



## The Principle of Determining the Country's Baseline Point That Shifts as An Impact of Climate Change

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### Abstract

Based on natural conditions, the State Baseline measurement method for coastal areas is usually with a low water level mark, which differs between coastline areas in each country. This means that it is not possible to have permanent borders for a maritime country that can be used. Any movement or shift of the State Baseline is not regulated by the provisions of UNCLOS 1982. This condition is expected to give rise to international disputes, including with other maritime zones. With the phenomenon of climate change becoming more pronounced, there are gradual changes in coastlines, and there are no specific provisions regarding this in UNCLOS 1982. As such, the provisions contained in UNCLOS 1982 cannot respond effectively to the phenomena of shifts that occur in coastline, which will also influence the determination of sea baselines to determine the start of a country's territorial sea. So in conditions like this, the existence of UNCLOS cannot be said to be an international instrument capable of adapting to conditions occurring on earth. With this climate change phenomenon which has an impact on shifting the State Baseline, of course it gives rise to various kinds of new problems and challenges in the existing international legal structure regarding maritime law. Namely how the baselines are set in UNCLOS 1982 where the phenomenon of climate change and the consequences of sea level rise can cause changes in the determination of the baseline points that have been measured in terms

of the Principle of State Sovereignty. This research to analyze international legal arrangements and discover new arguments in determining the principle of state sovereignty as a basis for shifting baselines due to climate change. This type of research is normative juridical research. The data collection method used is literature study. The tool used in this research is secondary data in the form of documents consisting of primary legal material, secondary legal material and non-legal material. The data was analyzed qualitatively and then presented descriptively.

**Keywords:** International law; Climate change; UNCLOS; Baseline

## INTRODUCTION

Currently, global society is faced with the phenomenon of climate change which poses a threat to human health (Catherine, 2012), Environment, Global Food (Gomez & dkk, 2021), Economic Development. and Sovereignty of a State (Santoso, 2015). Apart from that, climate change is an implication of global warming which results in an increase in the average temperature of the earth's atmosphere, sea and land. This global warming phenomenon is caused by increasing greenhouse gases (GHG), which are predominantly caused by carbon emissions from various industries in the world. This increase in greenhouse gases causes the effect of reflection and absorption of long heat waves (infrared) emitted by the earth's surface back to the earth's surface (Asnawi, 2015).

Based on several recent studies and research results in various countries, one of which was released by the Intergovernmental Panel on Climate Change (IPCC), it is proven that human factors (anthropogenic), especially from activities in the industrial sector which have developed rapidly in the last 50 years, are the possible causes. The occurrence of global warming on the earth's surface is very real. In essence, greenhouse gases are a blanket of gaseous material in the form of air, namely air material found around the earth (which is an inseparable part of the biosphere and exosphere which can support life) (Reis et al., 2022) On the one hand, a situation where greenhouse gases are present in reasonable quantities actually becomes very important for life on earth, because without them the temperature of the earth becomes too cold to make it impossible to live in.

On the other hand, activities in the industrialization sector spur an increase in emissions and excessive concentrations of greenhouse gases in the atmosphere resulting in an increase in air temperature. As stated in the Kyoto Protocol, there are six types of GHGs, namely: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexafluoride (SF<sub>6</sub>) ("Climate Policy: A Global Modelling Study," 2022)

In international law, territorial borders between two countries must be based on an agreement made between them. State borders can essentially occur in land areas

and water areas. In particular, borders in land areas can be borders determined by natural conditions (e.g. mountains, rivers or seas) and those determined by artificial conditions (e.g. posts or stakes, fences or imaginary lines).

However, so far the appropriate rules used by countries in the world in regulating State Baselines are the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) or the UN Convention on the Law of the Sea 1982. Making UNCLOS 1982 the main source in international law which is believed to measure maritime boundaries. In addition, this Convention contains provisions governing various maritime zones with different legal status.

Discussing state sovereignty requires first understanding the meaning of these two words. Sovereignty itself comes from the words sovereignty (English), souverainete (French), sovrano (Italian). The words sovereignty originating from the foreign language above were absorbed into Latin to become "supreme" superanus. In modern political science terminology, the word sovereignty is interpreted as empire or power. If interpreted more broadly, the word sovereignty is the right to exercise supreme authority or the right to impose orders on all the people and cannot be contested and the people have an absolute obligation to carry out these orders regardless of whether the people are willing or not (Legionosuko et al., 2019).

