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Paradigm Shift in the Implementation of the Law of the Sea in Indonesia

Tommy Hendra Purwaka¹

Indonesia has experienced four times paradigm shift in the implementation of the law of the sea since it declared its archipelagic state principle in 1957 through the 1957 Djuanda declaration up to now. The shifting of paradigms can be viewed as a progressive development on the implementation of the law of the sea in Indonesia. The first paradigm was ocean space paradigm which was clearly shown in the 1957 Djuanda declaration and along the way of the diplomacy efforts of Indonesia in the first (1958), the second (1960) and the third (1982) UNCLOS. The first paradigm showed how Indonesian people viewed ocean space of Indonesian archipelago as an integral part of national territory of Indonesia. The ocean space of Indonesian archipelago, however, should be filled with development activities as the implementation of the law of the sea. This has raised ocean development paradigm in 1985 as the second paradigm. Problems and constraints of ocean development faced by government of Indonesia which consists of central government, provincial government, regency government and municipal government have led to the maritime continent paradigm as the third paradigm in 1990s. The third paradigm viewed the ocean and land space of Indonesian archipelago as a continent. By thinking so, maritime jurisdictional problems raised by the involvement of central, provincial, regency and municipal governments in Indonesia's ocean development will be able to be solved. As a matter of fact, the appearance of the third paradigm has complicated efforts of government in socializing the implementation of the law of the sea to all government levels and to Indonesian people. For this reason, government of Indonesia in the year of 2000 formulated national ocean policy. This policy combined ocean space, ocean development and maritime continent paradigms which can be viewed as the fourth paradigm. The fourth paradigm then can be named as ocean policy paradigm.

Keywords: law of the sea, archipelagic state, maritime continent, ocean policy

I. Introduction

World's ocean space has attracted attention of many coastal states, especially maritime powers, for years. Competition among maritime powers started occurring at 14th century. In 1492, for example, Spain, Portuguese, Great Brit-

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ain, and Netherland competed against each other in conducting sea exploration as an entry point for occupation of ocean space. In 1493, Spanish claim over the Pacific Ocean and Portuguese's claim over the Atlantic Ocean supported by Papal Bulls resulted in the existence of *mare clausum* (closed sea) which led to conflict with Great Britain and Netherland. Eighty seven years later, Queen Elizabeth declared freedom of the sea in 1580 and Hugo Grotius launched his doctrine called *mare liberum* in 1609. These historical facts and other state practices occurred along the way development process of the law of the sea up to the conduct of the Third United Nations Conference on the Law of the Sea in 1973-1982 (the Conference) have shown the importance of ocean space for international community. With respect to ocean space, Bernardo Zuleta in his introduction to UNCLOS stated that *the problems of ocean space are closely interrelated and need to be considered as a whole*. Javier Perez de Cuellar, Secretary-General of the United Nations, in his Statement to UNCLOS entitled "International Law is Irrevocably Transformed" mentioned that *all the problems concerning ocean space were closely interrelated and that they should therefore be considered and solved together*. Tommy T.B. Koh, President of the Third United Nations Conference on the Law of the Sea, in his Remarks to UNCLOS entitled "A Constitution for the Ocean", stated that *all aspects of ocean space are interrelated and should be treated as an integral whole*. Substance of the three statements has reflected basic consciousness of the States Parties to UNCLOS.

Based on Indonesia's experiences as one of the state parties to the First and the Second UNCLOS, Indonesia has made the best use of progressive development on international law of the sea for the purpose of introducing and promoting geographical uniqueness of its archipelago as archipelagic state principle to the Third UNCLOS. Through hard efforts of diplomacy, whether inside or outside of the Conference, Indonesia together with other archipelagic states and supported by developing coastal states have succeeded in placing regimes of internal waters, archipelagic waters, 12 nautical miles territorial sea, contiguous zone, 200 nautical miles exclusive economic zone, and continental shelf as regulated ocean space within UNCLOS.

The way the Indonesian people view ocean space of Indonesian archipelago as space to promote national maritime jurisdiction of Indonesia is called ocean space paradigm. Implementation of regulated ocean space and other regimes of international law of the sea involve activities of how to fulfill the regulated ocean space with management and development of the use of ocean

space and its marine resources. The way of the Indonesian people view Indonesian national territory as space to conduct national economic development is called ocean development paradigm. Since problems of ocean, land and air space development in an archipelagic state like Indonesia are interrelated and interconnected, land, ocean and air space should be viewed as one integrated space if an archipelagic state would like to deal successfully with economic development problems in an archipelago. The way of Indonesian people view land and ocean space as a continent is called maritime continent paradigm. In Indonesia, the three ways in viewing ocean space of Indonesian archipelago should be carried out together as course of maritime development actions. The way of Indonesian people view the three paradigms as the course of maritime development actions is called ocean policy paradigm. With respect to the four paradigms, this paper will discuss ocean space, ocean development, maritime continent, and ocean policy paradigms.

