

Indonesia in the South China Sea Dispute: Humble-Hard Power

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Abstract

This research discussed the English School's perspective of the implementation of humble-hard power in Indonesian foreign policy toward South China Sea dispute. Permanent Court of Arbitration's decision in July 2016 to give South China Sea based on UNCLOS's regulation has provoked China's objection. This research question is on how to understand the conception of humble-hard power and the possibility for Indonesia to be humble-hard power in the South China Sea dispute using English School perspective? This article borrowed the concept of humble-hard power from Adam Nieves Johnson. This research shows two findings. First, the recent victory of the Philippines' case in the Permanent Court of Arbitration (PCA) should be opportunities for Indonesia to play his role as humble-hard power. Secondly, following the announcement of the ruling, there were already signs that the Chinese government was looking for more detailed the implementation of humble-hard power with Indonesia. Thirdly, the usage of humble-hard power would have theoretical implication within English School scholars to construct humble-hard power as primary institution in Indonesian foreign policy.

Keywords: *South China Sea, Indonesia, Permanent Court of Arbitration, international law, humble-hard power*

Penelitian ini membahas perspektif English School terhadap implementasi humble-hard power dalam kebijakan luar negeri Indonesia terkait konflik Laut Tiongkok Selatan. Pada bulan Juli 2016 Permanent Court of Arbitration telah memutuskan bahwa klaim Tiongkok terhadap Laut Tiongkok Selatan illegal. Pertanyaan penelitian ini adalah bagaimana memahami konsep humble-hard power dan peluang Indonesia sebagai humble-hard power dalam konflik Laut Tiongkok Selatan dengan menggunakan teori English School. Penelitian ini meminjam konsep humble-hard power dari Adam Nieves Johnson. Penelitian ini memiliki tiga kesimpulan. Pertama, kemenangan Filipina dalam Permanent Court of Arbitration menjadi kesempatan bagi Indonesia untuk mengimplementasikan perannya sebagai humble-hard power. Kedua, terdapat berbagai sinyal yang diberikan Pemerintahan Tiongkok kepada Indonesia untuk mengimplementasikan konsep humble-hard power dengan Indonesia. Ketiga, keberadaan konsep humble-hard power berimplikasi kepada eksistensi teori English School sebagai teori yang dapat mengembangkan konsep humble-hard power sebagai konsep primer dalam kebijakan luar negeri Indonesia.

Kata Kunci: *Laut Tiongkok Selatan, Indonesia, Permanent Court of Arbitration, hukum internasional, humble hard power*

The South China Sea is unquestionably one of the busiest international sea lanes in the world, with Bill Hayton (2014, 34) describing it as ‘the throat of global sea routes’. However, activities within the South China Sea are not only about seaborne trade and navigation; there is also considerable exploitation and exploration of natural resources, such as natural gas, oil and fish stocks. According to Rustandi (2016), the claimant states of South China Sea are Indonesia, Vietnam, The Philippines, China, Taiwan, Brunei and Malaysia, while several international companies from countries such as the US, UK, Canada, India, Russia and Australia are also involved in commercial activities.

However, China’s longstanding dispute with a number of coastal states has resulted in the South China Sea being labelled as ‘troubled waters’ or a flash point (Thanh-Dam Truong and Knio 2016). Vietnam, The Philippines, Malaysia and Brunei have the area overlapping China’s so-called ‘nine-dash-line claim’ in the South China Sea. Notwithstanding these claims, the South China Sea issue has much broader implications for maritime security, peace, stability and security in the region. Coastal states’ interests are centred on maritime boundaries, territorial sovereignty and the right to exploit the region’s resources, while many other countries’ interests are to ensure secure sea lines of communications (SLOCs) and in satisfying their national geopolitical strategies. For example, Japan and South Korea’s interests are to secure SLOCs for trade and oil transport.

