

Maps Pelantar Benua Malaysia 1979 and Negara Kesatuan Republik Indonesia (NKRI): Malaysia Approach to Settle Overlapping

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ABSTRACT

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This paper examines the Negara Kesatuan Republik Indonesia (NKRI) map issued by Indonesia in 2017, which affects the Malaysia maritime zone based on Peta Pelantar Benua Malaysia 1979 (Peta Baru 1979), as well as and Malaysia approach to settle the overlapping with Indonesia. This paper has three objectives. First, to describe Peta Baru 1979 and NKRI Map 2017; second, to compare the responses of Malaysia and Indonesia towards overlapping issues; third, to analyse the Malaysian approach to settle the overlapping issues. The concept used for this paper is national security to support discourse surrounding the actions of Malaysia. The method used in this paper is a qualitative one derived from secondary data sources collected from reliable printed and online documents. The findings of this paper are that first, there is an overlapping maritime zone area between Malaysia and Indonesia based on a map issued by both countries; second, the Malaysian and Indonesian government responses to settle the overlapping issue without involving war; and third, Malaysia adopts a diplomacy approach in relation to the resolution of maritime delimitation issues. This paper concludes that Malaysia's approach and strategy in addressing the issue of overlapping maritime boundaries and at the same time maintaining relations with Indonesia as a neighbouring country.

Contribution/Originality: This paper contributes from the point of view of its analysis that corroborates the argument with facts

1. Introduction

Since the end of World War II, no area of international law has undergone more profound and revolutionary transformations than the law of the sea. The law of the sea has undergone profound changes in accordance with the times. This is because the

source of mineral wealth contained on the seabed itself, is the link of nations from all sectors of human activities, and the wealth of biological resources and 70% of the earth's surface is covered by water (Susetyorini & Sudarto, 2019). In Geneva in 1958, the United Nations Convention on the Law of the Sea (UNCLOS) convened the first conference to determine the law of the international sea and also known as Geneva Conventions 1958 (Young, 1958). In 1960 the second conference was held to discuss and re-evaluate some of the maritime issues and involving maritime zone that is still being debated by members of the establishment. Internationally recognized the rule of law of the sea becomes critical, as a rule, that may be referred to in particular by countries that have ratified it when establishing maritime policy. When coastal states developed the capacity to protect waters adjacent to their territory, competition for maritime resources emerged, make their cruise and trade routes, and use marine resources to advance the country's economy (Nemeth et al., 2014, p.712).

Regional countries' divergent perspectives on law of the sea issues are influenced by international developments in the law of the sea in one sense, but they may also influence the evolution of international law of the sea in another (Bateman, 2007, p.35). From 1974 to the third conference in 1982, it led to the complete drafting of UNCLOS 1982 or UNCLOS III. UNCLOS 1982 is relevant and exhaustive for a variety of reasons. To begin, there is a new regime in relation with the Exclusive Economic Zone (EEZ) that extends the coastal country's territory by up to 200 nautical miles. Second, acceptance of international cruises transiting through the straits, as well as acceptance of the archipelagic sea lane passage. Thirdly, gazette regimes utilise deep seabed resources. Fourthly, the establishment of a framework for resolving disputes peacefully through the presence of the International Tribunal for the Law of the Sea (ITLOS) (Jayakumar, 2005 p. 1).

Malaysia is a maritime nation based on its geographical position surrounded by the sea. The concept of a maritime nation is heavily influenced by the location of the country. (Hanizah & Ruhanas, 2004, p. 19). The maritime sovereignty of any coastal state extends beyond its land territory until the EEZ and Extended Continental Shelf limit as stipulated by the UNCLOS have been adopted by Malaysia in determining the country's maritime boundaries. Malaysia has demarcated its maritime control by publishing new maps called Peta Pelantar Benua Malaysia 1979, which was gazette on 21 Dec 1979 and commonly known as Peta Baru 1979. This is a map of Malaysia's maritime zone's territorial waters and continental shelf boundaries (Salleh et al., 2009). Peta Baru 1979 was drawn based on Geneva Conventions 1958 prior to the UNCLOS 1982 and take into account any agreements and boundaries that have been reached previously including Continental Shelf Agreement Malaysia-Indonesia 1969 dan Territorial Sea Treaty Malaysia-Indonesia 1970 (Hamzah et al., 2014). The publication of the Peta Baru 1979 by Malaysia has directly attracted the attention and protests of regional neighbors as the maritime zone declared by Malaysia also includes the maritime areas, they say belong to them (Pratomo, 2016). The protests made in 1980 included those from Indonesia who claimed Sipadan Island and Ligitan Island were two islands within their territory (Salleh, 2007). The Peta Baru 1979 received not only Indonesian protests but also from the Philippines, Singapore, Thailand, China, and Vietnam, as it was considered an attempt to scramble the territory of other countries (Serpín et al., 2018). Thus, Malaysia's claim to territorial territory based on the 1979 Map received no recognition from neighboring countries and the international world (Serpín et al., 2018, p. 123).

Meanwhile, Indonesia has been defining its maritime since 1960, when the notion of the archipelagic state was introduced. Prior to the 1957 Djuanda Declaration, Indonesia's territory consisted primarily of the islands, with most of the waters between them defined as international waters and freedom of navigation presumed (Arif & Kurniawan, 2018, p. 3). The spirit of Wawasan Nusantara, based on the Djuanda Declaration in 1957 made Indonesia insist on establishing the Negara Kepulauan (archipelagic state) (Dino, 1986). Thus, Indonesia made ratification of UNCLOS 1982 in December 1985 in which the concept of Archipelagic State became part of the convention, and almost 11 years later, Malaysia ratified UNCLOS 1982 in October 1996 (Juita, 1998). Like Malaysia, Indonesia also gazetted the limits of the country's maritime area by issuing a map of the Negara Kesatuan Republik Indonesia (NKRI) (Arsana et al., 2018). The map depicts Indonesia's maritime border lines and border projections and marine spatial information. The NKRI map shall include the geographical names of Indonesia's outermost islands that are contained inside the Indonesian archipelago's baselines, as well as the position of the Indonesian Archipelago Sea Lane (Winarwati, 2021). The NKRI map is also dynamic and updated based on current conditions and need.

