

Traditional Knowledge and Origin of Maritime Territorialisation Idea in Indonesia

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Abstract

This article examines how the idea of an archipelagic state in Indonesia has its roots in the nation's traditional view of the unity of land (islands) and sea space. By using archival sources accessed in the Netherlands and Indonesia as well as newspapers and magazines published during the 19th century. Earlier studies on maritime territorialisation have predominantly focused on the legislative process of the law of the sea (UNCLOS) and the government's challenges in gaining international recognition for its 'archipelagic state' status as well as territorial claim according to different views among the different ethnic groups regarding the ownership, control and use of the sea in their respective territories. This article argues that although maritime territorialisation is a modern maritime law, in Indonesia it has strong historical roots and it is coloured by traditional knowledge.

Keywords

Traditional Knowledge, Colonialism, Maritime Territorialisation, Archipelagic State

Introduction

Maritime boundaries in Southeast Asia have not been completely resolved to date. This is evidenced by the ongoing border disputes related to conflicting and overlapping claims in South China Sea involving China, Taiwan, Vietnam, the Philippines, Malaysia, Brunei, and Indonesia (Storey, 2009). There is also a potential for conflicts between the superpowers, especially United States and People's Republic of China, over domination of the vital sea lanes of South China Sea, which could convert this area into a theatre of armed conflict (Hu, 2020: 127-142). Hence, the ongoing maritime boundary disputes and the presence of superpowers has made the region even more potentially unstable and tense.

This is exacerbated by illegal maritime border activities which have significant economic value (Tagliacozzo 2001). These activities pose problems both for the state and its people principally due to the culture and perspective of the Southeast Asian maritime communities which view the seascape as a common property without physical delimitation (Sulistiyono, 2018). One very interesting and well-documented example is the famous thalassocracy (maritime supremacy) in Sulawesi, namely the Kingdom of Makassar. In 1607, long before the Dutch conquered the Kingdom of Makassar, Sultan Ala'uddin declared to the Dutch that his country welcomed foreigners and it is open to the world (Stapel, 1922; Villiers, 1990). It is reasonable because for the Bugis and Makassar people, shipping and sea trade have been known for a long time. The *Amanna Gappa*, a traditional law of the sea, has regulated shipping and trade for them. Bugis and Makassar seafarers have used marine maps since the seventeenth century for their trading route (Reid, 1993). Thus, shipping and trade were familiar to the Bugis and Makassar people since pre-colonial times.

Encounters with Europeans, especially in the form of colonialism, meant thalassocracies in Southeast Asia, in general and the Indonesian archipelago in particular, had to adapt to new realities and new interests (Sulistiyono et al., 2021). Imperialism and colonialism resulted in the perception of the sea as a closed arena (*mare clausum*). The agenda of the colonial powers was to destroy the *mare liberum* system in which traditionally has been existed, in order to conquer and monopolise various thalassocracies in the Indonesian archipelago. Military force and sea-based regulations such as the principle of cabotage were their preferred methods (Sulistiyono et al., 2019). Further, the invention of steamships (both commercial ships and warships) played a critical role in the subsequent creation of the colonial state in Indonesia (Campo, 1994).

The post-colonial government was influenced by new international maritime laws and ideas that emerged during the decolonisation process, and that shaped the post-colonial environment. One important concept that emerged was maritime territorialisation which refers to the process of changing the ways the governments and the international community perceive the seas as "territory". This is closely related to the anti-colonial struggle in the colonies and which led to independence. The new post-colonial regimes subsequently struggled to delineate their maritime boundaries (Strating, 2018). This paper argues that the implementation of the principle of an archipelagic state in Indonesia that unites the mainland (island) and ocean areas as a unit is not merely a logical consequence of the macro diplomatic struggle associated with the legislative process of UNCLOS. The nationalist's thoughts become reinterpretation of traditional knowledge which has long roots in the traditional Indonesian society. Traditional knowledge is often referred to as indigenous knowledge. Traditional knowledge is much related to the natural environment, for example, people who live in an agricultural environment will produce traditional knowledge related to the agricultural field. Likewise, people who live in the midst of a forest environment will produce traditional knowledge on forests (Sutherland, 2008). Because Indonesia's geographical condition is dominated by the sea, there are some traditional knowledges related to the sea.

The sea seems to be a destiny for the people of Indonesia (Madegowda, 2021). The control, unification, delimitation, and utilisation of marine space is actually a result of nationalist thinking. The local traditions and their thoughts are part of local wisdoms during the Dutch colonial period. It was in line with development of ethno-nationalism among Indonesians.

In other hand, traditional knowledge tends to be linked to certain ethnic communities and their territories. In the certain sense, traditional knowledge is the knowledge relation to the environment of the communities (Antons, 2003). Indonesian traditional communities become the example of how they have been involved in national regulation which originating from local communities to show that they can transformed into national identity. They were tended to ignore relatively permissive boundaries of the ethnic communities and their territories. In this regard, the knowledge of territorialization is about the mobility and migration patterns to all directions for security and goods. Traditional knowledge is actually a term used during international negotiation in World Intellectual Property Right Organization (WIPO) in which generally expected to be the relevant forms of knowledge and cultural expressions which widely held on different sides of national borders (Antons, 2003). It links the ethnic identity and tradition apparent in the term of *pribumi*, indigenous, or local. An excellent example of the ethnic group that easily crosses borders is Bajo who live in Indonesia and fishing in Australia, they share different state to afford their living. Thus, traditional knowledge is related to customary perception of territory. It also relates on the concept of *mandala* which focused on personal bonds rather than territory. Using the *mandala* concept of political rule where traditional states did not have clearly defined borders.

