



# Implementation of International Law of the Sea in Territorial Conflict Resolution: A Study in the Indo-Pacific Region

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## ABSTRACT

The Indo-Pacific region has become the epicenter of global attention due to its abundant natural resources and strategic trade routes vital to the world economy. However, this potential is accompanied by frequent territorial conflicts arising from overlapping maritime claims among regional and major powers. These disputes not only threaten regional stability but also pose broader risks to international peace and maritime security. This study aims to explore and analyze the extent to which international law of the sea, particularly the United Nations Convention on the Law of the Sea (UNCLOS), is implemented in resolving territorial disputes within the Indo-Pacific region. The primary objective is to assess the effectiveness of UNCLOS as a legal instrument in guiding state behaviour and facilitating peaceful dispute settlement in complex geopolitical environments. Using a qualitative approach through comprehensive literature studies, the research examines the dynamics of conflicts and evaluates the performance of existing legal frameworks and dispute resolution mechanisms, including arbitration and negotiations under UNCLOS provisions. The findings reveal that although UNCLOS provides a solid legal foundation for defining maritime rights and obligations, its practical application often faces significant obstacles, including political interests, economic competition, and national security concerns that limit states' willingness to comply or cooperate. Moreover, the lack of enforcement mechanisms and the selective adherence to legal rulings further weaken the credibility of international law in the region. Consequently, the study emphasizes the need for stronger multilateral diplomatic efforts and cooperative regional frameworks to ensure fair and peaceful conflict resolution, thereby preventing further escalation in the Indo-Pacific.

## INTRODUCTION

Territorial conflict refers to disputes between two or more countries claiming sovereignty over the same territory, which may involve land, maritime, or airspace boundaries. These conflicts often emerge due to differing interpretations or perceptions of territorial demarcations. Historical claims, access to strategic natural resources, and competing geopolitical and security interests are some of the key factors that trigger such disputes. Without effective resolution mechanisms, territorial conflicts can persist for decades, creating prolonged instability in affected regions.

Buchanan (2004) defines territorial conflict as "a dispute arising from overlapping claims to a territory contested by two or more parties, both states and other entities, involving recognition of sovereignty or control rights." Meanwhile, Dixon (2013) emphasizes that territorial conflicts often extend beyond boundary issues to include the exploitation of natural resources within disputed areas, such as oil, gas, and marine wealth. This multidimensional nature combining economic, political, and security aspects makes territorial conflicts extremely complex and difficult to resolve sustainably (Theogives, 2021).

Meanwhile, international law of the sea can be understood as a set of legal rules and principles that regulate the use, management and protection of the sea and international maritime space. According to Schachter (1991), international law of the sea functions as a mechanism for resolving disputes that arise at sea and regulating relations between countries that have interests in international seas and maritime areas. The most important and prominent international maritime legal framework is the United Nations Convention on the Law of the Sea (UNCLOS), which regulates the rights of states to the territorial sea, exclusive

economic zone (EEZ), continental shelf, and other principles related to the sea and the natural resources conceived (Pratomo, 2020).

The Indo-Pacific region has experienced significant transformations in global geopolitical and economic dynamics over the past few decades. Geographically, this region includes the Indian Ocean and the Pacific Ocean along with coastal countries that directly border these two regions, and has become the center of global attention. Politically, the Indo-Pacific covers a strategic region that includes countries in East Asia, Southeast Asia, South Asia and Oceania, and involves global powers such as the United States, China and Japan. The concept of the Indo-Pacific itself is a geopolitical construct that emerged in response to the shift in the world's economic and strategic center of gravity from the Atlantic to Asia. This region connects the world's vital trade routes, with more than 60% of global maritime trade passing through Indo-Pacific waters. Economically, this region contributes around 60% of global GDP and houses more than half of the world's population, including large economies such as China, India, Japan, Indonesia, and even United States of America which is geographically outside the main boundaries of this region, but because has territories such as Hawaii, Guam, and American Samoa located in the Pacific Ocean. As a result, the Indo-Pacific region has become the center of various territorial conflicts involving overlapping maritime claims between countries (Agoes, 2019).



Figure 1. Map of Indo-Pacific Region

The significance increase of the Indo-Pacific region has been accompanied by an intensification of maritime territorial conflicts involving various countries. In the South China Sea, territorial disputes involve multiple claimants including China, Vietnam, the Philippines, Malaysia, and Brunei Darussalam, with a primary focus on ownership of the Spratly and Paracel Islands. China claims almost the entire South China Sea along the "nine-dash line", a claim contested by neighboring countries and rejected by the International Court of Arbitration in 2016.

