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## **LAW ENFORCEMENT STRATEGIES AND PROTECTION OF COASTAL STATES' RIGHTS IN INDONESIA'S EXCLUSIVE ECONOMIC ZONE FROM THE PERSPECTIVE OF UNCLOS 1982**

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### **Abstract**

This study explores the legal framework, consequences of violations, and mechanisms for rights protection and dispute resolution in Indonesia's Exclusive Economic Zone (EEZ), utilizing a normative and comparative approach based on UNCLOS 1982 and Law No. 5 of 1983. Focusing on how Indonesia strengthens EEZ management, the research highlights the importance of adaptive regulations, strong law enforcement, and active maritime diplomacy. Violations—such as illegal fishing and unauthorized resource exploitation—cause significant economic losses, environmental harm, and diminish state authority. Through qualitative literature analysis, it is found that effective responses depend on updated legal instruments, integration of surveillance technology, and robust international cooperation. Key factors for improved EEZ governance include bilateral and multilateral partnerships, law enforcement capacity building, and community involvement. Ensuring sustainable marine ecosystems requires synergy between prevention, enforcement, and legal education. The study recommends ongoing innovation in surveillance, regulatory updates, and enhanced international collaboration for equitable and sustainable EEZ management.

**Keywords:** Exclusive Economic Zone, law enforcement, boundary violations, UNCLOS 1982, rights protection, maritime surveillance, Indonesia

## Introduction

The delimitation of Exclusive Economic Zone (EEZ) boundaries remains a central issue within the discourse of international maritime law. The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides the primary legal framework for coastal states to establish their rights, obligations, and jurisdiction over maritime areas extending up to two hundred nautical miles from their baselines. Nevertheless, the practical implementation of UNCLOS provisions presents a range of juridical challenges, particularly concerning infringements by external entities. As marine biological and non-living resources increasingly attract the interest of transnational actors, the enforcement of sovereign rights by coastal states has become increasingly complex, necessitating rigorous and clearly defined legal measures (Hossain & Mostafa, 2022).

This issue is most evident in outer waters, where EEZs have the potential to become the object of unauthorized passage, exploration and exploitation by foreign vessels (Markiewicz-Stanny & Pyć, 2022). The intersection of rights and interests is often not limited to economic issues, but has touched aspects of defense, national security, foreign policy, and the sustainability of the marine environment. Inequalities in technological capacity and naval fleets between coastal states and other countries increase the likelihood of violations. This situation is exacerbated by uneven surveillance and weak mechanisms for prevention and early detection of illegal activities in such a vast maritime zone (Boer Mauna, 2001).

Illegal fishing, unauthorized exploitation of mineral resources, and navigation conducted without prior notification to the competent authorities constitute frequent infringements within the Exclusive Economic Zones (EEZ) of coastal states. Such violations not only inflict significant economic losses upon sovereign nations but also jeopardize the sustainability of marine ecosystems and exacerbate tensions in inter-state relations. Frequently, foreign vessels exploit legal ambiguities or undetermined maritime boundaries, particularly those that have yet to be resolved through bilateral or multilateral agreements (Friedman, 2020). These ongoing challenges underscore the urgent necessity for clear and enforceable legal frameworks to protect the interests of coastal states. Effective surveillance, stricter enforcement, and international cooperation are imperative to ensure the integrity and sustainable management of EEZs.

As a result, national and international regulations face challenges in implementation on the ground. Different interpretations of UNCLOS norms by the countries involved trigger uncertainty in legal action, including in terms of sanctions, detention, and dispute resolution. This condition requires a critical study through normative juridical research in order to find a solution based on positive law, without sacrificing the strategic interests of the coastal state.

One of the main problems in EEZ maritime boundary violations is weak law enforcement due to the ambiguity of maritime boundary delimitation. The large number of "gray zone" areas, due to the absence of maritime boundary agreements between states, creates the opportunity for rampant violations, as there is no jurisdictional certainty in carrying out enforcement. This issue has been studied extensively in the law of the sea literature, as Diantha (2002) points out that the establishment of EEZs requires strong coordination among state actors and mutual recognition of applicable international provisions.

