

The Influence of Reclamation of Singapore on Indonesia in a Marine Law Perspective

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The State of Indonesia is a sovereign state and has jurisdiction over the state and the entire territory of the Republic of Indonesia. Sovereignty resides in all maritime areas. A region has a border which is sovereignty for the country. Unclear state boundaries must be resolved which will have an impact on a relationship in a country as well as the country's sovereignty. In fact, there are still many countries that are having problems at national borders. This problem has been occurring for a long time in the relationship between Indonesia and Singapore and until now it has not been able to solve the problem. This study uses normative legal research based on legal principles and a case approach. Singapore's reclamation from the perspective of the law of the sea has a harsh impact. Promises and formal or informal meetings should be accompanied by strong action from Indonesia. Such as carrying out the arrest of ships and imposing the death penalty for the ship transporter and removal of regional heads to the expulsion of Singapore representatives in Indonesia.

Key words: *marine law; Indonesia; reclamation*

Introduction

The State of Indonesia is a sovereign state and has jurisdiction over the state and the entire territory of the Republic of Indonesia. Sovereignty resides in all maritime areas. A region has a border which is sovereignty for the country. Unclear state boundaries must be resolved which will have an impact on a relationship in a country as well as the country's sovereignty. In fact, there are still many countries that are having problems at national borders. This problem has been occurring for a long time in the relationship between Indonesia and Singapore and until now it has not been able to solve the problem.

Indonesia and Singapore are separated by the sea so that the sovereign boundary is in the form of a territorial sea boundary. The territorial sea boundary between Indonesia and Singapore is a problem due to overlapping.

On December 13, 1957, the Indonesian state determined the area of the territorial sea as stipulated in the Djuanda Declaration. Meanwhile, in the past, Singapore was a former colony of the British state and to determine the area of the territorial sea, it followed the rules for determining the territorial sea area of the British state based on Cornelius. In theory, the area of the territorial sea in the country is measured by the range of cannon fire as far as 3 nautical miles. In 1957, Singapore issued a statutory territorial sea area of 3 nautical miles at its base line. The overlapping claims for the territorial sea area of Indonesia and Singapore are because the area of the territorial sea that separates Indonesia and Singapore is less than 15 miles from its base line.

Quoting CNN, the Ministry of Environment of the Republic of Indonesia noted that the losses suffered by Indonesia reached Sin \$ 42.38 billion. Every day, there are 29 ships carrying thousands of cubic metres of sea sand from Riau to Singapore. The ship has a loading capacity ranging from 1,000-4,000 cubic meters per transport.(Juniman, 2016) This is a problem because Singaura continues to increase its coastline and the process of finding intermediate roads has been carried out, including:

1. 7-8 May 1973 The first Indonesia-Singapore maritime boundary negotiations. Result : The agreement on the maritime boundary between Indonesia and the central part of Singapore.
2. 25 May 1973 The signing of the maritime boundary agreement between Indonesia and Singapore. Result: The agreement was signed by Adam Malik as the representative of the Indonesian government and S. Rajaratnam as the representative of the Singapore government.
3. 26 September 2001 Bilateral negotiations to resolve the pending problems of the two countries. The Indonesian side was led by Megawati with Goh Chok Tong. Result: Agreement to hold a meeting of high-ranking officials to resolve the pending issues of the two countries.
4. November 1, 2001 Meeting of Indonesian-Singapore senior officials. The Indonesian side is led by the Director General HELN while the Singaporean side is led by the Permanent Secretary of the Ministry of Foreign Affairs of Singapore. Result: Hasn't succeeded in resolving the Indonesia-Singapore maritime boundary.
5. February 2002 The Embassy of the Republic of Indonesia in Singapore officially expresses its wish to resolve maritime boundaries between the two countries. Result: Didn't receive a response from the Singapore government.
6. August 4, 2003 Megawati and Goh Chok Tong meet on the agenda to discuss maritime boundaries between the two countries. Result: Agreement to hold delimitation negotiations.

7. November 8 and December 30 2004 Susilo Bambang Yudhoyono and Lee Hsein Loong's meeting, one of which discussed the settlement of maritime boundaries between the two countries. Result: The two heads of state agreed to solve their maritime problems in a peaceful manner.
8. 17-18 January 2005 Indonesia-Singapore assessment meeting. Result: Agreement to hold maritime boundary negotiations between the two countries in February 2005.
9. 28 February 2005 First stage technical meeting to finalise the Indonesia-Singapore maritime boundary. The Indonesian side was led by Arif Havas, while the Singaporean side was led by S. Tiwari. Hail: The agreement to have regular meetings every five or six months.