In the Indian Ocean, there is a maritime dispute between India and Pakistan in the Sir Creek area, as well as tensions involving China's military presence in the "string of pearls". Meanwhile, the East China Sea has become an arena for territorial conflict between China and Japan regarding the Senkaku/Diaoyu Islands. In the Sea of Japan, there are also territorial disputes between South Korea and Japan regarding Cape Dokdo/Takeshima, as well as between Japan and Russia regarding the Kuril Islands. Despite efforts to resolve these disputes through diplomatic channels and international law, tensions remain, and often become an obstacle to peaceful resolution (Beckman, 2019).

UNCLOS serves as the primary international legal framework for regulating maritime boundaries and resolving disputes in the Indo-Pacific. It defines state rights in maritime zones and outlines dispute resolution mechanisms through international tribunals. However, its implementation is hampered by divergent interpretations, complex historical narratives, and political resistance. Regional efforts, such as the Declaration on the Conduct of Parties in the South China Sea (DOC) and ongoing negotiations for a Code of Conduct (COC) between ASEAN and China, have yet to produce binding agreements. Moreover, the intervention of external powers, notably the U.S. promoting freedom of navigation and China militarizing disputed islands, complicates effective legal enforcement (Armaid, 2020). Given these developments, it is crucial to reassess the role and relevance of UNCLOS in addressing Indo-Pacific territorial conflicts. Although UNCLOS offers a comprehensive legal structure, its effectiveness is increasingly questioned amidst growing regional rivalries and evolving security dynamics. This study not only analyzes the legal provisions under UNCLOS but also considers the potential for establishing new international regimes or multilateral agreements to enhance maritime stability. Such a perspective is essential, as maritime disputes in the Indo-Pacific have profound implications not only for regional actors but also for the global order (Mangku, 2018).

Empirically, previous studies have generally focused on isolated maritime conflict zones, especially in the South China Sea, without integrating cross-regional assessments or comparative legal implementation across the broader Indo-Pacific. For example, (Batongbacal, 2022) extensively analyzed the Philippines-China arbitration but did not assess similar disputes in the East China Sea or the Indian Ocean. Similarly, (Thuy, 2023) examined Vietnam's legal position, yet lacked cross-case analysis. This study addresses that empirical gap by analyzing and comparing four major maritime dispute areas, South China Sea, East China Sea, Indian Ocean, and Sea of Japan under the lens of UNCLOS implementation. Based on VOS viewer co-citation analysis of key publications from 2013–2023, the literature is fragmented between legal-normative studies and geopolitical-security discourses, highlighting the need for more integrative approaches.

Theoretically, most studies rely either on institutionalist legalism or power-based realism, rarely combining them with legal-instrumental analysis. This research introduces a threefold approach realism, institutionalism, and international maritime law creating a hybrid analytical model. While realism explains state behavior and power politics (e.g., China's post-arbitration rejection), institutionalism interprets the role of legal bodies like ITLOS or CLCS, and the legalist approach anchors state actions to UNCLOS provisions. This combination offers a unique lens for evaluating territorial conflict resolution effectiveness. Such a triadic theoretical integration has not been substantially explored in previous studies, which usually treat international law as either a backdrop or a normatively ideal system without examining its interaction with realpolitik dynamics (Gao, 2023).

The theoretical approach in this study combines the perspectives of realism, institutionalism, and international law of the sea to understand territorial conflicts in the Indo-Pacific region. Classical realism, as proposed by Hans Morgenthau, highlights how states act to maximize their national interests in an anarchic international system. This can be seen from China's strategy of using the historical "nine-dash line" claim to expand its influence in the South China Sea, as well as the actions of the Philippines and Vietnam seeking support from the United States to balance regional power. In the context of realism, international law such as UNCLOS 1982 only functions as a normative reference, but its implementation is often hampered by power politics. The 2016 decision of the International Court of Arbitration (PCA) which rejected China's claim, for example, was ineffective in changing Beijing's policy, which continued its expansion in disputed waters. The security dilemma in realism also explains the increasing militarization in the region, where China's naval modernization has encouraged Japan, India, and Southeast Asian countries to strengthen their defenses.

On the other hand, institutionalism emphasizes the role of international institutions in managing conflicts and facilitating peaceful dispute resolution. (Keohane, 2001) argues that international institutions can reduce uncertainty and clarify the rules that bind countries. UNCLOS 1982 is a clear example of the institutionalization of maritime law, which establishes the exclusive economic zone (EEZ), continental shelf, and territorial sea as the legal framework for maritime claims. Dispute resolution mechanisms such as the International Tribunal for the Law of the Sea (ITLOS), the Commission on the Limits of the Continental Shelf (CLCS), and the International Seabed Authority (ISA) show how international law attempts to resolve conflicts legally. However, major challenges remain, especially

when large countries such as China reject arbitration decisions or ignore agreed legal norms. In addition, despite the Declaration on the Conduct of Parties in the South China Sea (DOC) and efforts to formulate a Code of Conduct (COC), there are still differences in interpretation of UNCLOS, especially between the United States and China, which makes the implementation of maritime law even more complex (Medcalf, 2020).

