



Original article

## MARITIME TERRITORIAL DISPUTE IN THE MALACCA STRAITS BETWEEN MALAYSIA AND INDONESIA, WITH REFERENCES TO THEIR BILATERAL DIPLOMATIC NEGOTIATION PROCESS ☆

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### Abstract

Bilateral relationships between Malaysia and Indonesia have always been cordial, augmented largely by their shared ethno-cultural, value and religious affinity. Cooperation and collaboration initiatives and arrangement between the two countries are well-established in various fields, ranging from security, economic and trade, health to education. However, these friendly bilateral relationships have been occasionally marred by diplomatic frictions and protests arising from their disputes over overlapping claims to maritime territory and boundary. Among the most notable, intractable on-going maritime territorial and boundary disputes between the two countries occur in the Malacca Straits. In resolving these particularly dispute, diplomatic negotiation has been the most common and if not, the only dispute resolution mechanism adopted by the two countries. What make the scope of this study departs from the existing literature is the focus placed on examining the process of diplomatic negotiations between Malaysia and Indonesia for amicable resolution of the disputes. Diplomatic negotiation is arguably the preferred method to delimit contested maritime boundaries as it has its own advantages compare to other alternative peaceful methods. This qualitative study uses content analysis approach to investigate and appraise the background and process of diplomatic negotiation between Malaysia and Indonesia to reach final settlement of their territorial area and boundary disputes in the Malacca Straits. In analyzing the case, the theoretical tools used are negotiation theory, and bilateral theory. The selected respondents for this study are comprised of experts and practitioners attached to government agencies such as Maritime Malaysia Enforcement Agency and Institute Diplomacy and Foreign Relation. Then, content analysis is applied to the coding process. The research finding reveal that the status of diplomatic negotiation between the government of Malaysia and Indonesia are still ongoing, with the immediate final resolution of the disputes remains to be seen. The contribution of this study lies in providing the strong facts and the real status about territorial dispute at Strait of Malacca between Malaysia and Indonesia and also the process of diplomatic negotiation between Malaysia and Indonesia in settlement the territorial dispute at Strait of Malacca.

*Keywords: Diplomatic, Negotiation, Territorial, Dispute, Bilateral.*

## 1. Introduction

Intractable maritime sovereignty and boundary disputes have long been a source of great security concern in Southeast Asia. Unresolved disputes involving overlapping claims to maritime boundaries have occasionally triggered diplomatic frictions and mass public protests, adversely undermining the normally cordial relations of the members of Association of Southeast Asian Nations (ASEAN). 9 out of 10 ASEAN Member countries have unsettled maritime boundary disputes among themselves as well as with their non-ASEAN countries neighbors that which each of these countries has to settle its overlapping claim of maritime zones. While the disputes are generally bilateral in nature, it is a norm to see ASEAN unity and solidarity being severely tested once it breaks out into an open conflict. ASEAN Charter and its other basic documents such as Malaysia and Indonesia dictate its member countries to resolve such dispute peacefully in order to establish a peace, secure and stable region. In the absence of peaceful resolution to the delimitation of maritime boundary disputes, Amrih Jinangkung (2011) is of view that the dispute over territorial water at Strait of Malacca could worsen and escalate into security flashpoint in the region.

The aim of this study is about overlapping claims in the Straits of Malacca that caused border disputes and diplomatic negotiations in resolving territorial disputes between Malaysia and Indonesia as ASEAN Member states.



**Grey Area at Strait of Malacca between Malaysia and Indonesia (Source: Centre of International Law, 2011)**

According to Andreas Osthagen and Andreas Raspotnik (2018), for the dispute and overlap maritime boundaries must have two sides.

“Territorial disputes arise for many reasons. Among the most common are imprecisely worded or still-debated

treaties, debate-able histories of "discovery" or "control", presence of minority groups with cultural-historical connections to others state, shifting expectations among states prior to and after the advent of international law, discovery of resources, desire to reclaim territory previously claimed or controlled, and shifting control of marginal areas at wars' or empires' end.” (Ethon Yorgason, 2017).