This article would like to argue that the concept of humble-hard can be used to explain Indonesian foreign policy toward South China Sea dispute. Moreover, humble-hard power can be developed further using English School perspective. By using English School theory, the dynamics of Indonesian foreign policy in South China Sea will be the legitimate basis for the reconstruction of humble-hard power. In many articles regarding Indonesian foreign policy toward South China Sea (SCS) dispute, international law seems neglected and irrelevant. Most of them are focusing the power politics approach on how to increase military power of each claimant state or to keep the separation between harmonious trade relations and SCS dispute. The recent victory of the Philippines’ case in the Permanent Court of Arbitration (PCA) should be opportunities for to reconstruct humble-hard power, a concept initiated by Adam Nieves Johnson (2012).

Indonesia’s Foreign Policy on South China Sea

Weatherbee (2016) noted that China displayed the nine-dash line to Indonesia officials on a map of China’s nine-dashed line in 1993. At that time, Chinese officials and Indonesia officials met at the second meeting of the Indonesia-organized Workshop on Managing Potential Conflict in the South China Sea (Weatherbee 2016). Looking at the Chinese claim, the Indonesian government quickly challenged China’s position by sending diplomatic letter asking the basis of the Chinese claim of Natuna and didn’t receive any response (Weatherbee 2016).

Jakarta has deliberately ignored the core issue namely China’s aggressive ambitions in the South China Sea. South China Sea is a critical commercial and strategic marine highway between East Asia, the Middle East, and Europe with rich ocean fisheries and potentially rich sub-seabed energy resources (Cohen 2014). The fish stocks in Indonesia’s Natuna have become an increasingly valuable natural fish resources as

near-coast South China Sea fisheries are being depleted by pollution and uncontrolled overfishing.

On March 2016, there is another incident involving a Chinese coastguard vessel and large Chinese fishing boat in Bunguran Island, Natuna (Supriyanto 2016). Chinese fishing boat Kway Fey was found in Indonesia's exclusive economic zone and Indonesian patrol ship arrested the fishermen as well as taking the ship. However, Chinese coastguard vessel suddenly appeared and escorted the Kway Fey ship out of Indonesia's territorial sea.

Geoffrey Till (2009) estimated that the cost to Indonesia of IUU fishing is \$3.1 to \$5.2 billion a year. President Jokowi has used the higher figure to justify his war on illegal fishing. Every day, the president estimated that 5,400 foreign fishing vessels were in Indonesian waters, of which, most of them were illegal (Haryo 2008). Indonesian President newly elected Jokowi launched an aggressive campaign against IUU fishing. The most dramatic and attention-getting tactic has been the blowing-up and sinking of seized foreign vessels. Through April 4, 2016, 174 boats had been sent to the bottom (Weatherbee 2016).

Richard Javad Heydarian told Bloomberg that the Natunas have already become a proxy for broader dispute over sovereignty in the South China Sea (Bloomberg 2016). The sinking of foreign vessels is a signal for Indonesia's firm position in the sovereignty of the Natunas. However, Former Indonesian Foreign Minister Marty Natalegawa emphasized that the destruction of boats can be misinterpreted as a new increasing escalation on territorial dispute between Beijing and Jakarta (Bloomberg 2016).

Humble-Hard Power

Adam Nieves-Johnson crafted the concept of humble hard power in his book titled "A Bilateral Analysis of the South China Sea Dispute: China, the Philippines, and the Scarborough Shoal". He stated that humble-hard power is a new form of hard power without the big gun intimidation factor (Johnson 2012, 45). Johnson further argues that humble-hard power is neither threatening militarily nor is it peacefully diplomatic, and exerting this form of power can achieve goals without creating international headlines and/or condemnation.

In the context of South China Sea dispute, the meaning of the hard power in this case then it would equate to advanced warships, nuclear submarines, and gunboat diplomacy, but Johnson's humble-hard power are focusing on nonmilitary means and accomplish their goals without making the other side feel too insecure. These nonmilitary tools can be economic aid, technological improvement, or in this case the victory in the international legal dispute.