The unclear boundaries of Indonesia and Singapore have resulted in the unclear boundaries of the territorial sea width between the two countries. Indonesia and Singapore, which are geographically close to each other and maintain their relationship, do not want this problem to continue. So Indonesia and Singapore agreed to resolve this issue peacefully by means of a bilateral agreement. On this basis, legal issues arise regarding the effect of reclamation from the perspective of the law of the sea.

Research Method

This study uses normative legal research based on legal principles and a case approach. (Rusli, 2006)

Research Results and Discussion

The Impact of the Singapore Reclamation on Indonesia's Sovereignty Territory

The flow of technological development and globalisation is growing rapidly, giving positive and negative influences (impacts) on all dimensions of human life. Competition in the world of business and work is getting tougher. To face this competition, hard and fast work isn't enough, but must also be balanced and accompanied by smart work. The belief in a globalisation includes the belief in individual wealth capitalism and about the benefits derived from unlimited wealth ownership and income distribution, and belief in freedom of business and trade as the best mechanism that guarantees the welfare and wealth of all people and individuals. (Romli Atmasasmita, 2013)

So that requires all countries in the world to always follow developments and changes that are increasingly fast. With this, it causes everyone to compete to solve problems to advance their country. However, the use of technology doesn't always solve the whole problem. In fact, sometimes with technology, it turns the problem into a new problem. An example is reclamation related to the management of boundaries.

Confirmation of territorial boundaries is the next stage after the boundary lines are set by the government of the bordering countries.(Taqwa, 2010) As mentioned above, in a boundary agreement, in addition to the required boundary coordinate points, a general illustration map of the boundary line is also attached and agreed upon. Due to the very important nature of boundaries, as markers of the beginning and ending of the rights and obligations of a state, its exact location on the ground needs to be ascertained and affirmed. This can be done by placing boundary signs along the agreed boundary lines. In relation to the context of maritime agreements, confirming boundaries using a sign in the middle of the sea is something that isn't commonly used and done. However, this doesn't rule out (if necessary) to place floating beacons as boundary markers or the two countries to conduct joint boundary mapping surveys.

Indonesia is the largest archipelago country in Southeast Asia, which has thousands of islands from Sabang to Merauke. It's not surprising that Indonesia has many neighboring countries that share maritime boundaries with Indonesia, namely Malaysia, Singapore, Thailand, the Philippines, Papua New Guinea, Timor Leste, Australia and India. An archipelagic state means a country which entirely consists of one or more islands and may involve other islands.(Soemarmi & Diamantina, 2019) The birth of the concept of an archipelago state from the provisions issued by the Indonesian government initially took the form of a Government Regulation dated 13 December 1957, which is later known by the Djuanda Declaration that:

"That all waters around, between and connecting islands or parts of the island which are included in the mainland of the Unitary State of the Republic of Indonesia, regardless of its width, are reasonable parts of the land area of the Unitary State of the Republic of Indonesia and thus constitute part of the waters under the absolute sovereignty of the Unitary State of the Republic of Indonesia. Peaceful traffic in these inland waters for foreign ships is guaranteed as long as and only doesn't conflict with the sovereignty and safety of the Indonesian state. The determination of the territorial sea boundary which is measured from the line connecting the outermost points on the islands of the Republic of Indonesia will be determined by law. "

Based on the government's announcement, the free sea pockets that were originally among the islands in Indonesia became archipelagic waters which were under the sovereignty of the Unitary State of the Republic of Indonesia. In addition, the width of Indonesia's territorial sea, which was originally only 3 nautical miles from Deklasai Djuanda to 12, is measured from the baselines connecting the outer points of the outer islands, (Sunnyowati, 2013) to guarantee national interests and territorial integrity of the Republic of Indonesia. Furthermore, the territory of the Republic of Indonesia is a single guide that cannot be separated between land and sea as well as the air space above it. This new conception was later strengthened by Law Number 4 Prp.1960 on Indonesian Waters. Based on the provisions of this new law, all Indonesian islands and waters constitute a unit, namely the seabed, the land beneath it, the air above it and all natural resources under the sovereignty of the Republic of Indonesia. The method of drawing baselines is completely different from the traditional methods that have



been used so far. Indonesia no longer uses the normal and straight baseline commonly used by countries, but also uses a *straight baseline* that connects the outer points of all islands in the territory of Indonesia (*straight baseline from point to point*). (Hendra Gunawan et al., 2016) All the outer points connecting the entire Indonesian archipelago are 200 with 196 *straight baselines* with a length of 8069.8 nautical miles. The drawing of this new baseline has turned the Indonesian islands, which numbered approximately 13,667, into a unified entity from a legal perspective.