II. Ocean Space Paradigm

Indonesian archipelago, which consists of land, ocean and air space, was firstly declared as a state by several Indonesian youth organizations represented Indonesian people through *Sumpah Pemuda 1928* or Youth Pledge of 1928. At that time, Indonesian youth declared that they were one nation: Indonesian nation, they had one state: Indonesian state, and they used one national language: the Indonesian language. Through diplomacy and war for independence, Republic of Indonesia as one state unity was proclaimed and established at 17 August 1945. Even though land, ocean and air space of Indonesian archipelago have been declared as one territorial unity of Indonesia since 1945, progressive development on international law of the sea, especially which was expressed in the First (1958) and the Second (1960) UNCLOS, showed that ocean space beyond 3 (three) nautical miles limit of territorial sea encircled each island of Indonesia was considered as high sea where other states enjoyed freedom of the high sea. The ocean space concerned became a separation factor to territorial unity of Indonesia. The ocean space separated one island from other islands so that the Indonesian national territory was not yet an integrated space.

To defend the Indonesian archipelago as one territorial unity, Government of Indonesia through Prime Minister Djuanda declared in 1957 that ocean space located among islands and encircled by archipelagic baselines and 12 nautical miles territorial sea measured from the archipelagic baselines were under sov-

ereignty of Indonesia. After unsuccessfully promoting 12 nautical miles territorial sea encircled Indonesian archipelago in the First (1958) and the Second (1960) UNCLOS, Government of Indonesia issued Law Number 4 Prp Year 1960 concerning Indonesian Water to strengthen the 1958 Djuanda Declaration. The 1958 Djuanda Declaration reflected the way how Indonesian people viewed ocean space of Indonesia as an integral part of national territory of Indonesia. The way of Indonesian people view their ocean territory from spatial perspective was called *Wawasan Nusantara*. In this respect, *Wawasan Nusantara* was a spatial concept of Indonesian archipelago which became conceptual base for the development of archipelagic state principle. Through hard diplomacy efforts of Indonesian Government, the archipelagic state principle obtained supports from several neighboring countries and friendly developing coastal states, and also from major American and European offshore oil and gas investors who did investment in Indonesian ocean space. Indonesia together with other archipelagic states like the Philippines and supported by developing coastal states succeeded in introducing and promoting archipelagic state principle to the state parties of the Third Conference. Ocean space of an archipelagic state which consists of internal water, archipelagic water, territorial sea, contiguous zone, exclusive economic zone, and continental shelf was accepted as international law of the sea regimes to be regulated in the UNCLOS.

The above achievement was informed and advocated by the Government of Indonesia to Indonesian people through community awareness concerning the implementation of *Wawasan Nusantara*. For this reason, all related government institutions and agencies were empowered for the purpose of incorporating implementation of *Wawasan Nusantara* into every ocean space development program. The socialization of the implementation of *Wawasan Nusantara* was carried out by conducting seminars, workshops, panel discussions, meetings, trainings, and projects throughout the country. In this respect, several faculties of law from well-known state's university and centers for law study assisted government in socializing implementation of *Wawasan Nusantara*. In 1970s, Government of Indonesia established *Panitia Koordinasi Wilayah Nasional (Pankorwilnas)* or National Committee for Coordination of National Territory. Pankorwilnas in coordination with relevant government institutions and agencies carried out activities such as identification of territorial boundaries between Indonesia and its neighboring countries which needed to be negotiated, involvement in the negotiation of maritime boundaries delimitation, coordination of land, ocean, and air space, socialization of *Wawasan*

Nusantara, and providing data and information concerning national territory to Indonesian delegation to the Conference.