The territorial sea has its article in United Nations Convention on the Law of the Sea (UNCLOS). According to UNCLOS 1982, Section 1, General Provisions, Article 2, Legal Status of the Territorial Sea, of the air space over the territorial sea and of its bed and subsoil (i). The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea. ii. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil. iii. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

Article 15, 74 and 83 UNCLOS 1982 provide general guidelines for delimiting territorial sea, exclusive economic zone and continental shelf respectively, and also firstly, the delimitation should be done by agreement. In addition, for the territorial sea boundary as referred by Article 15 UNCLOS, the delimitation should be based on the equidistant rule and special circumstances. Based on Article 74 and 83, which are the same stipulates that the boundaries of the exclusive economic zone and the continental shelves should be influenced by the agreement. In accordance with Article 38 of the Statute of the International Court of Justice, in achieving a fair settlement

One of the ways to resolving the international conflict between states is through the diplomatic negotiation. Negotiation is a discussion aimed at reaching agreement. It is a process by compromise or agreement is reached while avoiding argument or disputes. Assoc. Prof. Abdullah Ozkan (2015) argues the most practiced tool to communicate and establish relations with other countries and societies effectively known as public diplomacy. An issue for the maritime boundary issues has become constraint in the relations between Malaysia and its neighbouring countries, including Indonesia. The focus of maritime boundary issue is about the

territorial disputes of sea between Malaysia and Indonesia. For this issue, government of Malaysia and Indonesia needed for a diplomatic negotiation.

“Ideas from Negotiation Theory (Section 4) provide a way to develop such a shared understanding for the conceptualization of this class of interconnected problems.” (Shafiqul Islam and Lawrence Susskind, 2018). Before this, Malaysia and Indonesia take about 13 years negotiations for the disputes of territorial sea. Finally, the both countries have achieved a breakthrough with regard to the two maritime territorial disputes in the Sulawesi Sea and the southern part of the Melaka Straits. “They are the territorial sea boundary in Sulawesi and the continuation of the provisional territorial sea boundary in the southern part of the Straits of Melaka. We welcome and commend the achievement, and we hoped that the technical meeting will continue to intensify efforts and (provide) solutions to resolve the rest of the maritime boundary issues between Malaysia and Indonesia.” ( Saifudin, 2018)

To ensure this study is accomplished and complete. Therefore, the author has outlined two main objectives to be achieved: -

- i. To identify the status of diplomatic negotiation between Government of Malaysia and Indonesia, regards to Territorial dispute at Strait of Malacca.
- ii. To investigate the process of diplomatic negotiation between Government of Malaysia and Indonesia, regards to Territorial disputes at Strait of Malacca.

Among the issues identified in status and process of diplomatic negotiation between Governments of Malaysia and Indonesia regards to territorial dispute at Strait of Malacca:-

- i. Lack of information about the status of diplomatic negotiation between Government of Malaysia and Indonesia, regards to territorial disputes at Strait of Malacca.
- ii. Unclear the process of diplomatic negotiation between Government of Malaysia and Indonesia, regards to Territorial Disputes at Strait of Malacca.

In addition, there are questions to identify the status and process of territorial dispute at Strait of Malacca between Governments of Malaysia and Indonesia in diplomatic negotiation:-

- i. What is the status of diplomatic negotiation between Government of Malaysia and

Indonesia, regards to Territorial dispute at Strait of Malacca?

- ii. What is the process of diplomatic negotiation between Government of Malaysia and Indonesia, regards to Territorial Dispute at Strait of Malacca?

## 2. Methodology

This section provides a detail explanation of the selected mode of analysis used and the data collection method. The finding from previous research becomes a guideline to setting the methodology.

Research methodology refers to the process used to collect information and data for the purpose of making business decisions. The methodology may include publication research, interviews, surveys and other research techniques, and could include both present and historical information (BusinessDictionary, 2019).

This section also distribute about reconstruct the strategy to deal with research issues identified, at the same time it shows the ways of collecting data analysis and the analysis approach to adopt. In addition, the approach author use is qualitative method by using interviews and focus group rather than numerical data because it focuses on the personal, subjective, and experiential basis of knowledge and practice.

This section comes up with figure of the research methodology to use on this study to identify the research problem through research questions. Based on the review from previous research methodology, qualitative method identified as appropriate and consistently to use on this study to identify the main issue and problems.

### 2.1 Data Collection

Data collection is a process of collecting information from all the relevant sources to find answers to the research problem, test the hypothesis and evaluate the outcomes, and also data collection methods can be divided it two categories such as, secondary methods of data collection and primary methods of data collection (Research Methodology, 2019). In Addition, data collection also contains a broad wide of specific techniques.

Data observed or collected directly from first-hand experience known as primary data. Published data and the data collected in the past or other parties are called secondary data. Primary data contain information collected with research project in mind

such surveys, interviews or experiments by the researcher. However, secondary data is about information that recovers data from the gathered from studies, survey or experiments that have been run by other researchers.

