

Implications Of International Law For Settlement Of Maritime Border Disputes

Ayumi Kartika Sari

Fakultas Hukum, Universitas Prima Indonesia

| Article Info | ABSTRACT |
|--|--|
| <p>Keywords: Implication International Law Dispute Resolution</p> | <p>International law is a framework that regulates relations between countries in various aspects, including resolving maritime border disputes. Resolving maritime border disputes is becoming increasingly important considering the rich natural resources in maritime areas. This research explores the implications of international law for various methods of resolving maritime border disputes, such as arbitration, negotiation, and settlement through international institutions. This analysis also includes the impact of international court decisions on the resolution of maritime border disputes between the countries involved. Through a comparative legal approach and case studies, this research highlights the challenges and opportunities in applying international law in the context of resolving maritime border disputes, and offers recommendations for improving the effectiveness of existing dispute resolution mechanisms. By understanding the implications of international law in depth, countries can strengthen their cooperation and promote peace and justice in the resolution of maritime border disputes..</p> |
| <p>This is an open access article under the CC BY-NC license</p>  | <p>Corresponding Author: Ayumi Kartika Sari Fakultas Hukum, Universitas Prima Indonesia Medan, Sumatera Utara, Indonesia</p> |

INTRODUCTION

Settlement of maritime border disputes is one of the important issues in international law involving countries that have bordering territorial waters. The introduction of international law to the resolution of maritime border disputes can be examined from several perspectives, including relevant international legal principles, available dispute resolution mechanisms, as well as the role of international institutions in resolving such disputes.

Principles such as state sovereignty, justice, equality and decency are the basis for resolving maritime border disputes. These principles encourage disputing countries to seek solutions that respect their respective sovereign rights and prioritize a just and peaceful resolution. There are several mechanisms that can be used by countries to resolve maritime border disputes, including bilateral or multilateral negotiations, mediation, arbitration, or settlement through international courts such as the International Court of Justice (ICJ) or the International Maritime Law Tribunal (International Tribunal for the Law of the Sea/ITLOS). International institutions such as the UN, ITLOS, and regional organizations such as ASEAN (for the Southeast Asia region) or the European Union (for the Europe region) can facilitate the process of resolving maritime border disputes by providing platforms for negotiation,

mediation, or courts.

The approach taken in resolving maritime border disputes can vary depending on the characteristics of the dispute, the policies of each country involved, as well as the availability of accessible settlement mechanisms. However, basically, resolving maritime border disputes seeks to achieve solutions that respect international law and promote peace and justice between the countries concerned. Settlement of maritime border disputes is a complex and important process in the context of international law. Such disputes can arise between countries sharing the same waters, and often involve claims to territory, economic rights, or navigation rights.

Disputing countries can try to resolve their disputes through direct negotiations, either bilaterally between the two countries involved, or through multilateral forums involving more than two countries. These negotiations could include diplomatic meetings, formal dialogue, or the establishment of a bilateral commission to resolve the dispute. Mediation involves a neutral third party to help disputing countries reach an agreement. This mediator does not have the power to force a solution, but acts as a facilitator to smooth communication and facilitate resolution.

Arbitration involves submitting a dispute to an independent arbitration panel or arbitration institution. These arbitrators will listen to the arguments of each party and issue a binding decision, agreed upon by the parties beforehand. Disputing countries may choose to submit their disputes to international courts such as the International Court of Justice (ICJ) or the International Tribunal for the Law of the Sea (ITLOS). Decisions from such courts are binding on the parties to the dispute. Several international legal instruments, such as UNCLOS, provide special mechanisms for resolving maritime border disputes. UNCLOS has a permanent arbitration tribunal and dispute resolution procedures set out under part XI.

