

POLICY ON MARITIME BORDER DISPUTES BETWEEN INDONESIA AND AUSTRALIA: STEPHEN M. WALT'S NEOREALISM PERSPECTIVE

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Abstract

Indonesia is a maritime country with an Exclusive Economic Zone (EEZ) covering an area of 7.81 million square kilometers. Consequently, Indonesia has numerous disputes with neighboring countries regarding maritime boundaries in the EEZ, particularly with Australia. Several incidents have strained the relationship between the two countries. For example, from December 2013 to January 2014, there were six instances of the Australian Navy unintentionally violating Indonesian waters during border operations. Other issues include illegal fishing, human trafficking, illegal transshipment, and, more recently, an Australian warship's breach of Indonesian waters on September 8, 2022. Maritime boundary disputes occur when two or more countries have overlapping claims in the same maritime territory. These disputes can be caused by differences in the interpretation of international law, conflicting economic interests, historical or cultural claims, or geopolitical tensions between the involved nations. Maritime boundary disputes can be resolved through negotiations, international arbitration, mediation, or legal processes. In this case, the neorealism theory, developed by Stephen M. Walt, provides an understanding of international relations, changes in power structures, conflicts, cooperation among nations, and the factors influencing foreign policies. By applying Stephen M. Walt's neorealism theory, this study analyzes the policy frameworks of Indonesia and Australia in managing their international relations and the factors that have led to the disputes between the two.

Keywords: Political Policy, Neorealism, Maritime Boundary Disputes.

Abstrak

Indonesia merupakan negara maritim yang memiliki Zona Ekonomi Eksklusif seluas 7,81 juta km². Hingga sekarang Indonesia memiliki banyak sengketa dengan negara tetangga mengenai perbatasan laut di perairan Zona Ekonomi Eksklusif (ZEE), terutama dengan negara Australia. Ada beberapa sengketa yang membuat kedua negara ini bersitegang, seperti pada desember 2013 sampai januari 2014 dimana enam kali pelanggaran wilayah laut Indonesia oleh kapal angkatan laut Australia ketika operasi perbatasan dengan alasan ketidaksengajaan, kasus pencurian ikan (Illegal Fishing), penyelundupan manusia, illegal transshipment dan baru baru ini pada 8 september 2022 penerobosan perairan RI oleh kapal perang Australia. Sengketa perbatasan maritim terjadi ketika dua atau lebih

negara memiliki klaim yang tumpang tindih atas wilayah maritim yang sama. Sengketa semacam ini dapat disebabkan oleh perbedaan dalam interpretasi hukum internasional, konflik kepentingan ekonomi, klaim sejarah atau budaya yang saling bertentangan, atau ketegangan geopolitik antara negara-negara yang terlibat. Penyelesaian sengketa perbatasan maritim dapat dilakukan melalui negosiasi, arbitrase internasional, mediasi, atau proses hukum. Teori neorealisme, yang dikembangkan oleh Stephen M. Walt, memberikan pemahaman tentang hubungan internasional, perubahan struktur kekuasaan, konflik, dan kerjasama antara negara-negara, serta faktor-faktor yang memengaruhi kebijakan luar negeri. Dengan menerapkan teori neorealisme Stephen M. Walt, penelitian ini menganalisis kerangka kerja kebijakan Indonesia dan Australia dalam mengelola hubungan internasionalnya, serta faktor-faktor yang menyebabkan sengketa antara kedua negara

Kata kunci: Kebijakan Politik, Neorealisme, Persengketaan Perbatasan Maritim.

Introduction

As part of the global community, Indonesia is alongside other countries regarding statehood. Regionally, Indonesia also borders neighboring countries. Indonesia is the second largest country in Asia and the first in Southeast Asia, with a sea area larger than its land area, one-third of Indonesia's land area and two-thirds of its land area. Indonesia's marine waters reach 95,181 km², with an area of 5.8 million km, consisting of a territorial sea of 0.3 million km², archipelagic waters with an area of 2.8 million km², and the waters of the Exclusive Economic Zone (EEZ) with an area of 2.7 million km² (Alhalaz, 2017). For land areas, Indonesia is bordered by Malaysia, Papua New Guinea, and Timor Leste, while the sea area of Indonesia is bordered by Malaysia, Thailand, Vietnam, Singapore, the Philippines, Palau, India, Timor Leste, and Australia. Geographical conditions that directly border with other countries produce problems that often occur. Border disputes over border areas with large natural resource potential are one of the problems that still occur today.

