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THE IMPACT OF SINGAPORE COASTAL RECLAMATION AGAINST MARITIME BOUNDARIES AND TERRITORIAL SOVEREIGNTY OF INDONESIA-SINGAPORE

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Abstract

Singapore has undertaken coastal reclamation activities since 1976 in the southwest of Singapore's main island bordering the Nipa Island, Riau Archipelago, Indonesia. In reclamation, Singapore took sand from Nipa Island Indonesia bounded by the sea with Singapore. This reclamation will have an impact on several things that is the maritime boundaries and the territorial sovereignty of both countries. This article is attempted to describe how the impact of Singapore coastal reclamation against the maritime boundary and territorial sovereignty of Indonesia-Singapore. The author is using the concept of State Sovereignty and the International Maritime Law in UNCLOS 1982. Furthermore, this paper is using the descriptive method with the qualitative approach. The data collection technique is literature study consisting of books, journals, and including data from the reliable website in supporting the explanation of this paper. Based on the provisions of UNCLOS 1982, it can be concluded that Singapore's coastal reclamation has no effect on the maritime boundary between Indonesia and Singapore, where maritime boundaries remain at baseline before Singapore reclamates. However, Singapore's coastal reclamation could threaten Indonesia's territorial sovereignty as the mainland of Singapore approaching Nipa Island Indonesia can assume that Singapore wants to take control of Nipa Island, especially the Nipa Island region is strategically located because of its near to the Singapore Strait which is an international shipping line.

Keywords: Coastal Reclamation; Maritime Boundary; Territorial Sovereignty

Abstrak

Singapura telah melakukan kegiatan reklamasi pantai sejak 1976 di barat daya pulau utama Singapura yang berbatasan dengan Pulau Nipa, Kepulauan Riau, Indonesia. Dalam reklamasi, Singapura mengambil pasir dari Pulau Nipa Indonesia yang dibatasi langsung oleh laut dengan Singapura. Reklamasi ini akan berdampak pada beberapa hal, yaitu batas maritim dan kedaulatan teritorial kedua negara. Tulisan ini memaparkan bagaimana dampak reklamasi pantai Singapura terhadap batas maritim dan kedaulatan teritorial Indonesia-Singapura. Dalam tulisan ini, penulis menggunakan konsep Kedaulatan Negara dan Hukum Laut Internasional UNCLOS 1982. Dengan menggunakan metode deskriptif dan pendekatan kualitatif, data yang disajikan dalam artikel ini bersumber dari studi pustaka, baik buku, jurnal, serta data dari website guna mendukung penjelasan akhir. Berdasarkan ketentuan UNCLOS 1982, dapat disimpulkan bahwa reklamasi pantai Singapura tidak berpengaruh pada batas maritim antara Indonesia dan Singapura, di mana batas-batas maritim tetap pada kesepakatan awal sebelum Singapura melakukan reklamasi. Namun, reklamasi pantai Singapura dapat mengancam kedaulatan teritorial Indonesia karena daratan Singapura yang mendekati Pulau Nipa Indonesia dapat diasumsikan bahwa Singapura ingin menguasai Pulau Nipa, terutama wilayah Pulau Nipa yang strategis karena letaknya yang dekat dengan Selat Singapura yang merupakan jalur pelayaran internasional.

Kata kunci: Batas Maritim; Kedaulatan Teritorial; Reklamasi Pantai

1. Introduction

1.1 Background of Research

Singapore is a country in Southeast Asia directly adjacent to Indonesia's outer islands of Nipa Island in Pemping Village, Belakangpadang District, Batam City, Riau Archipelago Province, Indonesia. Nipa Island is located northwest of the Sekupang port on Batam Island, which is limited only by the Singapore Strait to Singapore and can be seen on the ferry ride from Sekupang harbor to Harbor Front harbor in Singapore (Sinulingga, Andreas: 2014). The following is a map of Nipa Island Indonesia:



Image 1. Geography of Nipa Island

Source: <https://www.nasionalisme.co/wp-content/uploads/2016/04/nipah.png>

In its development, the area of Singapore which is only 581 km² makes a problem for the country. This is due to the growing population and economy of Singapore which continues to increase from year to year. To cope with that, Singapore took the initiative to carry out coastal reclamation to expand its land area. This Singapore coastal reclamation policy began in 1962 (Tanlain, Eka, 2006: 17).