Dispatching of anything more aggressive or significantly more powerful would have created an even bigger security complex in the region, which would give China even more of a reason to strengthen their navies and alliances. In order to realize the humble-hard power approach, Indonesia should capitalize the tribunal ruling that rejected China's claim of nine dash lines. With this ruling, Indonesia could also file a case against China: it's now clear that China doesn't have historic rights in the exclusive economic zone claimed by Indonesia from the Natuna Islands.

Humble-Hard power can also be implemented in the context of Code-of-Conduct (CoC) negotiation. After more than a decade, CoC negotiation is not completed due to the domination of the hard power approach. China has been reluctant to negotiate CoC and continue the land-reclamation project and increasing the physical presence in SCS. Meanwhile, the Philippines and Vietnam continue using the idea of great power rivalry between the United States and China in securing their territorial sovereignty.

The implementation of humble-hard power is the empowerment of diplomacy. In this case, diplomacy is the management of International Relations not only through the codification of international law but also the use of nation assets to manage the relations themselves. UNCLOS is one of the world's great international treaties, and its preamble begins with the heroic statement expressing "the desire to settle all issues relating to the law of the sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world." (Cuong 2013).

On January 22, 2013, the Philippines filed a case to Permanent Court of Arbitration to claim the sovereignty of 200 miles of the Philippines' Exclusive Economic Zone and to sue the legal standing of the China's nine dashed lines. China rejected to participate in the hearings and claimed that the case is illegal due to the absent of Chinese participation. On October 29, 2015, the PCA issued its ruling on jurisdiction. The tribunal concluded that it indeed had jurisdiction over the Philippines' case. On July 12, 2016 PCA stipulated that there was no legal basis for China to claim historic rights to resources within the sea areas falling within the 'nine-dash line' (Thanh-Dam Truong and Knio 2016). PCA decided that China had violated the Philippines' sovereign rights in its exclusive economic zone by interfering with Philippine fishing and petroleum exploration, constructing artificial islands and failing to prevent Chinese fishermen from fishing in the zone.

The PCA noted the effect on the marine environment of China's large-scale land reclamation and construction of artificial islands at seven features in the Spratly Islands. PCA also mentioned that China's reclamation project caused severe harm to the coral reef environment and violated its obligation to preserve and protect fragile ecosystems and the habitat of depleted, threatened, or endangered species. The PCA also found that Chinese fishermen have harvested endangered sea turtles, coral, and giant clams on a substantial scale in the South China Sea and had not fulfilled their obligations to stop such activities.

Feng Zhang (2016) in his article titled "Breathtaking and counterproductive: The South China Sea Arbitration Award" noted that Beijing made five official statement following the ruling including a Foreign Ministry statement about its position on the award; remarks by Foreign Minister Wang Yi on the ruling, statement by People's Republic of China (PRC) President Xi Jinping on the ruling, a statement about China's territorial sovereignty and maritime rights in the South China Sea, and a State Council white paper on settling the disputes with the Philippines through negotiation .

Zhang (2016) further argues that China announced their readiness to make practical temporary arrangements with the Philippines to reduce tension and seek cooperation. Chinese Foreign Ministry made important policy shift in the South China Sea dispute. China published the paper showing an important change in appeasing the conflict by putting the nine-dashed lines in less priority for Chinese foreign policy. This is a starting point for China and other claimant states for looking an alternative solution

instead of focusing implementing win-lose strategy.

Unfortunately, PCA ruling has stirred up Chinese nationalism while undermining moderate voices represented by academics and diplomats. However, the Chinese government didn't yield to public calls for a boycott of Philippine goods and China has stressed that it would intensify talks for a binding Code of Conduct (COC) for the South China Sea. It is very important to look on how China has transformed its position from hard-power into humble-hard power. China didn't buy the nationalism voices and instead forging diplomacy as parallel moves to PCA ruling.