According to Logemann, the state is interpreted as an authority organization as stated in his book *Over De Theorie Van Een Stellig Staatsrecht*. This authority does not depend on who is in charge but depends on the people's obedience to obey orders and prohibitions, so that with authority the state will live eternally. Meanwhile, according to Prof. Miriam Budiardjo, the state is interpreted as an organization that is in a territory and has the power to impose its will on all groups. The definition of the state stated above can be said to mean that the state is an organization that is located in a territory and has the power to mobilize the people.

Meanwhile, based on philosophical studies, state sovereignty is a continuation of the king's sovereignty. Adherents of the theory of state sovereignty assume that the state creates laws, so that everything that exists must be subject to the state. Philosophical teachings state that state sovereignty is absolute power over the state's territory. The urgency of absolute power over the region is the basis for forming a state. This concept of understanding state sovereignty can be used as support in observing and assessing the existence of states in international relations which are not always static. Based on international law literature, the concept of state sovereignty has become a doctrine known as the Act of State Doctrine. interpretation of the doctrine of the Act of State Doctrine, stating that every sovereign state must respect other sovereign states in all aspects of life (Wahid, 2018)

The essence of state sovereignty explains that a state has power over territory and authority which then arises from the use of territorial power. The essence of state sovereignty emphasizes that a state has no right to intervene in the existence of

another state. As a manifestation of state sovereignty, the state has jurisdiction. A jurisdiction is obtained and originates from state sovereignty, namely the authority or power of the state based on international law to regulate everything that exists or occurs within the territorial boundaries of a state (Riyanto, 2012)

Determining the area of the coastal territorial sea and other maritime zones, it is clear that it is first necessary to establish from which point on the coast the outer boundaries of these zones will be measured (Riyanto, 2012). In international maritime law there is the term baseline. Referring to Article 5 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982, a baseline is a country's territorial baseline which is determined as the basic point in measuring a country's sovereign maritime boundaries and maritime zones. Where in the Article it is explained "Unless otherwise provided in this Convention, the ordinary baseline for measuring the width of the territorial sea is the low water line along the coast as marked on a large-scale map officially recognized by the Coastal State. Meanwhile, quoting from Proclamation No. 4 of 1986 Governor of the Falkland, 9 LOSB 19 (1987) regarding baselines, "The baseline is the line from which the outer limits of the territorial sea and other coastal state zones (the contiguous zone, the exclusive fishing zone and the exclusive economic zone (EEZ) are measured".

In the international community, baselines are very urgent, because baselines are the basic component of states in determining maritime jurisdiction. Without a baseline, states cannot measure the limits of their sovereignty and sovereign rights (Churchill & A.V. Lowe, 1985). The importance of the Baseline is the foundation for the country to calculate the area of the territorial sea, additional zone, exclusive economic zone and continental shelf (Churchill & Lowe, 1999). The importance of baselines or baselines for determining the boundaries of a country's maritime sovereignty, we will further explain the three types of baselines applied by countries according to the provisions of the 1982 United Nation on Convention of the Law of the Sea.

According to UNCLOS 1982 there is the term normal baseline or normal baseline. In normal baselines, measurements are based on the lowest sea line along the coast. This measurement is described in Article 3 of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone, "Except where otherwise provided...the normal baseline for measuring breadth of the territorial sea is the low water line along the coast as marked on largescale charts officially recognized by the coastal states". From the definition of Article 3 of the Geneva Convention above, it can be concluded that the normal baseline or normal baseline used to measure the area of the territorial sea is the lowest low tide line along the coast following the hollow curve of the coast (Gumilar et al., 2014)

The straight baseline in the rules for measuring sea areas that have different geographic conditions or the coastal contours of each country are not uniform. The

baseline drawn has the effect of determining the addition of inland waters and this can also open up the possibility that the country will increase the area of its waters for defense purposes (Johan, 2009). Procedures for drawing straight baselines from end to end or for sea areas that have their own specialties, are regulated in Article UNCLOS 1982. There are four things that need to be considered when drawing straight baselines, namely (Johan, 2009); a). must not go too far from the general direction of the coast and the part of the sea located on such a baseline must not be too far or far from land; b). cannot be towed to and from low tide elevation unless there is a similar installation above which is absolutely above the sea; c). straight baselines can be determined by taking into account special or special needs that have economic value in an area which can be proven from long-standing habits and needs; d). measurements with a straight baseline cannot be used if the measurement in this way cuts off the coastline of another country from the high seas or EEZ.

