

Resolution of Marine Resource Disputes in Indonesia from the Perspective of Islamic Law and National Law

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Info Articles	Abstract
<p>Article History Received: 2024-07-01 Revised: 2024-07-12 Published: 2024-07-31</p> <p>Keywords: <i>Resolution, disputes, marine resources, national law, Islamic law, maritime justice.</i></p>	<p>Indonesia, as an archipelagic country with a maritime territory covering more than two-thirds of its total territory, possesses enormous marine resource potential and is vulnerable to conflict. This study aims to analyze the dynamics of marine resource disputes in Indonesia and formulate a settlement model based on the integration of national law and Islamic legal principles. The study employed a qualitative method with a normative approach and literature studies from scientific journals, international legal documents, and Islamic legal literature. The results indicate that marine resource disputes in Indonesia are triggered by overlapping jurisdictional claims, illegal fishing practices, and weak law enforcement. UNCLOS 1982, as an international maritime law regime, has provided a normative framework, but its implementation is often hampered by political factors and economic interests. From an Islamic legal perspective, the principles of justice ('adl), benefit (maslahah), and the prohibition of overexploitation (Israf) offer a comprehensive ethical approach. The integration of these two legal systems has the potential to create a dispute resolution mechanism that is not only legalistic but also oriented towards sustainability and social justice.</p>

I. INTRODUCTION

As an archipelagic state, Indonesia holds a strategic position in global maritime geopolitics. With the world's second-longest coastline and vast maritime territory, Indonesia holds significant economic potential, particularly in the fisheries, energy, and international trade sectors. However, this potential is also directly proportional to the complexity of conflicts that arise in its management.

One of the most prominent forms of conflict is disputes over marine resources, both internationally and domestically. The dispute in the North Natuna Sea, for example, reflects a clash between unilateral claims and the international maritime law regime stipulated in UNCLOS 1982. In this context, Indonesia has consistently asserted that the nine-dash line claim has no basis in international law (Zakaria, 2022).

In addition to interstate disputes, conflicts also occur in the form of illegal, unreported, and unregulated fishing (IUU fishing), which causes significant economic losses for Indonesia and

damages marine ecosystems (Yunita et al., 2024). This phenomenon demonstrates that maritime disputes concern not only sovereignty but also the sustainability of resources.

On the other hand, positive legal approaches are often legalistic and neglect ethical dimensions. In this regard, Islamic law offers an alternative perspective that emphasizes the values of justice and moral responsibility in natural resource management. Therefore, this research is crucial in examining the integration of national law and Islamic legal principles in resolving marine resource disputes.

II. RESEARCH METHODS

This research employs a qualitative approach with a normative-analytical method. Data were obtained through literature review of national and international scientific journals, legal documents such as UNCLOS 1982, and classical and contemporary literature on Islamic law. The analysis was conducted using a comparative

approach between national legal systems and Islamic legal principles. This study also employed descriptive analysis techniques to identify dispute patterns and formulate integrative solutions relevant to the Indonesian context.

III. RESULTS AND DISCUSSION

A. Results

Marine resource disputes in Indonesia are a complex phenomenon, inextricably linked to Indonesia's archipelagic nature, encompassing vast maritime territories and strategically positioned along international trade routes. This complexity arises from the interplay of interconnected legal, political, economic, and environmental factors. One of the primary causes of disputes is overlapping maritime jurisdictional claims, both between Indonesia and other countries and among domestic actors involved in marine resource management.

In the international context, the dispute in the North Natuna Sea region is a clear example of how a country's unilateral claim can conflict with the provisions of international law, particularly the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Indonesia firmly rejects the nine-dash line claim because it has no internationally recognized legal basis, considering that UNCLOS has set the Exclusive Economic Zone (EEZ) limit as far as 200 nautical miles from the coastline (Zakaria, 2022). Nevertheless, violations of Indonesia's EEZ territory still frequently occur, especially by foreign vessels conducting illegal fishing activities.

The phenomenon of illegal, unreported, and unregulated fishing (IUU fishing) is one of the most detrimental forms of dispute in Indonesia. This activity not only causes significant economic losses but also significantly damages marine ecosystems. According to a report from the Ministry of Maritime Affairs and Fisheries, losses due to illegal fishing reach billions of dollars annually (KKP, 2023). Yunita et al. (2024) also emphasized that weak oversight and limited

patrol fleets are the main factors contributing to the persistence of this practice.

Besides external factors, disputes also arise domestically, such as conflicts between traditional fishermen and large corporations over the exploitation of marine resources. Unequal access to resources and weak regulations protecting small-scale fishermen often trigger horizontal conflicts. In this regard, the state has not been fully capable of acting as an effective mediator in resolving these conflicts.

From an environmental perspective, uncontrolled exploitation of marine resources is also a significant root cause. Overfishing and the destruction of marine habitats due to industrial activities have led to a decline in marine ecosystems, ultimately exacerbating conflicts between stakeholders. The FAO (2022) states that more than a third of global fish stocks have been overexploited, indicating that the marine resource crisis is a global issue that also impacts Indonesia.

In addition to the factors outlined above, the dynamics of marine resource disputes in Indonesia are also influenced by rapid technological developments and economic globalization. Advances in fishing technology, for example, have enabled the exploitation of marine resources on a much larger scale than before. This not only increases pressure on marine ecosystems but also increases the potential for conflict between large-scale businesses and traditional fishermen with limited access to technology. This inequality ultimately reinforces existing conflict structures and complicates the resolution process.

