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**JURIDICAL ANALYSIS OF BATU ISLAND DISPUTE RESOLUTION BETWEEN  
MALAYSIA AND SINGAPORE; INTERNATIONAL LAW PERSPECTIVE**

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**ABSTRACT;** *The International Court of Justice decisions taken as an integral part of the settlement are also analyzed to understand their impact on Batu Island's claims and sovereignty. Involving an in-depth study of the international legal framework, this research aims to provide a comprehensive understanding of the resolution of the Batu Island dispute. By evaluating the extent to which the settlement methods applied reflect the principles of international law, this research presents a critical analysis of the dynamics of territorial disputes and how they affect bilateral relations between Malaysia and Singapore. In addition, this research details the implications of the International Court's decision on the claims and ownership of Batu Island by the two countries. By detailing the legal and geopolitical impacts, this research provides an in-depth look at changes in regional dynamics following the International Court's decision. It is hoped that this research will provide valuable insights for stakeholders, international law practitioners and researchers interested in studying territorial disputes and international conflict resolution.*

**Keywords:** *Batu Puteh Island, Dispute Resolution, Impact of Decisions*

## INTRODUCTION

International Law is a set of regulations that direct relations between countries that involve crossing borders. Each country has no obligation to automatically comply with or submit to International Law, the decision to comply or not is within the authority of each country.

In Mochtar Kusumaatmadja's view, International Law includes all norms and principles that regulate relations or issues that cross borders between countries. International Maritime Law is a set of legal regulations or norms that regulate the rights and authorities of a country regarding the sea areas under its jurisdiction.

The discussion of international maritime law does not only cover the history of its formation and the regulations that govern it, but also concerns aspects such as disputes related to territorial disputes, delimitation, and other matters relating to international maritime law.<sup>1</sup> Territorial disputes between countries have become a common topic discussed in the context of International Maritime Law.

Territorial disputes are often at the center of global attention, especially when they involve countries with significant strategic and geopolitical interests. According to the norms of international law, dispute resolution can be carried out peacefully or by using force. Peaceful settlement involves various methods such as negotiation, mediation, conciliation, arbitration, and legal processes.

Before seeking a violent resolution, disputing parties are required to try to resolve their dispute through peaceful means first. However, if peaceful efforts are unsuccessful, the parties involved may choose to resolve their disputes through violent means, which can include both war and non-war measures. In efforts to resolve international disputes peacefully, negotiation is the most basic and ancient method that is often used.

Apart from negotiation, there are also other approaches such as mediation, conciliation, arbitration and legal processes. It is important for parties involved in a dispute to try to resolve it through peaceful means before considering a violent resolution.

If peaceful efforts are unsuccessful, the parties involved have the option to resolve the dispute through violence, which can include acts of war or non-war methods. One of the prominent international disputes is the conflict regarding Batu Island between Malaysia and Singapore. Batu Island, as a geographical point that has the potential for a large impact, is the center of attention in settlement efforts involving aspects of international law.

Batu Island, as one of the potential strategic resources in the Southeast Asia region, has become the focus of joint attention, especially in the context of resolving the dispute between Malaysia and Singapore. This dispute not only reflects the dynamics of bilateral relations in the region, but also raises serious questions within the framework of international law.

From an international law perspective, dispute resolution is not only about determining the rights and obligations of each country, but also considering the basic

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<sup>1</sup> Adolf Huala. 2004. *Hukum Penyelesaian Sengketa Internasional*. Jakarta: Sinar Grafika. Hlm. 18

principles of international law such as sovereignty, justice and peace.

The Batu Island dispute between Malaysia and Singapore has become the focus of intense debate from an international legal perspective. Resolving this conflict involves various aspects, including history, geography, and international legal norms. According to the results of research conducted by Saiful Bahri, the roots of this dispute can be traced back to 1979 when the Malaysian government released a map that included Batu Puteh Island as part of Malaysia's sovereign territory.

On 15 February 1980, Singapore protested against Malaysia's claim, rejecting it and requesting recognition of Singapore's sovereignty over Batu Puteh Island. The dispute became more complicated when Singapore expanded its claim to include Middle Rocks and South Ledge in its claims in February 1993.