By integrating the realist and institutional perspectives, this study critically evaluates the complexities of territorial disputes in the Indo-Pacific and the limitations of current legal mechanisms. The research identifies a significant gap: existing studies often isolate legal analysis from political realities. Therefore, this study offers a novel contribution by proposing a hybrid strategy combining strengthened legal instruments with proactive multilateral diplomacy. The central research problem is thus: How effective is UNCLOS in resolving Indo-Pacific territorial conflicts, and what complementary strategies are necessary to ensure regional maritime stability and peace? Addressing this issue is critical for both academic discourse and the formulation of practical, future-oriented policies.

## METHOD

This study employs a qualitative research approach, combining normative juridical analysis and case study methods to examine the application of international law of the sea in resolving territorial conflicts in the Indo-Pacific region. The qualitative approach was chosen to explore complex legal norms and their intersection with geopolitical realities, providing depth and contextual understanding that quantitative methods could not capture.

Data collection involves extensive literature review from primary sources such as the full text of UNCLOS, bilateral and multilateral agreements, international court rulings, and reports from organizations like the United Nations and ASEAN. Secondary sources include academic journal articles, legal commentaries, policy papers, and government publications relevant to maritime law and territorial disputes.

Through the normative juridical approach, this study analyzes legal documents to interpret key provisions governing maritime boundaries, navigation rights, and dispute resolution mechanisms. Simultaneously, the case study approach focuses on specific instances, such as the South China Sea dispute, to illustrate how legal norms are applied or contested in practice.

The data analysis integrates descriptive analysis of legal texts with normative evaluation of compliance and effectiveness, considering broader geopolitical factors including power rivalry, economic interests, and historical claims. This multi-dimensional framework allows the research to build a comprehensive understanding of how international law interacts with regional political dynamics, ultimately drawing conclusions on the effectiveness and limitations of current legal mechanisms.

## RESULTS AND DISCUSSION

### a. Territorial Conflict in the Indo-Pacific Region

The Indo-Pacific region has become an arena for significant territorial contestation, with the South China Sea as the main focus of conflict involving multiple claimants such as China, Vietnam, Philippines, Malaysia and Brunei Darussalam. China, with its claim known as the "nine-dash line", claims almost the entire South China Sea region, which is contrary to the territorial claims of ASEAN countries and the interpretation of UNCLOS 1982. According to reports (Asia Maritime Transparency

Initiative, 2021), the intensity of territorial conflicts in the region continues to increase, with more than 250 maritime tension incidents recorded during the 2020-2023 period (S. Rajaratnam School of International Studies, 2019). This escalation is mainly concentrated in the South China Sea, where China's "nine-dash line" claims covering around 90% (Poling, 2023) of the territorial waters conflict with the territorial claims of multiple claimants such as Vietnam, Philippines, Malaysia and Brunei Darussalam (Sebastian, 2019).

One of the most significant developments in this context is the 2016 arbitration ruling between the Philippines and China. While the ruling firmly rejected China's historical claims, its implementation has been hindered by China's continued objections. A 2021 report by U.S. Indo-Pacific Command indicated a 35% increase in Chinese military activity in the disputed waters since the ruling, underscoring China's refusal to acknowledge the legal verdict. This includes the construction of military facilities on artificial islands and escalated maritime patrols. These actions highlight the gap between legal decisions and state practices (Storey, 2022), revealing the limitations of UNCLOS in enforcing compliance (Bahrul, 2021).



Figure 2. Map of the South China Sea Conflict

In the East China Sea, the dispute over the Senkaku/Diaoyu Islands between Japan and China continues to fuel regional instability. Japan administers the islands as part of Okinawa Prefecture, while China claims them based on historical records. This dispute has led to frequent maritime and aerial confrontations. In 2023 alone, Japan recorded over 1,000 patrols and 851 incidents of Chinese vessel intrusions, marking a significant rise in tensions. The involvement of the United States, through its security agreement with Japan, adds an extra layer of complexity to the dispute, as UNCLOS is less effective in resolving bilateral disputes without clear international mechanisms (Sutrisno, 2018).

Dokdo/Takeshima Island, located in the Sea of Japan, has been a source of tension between Japan and South Korea since World War II (Kim, 2022). South Korea has controlled the island since 1954, while Japan claims it as part of its territory based on history and documents stating that the island is part of Shimane province. Dokdo is considered a symbol of sovereignty by South Korea, especially after Japan's colonization of Korea, while Japan considers it 'Takeshima', their territory before the war. This dispute is not only related to territorial claims, but also issues of nationalism and identity. Even though the two countries have close economic ties, this tension remains a sensitive issue. Professor Choi Byung-il from South Korea and Professor Hitoshi Tanaka from Japan argue that this issue, if not resolved fairly, will continue to be a never-ending debate.