The baseline is only used by states that meet the criteria as an archipelagic state, as stipulated in Article 47 of the 1982 UNCLOS regarding the conditions and rules that must be met by a state in drawing the baselines of the archipelagic. The function of a State's Baseline is crucial in establishing the boundaries from which the coastline is measured in its outermost limits, making the existence of the points where this baseline is measured absolute for each coastal state (Deramadana, 2020). Additionally, apart from measuring the territorial sea boundaries of a coastal state, the baseline also serves to determine the boundary between internal waters, within which the coastal state can exercise full sovereignty, and its territorial sea limits. With the establishment of the baseline, a coastal state can define its territorial sea up to a boundary not exceeding 12 nautical miles. Furthermore, each state has the right to determine the outer limit of its territorial sea from the baseline at every point equidistant from the baseline, equal to the extent of its territorial sea."

Therefore, the existence of a State's Baseline can determine the delimitation of territorial waters between opposing or adjacent countries, as regulated in UNCLOS 1982 Article 15, which states the following (Roky, 2018):

*Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.*

Furthermore, based on the explanation provided in the aforementioned Article 15, it can be concluded that in cases of delimiting maritime boundaries, primarily these are resolved through agreements between the concerned countries. In line with UNCLOS 1982, Victor Prescott and Clive H. Schofield also state that the delimitation

of maritime boundaries is usually settled through negotiations between the involved parties or by submitting the delimitation case to a trusted third party. The third party discussed here, for instance, could be institutions like the International Court of Justice (ICJ) and the International Tribunal for the Law of The Sea (ITLOS).

Climate has an important influence on the lives of humans and other living creatures. According to World Climate, climate synthesis is a synthesis of weather phenomena over a long period of time which can be statistically used to show dynamic statistical values at any time (Schofield & Prescott, 2005; Subiyanto et al., 2018). It can be said that climate is a condition that identifies the atmosphere in an area or can be said to be the state of the atmosphere, including temperature, pressure, wind, humidity, which occurs in an area during a certain period of time.

The increasing number of years and the development of human life have an impact on changes in the earth's temperature or climate change. The issue of climate change is an issue that is not boring to discuss, both locally and globally. According to Tomkins and Adger, the core manifestations of climate change include gradual changes in temperature, rainfall, an increase in the frequency and intensity of extreme events and not least the potential for ecosystem disasters. Meanwhile, based on the United Nations Framework Convention on Climate Change (UNFCCC), it states that "Climate change means a change of climate which is attributed directly or indirectly to human activities that alter the composition of the global atmosphere and which is addition to natural climate variability observed over comparable time periods" (Wibowo & Satria, n.d.). Basically, climate change caused by human activities, either directly or indirectly, can change the composition of the global atmosphere and natural climate variability over comparable time periods. The composition referred to is the composition of the Earth's atmospheric material in the form of greenhouse gases. This greenhouse gas is one of the causes of global warming. The more global warming increases on earth, the more influence it will have on climate change (Karlina & Viana, 2020)

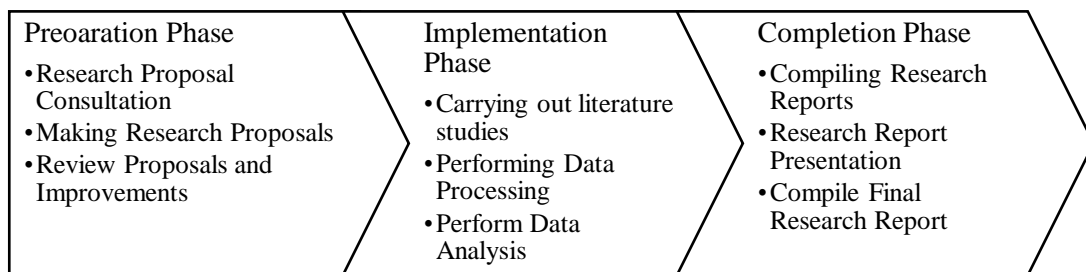
Dipo Saptono explained that climate change has an impact on physical environmental changes in coastal areas and small islands, these changes have an impact on human life (Hilman, 2009). The increasing increase in natural phenomena such as extreme weather or climate, floods, landslides, tornadoes in recent years indicates or provides warnings to humans not to ignore the environment. (Wallace, 2002, p. 54)