This lawsuit marks an escalation of the dispute, creating a more complex dynamic in dealing with regional tensions around Batu Puteh Island. Previously, efforts to resolve the dispute between Malaysia and Singapore had been carried out through a series of bilateral negotiations from 1993 to 1994.

The issue of sovereignty over the Middle Rock and South Ledge was the focus of the first round of negotiations in February 1993. Despite limited progress, the two countries finally reached an agreement to sign a Special Agreement on 6 February 2003. This agreement entered into force on May 9, 2003, and on July 24, 2003, they officially referred the dispute to the International Court of Justice (ICJ).

The belief that the ICJ, as an institution under the auspices of the United Nations (UN), will provide a fair decision based on available evidence, is the basis for this decision. On 23 May 2008, the International Court of Justice ruled that Singapore has sovereignty over Pedra Branca (Pulau Batu Puteh), while Malaysia has sovereignty over Middle Rocks and South Ledge in the relevant maritime area.

Although this decision provides initial clarification, negotiations regarding the maritime boundaries between Malaysia and Singapore are still ongoing. This process reflects the inherent complexity of this issue and highlights the importance of reaching a mutually acceptable resolution.

The two countries continue to strive to reach adequate agreements to overcome differences in views regarding their territorial boundaries, emphasizing the importance of diplomacy and constructive dialogue in dealing with border conflicts.

## **PROBLEM**

Based on the background and problem identification described above, the problem formulation is as follows:

1. Settlement of the border dispute between Singapore and Malaysia regarding Batu Puteh Island based on international law?
2. Consequences of the International Court's decision in the dispute regarding Batu Puteh Island between Malaysia and Singapore?

## **RESEARCH METHODS**

This research applies a normative legal research methodology approach, which involves analysis of various documents and uses secondary data sources such as statutory regulations, constitutional court decisions, legal theory, and other

secondary data sources.

The main focus of this research is to conduct a juridical analysis of the resolution of the Batu Island dispute between Malaysia and Singapore, viewed from an international law perspective. The data source for this research was obtained through literature study, by examining books and journals that are relevant to the research topic. Primary and secondary data were obtained through observation of statutory regulations.

The process of analyzing and collecting data in this research adopts a deductive method, where conclusions are drawn from general considerations towards concrete problems that are currently occurring. This approach allows research to explore relevant legal aspects in the resolution of the Batu Island dispute, providing in-depth insight into the international legal aspects involved in the context of the dispute.

## **DISCUSSION**

### **Settlement of border disputes between Singapore and Malaysia regarding Batu Puteh Island based on international law**

The Batu Puteh Island territorial conflict is a territorial dispute that occurred around the mid-1980s, involving Singapore and Malaysia fighting over ownership of Batu Puteh Island which is located in the Johor Strait. Although the island is uninhabited and is often referred to as Terra Nullius, this dispute creates tension between the two countries.

A treaty of friendship known as the "Crawford Treaty" was signed on 2 August 1824, involving the East India Company, the Sultanate of Johor, and the Malaysian government of Johor. This agreement was intended to detail preparations for the complete handover of Singapore to the East India Company, including all islands within a 10 mile radius of the geographical point of Singapore. This condition emerged after the death of Sultan Mahmud III of Johor in 1812.

In the same year, Sultan Mahmud III died, triggering claims of inheritance rights from his two sons to the Sultanate of Johor. The inheritance rights of Sultan Mahmud III's eldest son, Husein, who lives in Singapore, have been recognized by the British, while the inheritance rights of his youngest son, Abdul Rahman, who lives in Riau, have been recognized by the Dutch. This agreement was officially recognized through the Anglo-Dutch Agreement on 25 June 1825.<sup>2</sup>

This historical journey provided a complex background for the Batu Puteh Island dispute, giving rise to conflicting ownership claims and complicating relations between Singapore and Malaysia, which finally reached its peak in 1980. The Abdul Rahman Sultanate divided several parts of the territory previously given to Sultan Hussein.