In the more recent and authoritative works by Butcher and Elson, Indonesia's struggle to become this archipelagic state is examined and discussed in greater detail and breadth, as well as the complexity of the historical process. They used a wide variety of documentary materials, including notes from the United Nations, interviews with key figures involved in the struggle for the recognition of Indonesia's archipelagic state, and various archival sources from Australia, the United States, Great Britain, the Netherlands and Fiji to unravel how Indonesia finally gained international recognition as an archipelagic state when the United Nations Convention on the Law of the Sea created a new category of countries known as "Archipelagic State" in 1982 (Butcher and Elson, 2017). The book emphasises that this official recognition was made possible by brilliant diplomatic steps and these are described in detail. Indonesian diplomats, namely Mochtar Kusuma-Atmadja, Hasjim Djalal, and their colleagues, fought hard to present the country's case in various international forums for three decades (between early 1950s and early 1980s) to recognise the nation's territorial concept which is a unity between the island (land) and the sea. Indonesia faced strong opposition from Western maritime powers bent on protecting their economic, political and military interests. The 1957 Djoeanda Declaration, according to the authors, was in effect, a milestone in Indonesia's assertion of its territorial jurisdiction, arguing this this radical declaration was only the beginning of the struggle over the next three decades to achieve full recognition in 1982.

The current paper differs from earlier works on this topic in that it argues that traditional knowledge and ideas of local communities in the Indonesian archipelago regarding the seamless connection or link between land and sea areas since the late Dutch colonial state period gave birth to the idea of an archipelagic state. It is very interesting that the traditional views of the sea varied greatly however, during the late Dutch colonial period and following three decades after independence this traditional concept became increasingly gained traction among the people of Indonesia and the regime so that it became a driving force for the 1957 Djuanda Declaration. In the current situation, territorial views of the sea is trapped in the understanding concept according to the indigenous communities and the state. Traditional communities are the subject, while the state does not take into account the interests of local communities who already have traditional knowledge of the territory.

This paper begins with a description of the unique geography of the Indonesian archipelago before it discusses the dynamics of colonialism and local wisdom in the context of the growth of Indonesian nationalism, which an important driver for the actualisation of the concept of an archipelagic state. The last section discusses in detail local wisdom in relation to this concept and the legal and political challenges faced by the country in realising its maritime territorialisation.

Method and Sources of Data

Using historical method and empirical data from long-term, archival works conducted in some documentation institutions, this study employs four steps to proof the argumentation. This study uses primary sources that consist of official reports, newspapers, magazines that were collected in the National Archive of Indonesia at Jakarta, National Library Boards of Indonesia, Nationaal Archief in the Netherlands, and online resources from KITLV Leiden as well as Delpher Kranten. Some archival documents have been used under inventory Minister van Buitenlandsche Zaken and Koninklijke Paketvaart Maatschappij (KPM) in which have been collected by Nationaal Archief in the Netherlands. Some archival sources also collected in the National Archive of Indonesia (ANRI) such as records on official's handover of position (*Memorie van Overgave*), financial records of the Dutch government, and official gazette (*Staatsblad voor Nederlands Indie*). In addition, primary sources of the government regulations and gazettes which has been formulated since pre-independence, including meeting minutes from Committee for the Investigation of Independence (BPUPKI), used to examine how the legal state foundation formulated by the Indonesia's founding fathers. In order to corroborate historical sources, some publications in the form of newspapers and magazines (*tijdschriften*) have been used, for instance *Pewarta*, *Tjahaya Sumatra*, and *Sumatra-courant: Nieuws-en advertentieblad*.

Indonesia: A Destined Maritime People

This section examines how Indonesia's geography led it to emerge as a seafaring society, and how these geographic features helped to shape the perspective of the Indonesian people to view the sea as a common property that cannot be controlled by any political power (Rochwulaningsih et al., 2019).

Indonesia occupies a central position of the Indo-Pacific, thus creating an easy access and porous boundaries of the Indonesian archipelago as well as its climate also affected the character of its inhabitants. The words of Indonesia is derived from the Greek words that the term Indonesia is derived from the words "*Indos*" meaning Indian and *nesos* meaning islands (Tomasick and Mah, 2013). Indonesian ecology has high diversity of ecosystem such as sands, dunes, estuaries, coral reefs, seagrass beds, tidal forest, and so on. Historically, the main information on the rich of marine diversity in the Indonesian seas. It is evidenced by some expeditions had been conducted by the European naturalists and scientists since the 16th century. A notable discovery had been conducted by Sir Alfred R. Wallace, a naturalist who contributed greatly to the understanding of the biogeography of the archipelago including floral and faunal (Tomasick and Mah, 2013).

The diversity of Indonesian marine resources is influenced by the dynamic interaction between Pacific and Indian Oceans, and with the monsoonal climate. There are two seasons, the dry and rainy. The rainy season is brought by the northwest monsoon and lasts from October to April. This is followed by the southeast monsoon starting in June and ending in September which brings the dry weather. Thus, the monsoons facilitated interregional and world shipping and trade creating an extensive commercial network in the Indonesian archipelago (Sulistiyono et al., 2018). Geographical

conditions enabled the seas to be the bridge, not the separator, between the islands of Indonesia. Besides, Indonesia is blessed with the number of islands reaches 17,508 which has been calculated in the time of normal condition of sea level point (Martha, 2017). By acknowledging the total number of Indonesian islands, it is important to determine number of island and its resource which later contribute to the people prosperity. Therefore, it is not difficult to understand that the people of the Indonesian archipelago viewed land and water as two inseparable elements. Geographical factors also influenced the people's perception of the sea as a common property.