In line with socialization of *Wawasan Nusantara*, the Government based on Article 33 paragraph (3) of 1945 Indonesian Constitution issued Law Number 5 Year 1960 concerning Basic Agrarian Law to legally integrate land, ocean, and air space, including natural resources contained therein. Law number 5 Year 1960 was needed to avoid legal vacuum because at that time there was no specific law regulated land, ocean, or air space, and their natural resources. Government also issued Law Number 11 Year 1967 concerning Basic Stipulation of Mining and Law Number 1 Year 1973 concerning Indonesian Continental Shelf to support its diplomacy efforts in obtaining recognition of Indonesian archipelagic state principle from American and European oil and gas investors. Archipelagic state and its ocean space concerned were eventually regulated in the 1982 UNCLOS and mission of Indonesian delegation to the Conference was considered accomplished. Three years later, Indonesia ratified the 1982 UNCLOS by issuing Law Number 17 Year 1985 concerning Ratification of the 1982 UNCLOS. Following this ratification, government faced problems of how to fulfill ocean space of Indonesian archipelago with development activities in accordance with the 1982 UNCLOS. Fulfilling ocean space of Indonesian archipelago with development activities aimed at strengthening national territory of Indonesia.

III. Ocean Development Paradigm

After ratifying the 1982 UNCLOS in 1985, government formulated ocean space development program based on *Garis-Garis Besar Haluan Negara* (GBHN) or General Guidelines of State Policy (GBHN). Before 1998, the GBHN was renewed every five years. Considering Indonesia as the biggest archipelagic state in the world, the GBHN adopted *Wawasan Nusantara* as course of all national development actions, including all actions in conducting ocean space development program. The ocean space development program consisted of activities to implement *Wawasan Nusantara* in accordance with the 1982 UNCLOS. According to the GBHN, implementation of *Wawasan Nusantara* in Indonesian ocean space should be viewed as one political unity which created stability, as one economic unity which created efficiency, as one social unity which created prosperity, as one cultural unity which created integrity, as one defense unity which created strength, one security unity which cre-

ated safety, one environmental unity which created sustainability, and one legal unity which created certainty, justice and truth. In this respect, there was a change in the implementation of *Wawasan Nusantara* from *Wawasan Nusantara* as a spatial concept to *Wawasan Nusantara* as a developmental concept of the Indonesian archipelago. Consequently, the way government and Indonesian people look at the ocean space of Indonesian archipelago shifted from spatial view to developmental view. There was a paradigm shift from ocean space paradigm to ocean development paradigm. Implementation of *Wawasan Nusantara* shifted from efforts which focus on integrating land, ocean and air space as one territorial unity of Indonesian archipelago and on promoting archipelagic state to be regulated in the UNCLOS to efforts which focus on fulfilling Indonesian national territory with development activities by considering the 1982 UNCLOS.

The implementation of *Wawasan Nusantara* through ocean development program was based, among others, on Law Number 17 Year 1985 concerning Ratification of the 1982 UNCLOS, Law Number 4 Prp Year 1960 concerning Indonesian Water, Law Number 5 Year 1960 concerning Basic Agrarian Law, Law Number 11 Year 1967 concerning Basic Stipulation of Mining, Law Number 1 Year 1973 concerning Indonesian Continental Shelf, Law Number 5 Year 1974 concerning Government in the Region, Law Number 5 Year 1980 concerning Exclusive Economic Zone of Indonesia, Law Number 4 Year 1982 concerning Basic Management of Environment, and Law Number 5 Year 1990 concerning Management of Natural Living Resources and Their Ecosystem. In addition to these legal basis, government issued ocean related laws and regulations which specifically regulated natural resources, human resources, and cultural (man-made) resources. Government also ratified several ocean related international conventions. Ocean space development activities carried out based on these legal basis included, among others, marine scientific research; exploration, exploitation, management and conservation of marine living resources; exploration, exploitation and management of oil, gas and mineral resources; protection and preservation of the marine environment; development of interisland and ocean going shipping; monitoring and control of navigation; and development of marine tourism.

Ocean space development activities were carried out by conducting various marine based projects such as marine and coastal development project, fisheries management project, and electronic high way for navigation project.

These projects were implemented solely by Indonesian government and jointly with other countries and/or international organizations. In addition, Indonesia became a member of several regional and international ocean related organizations in order to support its ocean space development program. In carrying out the ocean development program, Indonesian government at that time faced at least three kinds of problem, i.e. harmonization of legal basis, maritime boundaries delimitation, and insufficient infrastructure to cover the entire archipelago.