The agreement between England and the Netherlands, as an agreement regarding territorial exchange, became the basis for the division. In the context of the Pedra Branca (Batu Puteh) Island dispute, this agreement reflected a political settlement that

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<sup>2</sup> Christiano, Rahaditya Reza. 2011. "Analisis Yuridis Penyelesaian Sengketa di Titik Pertemuan Selat Johor Dan Selat Singapura Antara Indonesia, Malaysia Dan Singapura." *NOVUM: JURNAL HUKUM*. hlm 141-150.

could be reached by the two colonial powers. The division of the Johor Sultanate's territory into two parts was also influenced by various factors involving a number of individuals.

In 1850, Singapore built the Howesburg Lighthouse, which later became an important entrance to the Singapore Strait. These actions played an important role in the development of the region and were an important factor in the dynamics of the disputes that subsequently emerged. The Pedra Branca (Batu Puteh) Island dispute reached its peak on 21 December 1979, triggering a dispute between Singapore and Malaysia over ownership of the island.

This tension is rooted in a long history of territorial division and political decisions that have been made previously, thus bringing this dispute to the international stage. Malaysia has created an internal regional map entitled "Territorial Waters and Boundaries of the Malaysian Continental Shelf".

This map firmly shows that Batuput Island (Batu Puteh) is officially within Malaysian territory, indicating a claim of sovereignty over Pedra Branca Island (Batu Puteh). Singapore, in response to the map, submitted a request for correction of the information contained therein.

Incidents related to Batupu Island have become a major focus of tensions between Malaysia and Singapore. In 2015, the two countries held a meeting to negotiate the territorial dispute over Batu Puteh Island, an issue that had been debated since the negotiations between 1993 and 1994.

During the meeting, Malaysia and Singapore discussed the claims made by Singapore, especially regarding Middle Rock and South Ledge, which are part of the disputed territory with Malaysia. These intense discussions reflect ongoing disagreements and efforts from both sides to find a solution to the long-standing territorial dispute.<sup>3</sup>

Following meetings between the two countries, there was no resolution to the ongoing territorial dispute. After this failure, Malaysia and Singapore reached an agreement to handle their territorial dispute through the International Court of Justice. The lack of a solution that emerged from the meeting prompted a joint decision between the two countries to take the territorial dispute to the International Court of Justice.

The main focus of the meeting was the territorial dispute around Pedra Branca Island. Singapore maintains its sovereignty claims over Zhongyan Island and South Karang Island, which extend into disputed territory with Malaysia. Although the meeting was unable to reach a satisfactory resolution of the dispute, both agreed to use the International Court of Justice as a forum to resolve the territorial dispute.

On 6 February 2003, Malaysia and Singapore signed a "'Special Agreement', which established a dispute resolution process at the International Court of Justice. This agreement was an important milestone in the two countries' efforts to seek a fair and equitable resolution through international legal institutions.

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<sup>3</sup> Maghfuroh, Farah. 2017, "Negoisasi Indonesia Terhadap Singapura Dalam Penyelesaian Batas Laut Wilayah Tahun 2005-2." *Jurnal Ilmu Sosial dan Ilmu Politik*

Both parties decided to take their dispute to the International Court of Justice. The judicial settlement process, in the context of international law, is directed through the International Court of Justice. In a special agreement, Malaysia and Singapore committed themselves to seeking determination of the territorial status of Puteh Island, Middle Rock and South Ledge through a judicial process. Both agreed to comply with the decision given by the court.

On July 24, 2003, both countries officially ratified this agreement. This agreement signifies the joint commitment of Malaysia and Singapore to end their dispute through international legal channels. By submitting this matter to the International Court of Justice, they expressed their readiness to follow an objective judicial process and respect the court's decision. This agreement represents an important step in efforts for a fair and equitable settlement regarding the ownership of Puteh Island and related areas.

Malaysia and Singapore are actively involved in the ongoing dispute trial process. During the trial, the two countries presented evidence to support their claims of ownership of Pedra Branca Island (Batu Puteh), with the hope that this evidence would influence the decision taken by the court. According to Singapore's view, the construction of the lighthouse was carried out by Singapore itself in 1850, when England still controlled the area. Singapore also refers to its legal successor as an additional argument.