The impact of climate change causes sea waters to rise or land on islands in the world to sink. Quoting data from the UN, it is stated that 57 small island developing countries or (Small Island Developing States or SIDS) are seriously affected by climate change. Low-lying areas of the world have been identified by scientists as being at risk from rising water levels due to climate change. As an example of the influence of climate change in the global realm, one of which occurs in the Torres Strait which is

part of the State of Queensland, Australia. As a low-lying land area, the Torres Strait is at high risk of being affected by rising sea levels, like Pacific Island countries such as Tuvalu. According to Donna Green, a CSIRO scientist and contributing writer for the IPCC Fourth Assessment Report, the Torres Strait is one of the 'most vulnerable regions' to climate change in Australia. (Reed, 2002)

## METHODS

This type of research is normative juridical research which aims to conduct related studies and research international legal regulations related to standards for health protection, safety and prevention of work accidents on board fishing vessels. It is hoped that the results of this research will contribute to understanding issues that are important to resolve from an international law perspective. The data collection method used is literature study. The tool used in this research is secondary data in the form of documents consisting of primary legal material, secondary legal material and non-legal material. These data were analyzed qualitatively and then presented descriptively. In the initial stage, this research will focus on collecting data and information from various library sources to summarize various problems health, safety and prevention of work accidents on fishing vessels as well as its regulation from an international law perspective. Data and information are also collected from documents in the form of primary legal, secondary and non-legal materials. The research was carried out within 6 (six) months, with the research stages shown in the picture as follows:



## DISCUSSION AND RESULT

Based on several recent studies and research results in various countries, one of which was released by the Intergovernmental Panel on Climate Change (IPCC), it is proven that human factors (anthropogenic), especially from activities in the industrial sector which have developed rapidly in the last 50 years, are the possible causes. The occurrence of global warming on the earth's surface is very real. In essence, greenhouse gases are a blanket of gaseous material in the form of air, namely air material found around the earth (which is an inseparable part of the biosphere and exosphere which can support life) (Dinas Lingkungan Hidup, 2019). On the one hand,

a situation where greenhouse gases are present in reasonable quantities actually becomes very important for life on earth, because without them the temperature of the earth becomes too cold to make it impossible to live in.

On the other hand, activities in the industrialization sector spur an increase in emissions and excessive concentrations of greenhouse gases in the atmosphere resulting in an increase in air temperature. As stated in the Kyoto Protocol, there are six types of GHGs, namely: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexafluoride (SF<sub>6</sub>) (United Nations Environment Programme (UNEP) and the Climate Change Secretariat (UNFCCC), 2002).

Data from recent years explains this Climate change has become an interesting topic to discuss due to the extreme events that occur. For example, 2019 was the hottest temperature rise on record since 140 years ago, according to a report from the National Oceanic and Atmospheric Administration's National Centers for Environmental Information. Apart from that, scientists have stated and proven that the melting of the ice mountains in Greenland and Antarctica (Chen et al., 2006) occurs significantly with an average sea level rise of 2.74 mm per year in several countries. The phenomenon of melting icebergs in Greenland affects sea levels rising in several water areas, which in turn has an impact on changes to the country's baseline.

The United Nations Framework Convention on Climate Change (UNFCCC) concludes that the extreme weather changes currently occurring are a direct or indirect result of the accumulation of human industrialization activities carried out from year to year. This can be seen from changes in the composition of the global air atmosphere which are very different compared to climate changes that occur naturally at the same time. The global atmosphere is in the form of a combination of gases called Greenhouse Gases which occur from Carbon Dioxide, Methane, Nitrogen and so on (Karlina & Viana, 2020).

