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## **The Legacy of Hasjim Djalal: Indonesia's Strategy of Lawfare in the South China Sea**

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### **SYNOPSIS**

*While not a party to the maritime and territorial claims in the South China Sea, Indonesia has had to manage China and its nine-dash line claims, which overlap with Indonesia's exclusive economic zone and continental shelf within the Natuna Sea. Indonesia's case is interesting as it best illustrates that even when one is not a claimant, developments in the South China Sea and the actions and treatments of international law by the claimant matter.*

### **COMMENTARY**

Indonesia asserts its rights over its exclusive economic zone (EEZ) and continental shelf in the southwestern sector of the South China Sea, known as the North Natuna Sea. Although Indonesia does not make any sovereignty claims over the offshore features in the South China Sea, there is a notable [overlap between China's expansive nine-dash line claim in the southern part of the South China Sea and Indonesia's claimed EEZ and continental shelf in the North Natuna Sea](#). The arising tension is complicated by [Indonesia's ongoing efforts to address the problem of the multitude of illegal fishing](#) vessels operating within this area, most of which are Chinese vessels.

Indonesia has consistently relied on international law to counter China's position. [Indonesia views](#) that any assertion of sovereign rights and jurisdiction within the waters encompassed by the nine-dash line would conflict with the 1982 UN Convention on the Law of the Sea (UNCLOS). In 2015, Indonesia's coordinating minister for political, legal and security affairs, Luhut Pandjaitan, suggested that Indonesia [consider taking the dispute to an international court](#) as an alternative means of resolution. However, during that period, Indonesia appeared content to allow the arbitration case initiated by the Philippines against China to play out.

## Indonesia's Strategy for Utilising Lawfare

When the [arbitral award in the Philippines' case](#) was issued in 2016, [Indonesia welcomed](#) the tribunal's affirmation that China's nine-dash line cannot be used as a basis for any rights over the resources in the South China Sea. Rather than embarking on a direct international legal confrontation with China, Indonesia opted for a diplomatic approach, urging China to respect the tribunal's decision and align its claims in the South China Sea with international law and UNCLOS. Even though Indonesia could still pursue its claim against China in the future, this is currently unlikely as the remedy that Indonesia might have sought in such a case had already been granted against China in the arbitration case initiated by the Philippines.

Moreover, China has managed to disregard the arbitration award without experiencing significant repercussions, aside from some damage to its international standing. Indonesia can also observe that the legal victory achieved by the Philippines through the arbitration case did not lead to any substantial changes in the South China Sea disputes. Given these considerations, it is understandable for Indonesia to conclude that there are more effective courses of action to resolve its disagreement than pursuing legal action against China.

Notwithstanding ongoing tensions between the coast guards of both nations in the area, Indonesia and China have consistently worked to de-escalate situations. For instance, in 2020, despite multiple incursions by Chinese vessels into the North Natuna Sea and condemnation from the Indonesian parliament, then-defence minister Prabowo Subianto [urged calm](#) and emphasised that China remained a friend of Indonesia. Similarly, China's Foreign Ministry spokesperson called for restraint and expressed a desire to resolve their differences while preserving their bilateral relationship.

Despite maintaining a diplomatic approach, Indonesia has strengthened its naval presence in Natuna waters and is not likely to change its legal position soon. This was evident from the public outcry in Indonesia following the [joint statement between the Chinese and Indonesian presidents released on 9 November 2024](#), which led to the impression that Indonesia had effectively endorsed the nine-dash line by agreeing to joint development of maritime resources in areas of overlapping claims. The Indonesian Foreign Ministry quickly clarified with a press statement issued on 11 November 2024, reiterating Indonesia's long-held and widely publicised position that China's nine-dash-line claim has no basis under international law and is in contravention of UNCLOS.

## The Legacy of Hasjim Djalal

Indonesia's strategy and approach in dealing with China in the South China Sea is very much within the ambit of the teachings of the late Indonesian diplomat Hasjim Djalal. Ambassador Djalal had been a champion in resolving the disputes in the South China Sea in a peaceful manner, or at least de-escalating the tension in the region, by initiating a series of Track 2 workshops on the South China Sea involving all the stakeholders since the 1990s.

This series of meetings aimed to promote dialogue among the stakeholders, encouraging them to find peaceful solutions to the disputes in the South China Sea. Since most of the parties to the South China Sea disputes are members of the UN and parties to UNCLOS, and all have pledged their commitment to peaceful settlement of disputes, they should be able to put such commitment into actual practice by solving their disputes peacefully. Ambassador Djalal firmly believed that countries should pursue various avenues of peaceful dispute settlement through negotiation: bilateral if the disputes are bilateral or multilateral if the disputes are multilateral.

Despite his firm conviction in resolving disputes through talks and negotiations, Ambassador Djalal still put a lot of stock in international law and third-party mechanisms for dispute settlement. He often reminded his audiences that all peaceful avenues of settlement should be explored and utilised, such as mediation, arbitration, and, if necessary, adjudication, through the International Court of Justice or the Law of the Sea Tribunal. However, he was fully aware of the reluctance of the countries in the region to go through third-party dispute settlement. That was why he initiated the South China Sea workshops, which provided a platform for all the stakeholders to discuss and devise various cooperative programmes to build trust in the region. Ambassador Djalal was clear in his vision, knowing that these talks were unlikely to find a permanent solution to the complex disputes at hand. Nevertheless, he was confident that these workshop series would transform the habit of confrontation in the South China Sea into a habit of cooperation. It seems that both Indonesia and China have taken this lesson to heart, playing down any skirmish that might lead to confrontation and focusing on areas of cooperation instead.



In line with the late Ambassador Hasjim Djalal's teachings, Indonesia seeks to manage the South China Sea disputes through indirect legal strategies and diplomacy to reduce tensions.

*Image source: [Indonesian National Army Navy website](#).*

## **Conclusion**

While Indonesia is not inclined to enter into direct legal confrontation with China, it has not refrained from employing legal tactics to bolster its position in the South China Sea. Instead of a direct approach, Indonesia has pursued an indirect strategy by urging China to adhere to the 2016 ruling of the Arbitral Tribunal and questioning the legitimacy of China's claims based on that ruling. In line with Ambassador Djalal's teachings, Indonesia views that inconsistent treatment of international law will directly affect its interests and those of other stakeholders from within and outside the region.

International law, no doubt, is all but one of the many tools in states' respective policy toolkits. Indonesia's choices in managing its relations with China concerning the South China Sea dispute are strategies rooted in a sustained commitment to international law and the universal application of the rule of law.

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