The trial became a stage where Malaysia and Singapore competed to convince the court regarding their history and claims to the island. Each country details the historical and legal evidence they consider to support their claim of ownership. Singapore, by emphasizing the construction of lighthouses during the British era, is trying to show that their physical existence is concrete evidence of control of the region.

In addition, Singapore uses its legal successor arguments to strengthen its claims. In this way, both countries are trying to build a legal and historical narrative that can convince international courts. The trial reflected the tension and intensity involved in the evidence and arguments presented by both sides in an effort to achieve a favorable outcome.<sup>4</sup>

So far, Malaysia has considered Batu Puteh Island as part of the state of Johor, considered a very important area for Malaysian fishermen. From a Malaysian perspective, Singapore only has a presence on the island for the purposes of building and managing the lighthouse, which is carried out with permission from the Johor regional authorities.

The Malaysians view this action as a threat to their sovereignty over Batu Puteh. This view is reinforced by the results of research and analysis carried out by a team led by the Prime Minister's Special Advisor for Foreign Affairs Mohamad, which involved three experts who were previously involved in resolving the dispute between Malaysia and Singapore regarding Sipadan and Ligitan.

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<sup>4</sup> <sup>4</sup> Yusvitasari, D. (2020). Strategi Pemerintah Indonesia dalam Penyelesaian Sengketa Tentang Penetapan Batas Laut Antara Indonesia dan Malaysia di Blok Ambalat. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 8(1), 47-60.

On the other hand, Singapore insists that since the opening of the Howesburg Lighthouse in 1851, there has been a clear confirmation of their sovereignty over Batu Puteh Island. Singapore claims that during this period, no protests were lodged by Malaysia regarding their presence on the island. According to Singapore's perspective, the construction and management of the lighthouse over the years has become concrete and indisputable proof of their claim of sovereignty over Batu Puteh Island.

Thus, in the context of this dispute, the two countries are involved in a battle of arguments reflecting their respective claims and interests towards Batu Puteh Island, adding complexity and tension in efforts to reach a settlement.

The International Court acknowledged that Batu Putuo Island was previously part of the ownership of the Johor Sultanate, but the court also noted the fact regarding Singapore's recognition of ownership of the island based on strong arguments.

This is supported by a letter from the Acting Royal Secretary of Johor which does not state any ownership claims to the island. Although Malaysia took this dispute to the International Court of Justice, 16 judges of the International Court finally decided to approve this verdict. This court decision determined that control over Batu Putuo Island was transferred to Singapore.

The decision of the International Court of Justice, which was announced on 23 May 2008, is binding and final, and cannot be objected to or appealed. In this context, the International Court of Justice firmly confirmed the claims and rights to Batu Putuo Island attached to Singapore, ending a dispute that had been going on for years.<sup>5</sup>

Although the origins of the island's ownership are acknowledged, this decision strikes a balance between historical and legal arguments in favor of Singapore's claim of sovereignty over Batu Putuo Island. The Malaysian government officially stated its readiness to accept the decision of the International Court of Justice and confirmed its commitment to immediately collaborate with Singapore in establishing fair and accurate maritime boundaries.

The International Court's decision also determined that Zhongyan, a group of coral reefs located 1 km south of Batu Puteh Island, was declared by the majority to belong to Malaysia with a vote of 15 to 1. In addition, South Reef, which is located 3.8 km south of Batu Puteh Island, was recognized. belongs to and is considered an "island" according to the definition given.

Meanwhile, South Ledge, which only appears at low tide and cannot be considered a real island, is located between Batu Puteh Island and Middle Rocks. Its presence creates territorial overlap between the two countries.

With this decision, Malaysia shows its cooperative attitude and willingness to involve Singapore in efforts to resolve remaining uncertainties regarding maritime boundaries in the region. Although the existence of the South Ledge creates complexity in the division of territory between Malaysia and Singapore, the International Court of

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<sup>5</sup> Bachzan, A. (2019). Sengketa kebijakan pelabuhan johor malaysia dan singapura pada tahun 2018 (Doctoral dissertation, Universitas Islam Indonesia).