Malaysia has issued a Peta Baru 1979 to show the country's maritime boundary limits using the regulations established by the Geneva Convention 1958. The map shows Malaysia's geographical location as well as its territorial sea, including the continental shelf, also depicted on the map. Following the release of the map, Indonesia was the first country to submit a diplomatic note to Malaysia objecting to the position of Sipadan and Ligitan Island in the Malaysian area as shown in the Peta Baru 1979. The dispute is attempted to be resolved in consultation until a final decision is reached using a third party, the International Court of Justice (ICJ).

In the last 10 years back, Indonesia has published three editions of NKRI maps that draw its maritime zones limit, Edition 2013, 2015 and the new one in 2017. The maps were based on UNCLOS 1982. In the production of the map, there has been an overlap over the territorial rights of the seas of both countries. After losing sovereignty over the islands of Sipadan and Ligitan to Malaysia in 2002, Indonesia's proactive response was a lesson in defending territorial rights. The decision has had a profound impact not only on the Indonesian government but also on its people, thus giving a lasting response to Malaysia when the maritime boundary issue arises. The government is unlikely to go to war to keep or seize contested territory, and it is also unlikely to accept an invitation from an outside institution to settle any territorial disputes (Butcher, 2013, p. 252).

Looking at the issue of maritime boundary overlap between Malaysia and Indonesia, both countries will try to defend their respective territorial sovereignty rights when this issue is raised but Indonesia will continue to put pressure on Malaysia not only in terms of diplomatic relations but also in military assets and the sentiment of its people. The best step to resolve the maritime boundary issues is through the negotiating table but what are the responses and actions of both countries in addressing this issue before an agreement is reached. In addition, there are circumstances around every proposed agreement that may make the parties' governments unwilling to engage (Pratomo, 2016, p. 1). While on the Malaysian side the appropriate approach is defending the sovereignty of the country's waters. Because of these issues, this paper is conducted to analyze the NKRI map issued by Indonesia in 2017, which affected the Malaysia maritime zone Peta Baru 1979 and Malaysia's approach to settling the overlapping.

2. Literature Review

Literature reviews are typically written in one of three situations: A literature review can be standalone research, a preliminary stage in a bigger research endeavor, or a component of a completed research report (Knopf, 2006, p. 127). Literature review for this research, was divided into 3 themes, the first theme was about the Geneva Convention & UNCLOS 1982. The second theme is the issue of maritime boundary which is related to Malaysia and the third involving Indonesia.

2.1. Geneva Convention and UNCLOS 1982

Whiteman (1958) in the reported title Conference on the Law of the Sea: Convention on the Continental Shelf stated that The United Nations Conference on the Law of the Sea convened in Geneva, Switzerland from 24 February to 27 April 1958, with 86 countries represented. It will be noted that the conference was convened by the Secretary-General of the United Nations in accordance with General Assembly Resolution 1105 (XI) on 21 February 1957. Among the agendas discussed is the explanation the term continental shelf refers to the seabed and subsoil of submarine areas contiguous to the coast but outside the area of territorial waters, to a depth of 200 metres (approximately 100 fathoms) or, beyond that, to where the depth of the superjacent waters admits of the exploitation of the natural resources.

While Young (1958) in the article The Geneva Convention on the Continental Shelf: A First Impression mentions addition, among the settings that have been made Article 6 of the UN Convention on International Boundary and Maritime Delegates' Rights (Convention Article 6) provides that the boundary in the case of opposite states shall be the median line between their respective baselines, and equidistant from the nearest points on their baselines.

Robin and Vaughan (1999) in the book titled The Law of The Sea, Third Edition described the laws enshrined in UNCLOS 1982. The law of the sea is recommended as a key aid to the understanding of contemporary international law on the uses of maritime boundaries. The key maritime zones are recognized in modern international law and explain the rules now applying to each zone in light of the important phases of those rules' historical evolution. Writers also mention that UNCLOS 1982 has entered into force and several important multilateral treaties have been concluded. There have also been several important judgments by international courts and tribunals that is to say, with the rules and principles that bind States in their international relations concerning maritime matters.

Bateman (2007) in the article titled UNCLOS and Its Limitations as the Foundation for a Regional Maritime Security Regime state that Territorial Sea baselines serve as the reference point for the measurement of all maritime boundaries. Countries have the option of declaring "excessive" baselines extending their marine jurisdiction. "Excessive claims" do have the effect of relocating any line of equidistance farther away from the shore and may serve as a point of departure during boundary discussions. Territorial sea straight baselines are distinct from archipelagic baselines, which are governed by a separate set of regulations. They are essentially the low-water line that corresponds to the coastline indicated on large-scale maps, as defined by UNCLOS Article 5. If a state can extend its baselines farther out to sea, the extent of its offshore zones is automatically increased. UNCLOS Article 7 specifies three requirements for establishing straight

baselines, which are often misinterpreted or even disregarded by governments, notably in East Asia. These include that they should be employed only in areas where the coastline is highly indented or when a ring of islands surrounds the area. Almost every East Asian country i.e., Cambodia, China, Japan, North Korea, South Korea, Malaysia, Myanmar, the Philippines, Thailand, and Vietnam has implemented a straight baseline system.