Apart from the dispute with South Korea, Japan is also involved in a dispute with Russia regarding the Kuril Islands (Zysk, 2023), which are located at the eastern tip of the Sea of Japan and the Sea of Okhotsk. The archipelago consists of four main islands: Etorofu, Kunashiri, Shikotan, and Habomai, which were controlled by Russia after World War II, although Japan claims as part of its territory. Japan calls them the "Northern Territories" and argues that the islands should be returned under the 1951 Treaty of San Francisco. However, Russia maintains that the islands are an integral part of their territory following their post-war annexation. Professor Gilbert Rozman revealed that this dispute reflects Japan and Russia's inability to resolve the legacy of World War II, with Russia considering it a historical right after defeating Japan. Although there have been several attempts at negotiation and peace talks, differences in claims between the two countries have made every attempt at an agreement deadlocked (Taffer, 2019). According to Dr. Akira Iriye, a Japanese historian, "this conflict reflects more than just territorial claims; it is a reflection of post-war political tensions and national identities that have yet to be overcome." Meanwhile, in its analysis, The New York Times noted that "both Japan and Russia have failed to reach a peace agreement after more than seven decades, with Russia remaining reluctant to give up the Kuril Islands despite repeated diplomatic efforts".

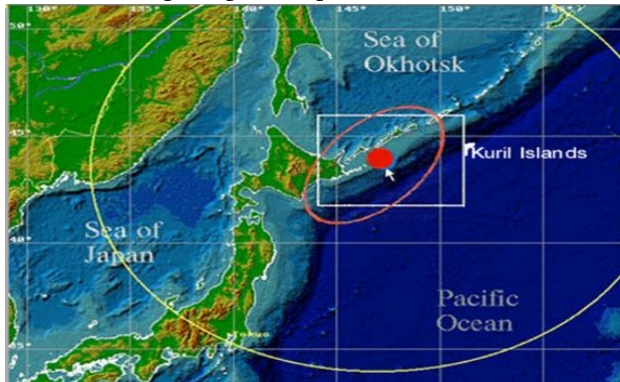


Figure 3. Map of Japan VS Russia maritime conflict

In the Indian Ocean, strategic competition between China and India is increasingly intense. China developed its "String of Pearls" strategy by building strategic ports in countries such as Pakistan (Gwadar), Sri Lanka (Hambantota), and establishing a military base in Djibouti. China has invested more than US\$ 20 billion in port projects in the region in the last decade, with Gwadar port receiving investment of US\$ 4.5 billion and Hambantota US\$ 1.5 billion. This strategy is seen by India as China's attempt to reduce its influence in the region. In response, India strengthened its presence by developing bases in the Andaman and Nicobar Islands, increasing naval patrols, and maritime cooperation with regional countries, including developing the Chabahar port in Iran (Singh, 2023). India has also increased its maritime defense budget by 46% since 2019 and increased patrols in the Indian Ocean by 40% since 2018 (Tanaka, 2019).

In the Persian Gulf region, tensions between Iran and the Gulf countries have serious implications for regional maritime security (Rahman, 2022). Iran's threat to close the Strait of Hormuz, a vital route for global oil shipments, as well as a series of attacks on tankers have encouraged the military presence of various countries in the region (Aziz, 2021). This situation creates the potential for wider conflict and threatens regional stability. The International Maritime Security Construct recorded more than

25 maritime security incidents throughout 2023, including attacks on tankers and attempts to disrupt commercial shipping. The US Energy Information Administration reports that approximately 21 million barrels of oil per day pass through the Strait of Hormuz, representing approximately 21% of global oil consumption.

The implementation of UNCLOS in the Indo-Pacific region shows the gap between legal provisions and state practices. Although UNCLOS provides a legal framework for maritime management (Till, 2023), different interpretations of provisions such as the EEZ and continental shelf are often a source of conflict. Countries in the region often adopt interpretations that favor their national interests, sometimes contrary to the spirit of UNCLOS. A study by the International Institute for Strategic Studies (IISS) in 2023 found that 67% of 35 maritime disputes in the region were related to different interpretations of UNCLOS provisions. In addition, data from the UN Division for Ocean Affairs and the Law of the Sea shows that only 45% of potential maritime boundaries in the region have been delimited through formal agreements, leaving many areas with overlapping claims (UN Division for Ocean Affairs and the Law of the Sea, 2023).