On the other hand, mechanisms for enforcing regulations and sanctioning offending foreign vessels often encounter obstacles at the administrative and diplomatic levels. The process of detection, detention, and dispute resolution involves lengthy procedures and requires cross-jurisdictional communication. The implementation of the provisions of Article 73 of UNCLOS regarding the right to detention, examination, and prosecution, requires a common understanding and adequate national legal instruments so as not to conflict with the principles of due process of law in the international realm.

Illegal fishing, unauthorized underwater exploration, and marine pollution collectively intensify environmental degradation and diminish the economic potential of maritime nations. The ramifications of EEZ boundary violations extend beyond financial losses, encompassing profound social consequences and threats to national security; thus, effective law enforcement must be inextricably linked with sustainable development strategies. The persistence of these infringements impedes the achievement of long-term ecological stability and undermines the resilience of coastal communities. Furthermore, inadequate monitoring and limited institutional capacity contribute to the escalation of illegal activities within the EEZ. Addressing these complex challenges requires

comprehensive policy integration, enhanced international cooperation, and continuous capacity building to protect marine resources and uphold the rule of law in maritime jurisdictions.

Research on EEZ boundary violations is needed to strengthen the legal position of coastal states in the face of the complexity of maritime boundary disputes. The need to maintain territorial sovereignty and optimize marine resource management requires strengthening normative studies based on national regulations and legal international legal instruments. In addition, a systematic understanding of the modes and consequences of violations will provide a basis for policy makers to formulate more effective legal instruments.

Without rigorous juridical oversight and reinforcement, violations within the Exclusive Economic Zone (EEZ) are likely to persist, jeopardizing the sovereign rights of states, inflicting economic harm, and heightening the potential for conflicts along maritime boundaries. A comprehensive qualitative literature review is crucial to ensure that all policy recommendations are grounded in a robust, academic, and thoroughly validated legal framework. Persisting legal ambiguities undermine the effective protection of maritime interests and encourage further encroachments by external actors. Moreover, the lack of consistent legal enforcement weakens the authority of national institutions in safeguarding marine resources. Therefore, it is imperative to pursue continuous juridical assessment, systematic legal reforms, and proactive stakeholder engagement to mitigate the risks and uphold sovereign integrity in the EEZ.

This paper aims to dissect the juridical arrangements for EEZ boundary violations under international and national law, identify the juridical, economic and environmental impacts of any violations that occur, and examine the settlement mechanisms in accordance with applicable legal principles. The results of this study are expected to strengthen coastal state legal arguments, provide an evidence-based policy foundation, and contribute to the development of more synchronized and equitable EEZ governance.

## Method

The approach in this research uses a qualitative literature study that relies on a collection of primary and secondary reference sources from relevant books and journals. This method was chosen to obtain a comprehensive understanding of international and national regulations related to Exclusive Economic Zone boundary violations. The analysis was conducted through the review of positive legal documents, laws and regulations, and academic articles by aligning each finding with universally recognized principles of international law. Qualitative literature studies provide an objective framework for exploring fundamental aspects, legal interpretations, and implementation practices that occur in the dynamics of state administration and interstate relations (Starman, 2013).

This research process required rigor in selecting references to avoid sources that were not credible. Each source was analyzed using content analysis techniques as recommended in the legal research methodology by Soekanto and Mamudji (2010). Thus, the results of the study maintained their originality and objectivity and could be academically accounted for. The qualitative study through literature allowed for the formation of a solid and in-depth perspective in discussing the issues of EEZ boundary violations in accordance with the content of official documents and recent scientific studies.

## Result and Discussion

### Legal Regulations on Exclusive Economic Zones

The 1982 UNCLOS Convention has established regulations governing the use of the sea and its resources by combining old regulations, introducing new concepts, and serving as the basis for the development of more specific maritime law in the future (Enriquez, 2021). Provisions related to exclusive economic zones (EEZ) are clearly regulated through international and national legal instruments. The main foundation is provided by the 1982 United Nations Convention on the Law of the Sea (UNCLOS), specifically Articles 55 to 75, which establish the concept of an EEZ for coastal states up to two hundred nautical miles from their base line. Within this corridor, coastal states enjoy sovereign rights for the exploration and exploitation of natural resources, both biological and non-biological, as well as the establishment, utilization and management of

structures and facilities for economic, research and marine environmental conservation purposes (Diantha, 2002). This legal framework confirms the international recognition of coastal state rights, while providing limitations and responsibilities related to the protection of ecosystems and the conduct of scientific research within EEZ.