Like a time bomb, climate change during the 20th century showed an increase in sea level throughout the world, reaching 10-25 cm (4-10 inches). According to the Intergovernmental Panel on Climate Change (IPCC), the trigger for the increase in geothermal heat in the last 50 years is the increase in population and an increase in uncontrolled human activity resulting in a greenhouse gas effect. In this case, the greenhouse gas effect is caused by the use of fossil fuels, reduced green land and the effects of industrialization, all of which contribute to causing more and more exhaust gases on the earth's surface (Howarth et al., 2017). IPCC scientists estimate a further increase in the 21st century to reach 9 – 88 cm (4 – 35 inches) (Sulistiyono, 2012). Thus, climate change is an issue that cannot be avoided, because its impacts are so complex and have become part of the focus of discussion in the global world. The IPCC added that since 1850, the highest recorded world temperatures have occurred in the last eleven and twelve years. From 1850-1899 to 2001-2005 there was an average increase



in world temperature of around 0.76oC. Sea levels during the period 1961 to 2003 recorded an average increase of 1.8 mm per year. And until 2080, it is estimated that sea level rise will increase to around 4.2 mm per year (Sari & Muslimah, 2014).

In more detail, the research results show several important points, namely:

1. The phenomenon of rising sea levels and coastal areas;
2. Increased acidity of sea water;
3. Ecosystem balance and marine biodiversity;
4. Water resources and their utilization;
5. Agriculture and food security; And
6. Human health

Apart from a shift in the baseline, rising global air temperatures and sea levels also cause a series of other serious problems, such as loss of land area, damage to coastal ecosystems, destruction of infrastructure and buildings on the coast, threats to the lives of coastal communities, all of which will cause material losses. which is very big for society. In this context, Indonesia as an archipelagic country will be affected by this threat considering that Indonesia is the country with the longest coastline in the world. As the main problem that arises due to increasing global temperatures and rising sea levels, apart from shifting the country's baseline, it also causes land loss, damage to coastal ecosystems, damage to infrastructure and buildings on beaches, threats to the population in coastal areas, all of which will certainly cause huge material losses. This direct threat to coastal areas will of course have a huge impact on Indonesia as an archipelagic country that has the longest coastline in the world. What is clear will happen is that some land areas will disappear, namely because the position or location of the coastline changes, namely it recedes or protrudes more towards the mainland. Thus, this indirectly results in changes in calculating the territorial sea boundaries of coastal countries (Sari & Muslimah, n.d.).

In general, the disappearance of a small outer island as a starting point will also have an impact on the loss of physical signs that define an area. Then it has an impact on the emergence of new problems related to a country's maritime boundaries (Ersya & Novianti, 2020) and will have an important impact on the integrity of sovereignty (Prabowo & Salahudin, 2016). According to Oppenheim, a State cannot be recognized as a subject of International Law without a territory with certain boundaries. To indicate the supreme and exclusive power of the State, territory is something important in international law (Churchill & Lowe, 1999). A situation where a shift in a country's baseline follows geographical conditions can give rise to the potential for disputes between countries, this condition being further complicated by the existence of a legal vacuum that regulates the possibility of changing a country's baseline with its neighboring countries (Kusumaarmadja & Agoes, 2015).

In international law, territorial borders between two countries must be based on an agreement made between them. State borders can essentially occur in land areas and water areas. In particular, borders in land areas can be borders determined by natural conditions (e.g. mountains, rivers or seas) and those determined by artificial conditions (e.g. posts or stakes, fences or imaginary lines).

If the scope of regional coverage is known and regulated and measured, the next step that must be taken is to establish boundaries (delimitations) with neighboring countries. In the case of boundary delimitation in sea areas where there are overlapping claims between countries, through the provisions of Article 15 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982, it is regulated that countries whose coasts are facing or adjoining each other must negotiate territorial sea boundaries between his country. For jurisdictional boundaries at sea, Article 74 and Article 76 of UNCLOS 1982 also regulate the importance of negotiating the boundaries of the Exclusive Economic Zone and Continental Shelf between countries that have overlapping claims (Nirina & Narwati, 2021).

In order to make efforts to control and protect the impacts of climate change which has become part of the global agenda, a form of international cooperation framework is needed to overcome the global problem of climate change. This step was initiated at the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change/COP 21 UNFCCC (21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change) which was held in Paris in 2015. The event, which was attended by 195 countries party to the UNFCCC, succeeded in adopting the Paris Agreement to the United Nations Framework Convention on Climate Change (Paris to the United Nations Framework Convention on Climate Change) which contains provisions regarding Nationally Determined Contribution (NDC).