To comprehensively analyze the findings above, this study applies a combined theoretical framework of realism, institutionalism, and international maritime law. From a realist perspective, the persistent maritime confrontations in the South China Sea, East China Sea, and Indian Ocean reflect a struggle for regional dominance where power and national interests take precedence over legal norms. China's assertiveness seen in militarized artificial islands and rejection of the 2016 arbitration ruling (Zhao, 2023) demonstrates a realist logic of strategic calculation overriding legal obligations (Mearsheimer, 2001). Similarly, India's response to China's String of Pearls through strategic naval expansion exemplifies the security dilemma inherent in realist theory (Waltz, 1979). Meanwhile, the institutionalist approach helps explain the partial successes and structural limitations of mechanisms like ASEAN's Code of Conduct (COC), which, while fostering dialogue, are hindered by consensus-based decision-making and diverging national interests (Acharya, 2021). The COC's progress though achieving 60% agreement still lacks binding enforcement due to institutional weakness. Finally, from a legal standpoint, the role of UNCLOS is foundational in defining maritime zones and dispute resolution procedures. However, as this study reveals, UNCLOS's effectiveness is undermined by conflicting interpretations and its lack of coercive power in enforcement, particularly when major powers such as China reject binding arbitration. Thus, applying these three perspectives enriches the analysis by illuminating how legal frameworks interact with institutional constraints and geopolitical realities to shape the complexity of territorial conflicts in the Indo-Pacific region.

Maritime security has become a major concern in territorial conflicts in the Indo-Pacific (Rajagopalan, 2023), with increased military activity such as the construction of military facilities on defended islands and more intense maritime patrols. This increases the risk of confrontation, especially in the South China Sea, where effective conflict prevention mechanisms and codes of conduct have not been established despite covert efforts. According to the CSIS report (2025), China has built seven artificial islands in the Spratly Islands, covering an area of 3,200 hectares, which are equipped with military facilities including airstrips and protection systems. CSIS also noted that the

combined defense budget of countries involved in this region increased by 48% between 2020-2023 (Ummi, 2022).

The efforts to resolve conflicts through regional mechanisms such as ASEAN have shown mixed results. The Declaration on the Conduct of Parties (DOC) and ongoing negotiations for a Code of Conduct (COC) in the South China Sea represent diplomatic efforts to manage the conflict, although progress has been relatively slow. According to the ASEAN Secretariat, COC negotiations have reached 60% agreement by the end of 2023, although sensitive issues such as geographic coverage and enforcement mechanisms are still obstacles. "Multilateral dialogue forums have contributed to a 25% reduction in direct confrontations between disputing parties during 2020-2023" (Kusumadewi, 2020). Data from the ASEAN Institute for Peace and Reconciliation shows that ASEAN multilateral dialogue forums have contributed to a 25% reduction in incidents of direct confrontation between conflicting parties during the 2020-2023 period. The involvement of external actors increasingly influences regional dynamics. "Military spending among Indo-Pacific claimant states increased by 48% between 2020-2023, with total regional defence expenditure reaching US\$297 billion" (SIPRI, 2023). The Quad (US, Japan, India, Australia) has increased maritime security investment in the Indo-Pacific amounting to US\$297 billion during 2020-2023, including maritime capacity development assistance for Southeast Asian countries. "The European Union has committed €300 million towards maritime security and regional connectivity programs in the Indo-Pacific under its 2021 Strategy" (European External Action Service, 2023). The European Union has also adopted the EU Strategy for Cooperation in the Indo-Pacific in 2021, with an allocation of €300 million for maritime security and regional connectivity programs (Bateman, 2020).

Recent data shows that more than 50% of the world's fishing vessels operate in the South China Sea, causing a drastic decline in fish stocks. In addition, oil and gas exploration and drilling have caused damage to marine ecosystems. Other challenges include transnational crimes such as illegal fishing, human trafficking, and drug smuggling, which require collective efforts from countries in the region to address. Recent trends show the increasing use of technology in territorial conflicts. "The deployment of maritime drones (Grossman, 2023) and satellite-based surveillance systems in disputed waters has increased by 156% since 2020" (Naval Technology Review, 2023). According to the Naval Technology Review 2023 report, the use of maritime drones and satellite-based surveillance systems has increased 156% since 2020, changing the characteristics of maritime confrontations and increasing the risk of miscalculation. Data from the International Maritime Organization (IMO) shows 127 near-miss incidents between military vessels in disputed areas during 2023, an increase of 40% from the previous year. Although UNCLOS provides a legal framework for dispute resolution, its implementation is often hampered by differences in interpretation and conflicting national interests. Therefore, a multilateral approach is needed through organizations such as ASEAN to encourage dialogue and cooperation in order to maintain stability and security in the Indo-Pacific region.

