond its territorial sea along the natural extent of its land area to the outer edge of the continent. Margin, or the distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, if the outer edge of the continental border is not that far.
g. Sea-bed or area under UNCLOS law 82 Article 76 “The continental shelf of a coastal state consists of the seabed and the subsoil of the submarine area which extends beyond its territorial sea along the natural extent of its land area to the outer edge. from the continental margin or within 200 nautical miles of the baseline from which the latitude of the territorial sea is measured, if the outer margin of the continental margin does not extend over that distance. H. Free Sea - Male Liberium, as a law at UNCLOS 82 Article 136 “Areas and resources are the common heritage of mankind” area). (UNCLOS 82 Article 87 "1. The high seas are open to all states, both on land and without land. Freedom of the high seas is exercised under the terms of this Convention and other rules of international law. 2. These freedoms are exercised by everyone States, with due regard to the interests of other States in the exercise of freedom of the high seas and with due regard to the rights under the Convention in relation to activities in the region.

4. China Argumentation Regarding South China Sea (Natuna Lane).

China's claim relates to the South China sea area, which has drawn a strong reaction from several countries residing in the area. The opinion from Colonel Xiaoqin. She said that: The argument that Chinese sovereignty in the South China Sea does not have to be decided by UNCLOS, as China's claims are based on historical rights established under a regime independent of UNCLOS. In addition, he argued that the continued insistence of some countries attempting to use UNCLOS to debate China's claims in the South China Sea was not only false but also increased the risk of regional instability. International law in general and the United Nations Convention on the Law of the Sea in particular (UNCLOS) in particular have been used time and again to assess China's claims in the South China Sea. Since UNCLOS is celebrated as the “Constitution for the Ocean”, China’s claims do not match China's claims with UNCLOS are interpreted by some as a violation of international law.[14]The China considers that the South China sea area is a historical right which is determined based on a separate regime. However, China as a permanent member of the United Nations plays an active role in formulating and agreeing on any discussions

related to the interests of international maritime law, including agreeing on the 1982 UNCLOS.

China is acquiring sovereign rights in the South China Sea based on consistent state practice, not UNCLOS. Chinese sovereignty in the South China Sea goes back to UNCLOS. This paper does not intend to discuss successive Chinese dynasty practices regarding the South China Sea, but will only begin from the beginning of the 20th century. Since the early 20th century, French colonists in Annam (now part of Vietnam) have tried to occupy the Xisha Islands and the Nansha Islands. The activities carried out by the French occupiers alerted the Chinese government, which decided to publish detailed maps of the South China Sea with uniform and verified names in Chinese and English for all 132 islands, islets, reefs and relevant shoals. 8 Country and The Maritime Map Inspection Commission published the map of the Chinese islands in the South China Sea in April 1935.[14]Whatever is argued by China in terms of its government has a historical record of seizing territories and islands such as Xisha Island and Nansha Island. As it is known, the French colonial which at that time occupied Annam (currently part of Vietnam) tried to occupy the two islands, so the Chinese government felt the need to defend the territory. However, times have changed, the Chinese government has been bound by UNCLOS 1982 and is therefore obliged to comply with it.

In 1945, China won the centuries-long anti-colonial war of invasion. After the Cairo and Potsdam declarations of 1943 and 1945, all of the Chinese territory stolen by Japan had to be returned to China. In 1946, the Chinese government dispatched four warships named Taiping, Yongxing, Zhongjian and Zhongyeto to the islands to restore lost territory. In 1947, the Ministry of Interior of the Republic of China published an official map of its territory, Nanhaizhudaoweizhitu (Map of the Locations of the Islands in the South China Sea). There have been no protests or objections from the international community since this map was published. There were also no diplomatic protests. Created by the Southeast Asian coastal states (at least until the mid-1990s), which, according to Li Jinming, would mean their tacit approval.11 It should be emphasized that there is no general concept of sea borders, as the Chinese government shows borders on this official map - the international one Community has not yet evolved into an era of consensual ocean management.[14]It can be understood that the dispute between China and Japan at the time the Japanese stolen several islands and returned them to China in 1946. The Chinese government in 1947 carried out a mapping of the South China sea area and published it. At that time no one protested diplomatically, however, international maritime law was discussed again in the conventions of the law of the sea in 1958 and 1960. This shows that the problem of international maritime law, especially the problem of a country's territorial sea, is still a hot issue.