To realize its coastal reclamation policy, Singapore uses the main ingredients of land from trimmed hills and mined marine sands and imported from Nipa Island, Riau Archipelago and Bangka Belitung Province, Indonesia (Tanlain, Eka, 2006:17). Indonesia feels threatened because of the reclamation of the coast of Singapore is causing Nipa Island experienced a critical condition that even made the island nearly drowned because of the sand that continues to mined Singapore (Sinulingga, Andreas: 2014).

In addition, Nipa Island is the outermost point of the Indonesian archipelago in the Singapore Strait. If Nipa Island sank, one of the outermost points of the archipelagic base will be lost. The loss of one of the outer points is feared to change the archipelagic baseline and reduce Indonesia's sea territory (Purwaka, Tommy: 2014). With reclamation also, automatically the mainland of Singapore increasingly indented towards Indonesia which of course makes Indonesia very worried about its territorial sovereignty.

Maritime boundary issue between Indonesia and Singapore arose because of the overlapping of claims filed by both countries. Based on the consideration of defense and security as well as the integrity of Indonesia as an archipelagic country, Indonesia has set its

territorial sea width as far as 12 nautical miles from the base line. This wide territorial sea stipulation is contained in the Declaration of Djuanda issued on 13 December 1957 (Tanlain, Eka, 2006: 15).

While Singapore, which was once a British colony, in setting its territorial sea width to mimic the rule of the British territorial sea width is based on the theory of Cornelius. The Cornelius theory sets the width of the territorial sea of a country as far as the average range of cannon fire is 3 nautical miles. Singapore issued its territorial sea width as far as 3 nautical miles from the base line since 1957 (Tanlain, Eka, 2006: 15).

The overlapping of the territorial sea claims filed by Indonesia and Singapore was due to the width of the sea separating the two countries less than 15 miles from the base line of each country (Tanlain, Eka, 2006: 15). Coupled with the coastal reclamation done by Singapore increasingly made its land advanced to the territory of Indonesia so that the narrower the sea width of both countries.

1.2. Purpose of Research

The purpose of this article is to describe how the impact of Singapore coastal reclamation on maritime boundary and Indonesia-Singapore territorial sovereignty. The author take the title above because they are interested in Singapore's efforts to expand its land area by performing coastal reclamation as well as the impact of its activities on maritime boundaries as well as Indonesia-Singapore territorial sovereignty. In this article, the authors focus on two important points: (1) the impact of Singapore's coastal reclamation against the maritime boundaries of Indonesia and Singapore, and (2) the impact of Singapore's coastal reclamation against the territorial sovereignty of Indonesia.

In presenting this article, the authors use the method of qualitative writing. The qualitative method of writing according to Bongdan and Taylor is a research procedure that produces descriptive data in the form of written or oral words of the people and behavior that can be observed. The type of data used by the author is secondary data, that is data obtained or collected by people conducting research from existing sources such as books and internet sources (Febriani, Putri, 2013: 35).

2. Theoretical Framework and Literature Review

In writing this article the author uses the concept of State Sovereignty and the Law of the International Sea UNCLOS 1982.

2.1 State Sovereignty

Ashley and Walker identified the issue of sovereignty as a crucial problem. State sovereignty is the most important goal in international relations because it bases on a separate territorial that is interpreted through policy-making that limits a political identity and society (Burchill1996: 269-270).

The basic concept of the coming into effect of this sovereignty refers to the supreme authority of the state which is bounded by the territory of the country concerned so that the state has the highest authority at its borders. The essence of territorial sovereignty lies in the factual and legal conditions so that an area may be considered to be under the sovereignty of a particular country (Kusumaatmadja, 2012: 161).

State sovereignty over its territory has two aspects, positive and negative aspects. The positive aspect is that the supreme authority or exclusive authority of a state applies only

within its territory. While outside the country the power is ended and the power of another country begins. The negative aspect is shown by the state's obligation to protect the rights of other countries in its territory (Etty, 2012: 163).

In this regard, Singapore's coastal reclamation can threaten the territorial sovereignty of Singapore because of its reclamation policy by taking sand on Nipa Island, Riau Islands, Indonesia, which makes Nipah Island almost drowned. In this regard, Indonesia has an obligation to protect its territorial sovereignty and Singapore is obliged to comply with the rights of Indonesian territorial sovereignty.