[Dundua \(2007\)](#) in the thesis titled *Delimitation of Maritime Boundaries Between Adjacent States* mentioned The UNCLOS 1982 establishes merely the objective of maritime delimitation and makes no provision for the concepts and techniques necessary to achieve an equitable conclusion. The international community and courts are having difficulty developing a universally applicable standard for all marine delimitation operations. Customary law, which plays a substantial role in this procedure, stipulates those decisions must be made in accordance with equitable principles, taking pertinent circumstances into account. Concurrently, case law, especially state practice, supports the employment of the equidistance and relevant circumstances criterion and demonstrates that geographic factors must take precedence in determining maritime borders because each case is unique. While no one rule or technique is appropriate in all cases, regardless of geography or other considerations, case law, particularly state law, supports the use of the equidistance/relevant circumstances rule. To be fair and equitable, a maritime border must take into consideration the unique characteristics of the region in which it is being defined. Conventional and customary law agree that the essential norm controlling maritime delimitation is that it must be performed by agreement. To ensure the security and stability of maritime boundaries between States, they must be agreed upon. The negotiating process between States is critical to achieving beneficial outcomes. The maritime boundary issue, like the land border issue, is delicate and should be addressed with caution and with an appreciation for opposing opinions. Regardless of how serious and significant the conversations are, if issues and conflicts develop, the parties may use third-party resolving dispute processes.

[Stephen and Robin \(2016\)](#) in the book titled *A Practitioner' Guide to Maritime Boundary Delimitation* addresses the need with uncommon precision and facility. It recounts and analyses contemporary maritime delimitation legislation and jurisprudence. In addition to the legal considerations, it examines the practical and technical issues of maritime delimitation, highlighting them with various meticulously crafted maps based on UNCLOS 1982.

2.2. Malaysia

[Valencia and Khalid \(2009\)](#) in the article titled *The Sulawesi Sea Situation: Stage for Tension or Storm in a Teacup?* considers the ferocity of the Ambalat dispute belies Malaysia and Indonesia's normally close practical collaboration in the marine sector. Both countries have been conducting bilateral coordinated naval patrols known as MALINDO in order to protect the Straits of Malacca from transnational threats such as piracy. Both also participate in trilateral patrols named MALSINDO with Singapore. Additionally, connections between Indonesia's maritime coordination centres in Belawan and Batam and Malaysia's in the naval town of Lumut are improving. Both countries, along with Singapore, have announced the establishment of a tripartite forum at the ministerial level to debate and strengthen marine security in the Malacca Strait. Given this history and degree of collaboration, as well as the two countries' strong

socioeconomic and cultural links, it is very regretful that they have come to blows over this territorial issue

[Kiki Natalia \(2013\)](#) in article *Penyelesaian Permasalahan Batas Wilayah Antara Indonesia dan Malaysia Di Perairan Selat Malaka Ditinjau Dari UNLOS 1982* explained Indonesia and Malaysia must work together swiftly to resolve their issues over the establishment of overlapping territorial boundaries in the Malacca Strait. As stated in UNCLOS article 73, Provisional Arrangements may be made as long as no decision on this matter has been reached. If the negotiation line does not provide results, additional settlement can be accomplished by filing to ITLOS. However, based on the experience of resolving unresolved Zeus canal problems, a peaceful resolution through international collaboration or bilateral agreements between the two regions in the EEZ zone is the most appropriate course of action.

[Butcher \(2013\)](#) in the article titled *The International Court of Justice and The Territorial Dispute Between Indonesia and Malaysia in The Sulawesi Sea* mention following the ICJ 2002 judgement in favor of Malaysia, the Indonesian government has demonstrated a reluctance to send any further territorial issues to the court. This is not merely because Indonesia lost the case; it is also because the Indonesian polity has undergone significant changes since 1996. The ICJ judgement on the disputed islands of Sipadan and Ligitan was more akin to a dry run than a resolution of a significant maritime border dispute. The decision to transfer the two islands issue did not represent a sea change in how either administration treated conflicts with other states. The boundary dispute will most definitely be resolved by state-to-state dialogue rather than through an ICJ or other external body ruling.

[Hamzah et al. \(2014\)](#) in article *The Maritime Boundaries of Malaysia and Indonesia in the Malacca Strait: An appraisal* explains The Malacca Strait is seabed and territorial sea boundaries were established as a consequence of a good faith agreement between Malaysia and Indonesia. These boundary settlements had a significant impact on the recognition of the Indonesian archipelagic state regime. The interests of the two countries would be best served by a single maritime boundary via the small Strait of Malacca. Malaysia has approved legislation managing baselines but has not yet disclosed the basepoints' geographical coordinates. When these are published, the international world will have a greater appreciation for the complexities involved in defining maritime boundaries inside a confined strait. Diverse authorities' complicate administration and all aspects of marine enforcement and monitoring in a crowded river.

[Pratomo \(2016\)](#) in journal article *Indonesia–Malaysia Maritime Boundaries Delimitation: A retrospective* mention that the early negotiations between Indonesia and Malaysia over maritime boundaries resulted in two agreements, the 1969 Continental Shelves Agreement and the 1970 Territorial Seas Treaty in the Malacca Strait. Additionally, these negotiations included the conclusion of a Trilateral Agreement with Thailand. The 1969 Agreement defines three maritime boundaries: the northern part of the Strait of Malacca, the western part of the South China Sea – off the coast of West Malaysia – and the eastern part of the South China Sea – off the coast of Sarawak. Except for the Sulawesi Sea, this Agreement applies to all parts where Indonesia and Malaysia have continental shelves. The Sulawesi Sea segment agreement has been postponed because of the ongoing dispute over Sipadan and Ligitan Islands. In this case, the 1970

Treaty applies to the portion Strait of Malacca with a breadth of less than 12 nautical miles.

[Azlie and Gettha \(2019\)](#) in the article titled *Tuntutan Undang-Undang dan Pendekatan Malaysia di Dalam Kes Pulau Ligitan, Pulau Sipadan dan Pedra Branca* mentioned Malaysia believes that the issue of territorial disputes should be resolved in accordance with international legal procedures. In order to maintain good relations with neighbouring countries, Malaysia refers to the case of Ligitan Island and Sipadan Island and Pedra Branca to the ICJ. After the ICJ's judgment on the Ligitan and Sipadan cases was made in 2002 in favour of Malaysia, Kuala Lumpur again brought the case of ownership of Pedra Branca, Middle Rocks and South Ledge to the ICJ. Although Malaysia managed to gain rights and sovereignty over Ligitan Island and Sipadan Island, Kuala Lumpur lost the rights to Pedra Branca in 2008. The government of Malaysia gets along with such judgments.