Justice's decision is an important step in directing the two countries towards a just and sustainable solution to the dispute.<sup>6</sup>

In the context of the Pedra Branca Island conflict, Malaysia and Singapore have tried various approaches to find a satisfactory resolution, but have not yet succeeded in reaching an agreement. One of the methods used by the two countries to handle this dispute is through fact finding. In the case of the Batu Pahat dispute, Malaysia and Singapore can use this approach to resolve differences of opinion regarding the ownership of Pedra Branca Island.

The fact-finding process will involve both parties, namely Malaysia and Singapore, in collecting relevant information regarding ownership or related facts in the field. Data and findings obtained during this process will be presented to the two countries.

Based on accurate and objective information, Malaysia and Singapore can work together to find a solution that can end the conflict surrounding Pedra Branca Island. This approach emphasizes the importance of using verifiable facts to help both parties understand the issues underlying the dispute and, ultimately, formulate steps toward a resolution that is fair and acceptable to both countries.

### **Consequences of the International Court's Decision in the Dispute Regarding Batu Puteh Island between Malaysia and Singapore**

The International Court of Justice is a legal body that is an integral part of the United Nations (UN), and its main function is to decide disputes or conflicts that arise between countries and make decisions regarding these matters. Decisions made by the International Court of Justice are binding on all parties involved in the dispute. Therefore, countries involved in court proceedings at the International Court of Justice are obliged to comply with and implement every decision issued by this institution.

Thus, the existence of the International Court of Justice is an important foothold in the international legal framework for resolving conflicts between countries. The decisions taken by the International Court of Justice not only have high authoritative value, but also reflect a global commitment to the applicable principles of international law.

Therefore, the presence and functions of the International Court of Justice create a solid foundation for maintaining peace and justice at the international level. The International Court of Justice, as the main agency of the United Nations (UN), has main tasks involving three main aspects.<sup>7</sup>

First, the main responsibility of the International Court of Justice is to resolve disputes between countries, both those involving UN member countries and those involving countries outside the UN. Second, the function of this Court includes providing guidance and supporting the performance of other key UN institutions, in addition to providing legal opinions (Advisory Opinion) to specialized agencies. Finally, the role of the International Court of Justice also involves its participation in extrajudicial activities.

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<sup>6</sup> Irewad, A. (2016). *Dinamika Perbatasan Wilayah Laut di Selat Malaka Singapura*. Jurnal Penelitian Politik.

<sup>7</sup> Suwardi, Sri setianingsih. 2006. *Penyelesaian Sengketa Internasional*. Jakarta: Penerbit Universitas Indonesia.



As a global court institution, the International Court of Justice refers to international treaties, including written agreements and common legal practices (customs), as the main legal foundation when deciding disputes. In carrying out its duties, this court plays a central role in applying the principles of international law and interpreting various treaties and legal norms relating to disputes submitted to it.

The International Court operates on a facultative basis, where dispute resolution involves the mutual agreement of all parties involved. This agreement is the main requirement for the International Court to process the dispute.

Therefore, the International Court of Justice does not have the authority to accept complaints or lawsuits from individuals. Nevertheless, paragraphs (2) and (3) of the article provide for the possibility of cooperation with international organizations. However, the participation of international organizations in certain cases still requires the consent of the countries involved.

Thus, the International Court of Justice acts as an entity that relies on mutual consent in handling disputes and ensures that all parties involved voluntarily agree to submit cases before this court.

Decisions of the International Court of Justice, as outlined in Article 55 (1) of the Statute of the International Court of Justice, are generally made through voting by judges present during the process of resolving a dispute. Settlement of disputes that are being submitted to the International Court of Justice may experience an end to the process for several reasons, such as an agreement reached by the parties to the dispute, the trial process not continuing, and the issuance of a decision by the International Court of Justice.