Beside resources, the global importance of the Indonesian archipelago is based on its location and resources. In terms of its location, Indonesia may be comparable to the two major crossroads of world shipping, namely Panama Canal and Suez Canal. The logic of ocean-currents, land-barriers and Straits channelled shipping through certain sea-lanes, enabling settlements on neighbouring coasts, estuaries and beaches to tap into the flow of goods by offering shelter and services (Sutherland, 2007). Meanwhile, the economic importance of the archipelago is due to its abundant commodities which are very much needed by the international community (Broek, 1942). Since the pre-modern Indonesian archipelago, has emerged as one of the world's most important maritime trade centres, namely as a producer of spices and other products that were urgently needed by the international community.

Establishing a State: Colonial Interpretation on Territorialization

This section examines how Western imperialism and their subsequent colonialism of the archipelago changed the perceptions of *thalassocratic* society in the Indonesian archipelago. Specifically, using its coercive power, the Dutch colonial government imposed a closed ocean policy with rigid boundaries. The traditional viewpoint of the *thalassocratic* society that saw the sea as a common and open property was replaced by that of a closed ocean policy propagated by the colonial government.

The archipelago's history shows how various political interests tried to exercise power and trade monopoly on certain commodities, control over production areas and shipping at the sea and the ports. Thus, freedom and arrangement took turns depending on the interests of the rulers who emerged and collapsed dynamically in the history of the archipelago. One historical evidence that maritime policies were temporary in nature can be seen from the history of Srivijaya Kingdom, the largest maritime kingdom in Southeast Asia during the VII to XIV centuries AD (Wolters, 1967; Kulke, 2016; Sulistiyono and Ali, 2020). Other notable maritime kingdoms include Taruma in West Java, Mataram in Central Java and the Majapahit kingdom. There were also dozens of maritime kingdoms in areas outside the Java islands (Hall, 2011).

The Dutch legalist Hugo Grotius (1609) argued that the seas could not belong to any country due to their very open nature, and therefore they are free from sovereign domination of any country. The Dutch during this period appeared to adhere to the *mare liberum* policy (free ocean policy) (Keith, 2015). It is almost certain that this opinion reflected the actual position of the Netherlands in the exploration of the oceans. Its rivals were the Portuguese and the Spanish and this meant the Dutch needed legality to sail and visit ports, and the VOC subsequently went on to conquer the ports and spice production centres in the Indonesian archipelago (Partheuis, 2010).

However, when the VOC succeeded in seizing various ports and controlling the shipping network in the Indonesian archipelago, they displayed the opposite behaviour, namely adopting a closed ocean policy. They implemented this policy this by enforcing a trade monopoly and prohibiting the locals and even other Europeans, such as the Portuguese and the British, from navigating certain waters (Andaya, 2010). Conflicts with local authorities were inevitable, namely between

Makassar and the VOC. in the early 17th century. In 1616, the VOC in Ambon sent a delegation to Makassar to warn the people not to engage in trade in the Maluku Islands.

A shift in shipping and trade policy did not automatically follow the VOC's bankruptcy in 1799, and the establishment of the Netherlands' East Indies government. When the British began its decolonisation process in 1816, the Dutch colonial government continued its liberal shipping and trade policy in the Archipelago. Nevertheless, the Dutch colonial government still continued to implement monopolistic policies (Kok, 1931). The government only allowed foreign ships from Europe, America, and other European colonies in Asia and Africa to load and unload goods in Batavia (Archieven van Financien Deel I Number 658, 1818). Only via special permission from the government could they anchor at Semarang and Surabaya (*Indische Gids*, 1887). The regulation also prohibits traders from importing and exporting firearms, munitions, ammunition, and bullets. Foreign shipping in Indonesian waters is prohibited for trading activities outside Batavia, Semarang and Surabaya, except with special permission from the government. Batavia was projected to be the centre of shipping and trade in Southeast Asia, first competing with and then replacing Malacca as the most important port of call in the archipelago (Marks, 1959).¹

It is surprising that before World War II, the Dutch colonial government had introduced many regulations to secure its interests in the archipelago, namely those governing domestic and international ports, customs, oil transport, and fishery among others. Since 1939, the government issued a more comprehensive regulation: *Territoriale Zee en Maritieme Kringen Ordonantie* [Territorial Sea and Maritime Environments Ordinance] (*Indisch Staatsblad*, 1939).

The issuing of this ordinance was likely related to the ongoing war in Europe in which the Germans were gaining victory. The Netherlands had become the target of German aggression (Weisiger, 2015). In response, the Dutch government in the Indonesian archipelago introduced and implemented the law of the sea which decreed that territorial sea of the Netherlands Indies was three nautical miles from the coastal lines of the islands (including reefs and sandbars) or parts of islands that belonged to the Netherlands Indies territory during the ebb tide. Waters and surfaces beyond the territorial sea were decreed as international waters or free waters. It is clear that the Netherlands Indies adhered to the concept of 'island by island' in which the sea functioned as a separator. Three (three) nautical miles distance is measured from the firing range of the canon where the enemies are able to spy on or even blockade islands in the Netherlands Indies (*Indisch Staatsblad*, 1939).

This ordinance was declared null and void during the Japanese occupation. However, after the proclamation of Indonesian independence on 17 August 1945, the new Indonesian government decided to implement the ordinance. It is proposed in the Indonesian Constitution of UUD 1945 that all Netherlands Indies laws are valid unless declared otherwise. The new independent state, the Republic of Indonesia did not have adequate time to enact new regulations to replace Dutch colonial laws.

An Evolution of Traditional Knowledge in Colonial Context

The traditional knowledge of the Indonesian people related to the modern concept of maritime territorialization and the 'archipelagic state' is the concept of 'land-water', 'land of origin' and the concept of 'archipelago'. Concepts derived from traditional knowledge suggest a view that sees land (island) and sea as one unit.