[Malik et al. \(2019\)](#) in article titled *Hubungan Malaysia-Vietnam dan Pertindihan Wilayah di Kepulauan Spratly: Pendekatan Pembangunan Bersama Dalam Pengurusan Konflik* state that the pattern of approach i.e. joint development may be one of the alternatives. In this context, joint development is seen as one of the efforts to maintain bilateral relations and cooperation between Malaysia and Vietnam to the proper level. Although overlapping claims of ownership rights of the Spratly archipelago involve four other countries, Malaysia and Vietnam may be able to take early steps to apply the mechanism in the concept of joint development. The concept will be successful if the conflict is managed wisely and consistently taking into account the interests of the parties involved.

2.3. Indonesia

[Kassim \(2005\)](#) in an article titled *ASEAN Cohesion: Making Sense of Indonesian Reactions to Bilateral Disputes* mentioned it was unfortunate that the Indonesian media referred to the Ambalat conflict as "Konfrontasi II". The usage of such historical imagery is ironic, considering the 1960s Confrontation was more of an act of Indonesian aggression directed at "Ganyang Malaysia" by then-President Sukarno. Sukarno desired to "ganyang," or smash, Malaysia's newly created federation in 1963 which included Singapore at the time because he viewed it as a neocolonialist British conspiracy to encircle Indonesia. Regardless of the careless use of such strong language, it demonstrates the Indonesians' outrage about this latest development in the Sulawesi Sea.

[Salleh \(2007\)](#) *Dispute Resolution through Third Party Mediation: Malaysia and Indonesia* mentioned The Sipadan-Ligitan Islands case created a precedent for addressing ASEAN member nations' problems. Malaysia and Indonesia displayed their commitment to healthy bilateral ties by settling territorial conflicts are arbitrated by the International Court of Justice (ICJ). [Dwi Puspitasari et al. \(2008\)](#) in the article titled *Studi Analisis Konflik Ambalat di Perairan Laut Sulawesi* state that Indonesia's three strategies for Ambalat's confectionary are first foreign diplomacy through the Departmen Luar Negeri (Deplu) as a state spokesman with the Malaysian government. The two Strategies of the Indonesian Navy (TNI AL) are the main components of the country's defense that serves as law enforcement at sea, maintains the sovereignty and territorial integrity of the Republic of Indonesia, maintains security stability at sea, and protects natural resources from various forms of interference and lawlessness in Indonesia's national

jurisdictional waters. The three strategies of the Dinas Kelautan dan Perikanan (DKP), in this case, the DKP serves more like a governing body regarding the management of Indonesian islands, including small and outer islands of Indonesia. The conflict that occurred both regarding the Ambalat block and the islands of Sipadan and Ligitan is an implication of the slowness of the Indonesian government to regulate the problem of managing the fisheries sector in particular.

[Beckman and Schofield \(2009\)](#) in article *Moving beyond Disputes over Island Sovereignty: ICJ Decision Sets Stage for Maritime Boundary Delimitation in The Singapore Strait* explain The ICJ rendered its decision in the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge Between Malaysia and Singapore on 23 May 2008. Although the public is aware of the ICJ's decision, the issue of maritime boundary delimitation in that area has not been fully resolved and involves the Indonesia water. It mentions "From an Indonesian perspective, there is likely to be a concern that Indonesia's archipelagic baselines be given full effect, that Singapore's reclamation works on its normal baselines do not have an adverse effect on maritime delimitation, and that potential maritime claims from Pedra Branca, Middle Rocks, and South Ledge are all significantly curtailed. The best-case situation for Indonesia appears to be to ignore Pedra Branca, Middle Rocks, and South Ledge when defining the equidistance line between Bintan and Johor and to enclave these three objects within many restricted pockets of the territorial sea. Singapore and Malaysia, on the other hand, are unlikely to readily accede to such a solution" ([Beckman and Schofield, 2009, p. 24](#)). The researchers emphasised that the situation in Malaysia is more complicated. It is likely to favour the inclusion of Middle Rocks and South Ledge in the delimitation of its maritime boundary with the Indonesian island of Bintan, while reducing the effect of Pedra Branca on its maritime boundary with Johor. Malaysia is similarly torn over whether to retain the view that Pedra Branca does not qualify for an EEZ under paragraph 3, Article 121 UNCLOS 1982. Given the potential effects of a stringent reading of this article on several of its offshore islands, Malaysia may choose to bypass the rock issue by arguing that Pedra Branca should have no influence or a limited effect on determining the area's EEZ (p. 25).

[Arsana \(2014\)](#) in article *Challenges and Opportunities in The Delimitation of Indonesia's Maritime Boundaries: A Legal and Technical Approach* mentioned Malaysia formally asserted its claim of the territorial sea up to 12 nautical miles on 2 August 1969 with the passage of Government of Malaysia Ordinance No. 7. 1173 Malaysia, like Indonesia and Singapore, cannot extend its claim to the Singapore Strait beyond 12 nautical miles from baselines due to the strait having narrow width of less than 24 nautical miles. As a result, the area, which includes Malaysia, Indonesia, and Singapore, requires territorial sea delimitation. Malaysia released a Peta Baru in 1979 to show its territorial sea claim legally.