The Paris Agreement is basically a joint commitment to hold the rate of increase in global average temperature below 2°C above the temperature in the pre-industrialization period and continue efforts to limit the temperature increase to 1.5°C above the temperature in the pre-industrialization period. . It is hoped that this effort will significantly reduce the risks and adverse impacts of climate change. Apart from that, the Paris Agreement is a form of the United Nations framework regarding climate change which is the latest commitment from countries in the world (Bangun, 2017). However, so far the basic rules used by countries in the world in regulating State Baselines are the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) or the UN Convention on the Law of the Sea 1982. Making UNCLOS 1982 the main source in international law which is believed to measure maritime boundaries. In addition, this Convention contains provisions governing various maritime zones with different legal status.

The existence of rules governing maritime jurisdiction began in 1924, marked by the establishment of the International Law Commission (ILC) which is under the auspices of the United Nations. In the course of its history, in 1956, the ILC for the first time produced a report related to the law of the sea through the UN conference (United Nations Convention on the Law of the Sea/UNCLOS I). However, the existence of UNCLOS I was deemed insufficient in regulating the area of a country's territorial sea, so in 1960 a second conference (UNCLOS II) was held which was expected to produce regulations on the legal boundaries of the sea, but this effort still failed. In the end, the third conference (UNCLOS III) as divided into two phases of conference implementation, namely in 1973 and 1982, marked the end of the wait for the formation of international law regarding maritime areas which was ratified by UNCLOS member countries and is in effect to this day (Ghaniyyu & Husnita, 2021).

Meanwhile, Baseline is defined as the outer limit of the territorial sea and other maritime zones of coastal countries (additional zones, exclusive fishing zones and exclusive economic zones (EEZ) (Paramita, 2019). The baseline is very important in delimiting maritime boundaries because this line is the benchmark for a country's maritime jurisdiction.

Provisions that apply in UNCLOS 1982 in Chapter 2 concerning the Territorial Sea and Contiguous Zone, Part 2. Article 3 that every State has the right to determine the width of its territorial sea to a limit not exceeding 12 nautical miles, measured from the baseline determined in accordance with the Convention This. Then, Article 4 regulates other provisions regarding the outermost territorial boundary as stated. The outer boundary of the territorial sea is a line where the distance of each point from the point closest to the baseline is equal to the width of the territorial sea. Based on the provisions of UNCLOS 1982, baselines are divided into several types, namely (Afriansyah, 2015):

a. Normal Baseline

The general definition of ordinary baselines consists of the elements contained in articles 5, 6, 11 and 13 of UNCLOS 1982. According to article 5, the ordinary baseline for measuring the width of the territorial sea is the low water line along the coast as seen on the map large scale that is officially recognized by the coastal state. This is a classic method that has been used since ancient times. However, this method of drawing baselines turns out to be difficult to implement, especially for countries that have winding coastlines and those that have many islands near the coasts. This provision was then confirmed by Article 7 paragraph 1 of UNCLOS 1982. Apart from that, drawing a straight line cannot be done just like that, but there are also provisions. These provisions are regulated by Article 7 paragraphs 2, 3, 4, 5 and 6 in the provisions of UNCLOS 1982.

In addition, in Article 6 of UNCLOS 1982, in the case of islands located on atolls or islands that have corals around them, the baseline for measuring the width of the territorial sea is the low water line on the side of the reef towards the sea as indicated by the sign to be made clear on maps officially recognized by the coastal State concerned.

In determining the baseline, it is not only determined by the unilateral claims of the coastal state. The Anglo-Norwegian Fisheries Case (1951) determines that maritime boundaries are always an international aspect; it cannot depend solely on the will of the coastal state as expressed in its laws. Therefore, the determination of a country's baselines must be in accordance with the provisions contained in UNCLOS 1982 as the main source of international maritime law (Massie, 2020).

b. Straight Baseline

The non-uniform shape of each country's coastal contour means that regular baselines cannot be applied universally. Article 7 of UNCLOS 1982 contains rules regarding how to draw a straight baseline from end to end (straight baseline) as a method that can be determined in special conditions.

c. Archipelagic Baseline

This baseline is only used by countries that meet the criteria for being an archipelagic country. As regulated in Article 47 UNCLOS 1982 regarding the conditions and rules that must be fulfilled by a country in drawing archipelagic baselines. The function of the State Baseline is very necessary to determine the boundary where a coastline measured from its outermost zone can be measured, so that the existence of the point where the baseline This is measured to be an absolute necessity for every coastal country (Wibowo & Satria, n.d.).