Knowledge of Sea Space in the Frame of Ethnicity

The geographical features of the Indonesian archipelago shaped the perspective of the different Indonesian ethnic groups concerning maritime boundaries and the sea as a source of livelihood for local communities. They tended to view the sea as an open space that can benefit everyone regardless of their cultural background. In principle, they viewed every nation and society as having the same rights of access to the sea for one's daily economic needs (such as fisheries) and also as a means of transport and communication. There are some exceptions, especially among those living along the coast and their primary economic activity is to produce pearl shells, and that pearl shell production is seen as their customary right. During the colonial period, it was these views and attitudes of the local people that posed a challenge to the Dutch colonial government in its efforts to implement the Dutch East Indies sea law (Butcher and Elson 2017). Even today, the tradition called *sasi* is still preserved in order to ensure sustainable marine resources in the eastern part of Indonesian islands (Pannell, 1997). *Sasi* is a rule that traditionally regulates the exploitation of pearl mussels and some terrestrial resources. According to Henley, *sasi* has two characteristics, first, restriction of access to designated areas, and second regulating the of harvest periods even for those who have established property rights. The intention behind limiting the harvest period is to ensure that there is continued fishery production that is accessible to local communities (Henley, 2008).

Therefore, it is clear that throughout history until western colonialism that the local communities in Indonesia viewed land and sea space as their 'strategic environment'. However, what is interesting is that since the end of the Dutch colonial rule, there has been a growing view of the land and sea as a unit. This period was in line with the development of feelings of Indonesian nationalism which further crystallised the idea of a seamless boundary between land and sea. Indonesian nationalists and intellectuals began to articulate the concept of territorial unity as '*tanah-air*' or what is called homeland in the West. '*Tanah-air*' literally means land and water (Sambhi, 2015).

The following section argues that the emergence and development of the idea of unity of land and water ('*tanah-air*') has its roots since the end of the Dutch East Indies government which was the result of reflection and reinterpretation of local wisdom inherent in local traditions. It was this thought that became the basis for the demands of the Indonesian people for '*tanah-air*' which subsequently led to the articulation of the 'principle of an archipelagic state' in the late 1950s among the intellectuals, nationalists and writers (Lapian, 1996).² It is a well-known fact that the term '*tanah-air*' first appeared in the 1928 Youth Pledge (Kartodirdjo, 1962). The demand for the unification of island and sea territories as stated in the principle of an archipelagic state at that time was still foreign in the international maritime law system. Developed countries usually apply island-by-island territorial systems, which are incompatible with the concept of '*tanah-air*'. The island-by-island system in the context of maritime boundaries is a legacy of the international legal system inherited from colonial rule (*Indisch Staatblad* 1939).

The term '*tanah air*' or sometimes called *tanah tumpah darah* (the place where one's blood is spilled) had been used by the local community ethnic groups and it refers to one's birth place. This term eventually became very popular among both the Dutch and Indonesians. This can be seen from various local press publications. For example, in the magazine *Pewarta* December 27, 1930, the term "*tanah toempah darah*" was translated as: "*geloof en vertrouwt dat elke menschengroep daarop recht heeft, derhalve ook recht op het bizitten van het land der geboorte (tanah toempah darah)* [believes and trusts that every human group has the right to it, therefore also the right to sit in the land of birth (Pewarta, December 27, 1930).

In the beginning, when the concept of Indonesia was not widely recognised by local ethnic groups, or when they still lived in the spirit of 'local patriotism' or 'ethno-nationalism' (Baledrokadroka, 2006), the concept of *tanah tumpah darah* was

used to refer to place of birth, such as *desa* (village) or *kampung*, which is traditionally claimed as the property of a certain ethnic group. This is still in use as evidenced by the popular usage of the term *tanah Jawa* (Javanese land), *tatar Sunda* (Sundanese land), *negeri Minang* (Minangkabau land), etc.³

An ethnic-based polity refers to an ethnic group having a cultural territorial unit. This means that initially the terms *tanah air*, *tanah tumpah darah*, and *tanah kelahiran* (place of birth) were cultural concepts. This concept was transformed when local rulers (from different ethnic groups) carried out political and military expansion across within the same island and across the others. There are many examples of this politico-military expansion in the history of the Indonesian archipelago. The Srivijaya kingdom in Sumatra and the Majapahit kingdom in Java becomes prime examples. The Srivijaya kingdom established itself first in the modern-day city of Palembang and it subsequently conquered Binanga in 682 AD. Binanga is strategically located along the east coast of Sumatra, a stepping stone to control the entire region of the present-day Malaysian Peninsula and the Straits of Malacca. This kingdom also conquered the island of Java which was inhabited by both the Javanese and the Sundanese. Srivijaya also conquered Borneo which was mainly inhabited by the Dayaks (Hall, 2014).

The change in the Indonesian people's perspective of the sea can be seen from a series of events throughout its maritime history. The concept of the sea has always been fluid and dynamic alternating between open and closed space. Such an image is situational and depends on actual interests. It cannot be denied that there is almost always competition and conflict between various political powers to fight for their strategic marine space for economic, political and military interests. The sea space in the Malacca Strait area, for example, has been a battlefield between the Srivijaya Kingdom and political forces based in Java since the days of Mataram, Kediri, Singasari and Majapahit. It was also a space of contestation between Aceh, Malacca, Demak, and various forces based in mainland Southeast Asia. At the beginning of the XVII century the king of Makassar announced the high seas policy which gave freedom for any nation and ethnic group to sail and trade in Makassar (Villiers, 1990). However, after being destroyed by the VOC, which at that time adhered to the closed sea principle, the Makassar people realised the importance of controlling and claiming the sea. This was experienced by the Dutch themselves in the early 17th century, and which prompted them to implement a free sea policy (*mare liberum*). However, for strategic reasons and interests, they applied the principle of *mare clausum* in Makassar and other kingdoms in the archipelago. This policy served as a strong stepping stone to conquer all thalassocracies in the Indonesian archipelago.