[Druce and Baikoeni \(2016\)](#) in article *Circumventing Conflict: The Indonesia–Malaysia Ambalat Block Dispute* mention that Despite the naval standoff and uproar surrounding the Ambalat dispute, neither side's long-term objectives were served by escalating the matter militarily. Instead, existing and unique mechanisms were utilised to focus on common interests, so avoiding the fundamental incompatibility of sovereign rights and relegating the issue of demarcation to the background. Malaysia's withdrawal of its fleet and reluctance to permit subcontractors or surveyors access to the disputed territory effectively surrendered control to Indonesia. Under President Joko Widodo's marine development programme, Indonesia's claims in the Ambalat zone are not likely to be

diminished. It is exceedingly implausible that the policy will result in a military escalation, despite claims on some Malaysian news websites that Jokowi was desiring confrontation with Malaysia. Both parties have lately resolved to resolve maritime disputes amicably and have agreed that if an Indonesian or Malaysian vessel enters waters where there are overlapping claims, the authorities will direct it back to its respective waters. If this occurs, it will likely be on Indonesian terms as opposed to Malaysian terms.

[Rahmad et al. \(2016\)](#) in the article titled *Kajian Geografis Perbatasan Laut Antara Indonesia dan Malaysia* mention one of the reasons for the occurrence of numerous conflicts between Indonesia and Malaysia in the boundary is the two nations' unresolved maritime boundaries in various locations. Indonesia and Malaysia must resolve maritime boundary disputes in four areas: the Strait of Malacca, the South China Sea, the Sulawesi Sea, and the Strait of Singapore. Unresolved maritime boundaries sparked numerous challenges, including the Ambalat Block.

[Arsana et al. \(2018\)](#) in article titled *Analysis of Legal and Geospatial Aspects of Indonesia's Forward Position of EEZ (Exclusive Economic Zone) Boundaries of the 2017 National Map in the South China Sea* clarify Indonesia's EEZ in the South China Sea is shared with Vietnam and Malaysia. Indonesia has strategically placed EEZ boundary claims in the South China Sea to advance Indonesia's position toward Vietnam and Malaysia. In 2016, the Permanent Court of Arbitration (PCA) ruled that Indonesia's position to disregard the nine-dashed lines in assessing the forward position is valid. The 2017 NKRI Map, which was formally launched on 14 July 2017, details Indonesia's most recent advanced position. According to the analysis in this paper, Indonesia's forward posture is ideal in terms of geographical and legal considerations and is consistent with the norms of UNCLOS 1982 and 2016 PCA jurisprudence.

[Serpin et al. \(2018\)](#) in the article titled *Penyelesaian Sengketa Antara Indonesia dan Malaysia Terkait Pengklaiman Blok Ambalat Ditinjau Dari Hukum Internasional* examine Indonesia's government must take strong action against Malaysia, which always commits violations on Indonesian territory, and the government must also maintain tight security in the border area so that Malaysia has no opportunity to enter Indonesian territory. If there are suspicious things that can threaten the integrity of the territory of the Republic of Indonesia to report the competent party immediately.

[Yusvitasari \(2020\)](#) in article titled *Strategi Pemerintah Indonesia Dalam Penyelesaian Sengketa Tentang Penetapan Batas Laut Antara Indonesia dan Malaysia Di Blok Ambalat Indonesia* explained must use greater caution in resolving the Ambalat dispute to avoid a replay of incidents such as Sipadan and Ligitan. The efforts that can be taken include preparing strong proof and diplomacy that Ambalat is a part of the Republic of Indonesia's sovereign rights, as well as boosting the capacity of diplomats and negotiating teams. Additionally, the Indonesian government must beef up security along the border by stationing the Indonesian Navy and Air Force. Indonesia must also be resolute in the face of Malaysian infractions. The Indonesian government, including the President, the Ministry of Foreign Affairs, the Ministry of Defense, and all responsible governments, is obligated to intensify bilateral negotiations with Malaysia, particularly on maritime border issues, one of which is Ambalat, in order to avoid the dispute dragging on indefinitely and to achieve a legally binding agreement for both parties.

[Maksum \(2021\)](#) in article titled *Isu Pertindihan Wilayah dan Hubungan Indonesia – Malaysia Pada Era Pentadbiran Susilo Bambang Yudhoyono* mentioned ICJ judgement on Sipadan and Ligitan Islands elicits the traumatised and perception that, in the instance of Ambalat, an attempted invasion was undertaken. Indonesia's leadership change after Suharto's demise is viewed as a significant factor shaping Indonesia-Malaysia ties. Additionally, in the case of Ambalat and the subject of territorial tension, everything concerning opposing groups attempting to inflame the situation coincides.

3. Conceptual Framework

The concept used for this research is national security. According to [Mahan \(1965\)](#) primary idea was that a nation's security, wealth, and prosperity depended on its naval power. He also mentions sea power is comprised of geographic and physical confirmation, territorial extent, people density, political system, and national character. Thus, maritime security for maritime countries in national security concepts is regarded realistically as a conventional worry about sea power in the context of superpower or regional power competition. According to [Grizold \(1994\)](#) national security entails the security of a nation's territory, including its airspace and territorial waters, the protection of its population's lives and property, the existence and maintenance of its national sovereignty, and the execution of the essential duties of its society. Meanwhile, [Paleri \(2008\)](#) states that the main parameter of the concept of national security is military power and economic condition including global alliances and support from international organizations. In general, national security is intrinsically connected to the long-established naval strategy and sea power traditions. [Bueger and Edmunds \(2017\)](#) stated that some of the national security components are military power projection, homeland defence to protect national sovereignty and territorial rights, and maritime trade routes and commerce. A threat is something that has the potential to limit national policy options.

National security is the safeguarding of the whole country. Its primary mission is to safeguard the country and its people through sustaining military forces and preserving state secrets against assault and other external threats ([Holmes, 2015](#)). He also mentioned national security was primarily concerned with military security for the majority of the twentieth century, but as a concept, it expanded beyond the capabilities of armed forces. The following are the key competing opinions on non-military definitions of national security, without evaluating their strengths or shortcomings as cybersecurity, economic security, political security, landmass security, human security, environmental security, energy security and natural resources security. State that other events also altered these states' views of national security challenges, laying the groundwork for convergence in national security threat perceptions. The decisions and activities believed necessary to preserve domestic core values from external dangers are referred to as national security policy ([Wolfers, 1952](#)).