Apart from measuring the territorial sea boundaries of a coastal state, baselines also function to determine the boundaries between internal waters, where the coastal state can exercise full sovereignty within its territorial sea boundaries. With the existence of maritime baseline boundaries, coastal states can determine the area of their territorial sea which is measured to a boundary point that does not exceed 12 nautical miles. Meanwhile, each country has the right to determine the outer boundary of the country's territorial sea from the line of each point which is at the closest distance from the baseline, equal to the extent of the territorial sea.

Therefore, the existence of a State Baseline can determine the delimitation of territorial seas between countries, whether opposite or adjacent, as regulated in UNCLOS 1982 Article 15 which states as follows (Yamamoto

& Esteban, 2015):

*Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.*

Meanwhile, based on the explanation of Article 15 above, it can be concluded that maritime boundary delimitation cases are mainly resolved through agreements between the countries concerned. In line with UNCLOS 1982, Victor Prescott and Clive H. Schofield also stated that maritime boundary delimitations are usually resolved through negotiations between the parties involved or by submitting a delimitation case to a trusted third party (Roky, 2018).

The third parties discussed here include, for example, the International Court of Justice (ICJ) and also the International Tribunal for the Law of the Sea (ITLOS). The applicable provisions in UNCLOS 1982 regarding State Baselines do not provide certainty regarding changes to baselines or shifts in coastlines. However, the provisions currently in force only regulate how to measure and determine baselines depending on the natural conditions of each coastal country. Because in certain conditions, such as shifts due to sea level rise due to climate change or even there is an element of intention on the part of the State to be able to change the baseline, such as the addition of land through the coastal reclamation process, the regulations resulting from changes in these conditions are not found within the scope of UNCLOS. 1982.

Based on natural conditions, the State Baseline measurement method for coastal areas is usually with a low water level mark, which differs between coastline areas in each country. This means that it is not possible to have permanent borders for a maritime country that can be used. Any movement or shift of the Country Baseline is not regulated by the provisions of UNCLOS 1982 (*United Nations Convention on the Law of the Sea 1982, Pasal 15., n.d.*).

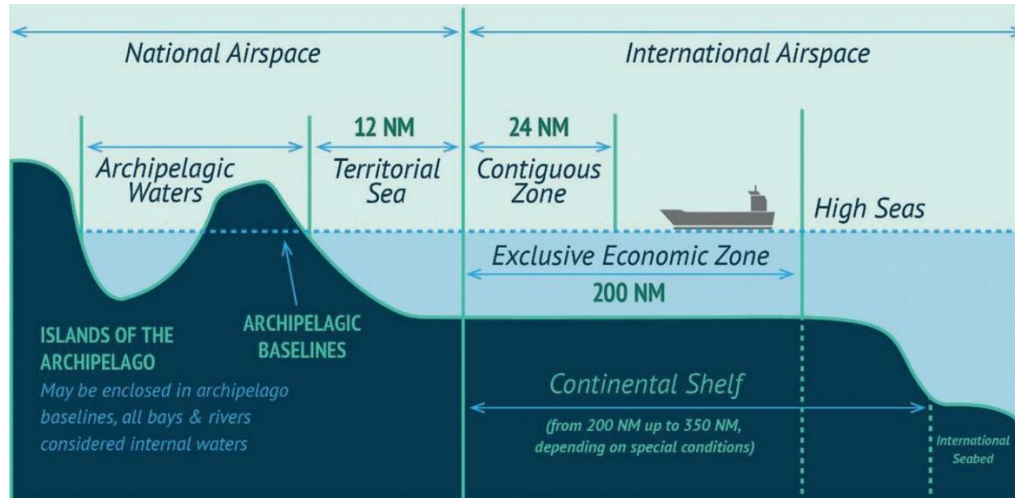


Figure 1. Baseline Basic Concept

(source: <https://arcticreview.no/index.php/arctic/article/view/3383/6340> )

This condition is expected to give rise to international disputes, including with other maritime zones. With the phenomenon of climate change becoming more pronounced, there are gradual changes in coastlines, and there are no specific provisions regarding this in UNCLOS 1982. As such, the provisions contained in UNCLOS 1982 cannot respond effectively to the phenomena of shifts that occur in coastline, which will also influence the determination of sea baselines to determine the starting point for measuring a country's territorial sea. So in conditions like this, the existence of UNCLOS cannot be said to be an international instrument capable of adapting to conditions occurring on earth.