In 1939, the government issued a more comprehensive regulation: 'Territoriale Zee en Maritieme Kringen Ordonantie' (Territorial Sea and Maritime Environments Ordinance) rule (*Indisch Staatblad* Number 32, 1939). This ordinance was in response to the ongoing war in Europe in which German troops were gaining grounds. The Netherlands became the target of German aggression. One of the Dutch efforts to defend Dutch colony in the Indonesian archipelago was by introducing the law of the sea which stated that territorial sea of the Netherlands Indies was three nautical miles measured along coastal lines of islands (including reefs and sandbars) or parts of islands belonging to the Netherlands Indies territory during the ebb tide. Water surfaces beyond the Netherlands Indies territorial sea were decreed international waters or free waters. It is clear that the Netherlands Indies followed the territorial concept of 'island by island' in which the sea functioned as a separator. Three nautical miles distance was measured from firing range of canon shot. In addition, the Dutch colonial government regulated the use of the sea both for economic interests such as fishing as well as for security, for example to tackle piracy (Butcher, 2008).

Thus, it is clear the Dutch colonial government did not have a concept of unifying land and waters as a unified state territory. It is interesting, therefore, that the territorial conception unifying land and waters spaces as a unity emerged

among Indonesian nationalist leaders during the late colonial period and peaked in the mid-1950s. It is reasonable to think this phenomenon is closely linked with the process of 'inventing' and 'reinventing' Indonesian modern history.

The idea of integrating land and water areas as a unit can be traced back to the traditions and discourses that developed in traditional societies before Indonesia proclaimed independence in 1945. The discourses centred around the concepts of *nusantara* and *tanah air* by the Indonesian nationalists towards the end of Dutch East Indies rule. Indeed, the term *nusantara* appeared during the heyday of the Majapahit kingdom in East Java. Since the beginning of the 20th century, the concept of *nusantara* became increasingly popular in line with growing nationalism among Indonesian people. This also went hand in hand with the increasingly widespread use of the term 'Indonesia' to refer to the Dutch East Indies region. The difference is the term 'Indonesia' was coined by external researchers, while the term *nusantara* has its roots in local communities, especially the Javanese. Likewise, the term 'Indonesia' refers to the Dutch East Indies region which used the island-by-island principle, while the term *nusantara* referred to areas believed to have been 'inherited' by Majapahit which was later reinterpreted as a unity between the islands and their seas (Sulistiyono and Ali, 2020).

If the term *nusantara* came from Java, the term *tanah air* was coined and popularised by literary and nationalist figures from Sumatra, especially from Minangkabau. According to Laffan, the term '*tanah air*' was a recognised concept in the Malay vocabulary of 1905 which first used by *Bintang Hindia* without much explanation (Laffan, 2003). The term *tanah air* was then seen in poems composed by writers from Sumatra, namely Muhammad Yamin and Sanusi Pane. Initially, *tanah air* was used to describe the writers' admiration for the island of Sumatra where they were born or *geboortegrond* and educated by their families (Overzicht van de inlandsche en Maleisch-Chineesche Pers. No. 52/1921). In many writings in the press during the late Dutch colonial period, "*tanah air*" was often equated with "*tanah tumpah darah*" which meant the place of birth (*geboorteplaats*) (Overzicht van de inlandsche en Maleisch-Chineesche Pers. No. 35/1931). This is a reflection of proto-nationalism that emerged among intellectuals and writers. Sanusi Pane's love for the island of Sumatra and his enthusiasm for continuing his studies in Java, which had been the centre of the nationalism movement, inspired his poetry, a breakthrough, in his era entitled "Tanah Air". This poetry was first published in a school magazine and later republished in the nationalist journal *Jong Sumatra* in Batavia in 1921 when Pane was only 16 years old (Marks, 1959).

At about the same time, Muhammad Yamin from Minangkabau, who later became an intellectual and versatile writer, wrote a poem entitled "Tanah Air" in 1920 (Zuhdi, 2006). This poem was a tribute to the island of Sumatra as his homeland. It was reprinted, with enthusiastic comments from the editors, in the September 1921 edition of *Jong Sumatra*, one of the first editions of the journal to contain a selection of Yamin's sonnets (Foulcher, 1977). In the beginning, the term *tanah air* was used to praise his place of birth or the place of his ancestors, Sumatra, not Indonesia at large. The following is a fragment of the poem Tanah Air by Yamin:

Pada batasan, bukit Barisan [*On the boundary, Bukit Barisan*]
Memandang aku, ke bawah memandang [*I stand staring down*]
Tampaklah Hutan, rimba, dan ngarai [*seeing jungles and valleys*]
Lagipun sawah, sungai yang permai [*and rice fields, and lovely lakes*]
Serta gerangan, lihatlah pula [*and, dimly, a green*]
Langit yang hijau bertukar warna [*sky painted by budding*]
Oleh pucuk, daun kelapa [*coconut palms shoots*]
Itulah tanah, tanah airku [*here is the land, my tanah air*]
Sumatera namanya, tumpah darahku [*Sumatra, the land where my blood spills*]

Reinterpretation of Traditional Knowledge towards Modern Maritime Territorialization

When the nationalism has begun to flourishing among the people of Indonesia, it grew among intellectual youth leaders from various parts of the Dutch East Indies especially in urban areas which were a melting-pot. The Youth Oath of 1928 has made an increasingly significant contribution to the awakening of national consciousness and the concept of unity among the peoples in the archipelago (Ave, 1989). The congress which was led by younger nationalists, such as Mohammad Yamin, Amir Syarifuddin, Sukiman, and Asaat, also agreed to adopt 'Indonesia Raya' as national anthem (Elson, 2009). It is interesting to note that in the early 1920s the concept of *tanah air* and *tanah tumpah darah* referred more to love for the homeland that reflected locality and ethnicity, while in the 1930s, it expanded to include the entire Indonesia (Nusantara). Nusantara referred to one's birthplace and motherland, and Indonesia as a nation state