The essence and concept of a maritime state is to use all sources of marine wealth for the benefit and welfare of the community. The wealth of the sea must be used for the greatest prosperity of the people, biological and non-living resources that are in the sea, the land and the seabed below should be managed by the nation's own children for the benefit of the Indonesian people; raw materials aren't allowed to be exported abroad then processed abroad then enter Indonesia in a ready-made form with a higher price felt by the Indonesian people. (Djalal & Kerakyatan, 2014)

Therefore, security is still limited under the responsibility of the Indonesian Navy. This means that Singapore is still carrying out reclamation in order to increase the benefits of natural resources from an environmental and socio-economic point of view, by doing dredging, draining the land, and dumping it. Reclamation can also be defined as an activity of the process of turning the sea land into land in order to get greater benefits. Reclamation is generally classified into two categories, namely, first, the polder system is a business activity to obtain dry land by separating water from land (separating water and land from walls) which is stagnant by pumping.

The reclamation activities carried out by Singapore are facing the Nipah Island which is directly adjacent to Singapore. Nipah Island is included in the Riau Islands region. In carrying out the reclamation process or activities, it's clear that the material used for the stockpiling is needed. The question is where is the land or sand used by Singapore to reclaim most of its beaches. It turns out that Singapore is doing reclamation by importing markets from several countries, namely Indonesia, Vietnam and Singapore. From 1997 to 2007, Indonesia was considered the largest supplier of reclamation in Singapore. This has clearly had a tremendous impact on Indonesian territory. The losses received by Indonesia due to these activities have problems in various aspects, namely economy, trade and the environment. First, the export of sand (land) has resulted in much illegal sand mining in the Riau Islands Province which is adjacent to Singapore, which openly dredges most of the small islands causing them to sink and disappear, even though these small islands can be used as tourism icons of the Riau Province. Secondly, the damage to the marine ecosystem due to illegal sand mining by irresponsible persons and not in accordance with the applicable regulations has resulted in a decrease in fishing yields in the water areas where ships have passed. This clearly causes many fishermen to turn to look for other jobs. The debate is related to the territorial sea zone area. The territorial sea zone is the boundary of the sea drawn from the baseline by a distance of 12



miles to the sea from the outer ends of the island. The territorial sea is a sea of sovereignty which affirms that every country may make use of its natural resources. The increase in the land area of Singapore will cause the shifting of Indonesia's territorial sea areas.(Suharyo, 2019)

The reclamation will only benefit Singapore itself, to expand its land area. The government must also pay serious attention, especially to illegal sand mining that occurs in the Riau Islands, and supervise and take firm action, especially related to officials and businessmen. The government must also make improvements to the marine ecosystem that has been damaged due to illegal sand mining. These improvements will have an impact on the fishermen around the Riau islands to improve the welfare of the community. The role of society in this case is also needed to defend the territory of the Unitary State of the Republic of Indonesia.

Solutions to Land Reclamation in Singapore for Indonesian Sovereignty

Land reclamation is a process of adding new land by stockpiling the waters around it.(Joetidawati, 2016) In the reclamation process, there are several ways, one of which is by hoarding large rocks or cement into the waters, after that piling up clay to the height of the land the desired is achieved. One of the things included in land reclamation is drying wet land that has been submerged or using similar biomes to create a land. Usually, the coastal area is limited by the geographic location which is usually bounded by the ocean. The coastal area itself can extend to the ocean by reclaiming the land.

Hong Kong and Macau are two of the regional countries that are experiencing the process of land reclamation by allowing rapid development to occur. In the beginning, Singapore itself, which , was inhabited by around 2 million people in 1960, where the population continued to increase until 2008, when the population reached 4.5 million people, and of course to meet the needs of its population which also increased, Singapore increased its land area by about 22% since the country became independent in 1965. Although Singapore's reclamation was already carried out by the state of Singapore in the 19th century, it was increasingly being carried out by the government in the 20th century due to the increasing population, as we discussed earlier. The initial area of Singapore which was only about 719 square kilometers made the Singapore government feel the need for land reclamation to support commercial, industrial areas, fulfillment of residential areas, as well as fulfillment of government areas such as for the military and other official government areas. Apart from that, the preservation of Singapore's culture and history is also supported by the reclaimed land. Although there are indeed some reclaimed lands that the government has deliberately vacated for future use. However, because in the mid-20th century many people from outside Singapore began to enter the country because the very rapid economic growth certainly made the government more aggressive in carrying out the land reclamation process and it's estimated that the Singapore government plans to increase the size of the country of Singapore by 7-8% in the year 2030 by using land reclamation.