With regard to enforcement, coastal states are obliged to apply national laws and regulations to ensure compliance by foreign vessels operating in their EEZ. Article 56 of UNCLOS describes the right of coastal states to determine national policies in the field of maritime economy as well as the obligation to protect the marine environment. On the other hand, Article 58 of UNCLOS grants certain rights to other states, notably freedom of navigation and international shipping in the area, but on the condition that their activities do not prejudice the rights and jurisdiction of the coastal state. Another important thing to note is the obligation to establish the boundaries of Indonesia's Exclusive Economic Zone with neighboring countries based on the agreed agreement and submitted to the UN (Sugiharto, 2018). This demands a balance between international use and protection of coastal state maritime sovereignty (Kurosaki, 2022).

Under UNCLOS, maritime boundaries differ from land boundaries in that they do not grant full sovereignty, but in reality many countries tend to engage in "maritime territorialization," which is to equate maritime areas (the seabed or EEZ) with land areas in order to strengthen their sovereignty claims (Strating, 2019). At the national level, EEZ regulation is accommodated through Law No. 5 of 1983 concerning Indonesia's Exclusive Economic Zone. This national law adopts the main concepts and principles as contained in UNCLOS 1982 with adaptations to the needs and interests of the country. This law affirms Indonesia's sovereign rights to regulate, manage and benefit from marine resources, and provides a basis for legal treatment of offenders, both domestic and foreign. Law enforcement is also a priority, especially in the form of administrative and criminal sanctions for those who violate national provisions related to the utilization of EEZ resources (Maslo, 2022).

The existence of EEZ makes maritime regulation an integral part of strengthening state sovereignty and integrity. At the juridical level, international recognition through UNCLOS gives coastal states a high

bargaining position against any attempted violations or illegal exploitation by foreign vessels. International cooperation in the prevention of cross-border crime, implementation of satellite technology-based monitoring, and optimization of the role of marine law enforcement apparatus are used to implement the principles of UNCLOS and national regulations simultaneously (Boer Mauna, 2001).

EEZ arrangements are also closely linked to legal certainty in the settlement of maritime boundary disputes. UNCLOS explicitly provides avenues for dispute resolution through negotiation, mediation, arbitration or international court proceedings in accordance with Chapter XV of UNCLOS. This provision is also adopted in national mechanisms to facilitate the peaceful and fair settlement of all forms of territorial violations, without compromising the principles of state sovereignty and integrity.

Based on this discussion of theory and legal documents, it is clear that EEZ regulation aims to maintain a balance between national interests and the international community. Coastal states have the exclusive right to manage all resources in the EEZ, but are still required to comply with international norms, both in the form of prohibiting discrimination against foreign vessels outside the scope of economic exploration and in cooperation on environmental conservation and joint research. UNCLOS 1982 specifically regulates the rights of passage of foreign vessels in international seas such as the right of innocent passage, the right of transit passage, and the right of archipelagic sea lanes passage to ensure freedom of navigation and prevent conflict (Hadju, 2021). This reinforces the principle of harmonization between freedom of the seas and protection of coastal state rights, which is the spirit of UNCLOS.

The regulation of Exclusive Economic Zones (EEZ) has also catalyzed the advancement of national legal instruments, making them more adaptive and responsive to emerging global challenges. The harmonization of domestic regulations with international legal frameworks has significantly enhanced law enforcement mechanisms within the marine and fisheries sector, particularly regarding the establishment of marine patrol units, the advancement of monitoring technologies, and the implementation of coastal resource auditing systems. This ongoing process underscores the importance of a dynamic legal framework that is capable of addressing the complexities inherent in maritime governance.