The implementation of legal basis mentioned above needed legal harmonization within the framework of the 1982 UNCLOS. This meant that government had to do legal interpretation and legal reasoning which were supported by rational argumentation to harmonize all legal basis concerned in accordance with the 1982 UNCLOS. Legal harmonization would lead to unification of legal objectives of each legal base, legal strategy to achieve the objectives, and legal guidelines to implement the strategy. Implementation of legal basis through ocean space development program could be considered empirically as the exercise of maritime jurisdiction of Indonesia based on the 1982 UNCLOS. Since then, legal harmonization has become continuous problem in the implementation of *Wawasan Nusantara*. This is because, in addition to the 1982 UNCLOS, Indonesia still has several other international conventions, such as Biodiversity Convention, Climate Change Convention, IMO Convention, Marine Pollution Convention, Basel Convention, and Ramsar Convention, which should be considered in harmonizing the legal basis of ocean space development program. The result of this legal harmonization can be appropriated as one of legal sources of progressive development on international law of the sea.

The legal basis mentioned above as Indonesian positive law should be implemented in the ocean space of Indonesian archipelago which should have clear maritime boundaries. In this context, therefore, Indonesian government should map maritime boundaries of internal water, archipelagic water, 12 nautical miles territorial sea, contiguous zone, 200 nautical miles exclusive economic zone, and continental shelf in accordance with the 1982 UNCLOS. Mapping activities in this regard should be based on the best scientific data produced by marine scientific research. Mapping and marine scientific research can be considered as development activities conducted within the framework of implementation of *Wawasan Nusantara*. Implementation of the legal basis in certain ocean space of Indonesian archipelago, however, faced spatial uncertainty due to delimitation problem of maritime boundaries between Indonesia and its neigh-

boring states. This is why Indonesia had to negotiate maritime boundaries delimitation agreements with its neighboring states. Several maritime boundaries delimitations have been done and agreed, while the others are still being negotiated or are going to be negotiated. Similar to the problem of legal harmonization, maritime boundaries delimitation has now become serious problems for Indonesia especially with respect to several factual cases like *Ligitan and Sipadan Islands case* (2002), *Ambalat Basin case* (2005), and *Cape of Berakit case* (2010) between Indonesia and Malaysia, and *Singaporean Coastal Reclamation case* (2003) which might influence position of maritime boundaries between Indonesia and Singapore. These cases show that unresolved maritime boundaries delimitation between Indonesia and its neighboring states will bring legal uncertainty for Indonesia in enforcing its sovereignty and sovereign rights in an overlapping claim ocean space.

In addition to problems of legal harmonization and maritime boundaries delimitation, Indonesian government also faced problems of how to spread out implementation of *Wawasan Nusantara* throughout the ocean space of the Indonesian archipelago. These problems appeared since provincial, regency and municipal governments according to Law Number 4 Year 1975 concerning Regional Government did not have jurisdiction over ocean space. In order to solve these problems, Indonesian government issued Law Number 22 Year 1999 concerning Regional Government to change Law Number 4 Year 1975. Law Number 22 Year 1999 which was then replaced by Law Number 32 Year 2004 concerning Regional Government gives legal mandate to provincial, regency and municipal governments to manage and develop certain ocean space and its marine resources. Based on legal interpretation, legal reasoning, and rational argumentation of relevant Articles of the 1982 UNCLOS, Law Number 32 Year 2004 regulates that provincial government has jurisdiction over 12 nautical miles of ocean space measured from coastal baselines, and each regency or municipal government has jurisdiction over 1/3 (one third) of an ocean space under jurisdiction of provincial government. By giving jurisdiction over ocean space to regional governments, i.e. provincial, regency and municipal governments, Indonesian government (central government) expected that regional governments could carry out development of ocean space and its marine resources throughout Indonesian archipelago. Up to the present time, however, the implementation of ocean space and marine resources development by regional governments is not working well as expected by the central government due to unfinished in setting up and mapping maritime boundaries delimitation

among regional governments and also due to lack of understanding on the implementation of *Wawasan Nusantara* (archipelagic state principle) as spatial and developmental concepts of Indonesian archipelago in accordance with the 1982 UNCLOS.