4. Analysis

Looking at the issue of overlapping the maritime border between Malaysia and Indonesia, the two countries will try to defend their respective territorial sovereignty rights through the issued map, but Indonesia will continue to put pressure on Malaysia not only in terms of diplomatic relations but also military assets and the sentiment of its people. Malaysia and Indonesia have considered and refined all technical and legal aspects in issuing maps of their respective marine territories. The maritime zone claim

is based on international law and existing border agreements and is strengthened with the understanding of the criteria for maritime sovereignty rights claims as outlined by UNCLOS 1982. Malaysia showcased its maritime territorial sovereignty through the production of the Peta Baru 1979, issued on 21 December 1979. For areas involving unilateral claims on the part of Malaysia, it will be negotiated if the area is also claimed by a neighbouring country and if it has a basis. To date, two maritime territorial boundary agreements have been agreed upon by Malaysia; the Territorial Waters Boundary agreement with Singapore in 1995 and the maritime boundary agreement with Brunei through the Exchange of Letters (EOL) in 2009. To date, Malaysia still maintains the Peta Baru 1979, showing the sovereignty of their sea territories.

The latest NKRI 2017 map of Indonesia released on 14 July 2017 has optimally considered geospatial and legal aspects and is in line with UNCLOS 1982 and the jurisdiction of PCA 2016. Indonesia has also consistently adopted Archipelagic Baseline in the formation of the claimed maritime zone and strengthened its claims regarding the contiguous zone and EEZ. Based on the NKRI 2017 Map maritime boundary line sketch, Indonesia also ignored the lines of the previous continental shelf agreement with Malaysia. The drawn line is the right to an EEZ claim that gives two different meanings to the existing agreement with Malaysia. On behalf of Malaysia, it still adheres to the SMB concept and the existing area agreement is still relevant. Indonesia does not consider Malaysia's declaration of the SMB concept to be specifically adapted in the Northern Straits of Malacca and the 6 areas identified as overlapping with the Peta Baru 1979 of Malaysia to be found in line with their consistent stance on the UNCLOS 1982 without reference to treaties or equality rights towards neighbouring countries.

There is no denying that the issue of borders between Malaysia and Indonesia has existed since gaining independence from the British and the Netherlands. However, the political climate during the administration of Indonesian President Susilo Bambang Yudhoyono has also influenced issues related to maritime delimitation with Malaysia. The change of leadership of the Indonesian state under Susilo caused the two countries to take a cautious approach in negotiating, discussing, and making decisions on the issue of maritime delimitation as it has a high impact on both countries. It is because of these factors that the solution to the issue of maritime borders is not complete. Susilo's administrative pattern is not the same as Suharto's, more of diplomacy in maintaining close and friendly relations with Malaysia and facilitating negotiations.

Freedom of speech and protection by law directly relate to sensitive issues related to maritime border territorial claims constantly raised and provoked by the media, especially by Indonesia. Some Indonesians are unable to accept the ICJ's decision on the ownership of the Malaysian-owned Sipadan and Ligitan Islands. This has directly caused trauma to the loss of ownership of the island, and it has led to the bad perception of Indonesians towards Malaysia on the Ambalat issue, coupled with the provocations played by the country's media. Malaysia is considered a country that is trying to encroach on the sovereign territory of Indonesia until it involves security issues such as the one that occurred in 2005. In the Ambalat case, the issue has become increasingly heated and burning as local media in Indonesia have turned the news into a community fulcrum. On the other hand, issues concerning rarely or never appear in Malaysian news media.

Malaysia and Indonesia's cooperation in finding solutions to this delimitation issue led to the formation of GBC in 1966, which played an important role in directing,

coordinating, and organizing the operations and implementation of this cooperation. It periodically increases through the formation of bodies and working committees to deal with issues that arise from time to time. It also includes official cooperation at various levels between the Ministry of Foreign Affairs and the Ministry of Defense. For instance, at the level of the Ministry of Foreign Affairs, Malaysia–Indonesia Joint Commission (Joint-Commission) was established in July 1991 to strengthen bilateral cooperation and address issues in bilateral relations. Relations between Malaysia and Indonesia are tense right now because of several issues, such as the Ambalat issues that have been going on since 2005, the Pendatang Asing Tanpa Izin (PATI) program, the Indonesian workforce (TKI) program, and cultural issues.

A more open approach through the negotiation process is the best alternative taken by Malaysia on the issue of overlapping claims in the maritime zone area with its neighbour Indonesia. Malaysia uses diplomacy appropriately in forming negotiating committees and technical working groups to ensure that these negotiating efforts continue until they split and an agreement between the two parties is reached in determining the territorial sovereignty of their respective maritime zones. The negotiation process, which began in 2005, covering areas in the Sulawesi Sea, the South China Sea, the southernmost part of the Straits of Malacca and the eastern part of the Singapore Strait, has yet to produce positive results despite 38 meetings so far. For every meeting with Indonesia, the Malaysian Technical Team must always be ready in every way to make sure that all decisions made are the best ones to defend Malaysia's sovereign rights.

Any views or actions on the part of Indonesia that affect or undermine the country's sovereign rights should be objected to by diplomacy. This should be taken seriously by Malaysia. The NKRI 2017 map, published unilaterally, has implications for the territorial area of sovereignty and maritime delimitation between Malaysia and Indonesia. The 2017 edition of the map is important and has entered the Malaysian maritime area compared to the previous NKRI Map, which will directly affect and exert pressure on the roles, duties, and responsibilities of the RMN, MMEA, and other maritime agencies in carrying out enforcement duties and safeguarding the security and sovereignty of the country.