In determining the outcome of a dispute between countries, the decision issued by the International Court of Justice has fundamental characteristics, namely final, binding and cannot be appealed. This principle covers all decisions of the International Court of Justice, both in Full Court and Chamber formats. Article 60 of the Statute of the International Court of Justice confirms that decisions taken by the Court are final and cannot be appealed. However, if a dispute arises regarding the meaning and scope of the decision, the Court has the authority to provide an interpretation of the request of one of the parties, as regulated in Article 60 of the Statute.

In addition, Article 59 of the Statute of the International Court of Justice, which relates to the binding power of decisions, states that such decisions only apply and are binding on the parties involved in that particular case. In other words, the decision of the International Court of Justice has a legal impact that is directly binding on the parties to the dispute. Only those involved in the case are bound by the decision, while third parties or parties not involved in the dispute have no legal obligation to the decision.

With these principles, the International Court of Justice has emerged as an institution that has an important role in resolving disputes between countries by providing decisions that not only have legal authority but also emphasize direct responsibility on the parties involved to comply with and implement these decisions. The continuation of these principles creates a solid foundation for the enforcement of international law and the peaceful resolution of conflicts between countries.

The decision of the International Court of Justice which decided the Pedra Branca Island dispute between Malaysia and Singapore has supported Singapore's claim. This decision is binding and cannot be appealed, determining that Singapore has rights to Batu Puteh Island, while Malaysia has rights to Middle Rocks Island.

Malaysia's reaction to the International Court's decision reflects disappointment, especially regarding the claim to Middle Rocks Island which Malaysia considers as its own. This decision shows that the International Court of Justice has decided firmly and provided legal certainty regarding the ownership of the islands that are the subject of the dispute.<sup>8</sup>

Even though Malaysia expressed dissatisfaction, this decision shows the importance of the International Court's role in resolving disputes between countries by providing binding and final decisions.

Malaysia's reaction also highlights the complexity of border disputes and how difficult it is to satisfy all parties involved in the international dispute resolution process. However, the International Court of Justice's decision provides a clear legal basis for determining sovereignty over disputed territories, and is a step that supports international peace and justice.

Implementation of the International Court of Justice decision by Malaysia and Singapore involves a series of concrete steps. First, after the International Court of Justice's decision was announced, Singapore officially accepted sovereignty over Batu Puteh Island. Second, Malaysia released its latest territorial map entitled "Territorial Waters and Continental Shelf Boundaries of Malaysia."

The third step involves an agreement between the two countries that traditional fishing activities can continue to be carried out in waters beyond a distance of 0.5 nautical miles from Pedra Branca Island and South Ledge. Although the International Court of Justice's ruling did not fully satisfy Malaysia, the implementation of these measures reflects the efforts of both countries to respect and comply with the decisions of the international institution.

This concrete action shows Malaysia and Singapore's commitment to resolving disputes peacefully and upholding international law. These implementation steps create a framework that allows for minimizing tensions and promoting cooperation in disputed areas.<sup>9</sup>

Despite differences in views, these steps reflect the two countries' drive to reach a common understanding in handling their border disputes. The firm reaction from Rais Yatim reflects deep disapproval of the steps taken by Singapore following the International Court of Justice decision. His statement expressed concern that such unilateral action could potentially damage relations at the regional level and threaten the integrity of international legal structures.

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<sup>8</sup> Sugiadnyana, P. R., Mangku, D. G. S., & Yuliantini, N. P. R. (2020). Penyelesaian Sengketa Pulau Batu Puteh Di Selat Johor Antara Singapura Dengan Malaysia Dalam Perspektif Hukum Internasional. *Jurnal Komunikasi Hukum (JKH)*, 6(2), 542-559.

<sup>9</sup> Pramudianto, A. 2017. Peradilan Internasional dan Diplomasi dalam Sengketa Lingkungan Hidup Maritim. *Jurnal Hukum Lingkungan Indonesia*. hlm 111-137

Despite Singapore's efforts to implement the International Court of Justice's ruling, the negative response from Malaysia reflects the complexities and tensions that still exist among ASEAN countries.<sup>10</sup>

Given these different views, it is apparent that it is difficult to reach an agreement that satisfies all parties after the International Court of Justice's decision, confirming that this dispute still has a significant impact on the dynamics of bilateral relations between Malaysia and Singapore. To overcome this situation, it is important for both countries to continue to strive for dialogue and find mutually beneficial solutions.