For Singapore which has a shallow water model, of course the best option for reclamation is to use sand. It's true that sand isn't always the first option used for the reclamation process but sand has often been used as material for the Singapore reclamation process so far. Because Singapore itself uses sand too often in its reclamation process, of course, it makes its domestic sand stock reduced and even runs out and that is the main reason the country imports sand from other countries to meet the country's reclamation project needs. So that in 2014 the United Nations, through its environmental program, said that Singapore was the largest sand importer in the world; in 2010 alone the sand imported by Singapore was 14.6 million tons. Although it's true that industries around the world depend on sand, this has made the building sand source increasingly scarce which resulted in 1977, for example, Malaysia banning the export of sand even though the country's media continued to report if there was sand smuggling to Singapore, but there was no further discussion about this.

Indonesia itself in 2007 made a ban on sand exports to Singapore; the ban also appeared due to tensions between Indonesia and Singapore regarding the islands between the two countries because reportedly sand miners almost drowned the islands, while 90% of Singapore's sand sources were from Indonesia. Of course the ban makes Singapore have to look for new sources of sand from other countries which have also started to ban sand exports to Singapore, for example, Vietnam, which in 2009 banned sand exports to Singapore which was also followed by Cambodia,. Indonesia, Malaysia and Vietnam. This makes Cambodia the main sand supplier for Singapore but by sending 25% of its sand supply; the country of Cambodia has experienced a drastic change in the ecosystem, namely the number of catches of crab and lobster has decreased by 85% and also the number of foreign tourists has decreased due to the noise heard with the project logging.(Purwaka, 2014) This made Cambodian citizens call for a halt to sand mining because of the devastating impact of the damage, especially in the province of Koh Kong. Until now, Singapore itself doesn't want to say who is the sand supplier. The country only says that the sand is obtained from various approved sources.

With all the controversy that has occurred due to sand mining, in 2016 the country of Singapore implemented a new reclamation method, namely using polders as in the Netherlands. The application of this polder method will certainly reduce Singapore's dependence on imports of sand from various countries because this method is the construction of a wall to separate sea water from "lowland" polders whose water levels are controlled by using a pump. This method itself was applied to the northwestern tip of Tekong Island, where the military training center was built, which is estimated to be expanded to 810 hectares.

Malaysia in 2003 criticised Singapore for reclaiming the two ends of the Straits of Johor, which separates the two countries. Malaysia itself said that the project disrupted Malaysian territory and had a bad impact on the country's environment. So that in the end Malaysia sued Singapore through legal channels in accordance with the International Convention on the Law of the Sea

(UNCLOS) and was completed through an arbitration process. There are several principles that underlie this, namely:

1. In the first principle there is respect for the baselines of the archipelago nation of Indonesia, which is already in the 1982 UNCLOS. Singapore itself agrees that Indonesia uses the baseline determined as the starting point for measurement and vice versa, Singapore as an island nation uses the base point of its coastline as the starting point for measurement. Equally rooted in the 1982 UNCLOS, a centre line is constructed from two basic points, although differences can be immediately agreed upon.
2. The second principle is to use the original beach as a base point. UNCLOS 1982 didn't recognise artificial islands as the basis for measuring the territorial sea and it was initially feared because they thought that Singapore would use the reclaimed islands to start the measuring point. But once again because Singapore is also based on the 1982 UNCLOS, the country understands this norm and in the negotiations conducted by the parties from Singapore, it doesn't use the reclaimed coast as the basic measurement point but uses the original coastline.
3. The third principle is the political will of the two countries to determine maritime boundaries. However, the maritime law regarding delimitation hasn't been clearly determined and in the end it has been left to the discretion of the negotiating state; so this has resulted in the maritime boundary negotiations which have been carried out with the impression of tug-of-war and bargaining, but because the two countries were based on UNCLOS 1982 the two countries were able to initiate maritime boundary settlement by utilising the existing norms in UNCLOS 1982 to reach an agreement, even though it was very minimal.