Additionally, despite of the field of study in defining and valid data collection is required to maintaining the integrity of research. The effect from improperly collected data include in effectiveness to answer research questions accurately, in effectiveness to repeat and validate the study, misrepresented findings resulting in wasted resources and compromising decisions for public policy. Furthermore, the impact from faulty data collection can caused the potential to harm when these research results are used to support public policy recommendations.

## 2.2 Data Analysis

Qualitative research refers to a type of social science research that collects and works with non-numerical data and that seeks to interpret meaning from these data that help understand social life through the study of targeted populations or places (Ashley Crossman, 2019). Furthermore, qualitative research is also used to uncover trends in thought and opinions, and dive deeper into the problem. Qualitative data collection methods vary using unstructured or semi-structured techniques, and some common methods include focus groups, individual interviews, and observations. The sample size is typically small, and respondents are selected to fulfill a given quota. (Susan E.Franzo, 2011).

Generally, qualitative research is a form of inquiry that analyzes information conveyed through language and behavior in natural settings (J Gen Intern Med, 1998). Qualitative research is useful in two situations. The used of qualitative research when to observe immediate reactions and emotional responses to an experience, including tone of voice, facial expressions and body language and when sample obtained is not (statistically) representative of entire user population.

It show that interviews enable to interviewer to reach the limits of a respondent's knowledge, encourage co-operation and help to establish the link to allow the interviewer to make an accurate assessment of the situation and what the respondent believes or thinks. However, respondent have their hidden weaknesses, they remain useful in gathering qualitative data. In addition, the other data gathering methods are effective through continuance with other methods and also it is a disadvantage of one data collection method that can be the advantage of

the other method.

### 2.2.1 Content Analysis

Content analysis is a research technique used to recreate and valid conclusion by interpreting and coding textual material. It is used qualitative research technique to detail the issues of the process and status of diplomatic negotiation between Government of Malaysia and Indonesia regards to territorial dispute at Strait of Malacca through in-depth interview with Institute Diplomacy and Foreign Affair (IDFR) and Malaysian Maritime Enforcement Agency (MMEA). The interview session will be record after that through the process interpreting. The transcript of this study was be coded exactly same like the recorded where are line-by-line what was the interviewee said. This coded will be in complete and committed to avoid overlying information and errors during the transfer the information.

Coding is the process of labeling and organizing qualitative data to identify different themes and the relationships between them, and also coding qualitative research to find common themes and concepts is part of thematic analysis which is part of qualitative data analysis (Alyona Medelyan, 2019).

Data coding in qualitative research the data is either obtained from observations, interviews or from questionnaires. The purpose of data coding is to bring out the essence and meaning of the data that respondents have provided, and also the data coder extract preliminary codes from the observes data, the preliminary codes are further filtered and refined to obtain more accurate precise and concise codes. Later, in the evaluation of data the researcher assigns values, percentages or other numerical quantities to these codes to draw inferences (Sahifa, 2014). Interviews data for this study will be collected from many sources that the information from the officers in the IDFR and MMEA authority will be undertakes through various stage of coding.

### 2.3 Theoretical Framework

In identifying which theory is appropriate to achieve the right direction, in line with the objective needs of this study as a whole is very important in using the theoretical framework. As such, the author has identified two relevant theories namely Negotiation Theory and Bilateral Theory. The question is, why would the two theories really work to achieve the aims of the two objectives of this study? In short, Bilateral Theory serves to achieve its first objective of identify the status of territorial dispute at Strait of Malacca between Governments of Malaysia and

Indonesia in diplomatic negotiation. Where, this theory refers to the bilateral relation between Governments of Malaysia and Indonesia that strong linked a long time ago and the cooperation between Governments in enforcement especially that contributed of maritime areas.

As for the Negotiation Theory, it emphasized how to achieve the second objective of identify the process of territorial dispute at Strait of Malacca between Governments of Malaysia and Indonesia in diplomatic negotiation. In fact, how the relevant authorities need each other in find the strong facts of the reading for the most relevant result at the end of the research. The process of negotiation mostly been discussed by many authors from every nations.

### 2.3.1 Bilateral Theory

The bilateral relations are part of the international relation that connects within two nations. Bilateral relations are influenced by many factors. Such as world political structures, international organizations, regional interstate events and crises, each country's relations with third parties, domestic politics, economics, and various other variables at different levels of analysis.

Bilateral international relations fluctuate over time. Nations in the international system share some common interests that motivate them to engage in cooperative relationships, but they also have differing values and objectives that have the potential to cause great dispute, hostility, and confrontation. As well known in international relations, two nation-states who enjoy enormous bilateral cooperation at one time may experience immense difficulty and even open conflict at each other.