IV. Maritime Continent Paradigm

Problems of maritime boundaries delimitation among regional governments have been predicted since the launching of ideas to provide regional governments with jurisdiction over ocean space for the purpose of implementing *Wawasan Nusantara* in 1990s. There were pros and cons to those ideas. The pros supported the ideas, while the cons were against the ideas. The cons considered that application of the ideas would only complicate the implementation of *Wawasan Nusantara* in accordance with the 1982 UNCLOS. The cons side divided into two groups. The first group of the cons side was those who wanted the 1982 UNCLOS implemented by the central government without providing regional governments with jurisdiction over a certain ocean space of Indonesian archipelago. The second group of the cons side was those who wanted to simplify geographical uniqueness of Indonesian archipelago by viewing the Indonesian archipelago as a maritime continent which integrated land, ocean and air space of the Indonesian archipelago. This view aimed at integration of all aspects and all problems of ocean space of Indonesian archipelago. The appearance of maritime continental view was based on the understanding of consciousness of the state parties to the Conference stated in the consideration of the 1982 UNCLOS and statements expressed by Bernardo Zuleta, Javier Perez de Cuellar, and Tommy T.B. Koh which stated that *the problems of ocean space are closely interrelated and need to be considered as a whole*. The view of the second group of the cons side was strengthened by the fact that the view of most Indonesian people in general is a land-based agrarian view since Indonesia is considered as an agrarian country.

The application of maritime continental view strengthened by land-based agrarian view has complicated the implementation of sovereignty and sovereign rights of Indonesia in accordance with the 1982 UNCLOS, particularly in dealing with rights of the international community in the ocean space of Indonesian archipelago. For this reason, maritime continental view could not stay long and did not have chance to be implemented. However, the spirit of integration of the maritime continental view has influenced progressive development on interna-

tional law of the sea in Indonesia. The spirit of maritime continental view as land-based view combined with ocean-based view of Indonesian archipelago could be considered as reflection of national spirit of *Bhineka Tunggal Ika* or Diversity in Unity as embedded at the *Garuda Panca Sila*, the national state attribute of Indonesia. The spirit of geographical uniqueness of the Indonesian archipelago as reflected in the ocean-based view could be referred to as Diversity and the spirit of integration as reflected in the maritime continental view could be referred to as Unity. In this regard, Indonesian government can make the best use of maritime continental view in line with ocean based view for the benefit of the implementation of *Wawasan Nusantara* in accordance with the 1982 UNCLOS.

V. Ocean Policy Paradigm

In 1998, Indonesia experienced governmental changes from New Order Government to Reformation Government. In 1999, the new government of Indonesia established Department of Marine Exploration (DME) to deal specifically with problems of marine affairs. Less than one year, this new Department was enlarged by accepting Directorate General of Fisheries which moved from Department of Agriculture and changed its name to be Department of Marine Exploration and Fisheries (DMEF). In the year of 2000, the name of Department was changed to be Department of Marine Affairs and Fisheries (DMAF) and changed again in 2004 to be Ministry of Marine Affairs and Fisheries (MMAF). MMAF's responsibilities include exploration, exploitation, management, development, and conservation of capture fisheries, culture fisheries, coastal area and small islands, management and development of marine affairs, and monitoring, control and surveillance of marine resources and fisheries. Management and development of marine affairs actually should deal with implementation of *Wawasan Nusantara* and ocean space development in accordance with the 1982 UNCLOS. However, the implementation of *Wawasan Nusantara* has almost never been heard since the establishment of DME. The spirit of *Wawasan Nusantara* implementation and ocean space development, however, most likely still exist, for example, in the form of marine affairs and fisheries development, offshore mineral and energy resources development, marine transportation development, marine environment development, and marine tourism development.

Together with the establishment of DME, government of Indonesia also formed the Indonesian Maritime Council (IMC) which was then changed in

name to be the National Marine Affairs Council (NMAC). NMAC is chaired by President of Republic of Indonesia and managed daily by Minister of Marine Affairs and Fisheries as Executing Chairperson. NMAC has responsibility to assist President in developing national ocean policy. At the same time of the establishment of DME (1999), Indonesian government based on Law Number 22 Year 1999 concerning Regional Government provided provincial, regency, and municipal governments with jurisdiction over certain ocean space of Indonesian archipelago for the purpose of carrying out ocean space and marine resources development throughout the country. As mentioned earlier, Law Number 22 Year 1999 was replaced by Law Number 32 Year 2004 concerning Regional Government which strengthened regional governments' jurisdiction over certain ocean space of Indonesian archipelago. In addition, government of Indonesia also empowered related ministries and other government's institutions to carry out ocean space and marine resources development.