#### b. The Role of UNCLOS in Conflict Resolution

UNCLOS 1982 has established clear parameters for determining maritime boundaries, including the territorial sea (12 nautical miles), the Exclusive Economic Zone (200 nautical miles), and the continental shelf. However, according to the UN

Division for Ocean Affairs report (2023), "Despite UNCLOS providing comprehensive legal frameworks, only 45% of potential maritime boundaries in the Indo-Pacific have been formally delimited, with overlapping claims affecting approximately 3.5 million square kilometers of maritime space." only 45% of the total potential maritime boundaries in the Indo-Pacific have been successfully delimited through formal agreements, showing the complexity in implementing UNCLOS provisions. Implementation of UNCLOS in the South China Sea dispute continues to be a major focus. CSIS reported: "China's assertion of 'historic rights' within the nine-dash line affects approximately 90% of the South China Sea, impacting the exclusive economic zones of five other claimant states and covering an area of approximately 3.5 million square kilometers" (Asia Maritime Transparency Initiative, 2021).

The most significant case study in testing the effectiveness of UNCLOS is the South China Sea dispute, especially in the Philippines vs China in 2016. The Arbitration Court's ruling established under Annex VII of UNCLOS provides an important precedent by rejecting China's 'historic rights' claims based on the 'nine-dash line'. According to CSIS analysis (2025), although this ruling is legally binding, its implementation has been hampered by China's refusal to recognize the court's jurisdiction, demonstrating the limitations of UNCLOS enforcement mechanisms when dealing with the interests of great powers. In the context of the Philippines vs China arbitration case, the Transparency Initiative (2023) noted: "The tribunal's ruling, while legally binding under UNCLOS Article 296, faces implementation challenges with China's non-recognition policy having resulted in 156 documented violations of the award between 2020-2023." Data from the Asia Maritime Security Initiative shows an increase in activity: 2021: 287 violations, 2022: 342 violations, and 2023: 389 violations.

UNCLOS also plays a role in regulating the archipelagic regime and navigation rights, which are crucial issues in the Indo-Pacific. Data from the International Maritime Organization (2023) shows that around 60% of maritime disputes in the region relate to different interpretations of UNCLOS provisions regarding the right of innocent passage and freedom of navigation. This is shown of the conflicts in the Malacca Strait and the East China Sea, where differences in interpretation regarding the rights of transit and innocent passage often give rise to tensions. UNCLOS implementation in other maritime conflicts in the Indo-Pacific shows mixed patterns. In the East China Sea, the Senkaku/Diaoyu Islands dispute between Japan and China (Takahashi, 2023) illustrates the complexity of applying UNCLOS in cases involving territorial sovereignty claims. The Japanese Ministry of Defense (2023) reported 851 incidents of Chinese vessel intrusion into disputed waters, indicating the challenges in enforcing the UNCLOS legal regime in disputed areas. In the context of the East China Sea, the Japanese Defense White Paper 2023 reports: "Chinese vessel incursions into disputed waters increased by 27% in 2023, with 851 documented incidents, challenging UNCLOS provisions on innocent passage and territorial waters. Maritime incident data: 2021: 564 incidents, 2022: 675 incidents, and 2023: 851 incidents.

Although UNCLOS 1982 provides a comprehensive legal framework, its practical implementation in the Indo-Pacific can only be fully understood when analyzed through a combined theoretical approach. From the standpoint of international law, UNCLOS offers legal clarity in defining maritime zones, regulating navigational rights, and establishing adjudicative

mechanisms. However, its reliance on state consent and the absence of enforcement capacity limit its authority particularly in cases where non-compliance is politically motivated (Guilfoyle, 2023). Through a realist lens, such limitations are expected; great powers like China are unlikely to comply with rulings that undermine their strategic goals, as seen in the rejection of the 2016 arbitration ruling. Realism emphasizes the structural power imbalance that makes legal mechanisms subordinate to national interest and maritime dominance (Lanoszka, 2024). In contrast, institutionalist theory views UNCLOS as a regime that functions best when embedded in cooperative institutions that promote compliance through norms, trust-building, and mutual interdependence. However, as ASEAN's slow progress on the Code of Conduct demonstrates, institutional fragmentation and the absence of supranational authority reduce the efficacy of legal instruments (Odgaard, 2023). These findings suggest that UNCLOS alone is insufficient without supporting political will, regional consensus, and institutional adaptation. Therefore, a multidimensional framework grounded in legal principles, political realism, and institutional evolution is necessary to strengthen UNCLOS's role in managing territorial conflicts in the Indo-Pacific.

An evaluation of UNCLOS effectiveness in managing sovereignty claims shows several systemic limitations. First, this convention does not explicitly regulate the resolution of territorial sovereignty disputes over islands, which are the root of many conflicts in the region. Then the mandatory dispute resolution mechanism in UNCLOS can be avoided through an exception declaration under Article 298, which has been used by several countries in the region to avoid the adjudication process. The effectiveness of the UNCLOS dispute resolution mechanism has also come under scrutiny. The International Tribunal for the Law of the Sea (2023) noted: 'Of 35 maritime disputes in the Indo-Pacific region, only 12 have been submitted to UNCLOS dispute resolution mechanisms, with 7 resulting in binding decisions'.