The focus of bilateral relations is between Malaysia and Indonesia. Collaboration between the two countries is to enhance regional stability and security. Economics and other forms of 'low politics' interaction dominate security cooperation encompassing the entire bilateral relationship between the two countries.

Simon Lester and Bryan Mercurio point out that, the bilateral trade agreements between two countries is rare, often occurring based on a single motive, and two or more parties in the agreement often have different and sometimes even conflicting objectives. Thus, bilateral trade agreements have been the main vehicles of this competition to expand normative and economic influence.

The bilateral relations between Malaysia and Indonesia are very strong for a long time ago till now. There are many agreements and discussion between Malaysia and Indonesia in resolve their current issues and also about trading activities. The very effectives relations between nation of Malaysia and Indonesia when both nations are stand in same group members that known as ASEAN with others nation.

In conclusion, Simon Lester and Bryan Mercurio asserts that in 19<sup>th</sup> century and 20<sup>th</sup> century bilateral agreement were often on reducing tariff, the more recent ones contain obligations that are wide-ranging and controversial, from investment provisions to intellectual property rights affecting access to medicines to protections for labor/human rights and the environment. Just like Malaysia and Indonesia has more cooperation in bilateral agreements such as, the exchange of labor and skills, intellectual property rights, investment, and also import and export of goods.

### 2.3.2 Negotiation Theoretical

The theoretical foundation used in this study is theory negotiation. Negotiation is needed to bring a conflict to an end, to decide the terms of the outcome jointly whether one party prevails or all parties' stalemate in their efforts to prevail, like on this research Government of Malaysia and Indonesia make a diplomatic negotiation to resolve the territorial dispute at the Strait of Malacca. The negotiation happen when States to make special arrangement and adjustment to accommodate their interest in finding agreed boundary delimitation. Negotiation is being mentioned as the first mean for peaceful dispute settlement, including delimiting maritime boundaries, just like theory in this research is negotiation as a tool to resolve the conflicts between Malaysia and Indonesia regards to territorial dispute at Strait of Malacca in peaceful dispute settlement. However, negotiators have to go through different stages throughout the negotiation process (Eddy Pratomo, 2018).

Negotiation is means giving something to get something. Negotiating maritime boundary is not an easy task. Advanced knowledge of the law, the technical aspects, as well as other relevant factors is required. Different place have different characteristics. Different states also have different approaches in settling their maritime boundary negotiation. Unfortunately, analytical work for process of negotiation has also contributed to this

neglect, in both its quantity and its quality. Creative approach is required to avoid deadlock, and to push the negotiation forward.

In a situation of the process of negotiation, firstly the party that includes must getting ready to negotiate. Before meeting the counterpart to negotiate, State should have a solid national position. In addition, because negotiating maritime boundary can be a long process, State must have a clear and sustained policy in handling maritime boundaries delimitation. Second, starting the negotiation process with proceeded by high level political arrangement before the two negotiating team meet. In the case of Malaysia, the Minister of Foreign Affairs will have a prelude discussion with the counterpart about the proposal to start the negotiation with the options to know the readiness of the counterpart. However, challenges can come as early as this phase, with when a state is not ready to negotiate, either because they have not yet have a national position or the domestic political condition is not conducive, it is difficult even to start the negotiation. Lastly, some approaches to avoid deadlock. If the reason is the counterpart which is not ready to negotiate, probably, the best solution is to wait other than forcing a non-fruitful discussion. In the end, the success of negotiation depends on good faith, and the readiness of each party to compromise and find agreed solution.

As mentioned above that I William Zartman is the pioneer of negotiation theory in the book of the Negotiation and Conflict Management. In general, negotiation has role to play in three acts within in the “prologue”, when the conflict is merely an issue or a problem, to prevent it from getting worse, and then during the conflict if the first has failed, to provide solutions and resolutions, and last in the crisis, if the two have failed, to bring the escalation and violence to an end. As Eddy Pratomo say, negotiation sometimes can take decades to complete.

### 3. Result and Analysis

This section, presents the findings of the analyzed data acquired from the above-mentioned expert agencies. Related to previous section was discussion about the research used to conduct the research problem through the research question regarding methodologies by used qualitative method as an approach for this study. The outcome of the result arranged will be presented in relation to the research objectives in the study.