Moreover, a good correlation between countries close to each other does not always run smoothly. The attitude of countries that will always pursue their national interests results in conflicts of interest between countries worldwide. These interests can form a good correlation of cooperation between countries and lead to conflicts. A feud can threaten existing diplomatic relations, and even the worst result is to trigger wars between countries. Conflicts between countries can occur for many reasons, including border issues, natural resources, environmental damage, trade, and others (Gischa, 2022). In this regard, Indonesia

is Australia's closest neighbor. The correlation between these two countries has a long history. Strong ties between Australia and Indonesia have existed since 1945. Australia became a primary supporter of Indonesia independence and was the first country to send a diplomatic mission to meet President Soekarno. The 70-year milestone for the two countries began when Sukarno chose Australia to represent Indonesia in discussions at the UN level, which eventually culminated in recognizing Indonesia's independence on December 27, 1949.

On the other hand, looking at its journey in the past, the correlation between Indonesia and Australia cannot be separated from problems. One example is the tension over the border issues between Indonesia and Australia. The Indonesian government's longstanding rejection of the Australian government's claim to the unclear maritime boundary between the two countries has become a relatively serious diplomatic problem after the parallel dispute in neighboring Timor Leste. The maritime border dispute policy is one of Indonesia's ways to the national interest in the defense sector as a tangible form so that other countries do not unilaterally claim Indonesia's sovereign territory.

Many argue that maritime defense disputes are referred to as military operations between two countries, but in practice, defense disputes is a non-violent operation by both countries to achieve common strategic goals with the relations between the two countries (Cottey & Forster, 2004). Currently, the nature of threats in defense and security is no longer a state but a threat for individuals to achieve individual security or human security; this issue threatens

a country. One of the ways to deal with this threat is the maritime defense dispute (Adikara & Munandar, 2021). As an Indonesian maritime roadmap, Presidential Regulation Number 16 of 2017 concerning Indonesian Maritime Policy has mandated that the acceleration of negotiations on Indonesia's maritime boundaries with neighboring countries be carried out through a maritime diplomacy mechanism that departs from the ideals of the World Maritime Axis (PMD) as the country's maritime priority program. PMD itself is Indonesia's maritime vision, which aims to realize Indonesia as "a maritime country that is advanced, sovereign, independent, strong, and able to make a positive contribution to regional and world security and peace in accordance with national interests" (Perpres No. 16 of 2017/Presidential Regulation Number 16 of 2017 concerning Indonesian Marine Policy (State Gazette of the Republic of Indonesia of 2017 Number 32)).

In determining the boundaries of the sea area based on the risks and considerations generated for the common interest, legislation governing the sea area, known as the 1982 Law of the Sea Convention (UNCLOS or United Convention on the Law of the Sea), was drawn up and ratified in the Montego Bay in December 1982. It contains regulations for the division of maritime boundaries so that a country based on its sovereignty can protect its territorial waters and get protection under international law. On this basis, Indonesia has dispute policies over the Indonesian-Australian maritime territory (Nauli & Sinambela, 2021b).

Based on the description of the situation above, this article seeks to review and analyze the Indonesia-Australia maritime border dispute policy in the form of maritime defense diplomacy carried out by the Indonesian Government and the challenges in making such dispute policies.

The researchers have found several studies examining geopolitical issues, five of which are as follows: "Settlement of the Timor Sea Dispute due to the Montara Oil Spill Between Indonesia and Australia" (Astiti et al., 2020), "Juridical Analysis of the Indonesian-Australian Exclusive Economic Zone Boundary to Avoid Detention of Traditional Fishermen by