The use of the terms *tanah tumpah-darah* and *tanah-air* became increasingly popular when the nationalists linked them to an imagined post-colonial state, Indonesia. These terms began to be extensively used in the press, songs, literature, and political speeches. It is interesting that the Indonesian nationalist figures did not call their homeland a country or state but referred to it in the context of culture, namely '*tanah-air*' and '*tumpah-darah Indonesia*', not the Indonesian state or the Dutch East Indies state. It appears that they had already realised they were stateless, and thus they preferred to call their homeland *tanah-air* or *tanah tumpah-darah*. If the Dutch saw that the territory of the Dutch East Indies as primarily a land area in the form of islands, the Indonesian nationalists interpreted the concept of '*tanah-air*' as islands and the seas surrounding them as a unified territory (Overzicht van de inlandsche en Maleisch-Chineesche Pers. No. 35/1931). According to a scholar, the traditional concept of '*tanah air*' had conjured up ideas of an archipelagic homeland, or one of which the sea is an implicit part of the land area (Laffan, 2003).

The unification of land and sea reflected in the concept of *tanah air* implied a process of maritime territorialisation when in the past, the sea area was not part of the territory of a country, though later it was claimed to be an inherent part of the state territory. This was later conceptualised as an archipelagic state based on the interpretation of the traditional concept of *nusantara*. In other words, the post-1928 Youth Oath period showed the process of 'ideologisation' or 'politisation' of cultural concepts of *tanah air* to assume the concept of state territory. This can be seen in the original version of national anthem, Indonesia Raya, is as below (Zuhdi, 1977).

Indonesia tanah airku, tanah tumpah darahku [*Indonesia my land and water/my homeland*]
 ...
 S'lamatlah rakyatnya [*land where my blood is spilled*]
 S'lamatlah putranya [*may salvation given to its all citizen, children*]
 Pulaunya, lautnya, semuanya [*islands, and seas*]

In 1928, a consensus was reached to form an Indonesian nation though its shape and form were not yet formulated. During the Great Depression of 1930s, the concepts of *tanah air* and '*tanah tumpah darah Indonesia*' through the activities of political organisations, presses, and literature assume greater prominence. There were additionally attempts to translate the concepts of *tanah air*, *tumpah darah Indonesia*, the Indonesian nation, and Indonesian culture into a more real construction. For colonial officials, the ideals of the Indonesian national movement were seen as utopia, but for the national movement figures, these ideas constituted a foundation for new and stable Indonesia. These discourses are often referred to as a cultural polemic. Some of the actors involved in these polemics include Sutan Takdir Alisyahbana, Sutomo, and Ki Hajar Dewantara (Alisjahbana, 1986).

The cultural polemic on what constituted a sovereign Indonesia nation ended with the outbreak of the Pacific War which saw the defeat of the Dutch and the occupation of the Dutch East Indies by the Japanese Army from 1942 to 1945. During the Japanese occupation, 'national and cultural engineering' was fostered through war and agitation by political and military leaders who directly evoked the spirit of *Indonesianess* in terms of the territory of the country, nationality and Indonesian culture. A local newspaper Djawa Baroe on October 1, 1943 published an article titled *Madjoe Serempak Membela Tanah Air* (Advancing Simultaneously to Defend the Homeland). The term *tanah air* used here referred to Indonesian homeland which was abandoned by the Dutch when the Japanese army invaded it. On February 1, 1944, the Djawa Baroe newspaper published a song to raise awareness of nationalism and patriotism entitled "Tanah Toempah Darahkoe" [The land where my blood spills] (Kurosawa, 1987).

One proof of the significant role of reinterpretation of local wisdom, namely the concept of *tanah air*, *tanah tumpah darah*, and *nusantara*, in the construction of modern archipelagic state principle, namely the unification of land (islands) and sea as one territorial unit, did not happen during the 1957 Djuanda Declaration. It happened just before the Proclamation of Independence on 17 August 1945 when the spirit of Indonesian nationalism reached its peak. However, the process began during the end Japanese occupation, especially in the session of BPUPKI, an institution formed by Japan. In the first session of BPUPKI between 29 May - 1 June 1945, three main nationalist figures, namely Mohammad Yamin, Soepomo, and Soekarno, gave many speeches in preparing for the establishment of a new Indonesian state. They also touched on the issue of the territory of the Indonesian state to be proclaimed. In the context of the territory of the country, they discussed the practical application of traditional concepts regarding *tanah-air*, *tanah tumpah darah*, dan *nusantara*.

Implementation of the Territorialization Concept in the Discourse of *Tanah-Air* and *Nusantara*

This section analyses the discourses related to the '*tanah-air*' and *nusantara* ideas in the post-independence period and what the implications are both in the political and economic fields. Although the new Indonesian government was preoccupied with war and internal political upheaval as well as economic problems, challenges from outside had further accelerated the common desire to realise the principles '*tanah-air*' and *nusantara*, the idea of unification of land and sea areas as a territorial unit which originated during the end of the Dutch colonial rule and which was bolstered during the Japanese occupation. The development of international maritime law also emboldened Indonesian leaders to demand the implementation of the concept of '*tanah-air*' and *nusantara* to result in the recognition of the principles of an archipelagic state. The process of legalising the archipelagic state principle in Indonesia and its global context has been discussed by Butcher and Elson (2017). In addition, the Indonesian - Dutch conflict over West Papua had also greatly accelerated Indonesia's claim as a country that applies the principles of an archipelagic state. This section focuses on how the Indonesia - Netherlands conflict in the struggle over West Papua had become the main driving force for implementing local wisdom related to the concept of '*tanah-air*' and *nusantara* by applying the principles of an archipelagic state in Indonesian territory.