As mentioned earlier, the appearance of maritime continental view has complicated efforts of government in socializing the implementation of *Wawasan Nusantara*, law of the sea, and ocean space development to all government levels and to Indonesian people. For this reason, MMAF and National Marine Affairs Council in the year of 2000 started formulating national ocean policy as course of actions in conducting ocean space and marine resources development. This national ocean policy actually should combine ocean spatial view, maritime continental view, and ocean developmental view. Up to the present time, however, MMAF and National Marine Affairs Council have not yet successfully integrated the three views into the national ocean policy. The national ocean policy has not been well formulated due to, as mentioned above, lack of understanding on the three views in relation with *Wawasan Nusantara*, archipelagic state principle, and the 1982 UNCLOS. Consequently, implementation of *Wawasan Nusantara* (archipelagic state principle) has not yet been successfully reflected in the development and harmonization of ocean related laws and regulations and in the management and development of ocean space and marine resources of Indonesian archipelago in accordance with the 1982 UNCLOS.

VI. Legal Foot-Print

From the above discussion can be concluded that paradigm shift in the implementation of the law of the sea in Indonesia has left legal foot-print of progressive development on international law of the sea in Indonesia which can

be traced back one by one or step by step as follows:

1. Ocean Space Paradigm: progressive development on international law of the sea in Indonesia according to this paradigm was marked, firstly, by the 1957 Djuanda Declaration which succeeded in promoting legal regimes of archipelagic state, archipelagic baselines, archipelagic waters that replaced high seas scattered among islands of Indonesia, and 12 (twelve) nautical miles territorial sea measured from archipelagic baselines that replaced 3 (three) nautical miles territorial sea measured from normal baselines of each island of Indonesia. Secondly, the introduction of *Wawasan Nusantara* as spatial concept that integrated land, ocean and air space of Indonesian archipelago. Thirdly, diplomacy efforts of Indonesia for the purpose of negotiating agreements concerning recognition of archipelagic state and delimitation of maritime boundaries. Fourthly, mapping of ocean space and its maritime boundaries of Indonesian archipelago.
2. Ocean Development Paradigm: progressive development on international law of the sea in Indonesia according to this paradigm was marked, firstly, by the introduction of *Wawasan Nusantara* as developmental concept which viewed development of Indonesian archipelago as one political unity, one economic unity, one social unity, one defense unity, one security unity, one environment unity, and one legal unity. Secondly, the development and harmonization of national laws and regulations as legal basis for development of ocean space and marine resources of Indonesian archipelago in accordance with the 1982 UNCLOS. Thirdly, formulation of laws concerning Regional Government by legal interpretation of related Articles of the 1982 UNCLOS accompanied with legal reasoning and rational argumentation. Fourthly, providing provincial, regency, and municipal governments with jurisdiction over certain ocean space of Indonesian archipelago based on Law Number 22 Year 1999 which was then replaced by Law Number 32 Year 2004 concerning Regional Government.
3. Maritime Continent Paradigm: progressive development on international law of the sea in Indonesia according to this paradigm was marked, firstly, by making the best use of legal consideration to the 1982 UNCLOS, which stated that *the problems of ocean space are closely interrelated and need to be considered as a whole*, as legal basis to view the interconnection and interrelation of land, ocean, and air, and natural resources in Indonesian archipelago as a maritime continent. Secondly, making the best use of maritime continental view in line with ocean based view for the benefit of

the implementation of *Wawasan Nusantara* in accordance with the 1982 UNCLOS.

4. Ocean Policy Paradigm: progressive development on international law of the sea in Indonesia according to this paradigm was marked by formulation of national ocean policy as course of actions in conducting ocean space and marine resources development and in carrying out development and harmonization of laws and regulations in accordance with the 1982 UNCLOS.

By considering the above conclusion, this paper develops recommendations which, hopefully, can be considered as future legal foot-print to be of progressive development of the law of the sea in Indonesia. The recommendations are as follows:

1. Continue conducting legal harmonization, codification and unification of laws and regulations concerning development of Indonesian archipelago in accordance with the 1982 UNCLOS and related international conventions which have been ratified by government of Indonesia.
2. Revitalization of *Wawasan Nusantara* by adopting archipelagic state principle as a conceptual base of national development policy. This national development policy should be named as national archipelagic state development policy which integrates national land (island) policy, national ocean policy, and national air policy.
3. Continue strengthening provincial, regency, and municipal governments' jurisdiction over certain ocean space and marine resources of Indonesian archipelago in accordance with national archipelagic state development policy.
4. Develop law concerning archipelagic state by considering existing relevant national laws and regulations, the 1982 UNCLOS, and other related international conventions, accompanied with detailed map of marine policy of Indonesia.

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