Australia" (Kusumawati & Rosnida, 2022), "Indonesian Maritime Defense Diplomacy: Indonesian-Australian Maritime Cooperation in the Plan of Action for the Implementation of the Joint Declaration on Maritime Cooperation 2018-2022" (Pangemanan & Perwita, 2022), "Settlement of Maritime Boundary Dispute Between Indonesia and Malaysia from the Perspective of International Law" (Yusnita, 2018), and "Geopolitical Checkmate in the Indian Ocean Region: 21st Century Silk Road, Energy Security, and Indo-US Nexus" (Khan et al., 2019). Besides those, the next two studies used neorealism theory to examine their respective subjects. The first is titled "Indonesia's Position Towards the Alliance of America, Britain, and Australia (AUKUS) from a Neorealism Perspective" (Dyas Bintang Perdana et al., 2021), and the second is "The Role of Morocco in Defending the Western Sahara Region (Neo-Realism Study: National Interest-Balance of Power)" (Adwitama, 2022).

The similarities and differences between the current study and the seven studies mentioned above lie in the theories and objects used. In this study, the researchers focus on the maritime dispute policy between Indonesia and Australia, while previous studies shared the same object of the Indonesia-Australia sea but differed in the specific focus.

The first study examined the case of the Montara oil spill, the second study focused on the Indonesian-Australian exclusive economic zone boundary, and the third study explored the implementation of the Joint Declaration on Maritime Cooperation 2018-2022 between Indonesia and Australia. In addition, the fourth study shared the similarity of discussing dispute resolution but with a different object, i.e., the maritime boundary between Indonesia and Malaysia. Moreover, the fifth study shared the common topic of geopolitics but focused on the Indian Ocean, energy security, and the relationship between Indonesia and the US.

Furthermore, the last two studies had similarities in using neorealism theory but had different objects. The sixth study focused on Indonesia's position towards the alliance of America, Britain, and Australia, while the seventh study examined the role of Morocco in defending the Western Sahara region.

Therefore, this study aims to complement and examine the Indonesian-Australian maritime boundary object using Neorealism theory from Stephen M. Walt's perspective.

Theoretical Framework and Research Method

The policy of maritime boundary politics refers to a series of decisions, actions, and policies undertaken by a nation to regulate and enforce its boundaries in maritime waters (Sofyani, 2016). This policy encompasses establishing, claiming, and protecting a nation's territorial and jurisdictional rights over its maritime areas, including territorial seas, exclusive economic zones (EEZs), continental shelves, and other related areas (Irhamna, 2020). Maritime boundaries are established based on international law, including the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, the primary legal framework governing maritime boundary issues (Hendra Purwaka, 2015). UNCLOS guides the rights and obligations of nations in regulating maritime boundaries, determining maritime zones, economic rights in waters, and settling maritime border disputes between nations.

In line with Mulya (2018), maritime boundary politics involves steps such as the establishment of internationally recognized maritime boundaries, negotiations, and consultations with neighboring countries to establish shared boundaries, the determination of specific geographic coordinates or boundary lines, safeguarding and monitoring of national maritime areas, and the protection of national interests at sea. Additionally, maritime boundary politics involve diplomatic efforts, regional cooperation, and participation in international organizations to resolve potential maritime border disputes between countries. Negotiations and dispute settlements can be conducted through bilateral dialogue, arbitration, or international legal processes. Further, maritime boundary politics is crucial

since maritime areas hold valuable natural resources, such as fish, oil, and natural gas and strategic potential for national security and international trade routes. Therefore, nations have a strong interest in determining and protecting their maritime boundaries to effectively utilize and manage these resources and ensure the security of their maritime territories.

Maritime Border Dispute

Maritime boundary disputes occur when two or more countries have overlapping claims over the same maritime areas (Nauli & Sinambela, 2021a). Such disputes arise when countries have differing views on the location or boundaries of the maritime areas that should fall under their jurisdiction. Maritime boundary disputes can involve maritime areas, including territorial seas, exclusive economic zones (EEZs), continental shelves, and other areas in international waters. Countries often have conflicting and overlapping claims regarding these boundary lines.

The causes of maritime boundary disputes can vary (Satriyo Kusumo & Leksono, 2013), including differences in the interpretation of international law, conflicts of economic interests such as access to natural resources, conflicting historical or cultural claims, or geopolitical tensions between the involved countries.