2.2 International Sea Law United Nations Convention on the Law of the Sea (UNCLOS)

Mochtar Kusumaatmaja defines international law as all rules and legal principles governing relations and cross-border issues both between the subject of state law and not the subject of state law (Mochtar, 2012: 2).

The 3rd United Nations Convention on the Law of the Sea has agreed on the UNCLOS Convention on the Law of the Sea of 1982 consisting of 320 articles and 9 Annexes. The Convention regulates all aspects of the marine activity, such as delimitation, cross rights, pollution of the marine environment, marine scientific research, economic and trade activities, technology transfer, and maritime problem-solving (Sutrisno, Try: 2015).

UNCLOS also regulates the archipelagic country to facilitate an archipelago like Indonesia to know its sovereign territory. In article 1 it is stipulated that the sovereignty of an archipelagic state shall include also waters covered by or located on the inner edge of the archipelago, which is referred to as archipelagic waters. The archipelago also includes the airspace above it, the seafloor, and the ground beneath it, along with the richness of the sea contained therein (Agoes, 2012: 179).

One of the implementations of Indonesia is by issuing Law No. 6 in 1996 about Indonesian Waters. Article 4 this law stipulates that Indonesian sovereignty encompasses the territorial sea, archipelagic waters and inland waters of Indonesia, including the above airspace, the seabed and the subsoil, as well as all the natural resources contained therein (Kusumaatmadja, 2012: 180).

In UNCLOS 1982 also set about the determination of the baseline to deal with the specific geography. Article 11 states that the installation of the outermost permanent ports and an integral part of the port system should be considered as part of the coast, so the installation can be used as a starting point. However, offshore installations and artificial islands are not considered permanent harbor installations (Tanlain, Eka, 2006: 25).

Article 15 of UNCLOS includes, among other things, the determination of the territorial sea boundary between the opposite or side-by-side countries. That to be able to establish a territorial sea boundary, none of them shall have the right, unless there is an agreement between them to establish its territorial sea boundary over the middle boundary whose points are the same distance from the nearest points on the baselines from which the territorial sea width of each country measured (Wisnu, 2007).

Then in article 60 paragraph 8 UNCLOS 1982 mentioned that artificial islands, installations, and buildings do not have island status, so it does not own its own territorial sea. Its presence also does not affect the determination of territorial sea borders, exclusive economic zones or continental shelf (Yudha, 2007).

UNCLOS 1982 became a reference for Indonesia and Singapore in setting the border of the two countries. Nevertheless, Singapore's efforts are very vulnerable to the sovereignty of the territory of the Republic of Indonesia because of the coastal reclamation is done by Singapore, the mainland of Singapore is increasingly induced to Indonesia and closer to the island of Indonesia's outermost is Nipa Island.

3. Results and Explanations

3.1 The Impact of Singapore Coastal Reclamation against the Maritime Boundaries of Indonesia-Singapore

Singapore's coastal reclamation has expanded its terrain. Below is a table of data about the broad area of Singapore until 2015:

Table 1. The Broad Territory Development of Singapore

Year	Total Area (km ²)	Additional Land (km ²)
1960	580	0
1966	581,5	1,5
1975	596,8	15,3
1985	620,5	23,7
1995	647,5	27
2005	699	51,5
2015	719	20

Source: <http://journal.unair.ac.id/download-fullpapers-global04%20wisnu.pdf>

Based on the above table it can be understood that the area of mainland Singapore experienced a significant development due to the policy of coastal reclamation. This causes the coast of Singapore to advance as far as 12 nautical miles jutting into the territory of Indonesia (Yudha, Wisnu, 2007: 3).

As an archipelagic country, Indonesia sets its territorial sea width as far as 12 nautical miles from the baseline. This wide territorial sea determination is contained in the Djuanda Declaration issued on 13 December 1957. But after Singapore reclaimed its shores, the width of the sea that separates the two countries is less than 15 miles from the baseline of each country (Eka, 2006:15).