Coastal states continue to strengthen their legal position through international diplomacy and increased cross-sectoral cooperation to ensure all activities in the EEZ take place within the corridors of applicable law. This collaboration involves data exchange, joint operations, and efforts to formulate legal standards capable of dealing with organized crime at sea. Increasing the capacity of human resources in the field of marine law enforcement is a priority in ensuring that every statutory provision is effectively implemented in the EEZ.

Technology development and digital monitoring are an important part of optimizing law enforcement in these maritime zones. The use of satellites, automated vessel tracking systems, marine imagery analysis and big data analytics are increasingly recognized as key methods for early detection of violations and collection of legal evidence. This gives a new dimension to the reliability and accuracy of data for law enforcement purposes without any irregularities or one-sided accusations.

In practice, coastal states continue to face the challenge of escalating illegal activities in their EEZ, which demands flexibility and affirmation of legal norms. Changes in global political dynamics, fluctuations in the maritime economy, and the exploitation of high-speed vessel technology must be anticipated with adaptive regulations and innovative and scalable law enforcement strategies.

In addition to being bound by international regulations, coastal states have a moral responsibility to maintain the sustainability of the maritime ecosystem. The principle of intergenerational equity in resource management is one of the motivations for designing laws in EEZ, so that they not only benefit current generations, but also ensure marine sustainability for the future.

The process of adaptation and revision of national laws is a response to the demands of the era of digitalization and globalization in the maritime sector. Periodic evaluation of regulatory implementation is an important tool in maintaining the relevance of EEZ legal arrangements to current challenges. The legal regulation of Exclusive Economic Zones is an ongoing effort to build the rule of law in the oceans in order to strengthen sovereignty and uphold justice for coastal states while maintaining the confidence of the international community in the commitment to upholding the law of the sea globally.

### Impact of EEZ Boundary Violations

Maritime law enforcement is a country's effort to enforce rules at sea through official authority, this task is carried out by official legal entities that have authority and responsibility in the territorial waters (Chang, 2021). Exclusive Economic Zone (EEZ) boundary violations have significant legal, economic and environmental consequences for coastal states. Juridically, the act of unauthorized border crossing is a form of violation of the sovereign rights of states that have been given legitimacy by UNCLOS 1982, in particular Article 56 and Article 73. Coastal states are granted the right to take legal action against violators, including detention of vessels, prosecution in domestic courts, and the imposition of administrative or criminal sanctions. However, the exercise of these rights is often faced with technical, political and diplomatic challenges that demand caution and firmness in the implementation of national policies so as not to escalate international conflicts (Diantha, 2002).

From an economic perspective, violations of EEZ boundaries have an impact on state revenue losses. Illegal fishing by foreign vessels causes a loss of potential state revenue from fisheries resources. According to the UNCLOS international law of the sea, which has been regulated by the United Nations regarding sovereignty, fishing in EEZ waters is only allowed if the vessel has a shipping and fishing license (Harliza & Michael, 2020). Illegal fishing in the EEZ has caused coastal states to lose billions of rupiah every year, both due to unrecorded catches and non-payment of taxes and levies. In addition to the fisheries sector, unauthorized foreign exploration of the seabed for oil and mining has undermined economic growth that could have come from the EEZ itself.

Environmental impacts are one of the main concerns in the discussion of EEZ boundary violations. Illegal large-scale fishing activities, the use of destructive fishing gear, and the exploitation of marine resources without sustainability principles have resulted in the destruction of marine ecosystems and the decline of aquatic biota populations. In some areas, intensive violations by non-domestic actors have led to the degradation of coral reef habitats, extinction of certain species, and changes in the structure of food chains in coastal and deep-sea ecosystems. The long-term implication is that the degradation of the marine environment also threatens food security and the welfare of coastal communities.

The above impacts show that EEZ boundary violations not only have implications for the loss of resources and revenue, but also undermine the authority of coastal states in managing their sovereign territory. When law enforcement is ineffective, domestic and international perceptions that Exclusive Economic Zones are "open access" arise, encouraging more foreign actors to take the risk of violating them. This pattern slowly erodes the symbolic power and juridical substance of EEZ claims, weakens the state's position in international diplomacy, and creates social unrest among coastal communities that depend on marine resources for their livelihoods.