Such disputes can impact bilateral relations between countries and escalate political tensions and conflicts. The resolution of maritime boundary disputes can be pursued through various means, including bilateral negotiations, international arbitration, mediation, or settlement through international legal processes. Several outstanding maritime boundary disputes have been brought before the International Tribunal for the Law of the Sea (ITLOS) under the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, which provides the legal framework for resolving maritime

boundary disputes. Frequently, settling maritime boundary disputes involves negotiations and dialogue between the countries involved to achieve mutually beneficial agreements (Satriyo Kusumo & Leksono, 2013). Diplomatic efforts and regional cooperation can also be utilized to reduce tensions and seek peaceful solutions in resolving maritime boundary disputes.

Neorealism

Neorealism theory, also known as structural realism or defensive realism, is a theory in the study of international relations that attempts to explain and predict the behavior of states based on the structure of the international system. The neorealist approach was developed by several scholars, notably Kenneth Waltz, and emerged as a response to criticisms of classical (MacKay, 2022).

Neorealism emphasizes structural and systemic factors in international relations, assuming that the anarchic international system is the primary determinant shaping the behavior of states (F. V. Ramadhan, 2018). Neorealism theory also provides an understanding of the dynamics of international relations, changes in power structures, conflicts and cooperation between states, and the factors influencing a country's foreign policy. However, like other theories, neorealism faces criticism and varying interpretations among scholars.

As described by I. Ramadhan (2020), some important aspects of neorealism are as follows. Firstly, systemic anarchy views the international system as anarchic, where no central authority governs state interactions. The major powers in this system are states seeking to protect their national security interests. Secondly, the distribution of power structure emphasizes the importance of power distribution among states in the international system. This distribution of power influences the behavior of states, including the tendency to seek power and maintain security. Thirdly, the logic of security

emphasizes that states tend to behave defensively, primarily focusing on preserving their security and survival. The behavior of states is often driven by concerns over threats and power competition. Fourthly, rationality and egoism assume that states act rationally and egoistically, seeking to maximize their national interests. States are also seen as relatively homogeneous units with the main goal of maintaining their security and power.

In this case, maritime boundary policy describes a set of choices, measures, and policies a nation implements to control and uphold its borders in maritime areas (Sofyani, 2016). A country's territorial and jurisdictional rights over its maritime areas, which may include territorial seas, exclusive economic zones (EEZs), continental shelf, and other areas associated with the country's waters, are established, asserted, and protected under this policy (Irhamna, 2020). International law determines maritime boundaries, especially the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which is the main legal basis for marine boundary issues (Hendra Purwaka, 2015). In establishing maritime zones, deciding maritime boundaries, determining commercial rights in oceans, and resolving maritime boundary disputes between countries, UNCLOS is a roadmap for governments' rights and responsibilities.

According to Mulya (2018), establishing maritime boundaries that are internationally recognized, negotiating and consulting with neighbors to establish shared boundaries, identifying precise geographic coordinates or boundary lines, safeguarding and monitoring national maritime areas, as well as defending national interests at sea are all examples of maritime boundary policy. To settle marine border conflicts that may emerge between countries, maritime boundary policy also entails diplomatic initiatives, regional collaboration, and membership in international organizations. International legal procedures, arbitration, or

bilateral negotiations can all be used to settle issues. Because marine regions include substantial natural resources, including fish, oil, and natural gas, and strategic possibilities for national security and global commerce routes, maritime boundary policy is significant. Hence, to efficiently use and manage these resources and ensure the security of their maritime areas, countries have a great interest in establishing and defending their maritime boundaries.

This research employed the neorealism theory by Stephen M. Walt. Stephen Walt is a scholar who extends the neorealism theory by analyzing the relationship between domestic politics and international relations. He is also renowned for his concepts of "balancing" and "bandwagoning" in the study of international security (Walt, 1985). By utilizing Stephen M. Walt's neorealism theory, this research facilitates the analysis framework regarding the policies adopted by Indonesia and Australia in managing the dynamics of their international relations. Neorealism theory focuses on the two countries structural components and relative power in shaping foreign policy and politics. By interpreting domestic political aspects and international relations, this research aims to elucidate the factors that have led to the disputes between the two nations.