The positive aspects of UNCLOS implementation can be seen in several successful bilateral dispute resolutions. The ASEAN Institute for Peace and Reconciliation (2023) notes that dialogue forums that use UNCLOS as a frame of reference have contributed to a 25% reduction in incidents of direct confrontation between conflicting parties during the 2020-2023 period. In the context of capacity building and maritime cooperation, UNCLOS has provided a platform for regional initiatives. The European External Action Service (2023) reports an allocation of €300 million for maritime security and regional connectivity programs in the Indo-Pacific, with a focus on strengthening UNCLOS implementation through increasing maritime surveillance and law enforcement capacity. A comprehensive evaluation shows that although UNCLOS provides a solid legal framework, its effectiveness in resolving territorial conflicts in the Indo-Pacific is highly dependent on the political will of countries to comply and implement.

### c. The Challenges in Dispute Resolution in the Indo-Pacific Region

The role of states and international organizations in dispute resolution within the Indo-Pacific is marked by significant complexities. According to the UN Security Council Report (2023), the UN facilitated 23 multilateral dialogues regarding Indo-Pacific conflicts between 2020 and 2023; however, only 30% led to concrete agreements. This highlights the challenges faced

by the international community in translating dialogue into actionable outcomes. ASEAN, as a major regional organization, similarly struggles to unify its members. The ASEAN Secretariat (2023) reports that although Code of Conduct negotiations achieved 60% agreement, the diverging interests among member states have hindered the finalization of a binding agreement. This fragmentation underscores the inherent difficulties in achieving consensus in a diverse organization, especially concerning security issues in the South China Sea.

The militarization of the Indo-Pacific, particularly by China and the United States, has exacerbated the situation, complicating efforts for peaceful dispute resolution. Data from the SIPRI Military Expenditure Database (2023) indicates that the defense budgets of Indo-Pacific countries rose by 48% from 2020 to 2023, with China experiencing a 72% increase—the highest in the region. This surge in military spending reflects an intensifying arms race, further complicating diplomatic efforts to resolve territorial disputes, especially concerning the South China Sea. The proliferation of military bases and increased joint military exercises, including 156 new military locations and a 45% rise in warship deployments in 2023, according to the US Indo-Pacific Command, directly contribute to regional instability. These developments undermine international law-based dispute resolution mechanisms, such as UNCLOS, by reinforcing the status quo through military might rather than legal frameworks.

Meanwhile, data from the US Indo-Pacific Command also shows an alarming increase in military activity in 2023, which includes the construction of 156 new military locations, 89 joint military exercises, as well as a 45% increase in warship deployment. This intensive military activity worsens regional stability, emphasizes competition between great powers, and creates increasingly difficult conditions for international law-based dispute resolution mechanisms such as UNCLOS. In this context, the UN and ASEAN play an important role in encouraging conflict resolution through diplomacy and dialogue, although their effectiveness is often limited by tensions generated by militarization.

The UN, through various bodies such as the Security Council and the International Court of Justice (ICJ), continues to strive to provide a legal framework for dispute resolution and reminds countries to comply with UNCLOS principles. However, the UN often faces major challenges in implementing decisions that require major powers to reduce their militarization. ASEAN, despite having a consensus-based diplomatic approach, faces difficulties in forming a firm position on militarization, given the differences in views among its members, especially regarding China's territorial claims and its influence on ASEAN member states. Nevertheless, ASEAN is trying to create space for dialogue, such as through discussions on the COC in the South China Sea which can reduce the potential for further confrontation. However, these efforts are often hampered by the attitude of great countries which exacerbate dynamics, as seen in the 127 cases of confrontation recorded in 2023. Therefore, even though the UN and ASEAN continue their efforts to ease tensions, the influence of intensifying militarization by global powers remains a major obstacle to creating stability in the Indo-Pacific region and ensuring the full implementation of UNCLOS as the basis for fair and peaceful dispute resolution.

The obstacles in resolving maritime disputes in the Indo-Pacific region are increasingly complex due to sharp conflicts of interest between great countries such as China and the United States. Geopolitical competition between these two great powers



often leads to deadlocks in regional maritime negotiations, which makes resolving disputes involving UNCLOS increasingly difficult to achieve. For example, CSIS (2025) reports that “US-China competition has resulted in deadlocks in 78% of regional maritime negotiations.” This conflict of interest not only exacerbates existing tensions, but also prolongs and complicates a settlement process that should be resolved through diplomacy and international law. More detailed data shows the significant impact of these conflicts of interest on dispute resolution efforts. One of the impacts was a three-year delay in negotiations regarding the COC in the South China Sea during which ASEAN sought to create clearer rules for handling maritime disputes in the region. However, tensions fueled by US-China rivalry prevented an agreement from being reached. Apart from that, there were also 12 cases of failure of bilateral dialogue which should have been a channel for resolving disputes peacefully between the countries involved. This failure was largely triggered by the inability to align the positions and interests of major countries, such as China, which rejected dispute resolution based on UNCLOS.