Robertua (2016) argues that economic diplomacy can be a powerful tool for the implementation of humble-hard power. In the era of Deng Xiaoping, South China Sea or Senkaku/Diaoyu is not prioritized in China foreign policy toward Japan and the Philippines to protect Chinese economic growth and spur the foreign investment in the region. Buszynki and Sazlan (2007) also opined that energy cooperation between national oil companies of claimant states in South China Sea can appease the tension and divert the each government aggressiveness to economic cooperation. The international political economy of South China Sea is an interesting alternative discussion to the domination of contending security strategy.

This article argues that Indonesia should be serious in implementing mega projects with China such as high speed train Jakarta – Bandung. By focusing these mega projects, China and Indonesia can forget their aggressiveness in South China Sea and divert their attention to economic projects and international law. The notion of humble-hard power in South China Sea means the expansion of international political economy of South China Sea while maintaining the defensive posture in protecting the sovereignty of South China Sea.

This article argued that the international law must not be assumed to be effective. The effectiveness of international law will be decided by combination of several factors such as the deployment of military power. Anarchy in International Relations means that there is no superior military power to force states to comply with international law. However, anarchy doesn't lead to chaos due to the presence of norms and ideas motivating states and governments to comply voluntarily with international law. Humble-hard power is clearly played by China by not reacting aggressively condemning PCA decision and instead using diplomatic protocol in appeasing the situation. China has the possibility to strengthen its position in the dispute by projecting more military aircraft and Warcraft in the conflict area however that decision is not taken.

Theoretical Consequences

The emergence of humble-hard power in South China Sea will bring theoretical consequences in the context of the International Relation of Southeast Asia. If we will seriously elaborate the concept humble-hard power, we will consider Realism's power political approach and its opponents of Liberalism and critical theories. There would be a question of the theoretical framework of humble-hard power.

In building a new concept we need to consider the institutions and the norms. There will be some options for humble-hard power scholars to focus on state-centric explanation or giving rooms for non-state actors such as corporation and civil society.

Globalisation has given bigger role for civil society and corporation and this situation can lead to the rivalry interaction between the state and non-state actors. Civil society brings the new norms such as human rights and environmental stewardship meanwhile state would prefer stability and secrecy over the new norms. The PCA conclusion on the environmental consequences of reclamation project in Scarborough Reef is an indication of normative tension of international order and ambitious new environmental movement.

The emphasis on soft power within the humble-hard power doesn't necessarily lead to optimistic scenario of peaceful solution of South China Sea. As mentioned above, the Philippines decision to challenge China's position through Permanent Court of Arbitration is an indicator of rivalry between egoistic national interest and the pursuit of rule of law. Diplomatic move by China to convince the Philippines to withdraw their law suit is an embryo of humble-hard power but it is a response of China's aggressiveness in pursuing their claim. Realists will maintain their position that diplomacy and international law are just tools for achieving national interest of great power meanwhile Liberals believed that the respect of international law will bring order and justice. How can we explain this contradiction?

This article argues that mainstream International Relations theories such as Realism and Liberalism will not suffice to explain the theoretical consequences of humble-hard power. The contest over the meaning and the consequences will not be solved by the monolithic approach. It will need the theory that able to understand the process and the paradox of many phenomenon to be neatly grasped under a concept. English School theory has been revived by Barry Buzan (2004) to be able to understand contemporary international problems such as South China Sea dispute or global environmental crisis. As a new generation of English School scholars, Barry Buzan is able to combine the classic debate of pluralism and solidarism and the need of a new conceptual construction through the primary and secondary institution.

English School

English School has wide interest in many issues in International Relations. The founder of English School are Hedley Bull, Martin Wight, Herbert Butterfield and Roy Vincent. The main factor of the emergence of English School scholars are dissatisfaction toward the Realism and Liberalism that advised for a single objective and took many assumptions in states' behaviour (Quayle 2012). Hedley Bull (1977) criticized the Realism with his book "The Anarchical Society" by showing that the anarchic International Relations has rule and norms prescribing states behaviour. Meanwhile Martin Wight advised for trichotomy of International Relations by dividing into revolutionism, realism and rationalism. Revolutionism, according to Wight (1992, 34), defined as:

“those who believe so passionately in the moral unity of the society of states or international society, that they identify themselves with it, and therefore they both claim to speak in the name of this unity and experience an obligation to give effect to it”.