In his statement, M. Taylor Frafel states: In the South China Sea, Beijing claims territorial sovereignty over the two archipelagos and maritime rights over the waters concerned. The current basis for China's territorial claims is a statement made by Chinese Prime Minister Zhou Enlai in August 1951 during negotiations for an allied peace treaty with Japan. In his statement, Zhou declared Chinese sovereignty over the Paracel and Spratly Islands. In September 1958, China reaffirmed its claim to these islands when it asserted rights to territorial waters during the Jinmen Crisis. The 1958 Declaration was the first time that China combined its claim to territorial sovereignty with the enforcement of maritime rights, in this case the right to territorial waters. From the mid-1970s to the present day, official government statements use more or less the same language to describe China's claim to sovereignty. Such claims are usually phrased as follows: “China has undeniable sovereignty over the Spratly Islands (or the islands of the South China Sea) and adjacent waters.[15]What was conveyed by Chinese Prime Minister Zhou Enlai in August 1951 when peace negotiations were carried out with Japan, he still stated that his country's sovereignty in the South China sea area to the Paracel Islands and the Spratly Islands was very irrelevant if it was related to the legal regime of the sea at that time including the convention international law of the sea in 1958 and 1960. Because the two regimes regulate the maritime boundaries of a country is 3 nautical miles to 12 nautical miles, while the position of Paracel Island and Spratly Island is very far if pulled from mainland China, of course it exceeds 12 nautical miles. , exceeding the EEZ 200 nautical miles in Unclos 1982.

However, the scope of China's claims to maritime law or jurisdiction remains ambiguous. First, many of the land features China claims in the South China Sea would not be considered islands for the purposes of Article 121 (3) of UNCLOS and therefore cannot form the basis for claims across the EEZ. China can potentially claim most of the South China Sea as an EEZ of the five largest Spratly Islands, plus Woody Island on Paracels and Pratas Islands (currently controlled by Taiwan). However, such claims would only represent a maximum position as UNCLOS requires countries to settle disputes when EEZ claims overlap. A second source of confusion concerns questions about the historical rights China can claim in the South China Sea. Article 14 of the 1998 EEZ states that "the historical rights of the PRC will not be prejudiced". Although some Chinese policy analysts have argued that the South China Sea is historical waters, a 1998 law does not define the content or spatial scope of this historical right. Furthermore, no other Chinese law stipulates what these rights include.[15]The Chinese government is likely to continue with its stance with regard to recognition of sovereignty as far as the South China sea area. In fact, after the completion of the colonialization period in 1945, sovereign states that had land and ocean territories were born in that region which directly faced the South China sea area and currently these countries are members of the United Nations. Such as: Indonesia, Philippines, Vietnam, Cambodia, and others.

As the international law of the sea evolved, China began to work out its claims to the law of the sea through the enactment of domestic laws. This law harmonises China's legal system with the requirements of the United Nations Convention on the Law of the Sea (UNCLOS). In 1992, the National People's Congress (NPC) passed the Law on the Territorial Sea and Adjacent Zones of the People's Republic of China, reiterating the content of the 1958 Declaration, but using a more specific language. Under this law, China issued base values for its territorial waters in 1996. In 1998, the NPC passed the People's Republic of China's Exclusive Economic Zones and Continental Shelf Act, which claims additional maritime rights beyond those contained in the 1992 Act. The EEZ Act does not apply to the Paracels or Spratlys, but forms in combination The 1992 Coastal Seas Act laid the basis for the claims of maritime rights in the South China Sea. In April 2011, China confirmed this interpretation in an oral communication to the UN Commission on the Continental Shelf (Commission or CLCS), stating that the Spratly Islands have "full rights" to territorial waters, the EEZ and the continental shelf. [15]

5. **Indonesia Argumentation Regarding New Regulation of Archipelago States**.

The struggle of the nation's founders to understand the understanding of the meaning of power and power developed in Indonesia was based on an understanding of war and peace and was adapted to the conditions and geographical constellation of Indonesia. Meanwhile, the understanding of the Indonesian state follows the concept of an archipelago, which develops from the principle of the archipelago, which is different from the understanding of the archipelago in western countries in general. The main difference to this understanding is that in the western understanding the sea acts as a "separator" for the islands, while the Indonesian understanding of the sea is a "connector" so that the territory of the country becomes a unit as the "motherland" and is called an archipelago state. [16] Enter Part IV Article 46 UNCLOS 1982; "For the purposes of the Convention: a)." Archipelago State means a State which is composed entirely of one or more Archipelago States and may include other islands. "B)" Archipalego "means a group of islands, including portions of islands, interconnected waters and other natural features so closely related that islands, waters, and other natural features form a geographic, economic, and natural unit. Politics that are intrinsic or that have historically been viewed as such. "[16]