After proclaiming independence, the Indonesian leaders hardly had time to discuss the exact borders of Indonesia's new '*tanah-air*', and to implement their ideas of the unity between land and sea territories. The war for independence against the Dutch and to resolve several internal conflicts had drained and their urgent focus was on rebuilding the country (Drake 1989). However, prominent Indonesian authors and poets continued to write about their love for Indonesia as '*tanah-air*' as the country rose against the Dutch who wanted to regain control over Indonesia upon the defeat of the

Japanese. One of the famous composers who was also a guerrilla soldier was Cornell Simanjuntak whose song was entitled '*Tanah Tumpah Darah*' ('the place where the blood is spilled') (Yulianti, 2012).

During the war of independence and then later during the West Papua conflict, Indonesian leaders realised the importance of having a clear definition of *tanah air*. Their concept of *tanah air*, *tanah tumpah darah*, and *nusantara* were again reinterpreted and revived. For Indonesians, the sea increasingly assumed a special place in their perception of an Indonesian identity (Cribb and Ford, 2009).

The Dutch officially acknowledged Indonesia's sovereignty in 1949 through the Round Table Conference (Konferensi Meja Bundar/KMB); it however, excluded West Papua. The KMB stated that the West Papua question was to be solved within one year after independence. Indonesian nationalists thought that the hand over would be completed at the end of 1950. However, it took much longer. During this 'psycho-war' period, the Indonesian-Dutch relationship became strained and marked by distrust (Uitreksel uit Vertrouwelijk Schrijven No. 6067, SV, 175. Dd. 14 September 51 der Directie te Batavia Centrum: Reis van President Soekarno naar Bangka). Both merchant ships and Dutch warships were still passing through Indonesian waters which at that time was still legally possible because Indonesia respected the colonial law of the sea which recognised the principle of island by island with a territorial sea as far as 3 nautical miles. In the early 1950s, Indonesia did not have enough fleets to intercept Dutch warships (Umetsu, 2004).

Realising this, Indonesia adopted another strategy to contain the Dutch, namely to block Dutch commercial shipping, which was always suspected of transporting military personnel and war equipment to Papua. Additionally, it began to seek international legal recognition to prevent Dutch warships from crossing the seas between the Indonesian islands. In the early 1950s, Indonesia accused the Dutch of supporting the separatist movement of the Republic of South Maluku [Republik Maluku Selatan]. Specifically, it accused KPM of supplying firearms to the rebels, which led the Indonesian army to search KPM ships sailing to eastern Indonesia. In 1950, the Indonesian government prohibited the KPM from using the Jakarta-Sorong (Papua) route through Makassar and Ambon (Code Telegram van Ministerie van Unie en overzee Rijksdom 30 November 1950). Finally, the Maluku archipelago, a theatre of conflict, was deliberately isolated by Indonesia from the outside world. It is according to a document Nota betreffende het niet aanlopen van Sorong door het MS Baud op 5 November 1950.

In dealing with the West Papua issue, the government also applied the principle of '*tanah air*' or the concept of '*nusantara*' which viewed land (islands) and seas sovereignty as a unit. This was later recognised by the United Nations as the principle of an archipelagic state enshrined in international maritime law. This struggle can be traced from the end of the Dutch colonial period through reinterpretation and revitalisation of concepts derived from local wisdom, namely: '*tanah-air*', '*tanah tumpah darah*', and '*nusantara*' which viewed land and sea territorial sovereignty as a unit. The concept though failed to be included in the 1945 Constitution and the struggle to realise the principles of the archipelagic state continued and it calls became even stronger in the 1950s when Indonesia became locked in conflict with the Netherlands over West Papua. In the meantime, countries, such as the US, Mexico, Chile, Peru, the Philippines gained progress in their quest for recognition of their maritime territories which inspired Indonesia to accelerate its realisation of the principles of an archipelagic state (Butcher and Elson, 2017). Indonesian leaders exploited the values of local wisdom as the basis for applying the principles of an archipelago nation. The concepts of '*tanah-air*' and '*nusantara*' were justifications for applying the principles of archipelagic state in the international maritime law system. Muchtar Kusuma-Atmadja, one of the main drafters of the Djuanda Declaration, stated that the concept of '*tanah-air*' was the concept of uniting land and waters areas as a unity that has long existed in the consciousness of the Indonesian people (Kusuma-Atmadja, 1995).

The 1950s also witnessed growing enthusiasm and measures towards realising the concept of '*tanah air*' and '*nusantara*' into real political policies by pushing for sovereignty over land and sea as a single unit in the form of 'archipelago continent' which was proposed by Yamin during the BPUPKI session. It is noteworthy that in the Djuanda Declaration, there was no reference to the principle of the archipelagic state which was later endorsed by United Nations. The Djuanda Declaration was however, rejected at the 1958 Geneva Conference on the Law of the Sea. The term 'archipelagic state' as used in the Declaration is a translation of '*negara kepulauan*', which consists of 'land' (islands) and 'water' (sea) as a unit of territory. It is therefore reasonable to argue that the concepts of '*tanah-air*' and '*nusantara*' have become one of the main justifications for Declaration (Danusaputro, 1979; Butcher and Elson, 2017).

The reference to local wisdoms in making a case for the archipelagic state became more important in overcoming challenges related to Indonesia's territorial sovereignty. The concepts of '*tanah-air*' and '*nusantara*' were subject to heavy debate and discussion during this period; the former ('*tanah-air*') is often equated with '*nusantara*' though it tends to be more cultural while the latter is more political. Thus, it is clear how the sea space was increasingly being viewed as a state territory, or often referred to as 'maritime territorialisation'(Strating, 2018).