As mentioned above, morality and positive values are essential for states and it is the obligation of human being to implement these values in their live. In between realism and revolutionism, Wight invented rationalism as the middle way advising for knowledge as the solution for conflict. The aim of this trichotomy is to engage in constant debate whether government is reliable for implementing peaceful negotiation. The presence of rationalism as the middle way give the chance for researcher to construct a new concept. Humble-hard power can be seen as the middle way in between power political approach and liberal's assumption. English School can be a tool to elaborate the humble-hard power by focusing case study of Indonesia's role in South China Sea. Linda Quayle (2012) has used English School to look the International Relations of Southeast Asia with the focus of state and non-state interaction. She found that regional dynamics can contribute to the theorization of English School by filling the gap between the established knowledge and the contemporary issue. Southeast Asia provided contradicting data and variety of actors that challenges many assumptions of Realism and Liberalism. She advised for region-theory dialogue, however, she only focused to human rights and environmental movement in Southeast Asia.

Primary and Secondary Institution

To be able to capture broader issues in International Relations, it is important for English School scholars to develop an English School way in elaborating the humble-hard power by relating it into the established concepts such as democracy, economic interdependence and international organizations. This article agree with Miles Kahler (2013) that offsetting the risk of conflict needs three institutions namely democracy, economic interdependence and international organizations. Kahler has applied it into the context of Asia emerging powers including Indonesia and this article will use Kahler's opinion to construct the humble-hard power.

The strength of English School is the ability to construct the concept and this ability is fundamental because it will differentiate English School with other International Relations theories. Barry Buzan compared it to regime theories that constructing concept, in regime theories, is a fixed and taken-for-granted scenario meanwhile English School focused on the progress and the change over the meaning of the concept. The debate of the meaning of concept will be welcomed and it is the right of researcher to determine the way of deepening of a concept.

This article agree with Knud Erik Jorgensen (2010) who advised the reader to creatively build new theories challenging the established one. In his words, Jorgensen argued that building a theory is not solely the occupation of university profesor nor IR theorists. Amitav Acharya and Barry Buzan (2010) emphasized further the need for non-Western IR theory. They believed IR researchers must be brave challenging the established western IR approaches.

Barry Buzan has developed further the primary institution and secondary institution. Humble-hard power will considered as primary institution and economic interdependence, democracy and international organization will be reflected as secondary institution. Defining primary institution and secondary institution is a challenging task. English School founder, Hedley Bull (1977), argues that there are only five primary institutions namely war, diplomacy, international law, great power

management, and balance of power. Barry Buzan criticized this limitation and urged to open more possibilities for researcher to define a new concept as the primary institution.

In his book, Buzan (2004) argued that there are eight primary institutions namely sovereignty, territoriality, diplomacy, great power management, equality of people, market, nationalism, and environmental stewardship. This article argues that there should be one more including humble-hard power. Great power management is not suffice to capture the use of nonmilitary means and peaceful goal of major power in territorial dispute and bringing humble-hard power would mark a shift to more normative content of peace and cooperation.

Great power management and balance of power are classical primary institution of English School with secondary institutions namely alliances, war and anti-hegemonism. These institutions advised for competitive situations among the states which leads to arms race, beggar-thy-neighbor and race-to-the bottom. These institutions contradict with market and environmental stewardship that prefers states to control their power and transformed their power into cooperation projects.

Indonesia's role in South China Sea has puzzled the scholars due to its neutrality and active role in pursuing peaceful solution among conflicting parties. Indonesia is also active in transforming the anger over the territorial dispute into bilateral economic projects between Indonesia and China. This phenomenon urges us to question the constitutive rule of International Relations of South China Sea. This article argued that classical Westphalian institutions should be reformed in order to be able to capture this progress. It is inevitable to build humble-hard power to gather this unmatched components that exists in the dispute.