Indonesia and Singapore have actually agreed on an international maritime boundary in the Singapore Strait. The two countries signed a territorial maritime boundary agreement on May 25, 1973, which established six boundary points better known as v-line as a turning point of the boundary line. Since the two countries have ratified, the agreement is officially valid and legally binding (Yudha, 2007: 9).

The maritime boundary between Indonesia and Singapore is divided into three parts, namely the eastern, central and western parts. The negotiations in 1973 only succeeded in establishing the central Indonesian-Singapore maritime boundary, with Nipa Island as the median line. Indonesia then ratified the agreement on 3 December 1973, and Singapore just ratified it on August 29, 1974 (Tanlain, 2006: 16). The following is agreement of Indonesia and Singapore about territorial boundary:

Article I

1. The boundary line of the territorial seas of the Republic of Indonesia and the Republic of Singapore in the Strait drawn between points, the co-ordinates of which are as follows:

Points	Latitude North	Longitude East
1	1 to' 46". 0	103 40' 14".6
2	1 07' 49".3	103 44' 26". ,
3	1.10' 17". 2	103 48'18". 0
4	1.11'45'.5	10351'35'. ,
5	1 12' 26". 1	103,2' 50". 7
6	1 16' io". 2	104 02' 00". 0

2. The co-ordinates of the points specified in paragraph I are geographichal co-ordinates and the boundary line connecting them is indicated on the chart attached as Annexure "A" to this Treaty.
3. The actual locations of the above mentioned points at the sea shall be determined by a method to be mutually agreed upon by the competent authorities of the two countries.
4. For the purpose of paragraph 3, "Component authorities in relations to the Republic of Indonesia means the Ketua Badan Koordinasi Survey dan Pemetaan Nasional (Chief of the Coordinations Body for National Survey and Mapping) and in relations to the Republic of Singapore means any person so authorized by the Government of the Republic Singapore.

Article II

Any disputes between the two countries arising out of the interpretation or implementations of this Treaty shall be settled peacefully by consultation or negotiations.

Image 2. Agreement of Indonesia-Singapore Territorial Boundary

Source: <http://journal.unair.ac.id/download-fullpapers-global04%20wisnu.pdf>

In February 2002, the Indonesian government through the Indonesian embassy in Singapore formally expressed its desire to immediately start the unresolved maritime boundary deliberations. This is motivated by Indonesia's concern about Singapore's coastal reclamation activities. But the Singapore government did not respond to the Indonesian demand. (Tanlain, Eka, 2006: 68).

Throughout 2003, various sensitive bilateral issues such as extradition, illicit marine sand trade, statistical data, FIR, MTA, illegal logging, and money laundering of Indonesian conglomerates continued to emerge and colored the Indonesia-Singapore relations to begin negotiations of extradition treaties and the completion of maritime boundary negotiations Indonesia-Singapore. Although the oral agreement has not yet led to a concrete form of agreement, the change in Singapore's attitude has made progress for the settlement of bilateral issues (Tanlain, 2006: 68).

As a follow-up to the agreement between the President of Indonesia and the Singapore Prime Minister, on January 17-18, 2005, Singapore held an exploratory meeting between the two countries. During the meeting, the Indonesian side succeeded in pressuring the Singapore side to resolve the border issue to complete the border agreement in 1973. The meeting also

discussed other bilateral issues that hampered relations between the two countries (Tanlain, Eka, 2006: 70).

As a continuation of the diplomacy by the governments of Indonesian and Singapore, in March 2009, the sea boundary agreement between the two countries was signed in Jakarta. Talks on this agreement have been made since 2005, to resolve the Indonesian-Singapore border in the western part of the Singapore Strait, between the waters of Tuas and Nipa (Bariah, 2014: 26).

According to the Director-General of Law and International Treaties Arief Havas Oegroseno, the reclamation by Singapore has no effect on the maritime boundary between the two countries. In the negotiations, the starting point on Nipa Island and its baseline was withdrawn from Karimun Besar Island. This baseline was determined since 1960 and updated with Government Regulation No. 38 of 2002, then renewed by Government Regulation No. 37 of 2008. While Singapore uses the basic coastline, so the reclamation does not affect. (Idspd, 2009:1).