The diversity of violation modes also makes it difficult to detect early and impose strict sanctions. Technological innovation of vessels, installation of sophisticated fishing gear, and legal evasion tactics using foreign flags often become legal loopholes that are difficult to close by domestic law enforcement tools. Suboptimal coordination between marine surveillance agencies, law enforcement officers and satellite-based monitoring systems has also sometimes led to small-scale illegal activities being overlooked but with cumulatively large impacts. The phenomenon of "entry and escape", or the entry and exit of foreign vessels through the EEZ in a short period of time, is very common in border waters, worsening the effectiveness of territorial protection.

On the social side, EEZ boundary violations increase tension and competition between fishing communities, both local and across national borders. Conflicts escalate over catchment areas, unfair distribution of fisheries products, and negative stigmatization of coastal communities who tend to be viewed as weak because they are not given maximum legal protection. These issues contribute to a decline in public trust in state authority and can trigger horizontal conflict or coastal instability.

IUU (Illegal, Unreported, and Unregulated) fishing can undermine efforts to maintain sustainable fisheries because it causes official catch data and estimates of fish numbers to be inaccurate, making it difficult to monitor marine areas and maintain the health of protected marine ecosystems (Woodill et al., 2021). If violations of EEZ boundaries continue, the potential for damage to the marine environment will worsen. Declines in fish populations due to overfishing can lead to the scarcity of certain ecologically and economically important species. Degradation of

coral reefs, loss of seagrass beds and damage to mangrove ecosystems accelerate the process of abrasion and worsen the resilience of coastal environments to climate change. UNCLOS 1982 allows other countries to share fisheries resources within a country's EEZ with the consent of that country, countries that have gained access to a country's EEZ must comply with all applicable laws and regulations and the countries concerned need to make agreements on conservation measures to protect biodiversity and ecosystems (Wiliawati et al., 2022).

In addition to environmental damage, repeated violations also leave coastal states vulnerable to non-traditional threats such as human trafficking, goods smuggling, and transnational organized criminal activity stemming from weaknesses in EEZ surveillance and law enforcement.

The limitations of national legal instruments, both in the form of substantive regulations and human resource capacity, remain a challenge in responding to the growing complexity of violations. With the rapid advancement of marine technology and geopolitical dynamics, adaptation efforts, capacity building, and cross-sector collaboration are needed to identify, confront and take action against violators in an integrated and sustainable manner.

Preventive efforts through public education on the importance of EEZs and socialization of the law of the sea are crucial. Raising public awareness, especially among fishing communities, of the dangers of violations and the legal consequences can directly help reduce the number of violations while strengthening social resilience in maritime area management.

There is also an urgent need to invest in technology-based surveillance systems to improve the effectiveness of early detection of violations. Regional and international collaboration on information, monitoring and joint enforcement can strengthen coastal states' resilience in the face of the risks posed by EEZ boundary violations.

The short-term impact of EEZ boundary violations depends on the state's ability to translate international regulations into concrete national policies and enforce the rule of law. Coastal states that successfully optimize EEZ governance will reap maximum economic benefits, more secure environments, and full recognition of their sovereignty in the world.

Finally, EEZ boundary violations reflect a complex and multidimensional challenge. Responding to these challenges requires full commitment, regulatory reform, and cross-actor and cross-sector cooperation, both domestically and internationally, so that the sovereignty, sustainability and prosperity of coastal states can be consistently maintained.

### **Mechanisms for Resolving Violations and Protecting EEZ Rights**

Mechanisms for resolving violations and protecting rights in the Exclusive Economic Zone (EEZ) are crucial elements of marine governance, especially in responding to violations such as illegal fishing, unauthorized exploitation of natural resources, and shipping without notice. These processes are based on principles enshrined in national laws and international conventions such as UNCLOS 1982, which also encourage bilateral and multilateral cooperation at the global level (Furuya, 2020). Indonesia has established regulations and law enforcement against illegal fishing practices that have been regulated in the Fisheries Law and ministerial decrees against illegal fishing violations, administrative sanctions applied related to licensing such as issuing warnings, freezing licenses, and revoking licenses without imposing fines (Stefanus & Vervaele, 2021).