Each dispute resolution method has its own advantages and disadvantages, and the choice depends on the preferences, needs, and interests of the disputing countries. It is important to note that resolving maritime border disputes requires cooperation and commitment from all parties involved in order to achieve a just and sustainable solution

METHOD

In International Law research on Maritime Border Dispute Settlement, there are several methods that can be used to collect data, analyze relevant issues, and produce an in-depth understanding of the topic. The following are some commonly used research methods.

1. Through case studies, researchers can analyze specific maritime border disputes between specific countries. This involves collecting historical and contemporary data, identifying the legal issues involved, as well as analyzing how the disputes were handled and resolved.
2. This research involves the analysis of legal documents such as bilateral or multilateral agreements, international court decisions, international conventions, and related national regulations. Analysis of these legal documents can provide insight into the legal framework governing the resolution of maritime border disputes.

RESULTS AND DISCUSSION

Settlement of maritime border disputes is a complex issue in international law, especially because it involves territorial waters which are often the source of very valuable natural resources. The following are some results and discussions regarding the resolution of maritime border disputes in international law, United Nations Convention on the Law of the Sea (UNCLOS)

1. UNCLOS is the main basis for resolving maritime border disputes at the international level. UNCLOS provides a clear legal framework for determining maritime jurisdictional boundaries between countries. Articles 74 to 83 of UNCLOS regulate the Exclusive Economic Zone (EEZ) and Continental Shelf, which are important in determining maritime boundaries between countries. The United Nations Convention on the Law of the Sea (UNCLOS) is an international agreement agreed to in 1982. UNCLOS establishes various principles and rules governing the use and management of the sea and marine resources throughout the world. Some of the important points of UNCLOS include
2. Territorial Sea Zone: States have sovereign rights over the territorial sea zone located around their coasts, usually up to 12 nautical miles from the baseline.
3. Economic Exclusive Zone: States also have the right to establish economic exclusive zones outside their territorial sea zones, usually up to 200 nautical miles from baselines. Within this zone, the state has exclusive rights to exploit natural resources.
4. Deeper Seas and Seabed : UNCLOS establishes the principle that the seabed beyond the boundaries of territorial sea zones and economic exclusive zones is the "heritage of mankind" and must be managed in the public interest.
5. Flights over the Sea: UNCLOS establishes the principle that countries have the right to peaceful flights over the territorial sea zones of other countries in accordance with international law.
6. Protection of the Marine Environment: UNCLOS underlines the need for protection of the marine environment and conservation of marine biological resources.
7. UNCLOS is the only agreement that covers all aspects of maritime law and has become the basis of international law for resolving disputes related to maritime areas. Many countries in the world have ratified UNCLOS and are committed to complying with it.
8. Countries involved in maritime border disputes can also decide to use international courts or international arbitration bodies to resolve their disputes. Important examples are the International Court of Justice (ICJ) or the Permanent Court of Arbitration (PCA). Both bodies have credibility and authority to resolve international disputes.

Bilateral or Multilateral Negotiations

1. Direct negotiations between disputing countries are also often an effective method for resolving maritime border disputes. In some cases, these countries can reach bilateral or multilateral agreements through mediation or diplomacy.
2. International arbitration is another option for resolving maritime border disputes. Arbitration can be regulated through bilateral or multilateral agreements between disputing countries, or through international arbitration institutions such as the PCA.
3. The UN can also play an important role in resolving maritime border disputes. The UN

Security Council or General Assembly can ask countries in dispute to seek a peaceful resolution and provide recommendations or resolutions that support dispute resolution.

4. In practice, resolving maritime border disputes often involves a combination of the above methods, depending on the specific circumstances of the dispute and the political policies of the countries involved. The main objective of resolving maritime border disputes is to achieve solutions that are fair, sustainable, and in accordance with applicable international legal principles, such as the principles contained in UNCLOS.