Based on Table 3.1, an interview within expert from MMEA has been held, however author only explain in brief five coding system which significantly related to subject matter from the MMEA namely, (i) Diplomatic, (ii) Negotiation, (iii) Bilateral, (iv) Territorial and lastly, (v) Dispute. While, from the research analysis of coding process, it's shown that have been identified namely the **Bil** stand for Bilateral. Based on interview with expert MMEA, stated that Bilateral Relation between two nations was a more important than other crisis such as maritime territorial dispute at Strait of Malacca. The strong relation between Malaysia and Indonesia must be more sensitive and taken seriously for the both nations even were facing the big crisis that involves two maritime areas at Strait of Malacca. This statement has been supported by previous researcher by Xincheng Liu (2006) has stated that nations in the international system share some common interests that motivate them to engage in cooperative relationships, but they also have differing values and objectives that have the potential to cause great dispute, hostility, and confrontation.

Secondly, the key code is **Neg** stand for Negotiation. The expert from MMEA gives full support to Malaysian Government in settle the maritime territorial dispute between Malaysia and Indonesia through diplomatic negotiation. The needed of finalize the maritime area of dispute in the early time. This is because to make sure the status of maritime delimitation at Strait of Malacca is very clear to the both nations and the strait stay in harmonize situation. The power of negotiation

Besides that, the next key code is **Ter** stand for Territorial. According to MMEA, the uses of straight baseline in delimitation maritime boundary by Malaysia that ratify in the UNCLOS are very clear position. Every line of boundaries has it owns timeline and agreements that valid and strong prove to maintain the power of government to that geographic space. This statement has been supported by previous researcher by David Storey (2015) has stated that the control of geographic space can be used to assert or to maintain power, or to resist the power of a dominant group. The statement also supported by other previous researcher by Keiko J. Nomura, David M. Kaplan, Jennifer Beckensteiner, and Andrew M. Scheld has stated that as increasingly large extents of the global oceans are being managed through spatial measures, it is important to identify area characteristics underlying network distributions.

The following key code is **Dip** stand for Diplomatic.

Based on observation from expert respondent, MMEA about the main role of two governments of Malaysia and Indonesia in solve the dispute at Strait of Malacca. The different claim of that dispute area, just like Malaysia still use the straight baseline that has ratify by UNCLOS but Indonesia use the new rule that name as NKRI. This make the two government has their own big differently integrity among them. The needed of this dispute between two strong linked nations will be solved in harmonize situation and still maintain the good relations between Malaysia and Indonesia.

Lastly, key code is **Dis** stand for Dispute. Based on information from expert respondent, MMEA that Malaysia still in use the straight baseline for the territorial water at Strait of Malacca that has ratify by UNCLOS but Indonesia use the new rule that name as NKRI. This dispute has been shown when Malaysia and Indonesia use the different way in measure the area of dispute at Strait of Malacca. The unclear area that has been claim by Malaysia and Indonesia not meet the last decision and agreement for the both nations. The dispute area has affected the economy activities especially in fisheries because the unclear area makes the fishermen for the both nations do not feel comfortable and safe to do their fisheries activities. Through this situation make the economy of fisheries at Strait of Malacca in unsafe area. The enforcement at Strait of Malacca also been affected because there are agencies for the both nations.

Table 3.2, the result of analysis from an interview session within an expert from Institute Diplomacy and Foreign Relations (IDFR). The finding obtained from research analysis process, reveal four key codes: Diplomatic, Negotiation, Bilateral, and Dispute.

Firstly, **Bil** stand for bilateral. The bilateral relations between Malaysia and Indonesia are known as *rakan serumpun* in ASEAN. Every problem is rises between the both nations will be settled in peaceful way.

Furthermore, the next code is **Neg** stand for Negotiation. Based on interview with the expert from Institute Diplomacy and Foreign Relation, that had experience in diplomatic negotiation. The discussion is more to the process of negotiation between Malaysia and Indonesia in find the best way to settle the dispute at Strait of Malacca. Every problem that arises between Malaysia and Indonesia or even other nations also must catch it quickly and bring it to the negotiation table before the problem become bigger. The expert emphasize that the government of Malaysia and Indonesia are need to go for diplomatic negotiation with open minded and ready to accept every opinion from the both nations.

This statement has been supported by previous researcher I William Zartman (2008), the success of negotiation depends on good faith, and the readiness of each party to compromise and find agreed solution In this situation, Malaysia and Indonesia must still apply the “win-win” situation in process of diplomatic negotiation in settle the dispute at Strait of Malacca. The process of diplomatic negotiation between governments of Malaysia and Indonesia still ongoing till now and still do not find the same approach for the settlement of territorial dispute at Strait of Malacca.