The objective state of an archipelago country (Nusantara), which consists of thousands of islands spread across the equator (center line of the world) and located in a very strategic transverse position, has different characteristics than other countries. The territory of Indonesia at the time of Indonesia's declaration of independence on August 17, 1945 followed the Territoriale Zee En MaritiemeKringenOrdonantie in 1939, where the breadth of Indonesia's sea area was measured 3 miles from the low water line of each of the coasts of the Indonesian island. Determining the breadth of the sea area of 3 miles does not guarantee the territorial integrity of the Republic of Indonesia. In

view of the state of the natural environment, national unity and the territorial integrity of the state are the main requirements for achieving sustainable prosperity and security. Based on these considerations, the Djuanda Declaration was announced on December 13, 1957. [17]

The explanations include:

"The government declares that all waters around, between, and connecting islands of the Indonesian state, regardless of their size or breadth, are reasonable parts of the mainland area of the Indonesian state and thus part of the inland or national waters that are under sovereignty - absolutely the State of Indonesia ".These efforts were continuously opposed by the Indonesian government and nation at international conferences on the law of the sea in 1958 and 1960 and even continued until the International Conference on the Law of the Sea in 1982 (Unclos 1982). [17]The potential of the coastal areas and oceans of Indonesia from a physical point of view consists of archipelago waters of 2.8 million km2, territorial sea with an area of 0.3 million km2, an EEZ area of around 3 million km2, a long coastline of more than 81,000 km2 and the number of islands of 17,504 island. For the management of marine potential, three types of sea are important for Indonesia, namely:

a. The sea that is "the territory of Indonesia" and is under "Indonesian sovereignty". This category includes inland waters, archipelago waters, and coastal seas.
b. The sea is the authority of Indonesia, where Indonesia has sovereign rights to its natural resources, and the authority to regulate certain matters, namely additional routes, the exclusive economic zone, and the continental shelf. And
c. The sea is in the interests of Indonesia, where Indonesia is closely related, although Indonesia has no territorial sovereignty or authority and no sovereign rights over the sea. This category includes the high seas and the international seabed. [18]

Taking into account the results of the 1982 Unclos and in accordance with the Unclos Agreement, so that all countries that had agreed to ratify it immediately, the Indonesian government immediately enacted Law No. 17 of 1985 ratifying Unclos 1982 This was followed by the adoption of Law No. 31 of 2004 on Fisheries, Law No. 6 of 1996 on Indonesian Waters and Law No. 43 of 2008 on State Territory, Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands, Law No. 1 of 2014 regarding amendments to the law No. 27 of 2007 regarding the management of coastal areas and small islands, PP. 62 of 2010 on the use of the outermost islets and other laws on the sovereignty of the unitary state of the Republic of Indonesia.The full recognition of the sovereignty of the archipelago state, especially Indonesia, will ensure national security and integrity. This is because foreign ships have so far entered Indonesian waters freely and are now unable to do so unless they have asked for permission or have already reached an agreement with the Indonesian government. In relation to the inland waters that are on the land side (in) of the baseline. In this region, the state has full sovereignty, just like the sovereignty of the country. In principle, there is no right to peaceful passage in this area, with the exception of inland waters, which are created by drawing a straight baseline. This confirmation was governed by Article 1 (3) of Law No. 6 of 1996 on Indonesian Waters, which states that an archipelago is a group of islands, including parts of islands, and waters between these islands and other natural forms that are related to each other. others are so close that islands, bodies of water, and other natural forms form an essential geographical, economic, and political entity or have been historically assumed. With full recognition of state sovereignty, the area of the territorial sea measured or drawn from the extreme baseline and / or between islands will be measured or withdrawn with the new regulations. from each land baseline of the outermost islands Indonesia. [19]

V. CONCLUSION

The conclusions of this study are:

a. The principles of general law as one of the sources of international law, one of which is the Pacta Sun Servanda, which is a basic requirement in an agreement drawn up for manufacturers, including the parties in this case of the countries that Unclos agreed in 1982 as aw is binding.Unclos 1982 is a very long effort and a struggle of the countries to agree that the international law of the sea will be better and can generally take into account

the interests of countries with seas and especially countries without seas. Especially to regulating the territorial sea for the archipelago states which confirmed that all insider water among the islands is a part of national territory.

b. The dispute in the Natuna Islands between the Indonesian government and the Chinese government should be settled before the International Court of Justice, as set out in the 1982 Unclos, so that peace and stability can take place particularly in the Natuna Archipelago and in the South China Sea region in general. Based on the Unclos of 1982, in particular the provisions on the concept of an archipelago state and the provisions on the territorial sea, the Natuna archipelago fully embraces the sovereignty of the Indonesian sea area.

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