Research Method

The research types and scope of this research were about the policy on the maritime border disputes between Indonesia and Australia, and it is qualitative in nature based on descriptive data (Rusandi & Muhammad Rusli, 2021). This study included the policy on the maritime border. The objects of this research were maritime border disputes between Indonesia and Australia. The data in this study were collected through library research (Sari & Asmendri, 2018), reading, and recording data. Library research was done on the policy on the maritime border disputes between Indonesia and

Australia. This library research was conducted to collect data using reading and record data guidelines as the basis for formulating questions. The data were collected through the policy on the maritime border disputes between Indonesia and Australia.

The following provides how the data were analyzed (Rijali, 2019). The data collected through reading and recording data were classified thematically to emphasize the type of policy on the maritime border disputes between Indonesia and Australia. Data analysis was done in three stages: restatement, description, and interpretation. The researchers collected data about policy on the maritime border disputes between Indonesia and Australia and then described the data to be interpreted.

Results and Discussion

The History and Factors Influencing Indonesian-Australian Maritime Disputes

Brief History of the EEZ Regime

The UN Convention on the Law of the Sea, made in 1982, is a significant international agreement dealing with the law of the sea (UNCLOS). One hundred sixty-five parties support the relevant law of the sea order, encompassing approximately 119 countries coming to sign this agreement (Beckman & Davenport, 2012). Since 1930, when a convention was held in The Hague, the United Nations established UNCLOS, although no agreement has been reached. In addition, creating an exclusive economic zone agreement to broaden a nation's control over the surrounding waters has historical roots that date back to 1945 (Sugihartono, 2018).

The exclusive economic zone, or EEZ, is essentially a 200-nautical-mile radius around a nation where that nation has unrestricted access to all natural resources, both living and non-living (Bailey III, 1985). The nation is expected to adhere to its commitments under the UNCLOS, ensuring that biological

resources are not endangered by overexploitation and restricting the exploitation of biological resources in the EEZ (Bailey III, 1985).

In this instance, Indonesia can have marine borders, such as territorial, supplementary, exclusive economic, and continental zones, under the UNCLOS law of the sea agreement. Between Indonesia and Australia, the exclusive economic zone's (EEZ) water-related borders were established on March 14, 1997. Because it has not yet been ratified, the provisions of this agreement between the two countries do not apply even though both parties have signed it (Wicaksono et al., 2019). In border agreements, Indonesia-Australia covers the Indian Ocean, Arafura Sea, and Timor Sea for the Indonesia-Australia EEZ (Kusumawati & Rosnida, 2022).

Factors Influencing Indonesian-Australian Maritime Disputes

According to UNCLOS, territorial waters must be 200 miles from the sea's edge, but what about nations adjacent to one another and less than 400 miles apart, like Indonesia and Australia? These two nations are separated by several barriers (Kusumawati & Rosnida, 2022). They include a) formal impediments, such as the lack of a ratification procedure as a result of Indonesia's ratification system's infancy and the government's sluggish management of this issue and b) physical obstacles, such as an Australian agreement that Indonesian interests are harmed by Australia's requests that the determination of the straight line should be drawn up in accordance with the 1971–1972 agreement. Nevertheless, Indonesia wants the straight line to be drawn up using the median line. Moreover, conflicting claims of traditional Indonesian fishermen in East Nusa Tenggara contend that Pasir Island belongs to Indonesia. Furthermore, the independence of Timor Leste has altered parts of the agreements between the two nations.

In addition, Indonesia and Australia are at odds over several transgressions that have taken place as a result of their ambiguous maritime border, including:

1. International Crimes and Threats to State Sovereignty
 - a. Australian naval boats violated Indonesia's maritime borders six times in 2014 while performing border operations.
 - b. On September 8, 2022, an Australian warship entered Indonesian waters.
2. Illegal fishing
 - a. On August 24, 2011, an illegal Indonesian Type III (motorized) ship was arrested for stealing around 250 kg of sea cucumbers on Pasir Island (Maritime Border Force, 2020).
 - b. In the Canberra Seas in 2021, three Indonesian Papuan ships were engaged in illegal fishing.
 - c. Australia's contamination of the Indonesian Timor Sea due to the Montara Oil Spill and others
 - d. Transnational crime, smuggling, human trafficking, and irregular/illegal migration.
 - e. Smuggling was carried out by one of the persons from Iraq who transported more than 400 asylum seekers from Indonesia to Australia by fishing boat in October 2021.
 - f. The Balinese person was arrested by personnel from the East Nusa Tenggara Water and Air Police Directorate for wanting to smuggle 26 Indonesian citizens to Australia via NTT waters.
 - g. In March 2023, the BP2MI (Indonesian Migrant Workers Protection Agency) rescued 18 illegal migrant workers who were about to be sent abroad. Fourteen were destined for illegal employment in Poland and Australia (Antara, 2023).