After that, the key code is **Dip** that stand for Diplomatic. Based on interview with the expert from IDFR has stated that the issues of delimitation maritime or border areas between Malaysia and Indonesia has long time ago happens and had some issues that has settled and also a few not finish till now that includes the disputes of territorial area at Strait of Malacca. Even though, the dispute or issues between Malaysia and Indonesia not be become critical because the leader to the both nations always open to diplomatic negotiation in efforts to the both government in settle the dispute. The process of diplomatic negotiation is when Malaysia and Indonesia always make the negotiation at the place in country of Malaysia and Indonesia. This shown, the process of diplomatic negotiation between Government of Malaysia and Indonesia regards to dispute at Strait of Malacca always in harmonize situation.

Lastly, the key code is **Dis** that stand for Dispute. Based on interview with the expert from IDFR has stated that the dispute has been arise because of the legislation to the both nations Malaysia and Indonesia itself, where Malaysia are based on British’s legislation but Indonesia based on Belanda’s legislation. So from the differentiation of legislation it has made the dispute area for the both nations. From that, the way in fine-tuning how to find the middle point of understanding that can satisfy both nations and the diplomatic negotiation regards to the dispute of territorial water at Strait of Malacca still ongoing till now.

#### 4.0 Discussion and Finding

Based on Section 3.0 of the Result and Analysis, it clearly shows that the diplomatic negotiation is the best way in settlement of territorial dispute at Strait of Malacca and the disputes that arise is because of the different legislation in claim the dispute area for the both nations. Even in different approach of the claim disputes area, but Governments of Malaysia

and Indonesia try to find the middle point that can bring the discussion to the end result.

The differentiation of claims is when Malaysia still in the straight baseline for the territorial water at Strait of Malacca that has ratified by UNCLOS but Indonesia use the new rule that name as NKRI. This make the both nations could not find the same approach in measure the territorial dispute area at Strait of Malacca. In addition, the legislation itself shown the differentiation and one of the reason dispute has been arise between Malaysia and Indonesia, where Malaysia are based on British's legislation but Indonesia based on Netherland's legislation.

The bilateral relation between Malaysia and Indonesia as *rakan serumpum* in ASEAN also must be take good care. There are much cooperation that has been making between Governments of Malaysia and Indonesia especially in maritime sector such as in trade and also enforcement of maritime boundary. For example, the cooperation between agencies maritime of Malaysia and Indonesia in make the control of maritime area at Strait of Malacca together that happen in two times in a year that name as "Patkor Optime". That shown, the both nations still open in make the cooperation together even face the situation of disputes maritime area, especially at Strait of Malacca.

Every problem that arises between Malaysia and Indonesia will be quickly take by the both governments and bring it in a negotiation and make the dispute or issues between Malaysia and Indonesia not become critical. The power of diplomatic negotiation itself make the both governments can still take good care the bilateral relation in a long time.

The status of diplomatic negotiation between Governments of Malaysia and Indonesia regards to territorial dispute at Strait of Malacca still ongoing till now. Governments of Malaysia and Indonesia not give up in settle the dispute in a peaceful manner through diplomatic negotiation. The solution of dispute will not affect more to communities to the both nations.

The process of diplomatic negotiation between the both nations is in use the "win-win" situation. The both nations open the diplomatic negotiation with the Government of Malaysia will come to the Government of Indonesia to make the diplomatic negotiation regards to territorial dispute at Strait of Malacca and the same way will do by Government of Indonesia with come to Government of Malaysia in make the diplomatic negotiation.

Besides, the governments of Malaysia and Indonesia play the main roles in make sure the dispute waters

remain safe for the fisheries activity. From the territorial dispute at Strait of Malacca, it make the fishermen to the both nations feel unsafe and still confuse to the legal area for fisheries activity. This make the economy of nation through fishery sector will be decreases. In addition, the illegal fisheries always happen at the dispute area.

Lastly, delimitation of maritime boundary between Malaysia and Indonesia at Strait of Malaysia still not finish till now. The diplomatic negotiation is the best way in ensuring the both nations can achieve the harmonized result in future. The communities to the both nations can still connected with each other without conflict of dispute area because of the way to the Governments of Malaysia and Indonesia keep to settle the dispute through diplomatic negotiation not with the war or other fight ways.