It is also based on UNCLOS 1982 article 11 which states that permanent harbor installations can be used as base points but not artificial islands since artificial islands do not include permanent port installations. It is also explained in Article 15 that in order to establish the territorial boundaries of the two coexisting countries, there must an agreement between the two parties. Then article 60 verses 8 which explain that artificial islands do not have island status, so its presence does not affect the determination of territorial sea borders.

Referring to the articles in UNCLOS 1982 above, it can be concluded that Singapore's coastal reclamation has no impact against Indonesia-Singapore maritime boundaries where maritime boundaries remain at the beginning of the baseline before Singapore reclamation. However, Singapore's increasingly overhanging coastal shores to Indonesia will change the course of the voyage and of course, it is detrimental to Indonesia.

3.2 The Impact of Singapore Coastal Reclamation against the Territorial Sovereignty of Indonesia

Territorial sovereignty is the sovereignty possessed by a state in exercising exclusive jurisdiction over its territory (Tanlain, Eka, 2006: 26). Reclamation of beaches in Singapore caused the city's mainland area to increase 12 km towards Indonesian waters, while the territorial waters of Indonesia decreased 6 km (Wardhani, 2012). This will threaten Indonesia's territorial sovereignty especially for the existence of Nipa Island bordering on the Singapore Strait.

Nipa Island is a problem because of the location of this island closer to the Singapore region than the territory of Indonesia. The distance between Nipa Island and Singapore is only 4.8 miles (Sinulingga, 2014: 5). As a result of Singapore's coastal reclamation activity taking sand from the mainland of Nipa Island, Indonesia, the area of Singapore has advanced 12 km towards the Indonesian border near the outermost island, Nipa Island, Riau Islands. Waters on the island experienced an increase leaving a few meters of land from the sea surface (Andreas, 2014: 5).

The sea border between Indonesia and Singapore is the narrowest area between the sea border between Indonesia and other neighboring countries. The width of the Singapore Strait is only about 16 km and an estimated length of 105 km. This strait is located between the islands of Singapore and the Riau Islands which connect the Straits of Malacca and the South China Sea. Thus, the Singapore Strait has strategic value for traffic shipping lanes in the Malacca Strait and the South China Sea. The strategic meaning of the Malacca Strait is not only for the three peripheral countries, but also for other countries such as Japan, South Korea, and even the PRC (Sitohang, 2016: 188-191).

Based on the Law No.7 / 1973, the sea boundary line between Indonesia and Singapore in the Singapore Strait is set at six points. Based on this agreement in 1973, Indonesia and Singapore agreed to negotiate to establish a maritime boundary line between Indonesia and Singapore in the west near Tuas, Nipah Island along 12.1 km. Negotiations took place since 2005 and took place eight times, so that the two countries reached an agreement with the signing of a new agreement in Jakarta on March 10, 2009 by the two foreign ministers. In this case, the Indonesian Minister of Foreign Affairs, Hasan Wirajuda, and Singapore's Foreign Minister, George Yeo, agreed on the boundary of the West Sea, which was stretched along 12.1 km from the previous Eastern sea boundary point as stipulated in 1973 that is at point 6. With this latest agreement, Nipah Island is an island located on the front line of Indonesian territory in the Malacca Strait.

The Ministry of Environment noted that Indonesia's losses due to coastal reclamation by Singapore by taking sand from Indonesia reached about \$ 42.38 billion. Every day, there are 29 ships going back and forth carrying thousands of cubic meters of sand from Nipa Island to Singapore. The vessel has a capacity of between 1,000-4,000 cubic meters once transport (Puput: 2016).

The volume of illegal sand mining is, in fact, large than the legal sand mining volume. This resulted in a huge financial loss of the country. The recorded export volume of Riau legal sand including Nipa Island reached 0.93 million cubic meters per day, while the import volume of Singapore sand from Riau reached 2.02 million cubic meters per day with value reaching Rp 11.33 billion. Means there is a difference of 1.10 million cubic meters per day. This unrecorded amount is illegal sand taken without permission or is not registered. With that calculation, the state has been harmed for Rp 6.14 billion every day. Within a year the figure reached Rp 2.24 trillion (Tanlain, 2006: 66).