Malaysia's decision to refer the Sipadan and Ligitan Islands dispute to the ICJ was largely influenced by its foreign policy bureaucracy and external factors. It concludes that, although the Prime Minister plays an important role in Malaysia's policymaking, the Prime Minister considers the bureaucratic opinion of Malaysia's foreign policy before deciding on the country's territorial conflicts. However, the most influential agencies are the Armed Forces, the Ministry of Foreign Affairs Malaysia and their respective divisions, ISIS, MIMA, and their respective leaders. Malaysia may maintain its pragmatic foreign policy stance. Nevertheless, Malaysia is not required to submit all territorial disputes to the ICJ. Malaysia should consider bilateral and multilateral solutions to territorial disputes with other nations.

5. Conclusion

The *Peta Baru* 1979 was released by Malaysia on 21 December 1979 and the NKRI map of the latest edition of 2017 by Indonesia showcases the maritime sovereignty rights of their respective countries based on their viewpoints and understanding of the previous and current international laws of UNCLOS 1982. In this regard, it is seen that the country's leaders have played their role in discussing and negotiating with Indonesia on

the issue of overlapping the maritime zone area. Diplomacy relations are used appropriately in forming negotiating committees and technical working groups in ensuring that these negotiating efforts continue until a break-up and agreement from both parties is reached in determining the territorial sovereignty of their respective maritime zones. The issue of the Sipadan and Ligitan Islands which was decided by the ICJ in 2002 to belong to Malaysia made the process of delimitation negotiations for other segments slow. This is because Indonesia takes a more cautious approach in making decisions and does not want the defeat of Malaysia to happen again. The negotiation process which began in 2005 covering the area in the Sulawesi Sea, the South China Sea, the southernmost part of the Straits of Malacca and the eastern part of the Singapore Strait has yet to produce positive results despite 38 meetings to date. The Malaysian Technical Team must always be prepared in all aspects to ensure that all decisions taken are the best in defending Malaysia's sovereign rights for every discussion session with Indonesia. While the administration of the country needs to provide all the needs of both finance and training for that purpose. Any views or actions from the Indonesian side that affect or affect the country's sovereign rights should be objected to in diplomacy. This matter should be taken seriously by Malaysia. NKRI Map 2017, published unilaterally, has implications for the territorial area of sovereignty and maritime delimitation between Malaysia and Indonesia. The 2017 edition of the map is significant and has entered the Malaysian maritime area compared to the previous NKRI Map which will directly affect and pressure the roles, duties and responsibilities of the RMN, MMEA and other maritime agencies in carrying out enforcement duties and safeguarding the security and sovereignty of the country. Malaysia's decision to refer the Sipadan and Ligitan Islands disputes to the ICJ was largely influenced by the bureaucracy of its foreign policy and external factors. It concludes that, despite the Prime Minister's central role in Malaysia's policymaking apparatus, the Prime Minister considered the opinions of Malaysia's foreign policy bureaucracy before deciding on the country's territorial disputes. However, the agencies with the most influence are the Armed Forces, the Ministry of Foreign Affairs of Malaysia and their respective divisions, ISIS, MIMA, and their respective leaders. Malaysia may maintain its pragmatic–realist foreign policy stance. However, Malaysia need not refer all territorial disputes to the ICJ. Malaysia must always keep its options open and may consider bilateral or multilateral resolutions to territorial disputes with other nations.

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The authors reported no conflicts of interest for this work and declare that there is no potential conflict of interest with respect to the research, authorship, or publication of this article.

References

- Arif, M., & Kurniawan, Y. (2018). Strategic Culture and Indonesian Maritime Security. *Asia and the Pacific Policy Studies*, 5(1), 77-89. <https://doi.org/10.1002/app5.203>
- Arsana, A., & Susilo, D. H. (2018). Analysis of legal and geospatial aspects of Indonesia's forward position of EEZ boundaries of the 2017 national map in the south China Sea. *Geomatika*, 24(2), 69-76. <https://doi.org/10.24895/JIG.2018.241.815>
- Arsana, A. (2014). *Challenges and opportunities in the delimitation of Indonesia's maritime boundaries: a legal and technical approach boundary*. [Master Dissertation], University of Wollongong. <https://ro.uow.edu.au/cgi/viewcontent.cgi?article=5047&context=theses>
- Azlie Ismail & Geetha, G. (2019). Malaysia's legal claims and approaches in the cases of Ligitan, Sipadan and Pedra Branca. *Akademika*, 89(1), 83-95. <https://journalarticle.ukm.my/14978/1/24882-100766-1-PB.pdf>
- Bateman, S. (2007). UNCLOS and its limitations as the foundation for a regional maritime security regime. *Korean Journal of Defense Analysis*, 19(3), 27-56. <https://doi.org/10.1080/10163270709464140>
- Beckman, R., & Schofield, C. (2009). Moving beyond disputes over island sovereignty: ICJ decision sets stage for maritime boundary delimitation in the Singapore strait. *Ocean Development and International Law*, 40(1), 1-35. <https://doi.org/10.1080/00908320802631551>
- Bueger, C. & Edmunds, T. (2017). Beyond sea blindness: a new agenda for maritime security studies. *International Affairs* 93(6), 1293-1311. <https://doi:10.1093/ia/iix174>.
- Butcher, J. G. (2013). The international court of justice and the territorial dispute between Indonesia and Malaysia in the Sulawesi Sea. *Contemporary Southeast Asia*, 35(2), 235-257. <https://doi.org/10.1355/cs35-2e>.
- Dino Patti Djalal. (1986). *Geopolitical concepts and maritime territorial behavior in Indonesia foreign policy*. National Library of Canada.
- Druce, S. C., & Baikoeni, E. Y. (2016). *Circumventing conflict: The Indonesia–Malaysia ambalat block dispute*. Springer.
- Dundua, N. (2007). *Delimitation of maritime boundaries between adjacent States*. United Nations – The Nippon Foundation Fellow.
- Dwi Puspitasari, Luky Adrianto, & Etyy Eidman. (2020). Studi Analisis Konflik Ambalat di Perairan Laut Sulawesi. *Buletin Ekonomi Perikanan*, 8(2). <https://media.neliti.com/media/publications/11063-ID-studi-analisis-konflik-ambalat-di-perairan-laut-sulawesi.pdf>
- Grizold, A. (1994). The concept of national security in the contemporary world. In the contemporary world. *International Journal on World Peace*, 11(3), 37-53.
- Hamzah, B. A., Forbes, V. L., Jalil, J. A., & Basiron, M. N. (2014). The maritime boundaries of Malaysia and Indonesia in the Malacca strait: An appraisal. *Australian Journal of Maritime & Ocean Affairs*, 6(4), 207-226. <https://doi.org/10.1080/18366503.2014.956856>
- Hanizah & Ruhanas. (2004). Malaysia as a maritime situation: prospects and challenges. *Jati*, 9, 19-30.
- Holmes, K. R. (2015). What is national security?. <https://www.heritage.org/military-strength-essays/2015-essays/what-national-security>.
- Jayakumar, S. (2005). UNCLOS - two decades on. *Singapore Yearbook of International Law*, 9, 1-8. <http://www.commonlii.org/sg/journals/SGYrBkIntLaw/2005/2.html>