## 5.0 Conclusion

In general, almost dispute that happens between two neighborhood nations, Malaysia and Indonesia is just as the *rakan serumpun* in ASEAN. The bilateral relations between Malaysia and Indonesia are more important rather than many issues that happen between them. For the territorial dispute at Strait of Malacca between Malaysia and Indonesia has been agreed in settle the dispute by using the diplomatic negotiation that ongoing till now. The diplomatic negotiation looks like more harmonized settlement of dispute between nations that has strong linked relations just like Malaysia and Indonesia.

This research study aims to identify the status of diplomatic negotiation between Government of Malaysia and Indonesia regards to the territorial dispute at Strait of Malacca and to find out about the process of diplomatic negotiation itself between Government of Malaysia and Indonesia in resolves their territorial disputes at Strait of Malacca. In the present study, the diplomatic negotiation between Government of Malaysia and Indonesia regards to territorial dispute at Strait of Malacca still ongoing till now. The agencies that contribute directly to the dispute area at Strait of Malacca are MMEA as the agency that adopting the enforcement to that maritime area and IDFR as the agency carries out training programs mainly for current and future diplomats, locals and foreigners.

In addition, the settlement of dispute area at Strait of Malacca always finds the peace approach through the diplomatic negotiation between Governments of Malaysia and Indonesia. The diplomatic negotiation takes a few years of duration and still ongoing till now. The governments of both nations always concern and take serious to this issue.



Besides, the roles of government of Malaysia in ensure the nation always in harmonized situation and still have the good bilateral relations with Indonesia that has been around for a long time. The lack of the information about the status of diplomatic negotiation between Government of Malaysia and Indonesia regards to the territorial dispute at Strait of Malacca and the process of diplomatic negotiation itself between Government of Malaysia and Indonesia in resolves the territorial disputes at Strait of Malacca make the researcher want to find out more about it. The result will help to stop all the speculation and questions about the roles of government Malaysia and Indonesia in settlement the territorial dispute at Strait of Malacca.

## 6.0 Recommendation

To achieve the most harmonized bilateral relations between the both nations Malaysia and Indonesia, the government to both nations should be more open about the way of diplomatic negotiation in find the middle point in resolve the dispute area at Strait of Malacca with the near time. The dispute that clearly seen is about the way in define the boundary by Malaysia and Indonesia itself look like very far different, where Malaysia ratify the UNCLOS for boundary delimitation but Indonesia use their own legislation that name of NKRI.

Besides, the governments of Malaysia and Indonesia should think other initiatives for the activity of fisheries at that dispute area while the diplomatic negotiation still ongoing till now, it is to make sure the communities or fishermen feel confidences and safe in make the activity of fisheries at Strait of Malacca. Initiatives that can be take is make the area of dispute that known as grey area for the right of fisheries to the both nations without outer the limit of that grey areas of dispute and the enforcements of Malaysia and Indonesia will make a controller together to that area.

That is shown, the legislation itself to the both nations do not give the understanding to the both nations. So here the other way in find the solution for the dispute of territorial water at Strait of Malacca is about the economic needed for the both nations itself and the activities of fisherman at that dispute area that must be consider to the both government of Malaysia and Indonesia in settle the diplomatic negotiation in near time. That is also for the good bilateral relations as *rakan serumpun* in ASEAN also must be taking serious by the nations, ever government or communities itself.

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Figure 2.2.1: Coding Process In Content Analysis

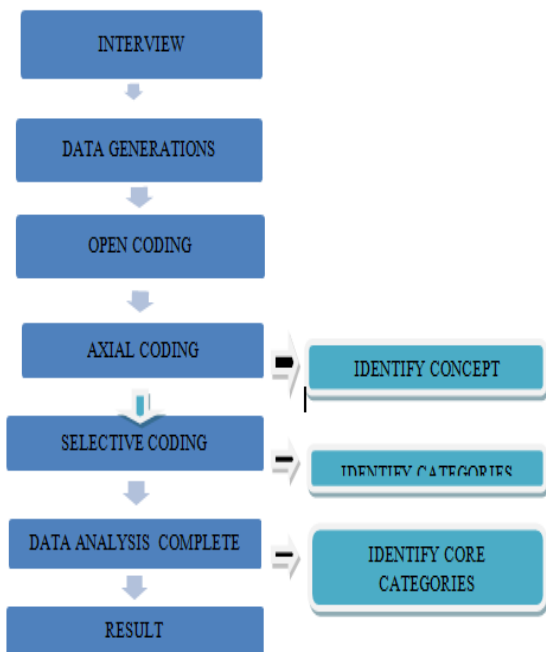


Table 3.1: Open Coding Proses Resources: Interview Session with Respondent (APMM)