CONCLUSION

The conclusion from international law regarding the resolution of maritime border disputes is that there are various mechanisms that can be used to resolve maritime border disputes between countries. Some of these include Bilateral negotiations: Countries involved in a dispute can try to resolve their differences through direct negotiations between the parties to the dispute, Third parties, both individuals and international institutions, can act as mediators to help disputing countries reach an agreement., Countries can agree to submit their disputes to an independent international arbitration panel that will make decisions that are binding on all parties involved. Maritime border disputes can also be submitted to international courts such as the International Court of Justice or the United Nations Permanent Maritime Tribunal (International Tribunal for the Law of the Sea/ITLOS) for resolution. Disputing countries can reach direct agreements to define their borders through bilateral or multilateral agreements. The main conclusion is that the resolution of maritime border disputes in international law relies heavily on cooperation between the countries involved, either through direct negotiations or through the use of available dispute resolution mechanisms. The choice of dispute resolution mechanism will depend on the specific circumstances of each dispute and the preferences of the countries involved. It is important to note that understanding and respect for international law is a key element in resolving maritime border disputes peacefully and fairly.

REFERENCE

- Adikara, Ahmad Pradipta Budhihatma, and Adis Imam Munandar. "Tantangan Kebijakan Diplomasi Pertahanan Maritim Indonesia Dalam Penyelesaian Konflik Laut Natuna Utara." *Jurnal Studi Diplomasi Dan Keamanan* 13, no. 1 (2021): 83–101.
- Aini, Afiyata Biqadrilla Nur. "Penyelesaian Kasus Perairan Laut Natuna Yang Dilakukan Oleh Kapal Asing Penyelesaian Kasus Perairan Laut Natuna Yang Dilakukan Oleh Kapal Asing Vietnam." *ResearchGate*, no. January (2022).
- Andi Tenripadang. "Hubungan Hukum Internasional Dengan Hukum Nasional." *Jurnal Hukum Diktum*, Volume 14 Nomer 1, Juli 2016 7, no. 1 (2018): 67–75.
- Anindyajati, Titis. "Politik Hukum Pemekaran Daerah Berdasarkan Uud 1945: Analisis Putusan Putusan Mahkamah Konstttusi Terkait Pemekaran Daerah" 18, no. 3 (2013): 175–88.
- Ardila, Ririn, and Akbar Kurnia Putra. "Sengketa Wilayah Zona Ekonomi Eksklusif Indonesia (Studi Kasus Klaim Cina Atas Laut Natuna Utara)." *Uti Possidetis: Journal of*

- International Law 1, no. 3 (2020): 358– 77.
- Atika, Nurul, and Afrizal. “Upaya Pemerintah Indonesia Dalam Menjaga Wilayah Perbatasan Indonesia-Vietnam Tahun (2010- 2014).” *Jom FISIP* 4, no. 1 (2017): 1– 12.
- Ayu, Rizza, and Rahayu Repindowaty Harahap. “Penyelesaian Sengketa Perbatasan Laut Antara IndonesiaVietnam Di Perairan Zona Ekonomi Eksklusif Indonesia.” *Uti Possidetis: Journal of International Law* 2, no. 2 (2021): 167–88.
- Belo, Zerah Amelia, Mamentu Michael, and Trilke E. Tulung. “Kebijakan Luar Negeri Indonesia Dalam Menyelesaikan Masalah Zona Ekonomi Eksklusif (Zee) Dengan Vietnam.” *Jurnal Politico* 9, no. 2 (2020): 1–7.
- E.S Pijoh, Jonathan. “Prosedur Hukum Perjanjian Internasional Pada Kegiatan Perdagangan Di Kawasan Perbatasan Indonesia.” *Lex Administration X*, no. 1 (2022): 168– 77.
- Iffan, Ahmad, Raihana -, and Asrizal -. “Analisis Yuridis Pengaturan Pembagian Wilayah Zee Dan Landas Kontinen Di Selat Malaka Menurut United Nation Convention on the Law of (Unclos) 1982 Dan Hukum Nasional.” *Jurnal Cahaya Keadilan* 7, no. 2 (2019): 302–20