At the national level, coastal states are given full authority to enforce legal order in their EEZs as stipulated in Law No. 5/1983 on Indonesia's Exclusive Economic Zone and its derivative regulations. Law enforcement is realized through the examination, detention and investigation of foreign vessels suspected of committing violations, all of which are carried out based on the principle of due process of law to ensure procedural and fair actions. In the event that a violation is found, a judicial process is initiated, in which the vessel and crew may be sanctioned in the form of administrative fines, criminal penalties, or confiscation of equipment and catches, while respecting human rights and avoiding discriminatory treatment. Maritime surveillance is also optimized through the use of satellite technology, integrated sea surveillance, and the involvement of the Indonesian Navy, Bakamla, and Polairud to increase the effectiveness of detection and prosecution of violations (Ramasari et al., 2020).

If the violation or dispute involves elements of another state, its resolution is carried out in accordance with the mechanisms of the international law of the sea in accordance with UNCLOS, mainly through diplomacy, negotiation or mediation to achieve a peaceful and equitable solution. If diplomacy does not yield results, the dispute can be taken to formal legal channels such as international arbitration or specialized courts such as the International Tribunal for the Law of the Sea (ITLOS) or the International Court of Justice (ICJ), where the decisions taken have final legal force that binds the parties concerned. ITLOS is an international court that specifically handles issues regarding the International Law of the Sea and its final decision is final and has binding legal force (Artistia et al., 2020).

Coastal states have an important responsibility to ensure that activities in the EEZ are conducted in accordance with the principles of sovereignty and sustainability. Strengthening national regulations, harmonizing with international law, and strengthening maritime diplomacy are necessary to strengthen the state's position in demanding rights while preventing and cracking down on violations in the EEZ. International synergies in the form of coordination in surveillance, data exchange, and the implementation of joint operations are vital in strengthening the protection of maritime sovereignty. In addition, increasing the resource capacity of law enforcement officers, utilizing maritime sensing technology, and educating coastal communities are the main pillars that support early detection of violations and efficient law enforcement.

The 1982 UNCLOS Convention on the Law of the Sea has established a dispute resolution system that can control participating states to accept compulsory procedures so that there is no more room to delay maritime law disputes that occur (Setiawan & Sutrisno, 2023). All law enforcement mechanisms must uphold the principles of due process of law and non-discrimination as key standards. Any foreign vessel found to be in violation must be processed fairly regardless of its country of origin and be given equal rights of defense.

Mechanisms for resolving violations and protecting rights in the EEZ must be implemented consistently, integrated between national and international law, and supported by increased resources and technological innovation. This synergistic effort will ensure that coastal state sovereignty is maintained, the sustainability of marine resources is protected, and legal certainty in the EEZ can be optimally realized.

## Conclusion

The development of Exclusive Economic Zone (EEZ) legal arrangements, law enforcement efforts, and violation resolution mechanisms based on national and international principles shows that coastal states play a central role in maintaining the sovereignty, security and sustainability of their marine territory. Consistent law enforcement supported by responsive regulations is the key to reducing the number of violations and maximizing the potential of the national marine economy. However, the complexity of infringement modes that evolve with technological advances and global geopolitical dynamics demands continuous adaptation of the surveillance system, ecosystem protection and governance of EEZ resources. International legality through UNCLOS 1982 is the starting point for Indonesia to strengthen its claims and sovereign rights in the EEZ region while building effective cooperation to resolve cross-border issues. If law enforcement, dispute resolution and coastal state rights protection mechanisms are integrated, not only can the principles of justice and legal certainty be realized, but also the sustainability of marine resources and the welfare of coastal communities will be guaranteed.

It is important for the government to continuously update and streamline national regulatory tools in line with international standards to anticipate new patterns of violations in the EEZ. Strengthening the capacity of human resources, increasing the use of monitoring technology, and expanding cross-border cooperation should be prioritized to create more optimal monitoring, law enforcement and protection. Active participation of coastal communities, involvement of educational institutions, and socialization of marine law also play a strategic role in building national resilience in the EEZ, so that economic, social and environmental benefits can be realized in a balanced manner for the benefit of current and future generations.

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