Government Agency	Topic	Coding	Interview Statement
MMEA	Bilateral	Bil	... (Malaysia), and Indonesia, we (Malaysia) there is cooperation with Indonesia.. Google, you can find

			<p>"Patkor Optime", which is a joint patrol that we run 2 times a year... implement this "patkor optime" 2 times a year with Indonesia in the Straits of Malacca (Bil 01)</p> <p>very impressed on us (Malaysia) because this thing will create a rather tense situation between the two countries. (Bil 02)</p> <p>... Relations between Malaysia and Indonesia... we have a good relations... good relations between the two countries but due to these issues we (Malaysia and Indonesia) are also tense. (Bil 03)</p>
MMEA	Negotiation	Neg	Government of Indonesia and Government of Malaysia can reach a mutual agreement to finalize the boundary line between the two countries... the situation in the Straits of Malacca becomes more harmonious... (Neg 01)

MMEA	Territorial	Ter	Malaysia very clear “straight baseline”... is indeed recognized in UNCLOS... for the map of Malaysia 1959,... every maritime boundary line he has a date of his agreements and so on,... Every line, bend here has a date, bend here has his date, every lines has a date..There are estimates itself <b>(Ter 01)</b>
MMEA	Diplomatic	Dip	We (communities) are not the ones who are disputes; this is the countries’ dispute. A kind of claims... Indonesia has issued a new map that called as NKRI... We (Malaysia) use straight baseline for border claims. <b>(Dip 01)</b>  Hope this issue can be resolved by the governments of both nations. <b>(Dip 02)</b>
MMEA	Dispute	Dis	Malaysia border that we use "straight baseline"... Demand for "straight baseline" in straight line... but Indonesia has released a new NKRI map. So the

			claim that involves is actually this problem created by the Indonesian side. <b>(Dis 01)</b>  This border claim is not clear... like Indonesia claims it is his area, we (Malaysia) claim our area. The first in terms of... economic activity for example. Find oil for example, fishing resources for example, want to go explore cannot. Indonesia says her right and we (Malaysia) say our right. So very affected. For in terms of enforcement itself, if it lasts it does affect. In economic terms, in terms of anything. Especially in economic terms. <b>(Dis 02)</b>
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**Table 3.2:** Open Coding Proses Resources: Interview Session with Respondent (IDFR)

Government Agency	Topic	Coding	Interview Statement
IDFR	Bilateral	Bil	most of the problems that arise between these two neighboring countries that mostly we try to solve them

			<p>in a good way, by means of diplomacy and negotiation... do not take drastic measures to use force and threats and so on... more to allies in ASEAN to resolve in the form of negotiation that is diplomacy. <b>(Bil 01)</b></p>				<p>parties. In this context must get a "win-win situation". <b>(Neg 02)</b></p> <p>Any conflict issues that arise, have to catch him quickly and we resolve them in a good way. Negotiate, diplomatically. If this old thing is allowed to become big and can further worsen the situation... once, know what the problem is, ok catch and sit negotiate, discuss to solve. <b>(Neg 03)</b></p>
IDFR	Negotiation	Neg	<p>In general, this negotiation has taken place before this. This thing has been going on since the 1970s which at that time, there are still issues involving land and ocean borders between Malaysia and Indonesia. There are issues that have been resolved and there is also an issue that is still running until now. <b>(Neg 01)</b></p> <p>Come to negotiations with an open mind and be willing to accept opinions and views from the other party. For example, like we go there, we must be open and accept opinions from Indonesia and likewise Indonesia must accept our opinion and we try to find midpoint and the solution which can satisfy both</p>	IDFR	Diplomatic	Dip	<p>There is indeed an issue between Malaysia and Indonesia until now. The Straits of Malacca is not a big problem because it is always open to higher level negotiations between leaders between the two countries and always bring this issue to the negotiating table to be resolved amicably until now. <b>(Dip 01)</b></p> <p>The negotiations are diplomatic, diplomatically still ongoing until now. The leaders of these two countries are always open if there is</p>

			a problem whether we (Malaysia) discuss in his place (Indonesia) or he (Indonesia) discuss in our place (Malaysia). <b>(Dip 02)</b>
IDFR	Dispute	Dis	About historical facts, about refining the legislation itself. We (Malaysia) have legislation inherited from the British government while Indonesia inherited from the Dutch government. So in terms of the legislation itself there seems to be inconsistencies. so what is trying to refine is how we (Malaysia and Indonesia) can find the midpoint of understanding which can satisfy both parties. That thing is still running until now. <b>(Dis 01)</b>

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