h. On January 20, 2023, Australian maritime patrols intercepted a new boat attempting to travel from Indonesia to Australia. Their original wooden boat departed from the capital of South Sulawesi, Makassar, on January 13. After being intercepted, the crew and passengers from India, hailing from Punjab and Gujarat and aged between 20 and 35, were apprehended by local police as they approached Rote Island in Indonesia (Barrett & Rompies, 2023).

Indonesia-Australia Policy to Resolve Disputes

In making a foreign policy, several things must be considered, including the sensitivity of other countries, the sophistication of diplomacy, and observing the demands of military intelligence (Kevin, 2011). Making foreign policy also requires extensive and accurate information at home and abroad. The main mission of Indonesia's foreign policy has always been based on the constitutional mandate, specifically on the Preamble of the 1945 Constitution of the Republic of Indonesia: (1) protection of the entire nation and territory of Indonesia; (2) people's welfare; and (3) world order and peace (Elisabeth, 2016). These three things become the main foundation of Indonesia's in making policy because the purpose of making the policy itself is for the security and welfare of the nation.

In the Indo-Pacific phenomenon, there are five pillars of Indonesia's policy, including:

1. Maritime culture: as a country rebuilding maritime culture by rediscovering Indonesia's national identity.
2. Maritime economy: managed by the country's marine resources.
3. Maritime connectivity: prioritizing maritime infrastructure development, transportation facilities and infrastructure construction, and marine tourism.

4. Maritime diplomacy: optimizing the soft power path in dealing with various regional threats and enhancing bilateral and multilateral cooperation in the maritime sector.
5. Maritime security: preparing a strong force to strengthen Indonesia's maritime defense to strengthen Indonesia's territory (Qudsiati et al., n.d.).

Since the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, Indonesia, as a member, has prioritized the provisions stipulated within it, including Articles 74 and 83 of UNCLOS 1982, which stipulate that the determination of boundaries exclusive economic zones and continental boundaries between countries whose coasts are opposite or side by side must be agreed based on international law, as stipulated in Article 38 of the Statute of the International Court of Justice (Pangemanan & Perwita, 2022).

Further, disputes occur because of various potentials, such as borders, natural resources, environmental damage, trade, and others. Disputes based on international law can be resolved in two ways: through peaceful means or war (military). Of course, many countries choose the peaceful way. This method is intended for the interests of state officials and the community to minimize losses due to dispute resolution through war (military). Currently, the international community is aware that the impact of resolving disputes through military means will result in huge losses in terms of social, economic, and human resources.

For example, the case of the settlement of the Indonesia-Australia dispute occurred on August 21, 2009, when the Montara oil well, sourced from the Montara field in Australian waters, leaked and spilled light crude oil. The spilled oil spread widely into the waters of the Timor Gap, the border waters of Indonesia, Australia, and Timor Leste. The extent of the spilled oil

reached 75%, which entered the territory of Indonesia. It became a highlight for the Indonesian state because it had entered the Exclusive Economic Zone (EEZ) (Astiti et al., 2020).

After negotiations were carried out and if the results did not reach a mutual agreement, the next method was to bring the dispute to the International Court of Law of the Sea to obtain a decision that could be legally justified based on the regulations of the International Court of Law of the Sea. Indonesia had taken action on the pollution case that occurred, starting with the

establishment of a command post to monitor the Montara oil spill, which the East Nusa Tenggara Regional Government supervised until the coordination of several Indonesian Ministers (Foreign Affairs, Transportation, Maritime Affairs and Fisheries, and the Environment) and appointing a National Team for Countermeasures of the situation of the oil spill in the sea. Then, Indonesia filed for compensation negotiations, demanding compensation from Australia, but Australia rejected the claim on the pretext of not being accompanied by valid data.