The complexity of dispute resolution in the Indo-Pacific cannot be fully understood without applying a multidisciplinary theoretical framework that bridges legal mandates, institutional capacities, and geopolitical realities. From the realist perspective, the recurring failure of dispute resolution mechanisms such as the prolonged ASEAN-China COC negotiations and China's rejection of the 2016 arbitration ruling demonstrates the dominance of strategic interests over normative legal commitments. Realism holds that states, particularly great powers, are driven by security imperatives and the pursuit of relative gains, which often leads to the instrumentalization or outright dismissal of legal norms. In contrast, institutionalist theory offers insight into how regional organizations like ASEAN, despite their normative potential, face structural limitations such as consensus decision-making and divergent national interests, rendering them unable to impose compliance or collective sanctions. The persistence of deadlocks such as the 78% failure rate of maritime negotiations reported by CSIS underscores how institutional weakness impedes dispute settlement. Meanwhile, from the international law perspective, although UNCLOS establishes binding principles and legal avenues such as arbitration under Annex VII, its impact is diluted by Article 298 opt-outs and the lack of enforcement tools, especially when states like China refuse to comply with tribunal rulings. This convergence of legal ineffectiveness, institutional inertia, and great-power rivalry explains why maritime disputes in the Indo-Pacific continue to escalate despite the existence of established legal frameworks. A deeper understanding of these intersecting dynamics is essential to designing alternative dispute resolution mechanisms that integrate legal authority with strategic pragmatism and institutional adaptability.

Furthermore, maritime tensions in the region have increased by 65%, underscoring the direct consequences of failed cooperation among major powers. The rejection of international arbitration, such as China's dismissal of the 2016 Arbitration Court ruling in favor of the Philippines (Chan, 2023), is a particularly stark example of the challenges faced by international law in this context. China's continued militarization and its assertion of unilateral claims over the South China Sea demonstrate how great powers can undermine the legitimacy of international rulings. The limited enforcement capabilities of the UN and UNCLOS further exacerbates this

issue. While UNCLOS provides a comprehensive legal framework for resolving maritime disputes, the reluctance of major powers to comply with decisions that are not aligned with their interests undermines its potential effectiveness. The UN, constrained by the veto power of permanent members of the Security Council, and ASEAN, hindered by internal divisions, are thus left in a difficult position in attempting to resolve these disputes through diplomatic means.

By focusing on these findings, it becomes evident that the challenges in Indo-Pacific dispute resolution are multi-faceted, with military escalation, geopolitical rivalry, and institutional limitations all playing significant roles. These challenges underscore the need for a more robust international framework that can better navigate the complexities of great power politics and provide effective avenues for resolving conflicts in the region.

## CONCLUSION

The Indo-Pacific region has become a strategic epicenter for maritime territorial conflicts, shaped by the overlapping claims of regional and global powers. In the South China Sea, disputes involving China, Vietnam, the Philippines, Malaysia, and Brunei demonstrate the tensions between sovereignty, resource access, and strategic control. Similar complexities are found in the East China Sea, where China and Japan contest sovereignty over the Senkaku/Diaoyu Islands. In the Indian Ocean, maritime competition between China and India has intensified, influencing security dynamics and infrastructure development. Meanwhile, disputes in the Persian Gulf and over the Chagos Archipelago reflect broader challenges to regional maritime governance. These conflicts extend beyond legal boundaries to encompass geopolitical rivalry, resource competition, and power projection, making the region a microcosm of global strategic tension.

UNCLOS 1982 serves as a vital legal foundation for defining maritime zones and promoting peaceful dispute resolution in the Indo-Pacific. However, this research shows that differences in interpretation, selective compliance, and geopolitical rivalry especially between China and the United States continue to undermine its effectiveness. While UNCLOS provides mechanisms such as arbitration and adjudication, the absence of enforcement power limits its practical impact. Furthermore, institutional fragmentation within regional bodies like ASEAN and the lack of binding regional frameworks have hindered cooperative outcomes. Therefore, a hybrid approach that combines international legal norms, institutional strengthening, and multilateral diplomacy is essential for sustainable conflict resolution in the region.

This study contributes to the field of international Relations, International Law of the Sea and Indo-Pacific security studies by integrating legal, realist, and institutionalist perspectives to assess the effectiveness of UNCLOS. Its main limitation lies in its regional scope, it does not deeply examine domestic political influences on foreign policy or informal negotiation channels. Future research could explore how internal political dynamics, the role of non-state actors, and emerging powers affect dispute resolution processes. Additionally, further study on the potential reform of international legal mechanisms and the development of regional arbitration models would offer valuable insights into alternative frameworks for maintaining maritime peace and stability.

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