Based on research conducted by experts regarding the existence of this climate change phenomenon, which in the future will have an impact on shifting the State Baseline, of course it will give rise to various kinds of new problems and challenges in the existing international legal structure regarding maritime law. Namely how the baselines are set in UNCLOS 1982 where the phenomenon of climate change and the consequences of sea level rise can cause changes in the determination of the baseline points that have been measured in terms of the principle of State Sovereignty.

Discussing state sovereignty requires first understanding the meaning of these two words. Sovereignty itself comes from the words sovereignty (English), souverainete (French), sovrano (Italian). Sovereignty comes from the foreign language above and is interpreted as superanus which is "highest" (*United Nations Convention on the Law of the Sea 1982, Pasal 15.*, n.d.). In modern political science terminology, the word sovereignty is interpreted as empire or power. If interpreted more broadly, the word sovereignty is the right to exercise supreme authority or the

right to impose orders on everyone and cannot be contested and everyone has an absolute obligation to carry out these orders regardless of whether the people are willing or not.

According to Logemann, the state is interpreted as an authority organization as stated in his book *Over De Theorie Van Een Stellig Staatsrecht* (Schofield & Prescott, 2005). This authority does not depend on who is in charge but depends on the people's obedience to obey orders and prohibitions, so that with authority the state will live eternally. Meanwhile, according to Miriam Budiardjo, the state is interpreted as an organization that is located in an area and has the power to impose its will on all groups. The definition of the state stated above can be said to mean that the state is an organization that is located in a territory and has the power to mobilize the people (Redgwell, 2012).

Meanwhile, based on philosophical studies, state sovereignty is a continuation of the king's sovereignty. Adherents of the theory of state sovereignty assume that the state creates laws, so that everything that exists must be subject to the state. Philosophical teachings state that state sovereignty is absolute power over the state's territory. The urgency of absolute power over the region is the basis for forming a state. This concept of understanding state sovereignty can be used as support in observing and assessing the existence of states in international relations which are not always static. Based on international law literature, the concept of state sovereignty has become a doctrine known as the Act of State Doctrine. interpretation of the doctrine of the Act of State Doctrine, stating that every sovereign state must respect other sovereign states in all aspects of life (Churchill & A.V. Lowe, 1985).

The essence of state sovereignty explains that a state has power over territory and authority which then arises from the use of territorial power. The essence of state sovereignty emphasizes that a state has no right to intervene in the existence of another state. As a manifestation of state sovereignty, the state has jurisdiction. A jurisdiction is obtained and originates from state sovereignty, namely the authority or power of the state based on international law to regulate everything that exists or occurs within the territorial boundaries of a state (Wahid, 2019).

## CONCLUSION

As the international community continues to develop, interesting dynamics are found to be studied related to the meaning of state sovereignty as a supporter of the international legal system. One theoretical perspective that is relevant to the nature of state sovereignty in the international legal system is relational sovereignty. Referring to the theory of relational sovereignty, it states that state sovereignty is currently experiencing development from closed or narrow sovereignty to open sovereignty. The purpose of the open sovereignty view is to prioritize establishing external relations, rather than prioritizing survival from external influence.

In the opinion of Stephen Krasner characterizes sovereignty as "organized hypocrisy". Krasner argues that although sovereign institutions affirm the principle of non-intervention in the affairs of other states, intervention has always been a feature of international affairs. Organized hypocrisy refers to a stable game-theoretic solution to the contradictory practices of asserting the inviolability of territorial boundaries and interfering in other people's affairs. according to Krasner, the informal understanding that the state is sovereign, yet subject to constant intervention, is best characterized as organized hypocrisy.

State sovereignty essentially contains two aspects, an internal aspect and an external aspect. The internal aspect, if interpreted, means that the state regulates everything within the state's territorial boundaries, while the external aspect, namely the highest power of the state, establishes relations with other countries in all aspects of international community life, especially related to the regulation of everything outside country territory. External aspects of state sovereignty are very necessary to establish openness in the current era in order to help each other in dealing with global issues. The external aspect of sovereignty relates to relations or cooperation between one country and another. In exercising its sovereignty, the state of course has territorial boundaries, where these territorial boundaries are the basis for the state in exercising state sovereignty.

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