After one year of the Timor Sea pollution case, this case had not yet shown a bright spot for resolving its disputed policy. Until 2011, through Minister Freddy Numberi, the Indonesian Government agreed on the compensation of five million dollars, or the equivalent of 45 billion (Astiti et al., 2020). Nevertheless, of course, the compensation was not proportional to the amount of loss suffered by the people of Timor Island because the purpose of this compensation was still unclear. Whether it served as a good intention to continue negotiations or compensation in its entirety and eliminate responsibility for the leaking case of the Montara oil well was not confirmed, and it was not clear how it would proceed with the Indonesian Government.

Not only cases of marine pollution but cases of settlement of water disputes concerning people smuggling through waterways are also a matter of concern. In an international convention relating to protecting all persons from acts of enforced disappearance, as a country signed the 1951 Refugee Convention, Australia has an obligation to provide long-term facilities and solutions for refugees to enter their country. In 1979, UNHCR established its office in Jakarta and formalized an agreement with the Minister of Foreign Affairs regarding relations with Indonesia regarding responsibilities, such as checking the identity of refugees and asylum seekers, claiming international protection, and determining refugee status.

On November 18, 2015, the case of human smuggling departing from Pelabuhan Ratu to Australia's Christmas Island was another instance where Indonesia was used as a transit country to get to the island. When the ship sailed from Pelabuhan Ratu, its journey was stopped because Australia no longer wanted to accommodate immigrants. Christmas Island was the destination for these illegal immigrants because, on this island, there is a place where immigrants are held in a suitable immigration detention center before these immigrants obtain citizenship selectively.

Based on that case, Indonesia met with 13 countries: Afghanistan, Australia, Bangladesh, Cambodia, Malaysia, Myanmar, Pakistan, Papua New Guinea, the Philippines, New Zealand, Thailand, Sri Lanka, and Iran. This discussion revealed the reasons for asylum seekers and discussed recommendations for solving the problem. These recommendations would later be brought to the Bali Process Conference in 2016, and then the results of this Bali Process would be brought to the UN Conference in Geneva at the end of 2017 (Samosir, 2015).

Another example is the policy addressing irregular or illegal migration within the Bali

Process. The Bali Process was established due to the increasing issue of irregular migration and the flow of people smuggling and trafficking in the Asia-Pacific Region. The influx of irregular migration into Indonesia is attributed to Indonesia's geographical situation. As a transit area to Australia, Indonesia, an archipelagic nation with vast coastlines that can be accessed and lacking task forces for territorial security, experiences the entry of irregular migrants. As agreed upon during the Bali Process meetings in 2002, cooperation among origin, transit, and destination countries to stop illegal migration, human smuggling, human trafficking, and related transnational crimes was discussed. These discussions encompass security interests, political interests, and economic security.

These efforts were further strengthened in the Lombok Agreement 2006, which included cooperation in naval patrols, particularly between Indonesia and Australia. This agreement also addresses human trafficking, refugees, and asylum seekers. This agreement is due to several factors, including international cooperation conducted by Australia, economic cooperation between Australia and Indonesia, Australia's political relations with Indonesia, Australia's economic conditions and military capabilities, and Australia's domestic political policies (Hakim, 2020). In 2012, both countries again agreed to enhance joint patrols in waters that serve as routes for irregular migration (Rafiki, 2017). Moreover, this agreement was further strengthened when the Directorate General of Immigration of Indonesia signed an immigration cooperation agreement with the Department of Home Affairs (DHA) of Australia in Jakarta on Monday, March 23, 2023 (Sulbar, 2023).

Impact of Australia – Indonesia Dispute Policy

Several impacts from the formation of this policy include positive and negative ones. The positive impacts comprise the Ruling of the

Waters Boundary between Indonesia and Australia. Before the formation of this policy, the border between Indonesia was still floating and even unordered. Second, there was good communication relations between Indonesia and Australia. After the formation of this policy, Indonesia and Australia have a good communication relationship than before. It might be that before the existence of this policy, Indonesia and Australia had a good relationship, but it was not too good. Also, there are several other positive impacts from the case of cooperation in people smuggling between Indonesia and Australia, including working with the country of origin where asylum seekers are, cooperation in exchanging information and increasing institutional capacity, and adding insight between other countries.