In 2002, the government issued instructions of the President of the Republic of Indonesia Number 2 the Year 2002 on the Control of Sea Sand Mining. This is an attempt to control the mining and export of sand by Singapore on Nipa Island (Bariah, Chaiul, 2014: 22). The Minister of Maritime Affairs and Fisheries on 23 February 2003 issued a ban on sand export policy and the Minister of Trade issued Regulation No. 02 / MDAG / PER / 1/2007 on the export of sand, soil and topsoil from February 1, 2007 (Bariah, 2014: 17).

In addition, the government also made reclamation efforts on Nipa Island from 2004 to 2008 to improve the condition of the island, the government reclaimed the island of Nipa because the island's condition is very critical due to siphoning sand made by Singapore. This effort to maintain Indonesia's territorial sovereignty and as a symbol of defense because Nipa Island is Indonesia's outer islands (Bariah, 2014: 18). The following is a comparison image of Nipa island before and after reclamation:



Image 3. Nipa Island before Reclamation

Source: <http://maritimnews.com/pulauu-nipah-akan-diprioritaskan-jadi-kawasan-ekonomi-oleh-menko-maritim/>



Image 4. Nipa Island after Reclamation

Source: <http://bumn.go.id/brantas>

In Nipa Island itself, there are no civilians living so the only settlers are TNI on duty. Every six months, personnel changes to ensure that officers are not saturated. There are 93 TNI officers, 60 from the Marines and 30 from the Army and 6 navy posts to strengthen the defense and guarding of the outer islands (Bariah, 2014: 18).

The supply of fresh water and means of communication on Nipa Island is very limited. Freshwater supplies come only from rainwater because Nipa Island is a rocky coral island so that drilling wells can't be made. If the supply of freshwater coming from the rainwater is running out, these guards go to Belakangpadang Island to buy fresh water and daily necessities. In addition, the communications network that can be used on the island is the SingTel network which is Singapore's telecommunication networks.

From some of the above description, it can be concluded that Singapore's beach reclamation can threaten Indonesia's territorial sovereignty. Although the maritime boundaries of the two countries remain unchanged, the mainland of Singapore, which is closer to Nipa

Island, can assume that it is possible for Singapore to take control of Nipa Island, especially the Nipa Island region, including a strategic area as it is located close to the Singapore Strait which is a maritime voyage International.

In addition, Nipa Island has a function of defense and marine security, so the area becomes very important. As it is known that in a day there are 200 tankers, merchant ships, and foreign fishing boats crossing the shipping lanes bordering Nipa Island so that it would be potentially that foreign ships dump B3 waste, smuggle weapons, illegal drugs and illegal fishing (Chairil. 2009: 713).

Nevertheless, the efforts of the Indonesian government to reclaim the Nipa Island is quite good but it needs a sustained commitment in order not to return to sell sand to Singapore and continue to empower Nipa Island for the creation of the territorial integrity of NKRI. This is in accordance with the theory of Sovereignty of the State where the sovereignty of the state is the highest authority of the state that is legal and must be maintained for the sake of territorial integrity. In addition, there needs to be an increase of development in terms of communication technology and also the availability of clean water facilities and infrastructure for drinking water, bathing and washing in Nipa Island increases the budget to support patrol costs, both for fuel and other supporting costs.

4. Conclusion

Singapore implements a coastal reclamation policy to expand its land area as a precaution against population growth and economic growth. In the process of reclamation, Singapore imports sand from Nipa Island, Riau Islands, Indonesia. This caused Nipa Island to nearly drown and in critical condition. The Government of Indonesia implements various policies as an anticipatory step to build Nipa Island area.

The increasingly widespread condition of Singapore's land causes a change of pattern on its increasingly jutting beaches towards Nipa Island, Indonesia. This is in accordance with the provisions of UNCLOS 1982, does not change the maritime boundary between the two countries. But it should be underlined that Singapore's coastal reclamation poses a threat to Indonesia's sovereignty because, with such close proximity, Singapore can seize and annex Nipa Island and unite its territory with Nipa Island. Moreover, the location of Nipa Island is very strategic near the Singapore Strait which is an international shipping route. For that, there needs to be sustainable development, preservation, and empowerment in Nipa Island.

This article just want to emphasize that reclamation from Nipa Island Indonesia bounded by the sea with Singapore is impacted on several things, that is the maritime boundaries and the territorial sovereignty of both countries. Results explanation of this case in this article may experience a difference if written by other researchers which notice from a different perspective.

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