Overall, the stages carried out by both parties didn't find any special obstacles. But, of course they encountered some obstacles or difficulties which in their implementation were especially obstacles for the technical team themselves. This is because the technical team has full responsibility in terms of formulation and planning, especially for the making of boundary maps for the two countries. For the problem of determining the boundaries of the territories of the two countries, the team must calculate the advantages and disadvantages of the boundaries that have been determined for each of the two countries. This is something that really needs to be taken into account very carefully, because this maritime boundary agreement is final and cannot be changed again unless one party proposes a new maritime boundary determination at a later date. Furthermore, in the matter of negotiating the minimum and maximum limits of the two countries, it's certainly an obstacle for the two teams themselves, which is when a country proposes a negotiation that exceeds the maximum limit, of course it becomes a problem that needs to be looked for a solution together.

Conducting a bilateral negotiation between the two related countries regarding resolving maritime boundary issues isn't certainly an easy thing, because there needs to be several considerations such as a juridical review, political conditions which on May 25, 1973 have



agreed on 6 points (v-line) in the middle based on coordinates - geographic coordinates and boundary lines connecting the two countries. In the 1973 Indonesia-Singapore border agreement, there is no specific geodetic datum stated. Which means, the coordinates of the 6 points in the agreement cannot be determined on their position on the earth's surface. It's true that the Indonesia - Singapore border agreement has already contained coordinates, but there is no mention or reference of the geodesic datum, because the exact position on the earth's surface cannot be determined. In 2009, the second agreement in which the agreement stipulates the maritime boundary lines of the two countries in the western part of the Singapore Strait was signed in Jakarta on March 10, 2009, which resulted in an agreement on the coordinates of points 1A, 1B and 1C determined in verse 1 geographic coordinates based on the World Geodetic System 1984. Geodetic datum is simply a reference, so that the coordinates on the earth become more meaningful and its position can be known correctly on the earth's surface. Meanwhile, scientifically, geodetic datum is a reference to a system with certain parameters including the centre of the system and also its orientation to the centre of the earth. There are also several geodetic datum in the vicinity of Indonesia, namely Kertau 48, Kertau 68, Genuk, South Asia, Indian 54, AGD. Next is the agreement made by the Indonesian government and the Singapore government, namely an agreement which sets the maritime boundary lines of the two countries in the eastern part of the Singapore Strait in the first segment. Which is useful for strengthening the friendly ties of bilateral relations in an effort to resolve these various problems.

In the process of solving the problem of maritime boundaries between Indonesia and Singapore, the two countries have agreed to resolve peacefully. There have been several bilateral negotiations between Indonesia and Singapore to resolve maritime boundary issues between Indonesia and Singapore. There are several obstacles that the Government of Indonesia and the Government of Singapore have encountered regarding the resolution of the maritime boundary issues of the two countries, both technically and non-technically. For technical obstacles, in this case these obstacles are usually found by the formulation and planning teams from the two countries. However, neither the technical team from the Indonesian side nor Singapore have any special obstacles, such as problems between Indonesia and other neighbouring countries such as Malaysia, the Philippines or Vietnam which seem complex in solving maritime boundaries. This is because both Indonesia and Singapore can accept mutual requests and decisions from each country regarding these technical issues. There are non-technical obstacles faced by Indonesia and Singapore in solving the maritime boundary problems of the two countries. This non-technical obstacle is usually very common in bilateral negotiations between two countries.

With this success, Indonesia has slowly completed its constitutional task of guarding the Unitary State of the Republic of Indonesia. There are still many other segments whose boundaries need to be agreed with other neighbouring countries. After the 1982 UNCLOS, the boundaries of the Unitary State of the Republic of Indonesia had to be reformatted immediately.



Apart from allowing Indonesia to use archipelagic baselines covering all of its islands, the Convention also created several maritime zones with their respective widths, namely the territorial sea (12 nautical miles), the Exclusive Economic Zone (200 nautical miles), and the continental shelf (approx.200 nautical miles), which must be drawn immediately. This change has benefited Indonesia and indeed the boundaries of the Republic of Indonesia must be adjusted to this convention. Among ASEAN member countries, or even in Asia, Indonesia is a very productive country in making border agreements, which is done with almost all countries. Indonesia has been or at least is at the negotiating table for the settlement of its maritime boundaries. In 2014, Indonesia also recently completed the Exclusive Economic Zone boundary with the Philippines and is in the process of ratification. This Exclusive Economic Zone boundary agreement is the first agreement in the world between fellow island nations.

Conclusion

Singapore's reclamation from the perspective of the law of the sea has a harsh impact. Promises and formal or informal meetings should be accompanied by strong action from Indonesia. Such as carrying out the arrest of ships and imposing the death penalty for the ship transporter and removal of regional heads to the expulsion of Singapore representatives in Indonesia. This is important because in the law of the sea there are areas that cannot be owned by anyone. State sovereignty is the main thing for the Indonesian government.

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