- Juita Ramli. (1999). A new maritime legal regime for Malaysia within the context of ocean governance. *Paper presented at the MIMA National Conference on Ocean Governance in conjunction with The Year of the Ocean*. Maritime Institute of Malaysia, Kuala Lumpur. 16 -17 June 1998.
- Kassim, Y. R. (2005). ASEAN cohesion: making sense of Indonesian reactions to bilateral disputes. *RSIS Commentaries, No.15*. <https://www.rsis.edu.sg/rsis-publication/rsis/676-asean-cohesion-making-sense-o/>.
- Kiki Natalia. (2013). Penyelesaian Permasalahan Batas Wilayah Antara Indonesia Dan Malaysia Di Perairan Selat Malaka Ditinjau Dari Unclos 1982. *Jurnal Ilmiah Mahasiswa Universitas Surabaya*, 2(2). <https://journal.ubaya.ac.id/index.php/jimus/article/view/616/470>
- Knopf, J. W. (2006). Doing a literature review. *PS: Political Science & Politics*, 39(1), 127-132.
- Mahan, A. T. (1965). *The influence of sea power upon history 1660-1783*. Methuan and Co Ltd.
- Maksum, A. (2021). The boundary overlaps issues and Indonesia Malaysia relations during the Susilo Bambang Yudhoyono administration. *Journal of History Department, University of Malaya*, 30(2), 153-167.
- Malik Ag Rasin, Basrah, & Ali. (2019). Hubungan Malaysia-Vietnam & pertindihan wilayah di Kepulauan Spratly. Pembangunan bersama dalam pengurusan konflik. *Isu-Isu Terpilih Dalam Hubungan Malaysia Dengan Negara Serantau Asia Tenggara, Dewan Bahasa dan Pustaka*, 237-248. <https://www.researchgate.net/publication/353922907>
- Nemeth, S. C., Mitchell, S. M. L., Nyman, E. A., & Hensel, P. R. (2014). Ruling the Sea: Managing Maritime Conflicts through UNCLOS and Exclusive Economic Zones. *International Interactions*, 40(5), 711-736. <https://doi.org/10.1080/03050629.2014.897233>
- Paleri. (2008). *National Security: Imperatives and Challenges*. Tata McGraw-Hill
- Pratomo, E. (2016). Indonesia–Malaysia maritime boundaries delimitation: a retrospective. *Australian Journal of Maritime & Ocean Affairs*, 8(1), 73-84. <https://doi.org/10.1080/18366503.2016.1174362>
- Rahmad, R., Wirda, M. A., & Nurman, A. (2016). Kajian geografis perbatasan laut antara Indonesia dan Malaysia. *Journal Geografi*, 8(2), 177-189.
- Robin, C. & Vaughan, L. (1999) *The Law of The Sea (3rd Edition)*. Juris Publishing.
- Salleh, A. (2007). Dispute resolution through third party mediation: Malaysia and Indonesia. *Intellectual Discourse*, 5(2), 147-165.
- Salleh, A., Hamdan, C., Razali, C. M., & Jusoff, K. (2009). Malaysia's policy towards its 1963-2008 territorial disputes. *Journal of Law and Conflict Resolution*, 1(5), 107-116.
- Serpin, K., Gede, D., Mangku, S., & Windari, R. A. (2018). Penyelesaian sengketa antara Indonesia dan Malaysia terkait pengklaiman blok Ambalat ditinjau dari hukum internasional. *e-Journal Komunitas Yustisia Universitas Pendidikan Ganesha Jurusan Ilmu Hukum*, 1(2), 121-131.
- Stephen & Robin. (2016). *A Practitioner' Guide to Maritime Boundary Delimitation*. Oxford.
- Susetyorini & Sudarto (2019). Kebijakan kelautan Indonesia dalam perspektif UNCLOS 1982. *Masalah-masalah Hukum*, 48(2), 164-177.
- Valencia, M. J., & Khalid, N. (2009). The Sulawesi Sea situation: stage for tension or storm in a teacup. *The Asia-Pacific Journal*, 28(1), 1-5.
- Whiteman, M. M. (1958). Conference on the law of the sea: convention on the continental shelf. *American Journal of International Law*, 52(4), 629-659.

- Winarwati, I. (2021). Indonesian authority to determine maps as the legality of country territorial boundaries. *Atlantis Press, Advances in Social Science, Education and Humanities Research*, 603, 77-81.
- Wolfers, A. (1952). "National security" as an ambiguous symbol. *Political science quarterly*, 67(4), 481-502.
- Young, R. (1958). The Geneva Convention on the continental shelf: a first impression. *American Journal of International Law*, 52(4), 733-738.
- Yusvitasari, D. (2020). Strategi pemerintah Indonesia dalam penyelesaian sengketa tentang penetapan batas laut antara Indonesia dan Malaysia di blok Ambalat. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 8(1), 47-60.