The concept of Nusantara was closely linked to the fact that Indonesia was often viewed as the heritage of the Netherlands East Indies in which its borders were 'island by island' with three-mile territorial sea. The reinvented concept of Nusantara and *tanah air* on the contrary included land and waters. There should not be an 'enclave' (in the form of international water) within the Nusantara territory. Hence, the reinterpretation of local wisdom in the form of the concept of *tanah-air*, *tanah tumpah darah*, and *nusantara* by Indonesian nationalists, politicians, intellectuals, and writers has become an important foundation for efforts to realise the principle of an archipelagic state that views land (islands) and sea as a territorial unity. This means the 1957 Djuanda Declaration has strong historical and cultural roots and became a catalyst for calls to recognise Indonesia as an archipelagic state at the United Nations.

In the international politics, an interesting topic is that the territorialization progress achieved in the state level has not been fully understood by traditional communities, especially traditional fishermen in exploiting sea resources. Their fishing activities in areas that were previously free areas, but with the existence of maritime territorialization, the fishing areas are limited and intersect with the maritime territories of neighbouring countries. This issue can be exemplified by the relationship between Indonesia and Australia. The traditional Indonesian fishermen who operate up to Ashmore Reef are committed a legal issue, which before the 1974 Indonesia-Australia Memorandum of Understanding explains that it still owned by Indonesia, then after the MoU, it has become Australia's Ashmore Reef. Indonesian traditional fishermen are often prosecuted by the Australian government without any regard to their historical ties especially with the northern Australia, because they operate with modern equipment, such as the using of GPS, motorize boats, and large nets. This is prohibited by the Australian according to the agreement for both countries, what is allowed is traditional fishing (Stacey, 2017). The fishermen do not understand the Indonesia-Australia agreement, was previously known as Pulau Pasir which later became Ashmore Reef and had been a fishing place since their ancestors. In their perspective, there is no territorial boundaries. Moreover, this limit only appears later. Therefore, it shows that there is no sea limit to make a living (Woolner, 2011). Thus, on the other hand, although maritime territorialization shows the supremacy and control of the state over the sea, there is a segment of society, namely the fishing community, in which previously had the right for fishing, which has also been limited due to conflicts with the implementation of maritime territorialization of neighbouring countries.

Conclusions

The implementation of the archipelagic state principle which began with the Djuanda Declaration on 13 December 1957 to its recognition (of an archipelagic state) by UNCLOS in 1982 was not merely an evolution of the international maritime law system. This principle that treats land areas (islands) and seas as a unit of territorial sovereignty did not originate from the international maritime law system. Though the archipelagic state principled was later recognised by UNCLOS also it was rejected in 1958 at the UNCLOS Session in Geneva. Likewise, the unilateral claim to apply the concepts of '*tanah air*' and '*nusantara*' or what was later referred to as the principle of an archipelagic state was also rejected by various major maritime powers. This shows that the implementation of the concepts of '*tanah air*' and '*nusantara*' in the Indonesian maritime law system as an archipelagic state was originally derived from or originated from local wisdoms which embraced Indonesia as a maritime nation.

The concept of '*nusantara*' may still be a collective memory for post-Majapahit Javanese. Furthermore, during the period of national awakening in Indonesia since the beginning of the 20th century, the term '*nusantara*' was rediscovered, reinterpreted, and revitalised by the nationalists to be used as a basis of justification for demanding an independent state via decolonisation. During the period of the nationalist movement or often referred to as the late Dutch colonial period, the discourse of '*nusantara*' received reinforcement from the relatively recent popular terms originating from Sumatra, namely the concepts of '*tanah air*' and '*tanah tumpah darah*' where the latter refers to homeland which tends to be ethno-centric. However, the concept of '*nusantara*' has been raised again for a new capital city in Kalimantan, which is based on plans rather than historical considerations. It may be related to a political agenda so that Indonesian society can accept the name today.

Meanwhile, the concept of '*tanah air*' was often equated with the concept of '*tanah tumpah darah*'. Likewise, '*tanah air*' was also often translated as the concept of homeland. However, the concept of '*tanah air*' has a special connotation when this concept is combined with the concept of '*nusantara*' and the concept of 'Indonesia' as a political term, especially in the territorial context of a country. The concept of '*tanah air*' gives weight to the substance and content of the '*nusantara*' or 'Indonesian' territorial space, namely that the sovereign territory of the '*nusantara*' in the past and 'Indonesia' in the future is a unitary land (island) and sea as a territorial sovereign unit. Yamin correctly referred to the territory of Indonesia as the 'archipelagic continent', which was endorsed and embraced by Sukarno as a single unity.

This paper has argued that Indonesia's application of the principle of '*tanah air*' or '*negara kepulauan*' (archipelago), where land and sea are a territorial unit as stipulated in the Djuanda Declaration 1957, has its roots in the local wisdoms. This claim was initially rejected by the Conference on the Law of the Sea in Geneva in 1958, but it was finally approved in 1982 as a new category of state form acknowledged in international maritime law. This resulted in the global acknowledgment of Indonesia as an archipelagic state. Meanwhile, some further studies could be conducted regarding the initial findings on traditional knowledge of territorial boundaries between customary law and positive law.

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Conflicts of interest/Competing interests

All authors declare that they have no conflict of interest.

Endnotes

1. Malacca was conquered by the Dutch from the Portuguese in 1641. But they found the trade had decreased here due to its long rivalry against Aceh in the middle of the 17th century and the Dutch blockade since 1633. Based on the Treaty of London 1824, Malacca was ceded to the British and in return, the British handed over all their possessions in Sumatra.
2. This is in line with Lapien's opinion that the concept of archipelago should be understood as 'the sea which is scattered by islands', not 'the islands which are surrounded by seas'.
3. Ethnic Javanese live in the central and eastern parts of Java while ethnic Sundanese occupy in the western part of Java; Minang is an ethnic group that lives in the West Sumatra region. In the Borneo, many ethnic groups use the term *banua* referring to *tanah tumpah darah*.

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