Humble-hard power consists of three secondary institutions namely democracy, economic interdependence and international institutions. Humble-hard power acted as the primary institution because it is a symbol of resistance toward security-centric balance of power and great power management. Not only being aggressive, balance of power and great power management in Buzan's primary institution are focusing significantly on military instruments such as war and military alliances.

Humble-hard power want to civilize the balance of power and great power management by bringing civilian power such as democracy, economic interdependence and international institutions. By combining these three secondary institutions into primary institutions called as humble-hard power, two targets have been achieved: solidarist-spectrum and non-military approach of territorial dispute of South China Sea.

Economic Interdependence, Democracy and International Institutions

Miles Kahler answered a question why war is unthinkable in the Asia despite its increasing power in terms of economic and military. Kahler (2013, 2) said:

“Although little noted by specialists in international relations, the transition of emerging Asia from a zone of war to a zone of relative peace was an abrupt shift that cannot be explained by the imposition of dual hegemony by the Cold War

superpowers or by the end of that hegemony, as was the case in Europe. The end of great power intervention in civil conflicts throughout the region—first on the part of the United States and then by China—is one source of the 30-year peace in East and Southeast Asia”

Kahler’s opinion confirmed that great power management or balance of power in Buzan’s primary institution is not able to accommodate the dynamics of Southeast Asia. In the context of European politics, great power management or balance of power have its analytical power due to the implication of the collapse of great power of Germany and the presence of the United States. However, the European analysis can’t be adopted to understand Southeast Asian politics including South China territorial dispute.

According to Kahler (2013), there are three phenomenon in Asia that prevent the war namely democratization, increasing economic interdependence and affiliation to international institutions. Most of Asian countries have enjoyed greater freedom of press, speech and movement. This changes have empower individual and communities to aspire their voices to decision-makers and this situations has been defended in many cases. Welfare is also an insurance for conflict. Economic interdependence is restraining government to enter the conflict. Lastly, ASEAN has an important role in preventing conflict through its ASEAN Way of consensus and *musyawarah mufakat*. ASEAN Way is obviously an anti-thesis of great power approach of solving problems. Small power in Southeast Asia have enjoyed greater access to ASEAN decision-making and interrupted the potential of unilateral intervention and policies.

Indonesian foreign policy in South China Sea dispute also clearly reflected the democracy, economic interdependence and international institution. Indonesia has openly discussed the possible solution of South China Sea with the claimants as well as media and other related public institutions. Access toward Indonesian diplomacy in the South China Sea is relatively open for any critics and discussion from opposition parties in Parliaments and public discussion in media. Economic interdependence is also evident as China and other claimants states are important trade partners for Indonesia. The priority of economic cooperation in Indonesian diplomatic agenda with China and other claimants states are part of constraint of increasing tensions in South China Sea. Lastly, Indonesia is very vocal in enhancing the capacity and capability of ASEAN institutions in dealing and managing regional problems including South China Sea.

Conclusion

South China has become a deadlocked issue that there is no final solution to be achieved. The increasing economic power of China has changed the defensive posture to aggressive one. This article argues that humble-hard power is sufficient to explain the dynamics of Indonesian foreign policy toward South China Sea dispute.

Indonesia, the independent regional powers, which are not yet locked into an alliance with the West is capable using the humble-hard power approach by using its legal and moral authority to force the claimant countries to seriously complete the CoC. Jokowi administration has the ability close the gap between Indonesia’s national interests in the contested issues in the South China Sea and its aggressiveness on South China Sea issues.

This article borrowed the concept of humble-hard power of John Nieves to portray Indonesia's role in South China Sea. The emphasis of nonmilitary means and the focus of economic bilateral cooperation seriously undermined the possibility of war in the dispute. It is also important to think on the theoretical consequences of humble-hard power within English School theoretical discourse. This article has elaborated the English School theory to reconstruct the humble-hard power as the primary institutions and democracy, economic interdependence and international institutions as the secondary institutions.

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