Furthermore, where there are positive impacts, there will definitely be negative impacts. These negative impacts were from violations and even hostilities committed by both parties. The negative impacts of this policy were the occurrence of hostilities between Indonesia and Australia, resulting in various potentials, including regarding borders, damage to natural resources, particularly the sea, damage to human resources, which was especially felt by fishermen, and damage to the environment resources (it resulted in contamination of the sea, not only polluted but also damage to marine ecosystems). Apart from experiencing damage, this conflict resulted in great social, economic, and human resources losses. In addition, violations committed by Australia resulted in the loss of the livelihoods of traditional Indonesian fishermen. Moreover, other negative impacts were taken from the case of cooperation in people smuggling between Indonesia and Australia, i.e., economic challenges and involvement laws with other countries.

From this study, several things can be concluded. First, the UN agreed on the law of the sea to separate a country's sea boundaries,

regulate the use of resources in the sea, clarify the maritime zoning that a country can claim, marine research, act on marine pollution, to procedures for resolving disputes of a country related to the sea. Besides, international crimes and threats to state sovereignty, illegal fishing, transnational crime, people smuggling, and human trafficking are some result issues that cause disputes between nations. Furthermore, Indonesia-Australia has been separated by several barriers that make these two countries dispute, including formal impediments and physical obstacles.

Second, to act on a dispute, it is necessary to make a policy because the purpose of making the policy itself is for the security and welfare of the nation. There are five pillars of Indonesia's policy in the Indo-Pacific phenomenon: maritime culture, maritime economy, maritime connectivity, maritime diplomacy, and maritime security. Disputes based on international law can be resolved in two ways: through peaceful means or war (military). For example, in the case of the settlement of the Indonesia-Australia dispute regarding the Montara oil well, after a long negotiation, the Indonesian Government agreed on the compensation of five million dollars or the equivalent of 45 billion. There were several impacts from the formation of this policy, including positive and negative impacts. The positive impacts included the Ruling of the Waters Boundary between Indonesia and Australia, good communication relations between Indonesia and Australia and being able to work together. Meanwhile, the negative effects of this policy encompassed the escalation of tensions between Indonesia and Australia, which resulted in a variety of potentials, collaborations in building institutional capacity and sharing information with other nations, the loss of traditional Indonesian fishermen's livelihoods, the existence of economic difficulties, and the involvement of international law.

The authors completely realize the limitation of the discussion mentioned above, and it is proposed that future researchers further expand their research in the form of policies produced by disputing countries.

Conclusion

Based on this study, several conclusions can be drawn. Firstly, the United Nations (UN) has agreed on the law of the sea to separate a country's maritime boundaries, regulate the utilization of marine resources, clarify maritime zones that a country can claim, address marine research, combat marine pollution, and provide procedures for resolving state disputes related to the sea. International crimes and threats to state sovereignty, such as illegal fishing, transnational crimes, people smuggling, and human trafficking, contribute to disputes between nations. In this case, Indonesia and Australia face various barriers that lead to disputes, including formal impediments and physical obstacles.

Secondly, policies should be formulated to address such disputes to ensure the respective nations' security and welfare. Indonesia has established five policy pillars in the Indo-Pacific phenomenon: maritime culture, maritime economy, maritime connectivity, maritime diplomacy, and maritime security. In addition, disputes based on international law can be resolved peacefully or, in extreme cases, through military action. For instance, the Indonesia-Australia dispute regarding the Montara oil well was eventually settled after extensive negotiations, with the Indonesian government agreeing to compensation of five million dollars, equivalent to 45 billion rupiahs.

The formation of these policies had both positive and negative impacts. The positive

impacts included delineating maritime boundaries between Indonesia and Australia and improved communication and cooperation between the two countries. In contrast, the negative impacts encompassed escalated tensions, potential conflicts, collaboration in building institutional capacity and information sharing with other nations, loss of livelihoods for traditional Indonesian fishermen, economic difficulties, and involvement of international law.

The authors acknowledge the limitations of the discussed topics and suggest that future researchers further expand their research by examining the policies implemented by disputing countries.

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