On the other hand, the involvement of non-state actors, such as multinational corporations in the fisheries and energy sectors, adds to the complexity of disputes. These companies often have significant economic interests and are backed by powerful capital, potentially displacing local communities from controlling marine resources. In this context, the state is required to balance investment interests with the protection

of local community rights to prevent imbalances that could lead to social conflict.

Furthermore, institutional aspects are also crucial in understanding the roots of disputes. The fragmentation of authority between government institutions, both at the central and regional levels, often leads to overlapping policies and weak coordination in marine resource management. This results in legal uncertainty, ultimately triggering disputes between stakeholders. Therefore, strengthening institutional governance is a crucial prerequisite for minimizing conflict in the maritime sector.

Thus, it can be concluded that marine resource disputes in Indonesia are not solely driven by legal factors, but also by an imbalance of economic interests, weak law enforcement, and a lack of awareness of the importance of environmental sustainability. Therefore, dispute resolution requires a comprehensive and multidimensional approach.

B. Discussion

UNCLOS 1982: Addressing the complexity of marine resource disputes, a national legal approach based on UNCLOS 1982 provides a robust formal legal framework. UNCLOS details the division of maritime territory, the rights and obligations of states, and dispute resolution mechanisms through international law. Indonesia, as a state party, has adopted these provisions into its national legal system, thus providing a strong normative basis for maintaining its maritime sovereignty (Yovitasari et al., 2023).

However, in practice, formal legal approaches often face limitations, particularly in terms of implementation and effectiveness. Political factors, economic interests, and weak inter-institutional coordination are major obstacles to dispute resolution. Fitriani and Clarinta (2025) show that while UNCLOS can encourage international cooperation, its implementation is heavily influenced by the

interests of the countries involved, often resulting in slow and suboptimal dispute resolution.

In this context, Islamic law offers a more comprehensive alternative perspective, emphasizing not only legal aspects but also moral and ethical ones. The principle of justice ('adl) in Islamic law requires a balanced distribution of rights and avoidance of harm to others. This principle is particularly relevant in the context of maritime disputes, where conflict often arises from unequal access to and exploitation of resources.

Furthermore, the concept of *maslahah* (benefit) emphasizes that every policy must benefit the wider community. In resolving marine resource disputes, this principle can serve as a basis for formulating policies that not only benefit certain parties but also safeguard public welfare and environmental sustainability. Zubaidi (2021) emphasized that natural resource management in Islam must be oriented towards the public good, not the interests of specific individuals or groups.

Another equally important principle is the prohibition against *israf* (overexploitation), which strictly prohibits the excessive use of resources to the point of disrupting the natural balance. This principle holds significant relevance in the context of the marine environmental crisis caused by uncontrolled exploitation. Thus, Islamic law provides an ethical foundation that can strengthen the implementation of national laws.

Integrating national law and Islamic law can be an effective solution in resolving marine resource disputes. National law provides the legal framework and formal mechanisms, while Islamic law provides ethical values that can enhance the legitimacy and effectiveness of policies. This approach also aligns with the religious character of Indonesian society, making it more easily accepted and implemented.

In addition to integrating national and Islamic law, a collaborative approach involving various stakeholders is also crucial for increasing the effectiveness of dispute resolution. The

involvement of local communities, particularly traditional fishermen, in the policy-making process can provide a more contextual and realistic perspective on the issues faced on the ground. In this regard, the principle of deliberation in Islamic law can serve as a foundation for developing inclusive, participatory mechanisms.

Furthermore, strengthening ethical values in law enforcement practices is also crucial. Law enforcement that focuses solely on formal aspects often neglects the substantive dimension of justice. Therefore, internalizing Islamic legal values such as amanah (responsibility) and ihsan (benevolence) within law enforcement officials can improve the quality of law enforcement itself, making it more oriented toward true justice.

In the context of globalization, the integration of national law and Islamic law can also contribute to building stronger Indonesian maritime diplomacy. An approach that prioritizes the values of justice and sustainability can improve Indonesia's bargaining position in international forums, particularly on issues related to marine resource management. This demonstrates that such integration is not only relevant domestically but also has strategic implications for international relations.

Furthermore, this integration can be realized through public policies that accommodate the values of social justice and environmental sustainability. For example, in fisheries management, the government can implement distributive justice-based policies that ensure equitable access for small-scale fishers while preserving marine resources. Thus, dispute resolution is not merely repressive but also preventive and long-term.

Finally, it is important to emphasize that legal system integration is not a one-time process, but rather requires a long-term commitment from all relevant parties. Systematic efforts are needed in the form of policy reform, institutional capacity building, and legal education that integrates

ethical and moral values. This is expected to create a dispute resolution system that is not only legally effective but also fair, sustainable, and in line with the values entrenched in Indonesian society.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Marine resource disputes in Indonesia are complex phenomena influenced by various factors, including jurisdictional conflicts, resource exploitation, and weak law enforcement. Although UNCLOS 1982 provides a clear legal framework, its implementation still faces various obstacles. Islamic law offers values of justice, welfare, and sustainability that can complement the existing legal system.

B. Suggestion

Strengthening the integration of national law and Islamic legal principles in resolving marine resource disputes is necessary. Furthermore, law enforcement capacity and international cooperation are also essential to ensure sustainable marine resource management.

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