Based on a court decision, Middle Rocks was officially recognized as belonging to Malaysia. South Ledge, a low tide level located 2.2 nautical miles from Batu Puteh Island and only 1.6 nautical miles from Middle Rocks, is recognized as a strategic area. This is due to its position which places Middle Rocks between Batu Puteh Island and South Ledge, effectively blocking the sea area of Batu Puteh Island with a significant impact on South Ledge.

Additionally, South Ledge lies within a dual territorial sea that includes mainland Malaysia and the Middle Rocks. Therefore, the inevitable conclusion from the court's decision is that the South Ledge is squarely within Malaysia's territorial sea and belongs to Malaysia. This clarity indicates the legal determination of maritime areas in accordance with legal decisions, recognizing Malaysia's claims and ownership of Lekan Selatan.

Although the South Rim has the characteristic of being a low tide level, from a legal perspective, this feature has significant relevance to several provisions of the UN Convention on the Law of the Sea. The convention stipulates that if the low water level is fully or partially at a distance that does not exceed the width of the territorial sea from land or islands, then the low water line at that level can be used as a basis for measuring the boundaries of the territorial sea.

Thus, the existence of the South Ledge, even as a low tide level, is important in the context of international maritime law provisions. The application of these principles can influence the determination of territorial sea boundaries, especially when the height of low tide has a direct impact on the width of a region's territorial sea.

Therefore, the legal arguments surrounding the South Ledge are a key element in the understanding and implementation of the provisions of the UN Convention on the Law of the Sea by Malaysia and Singapore in the context of their dispute. Low tide heights cannot be considered islands and, therefore, do not have the right to have an independent territorial sea.<sup>11</sup>

However, if the low tide level is within the territorial sea of a country, it can be used as a basis for determining territorial sea boundaries and thus can increase the area of the country's territorial sea. Therefore, ownership of the South Ledge within its territory is

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<sup>10</sup> Choirul. 2019. *Penetapan Tapal Batas Wilayah Laut Indonesia Dengan Singapura di Bagian Barat Selat Amin*, Choirul. 2019. *Penetapan Tapal Batas Wilayah Laut Indonesia Dengan Singapura di Bagian Barat Selat Singapura Menurut Unclos III 1982*. Universitas Islam Riau,

<sup>11</sup> Syarifuddin, Irsyad. 2019. *Sengketa Pulau Batu Puteh (Pedra Branca) Antara Malaysia dan Singapura Ditinjau Dari Aspek Hukum Internasional*. Volume II. Universitas Muhammadiyah Yogyakarta.

very important for Malaysia because it can contribute to increasing the area of the country's territorial sea.

In the context of the dispute between Malaysia and Singapore, South Ledge has a significant role because it can influence the determination of territorial sea boundaries around Pedra Branca Island. The existence of the South Ledge in Malaysia's territorial sea is a key factor in Malaysia's argument to strengthen its territorial claims.

Therefore, legal considerations regarding the status of the South Ledge are the main element in handling this dispute, showing how important it is to understand and apply the principles of international maritime law in the context of the maritime border between these two countries. The legal position of South Ledge depends entirely on the territorial waters boundary between Malaysia and Singapore. Therefore, negotiations between the two countries to determine territorial water boundaries, especially around the three maritime features, are very important. The next question is how to regulate the delimitation of territorial waters between the two countries.

According to the 1982 UN Convention on the Law of the Sea, in Article 15, if the coastlines of two countries are opposite or adjacent and there is no agreement between them, then neither country has the right to expand its territorial sea beyond the baseline measured from any parallel point with the closest point on the baseline that determines the territorial sea boundaries of each country.

The application of these principles is key in resolving the maritime border dispute between Malaysia and Singapore. Both countries must seek a fair and mutually respectful agreement to determine the boundaries of their territorial seas, thereby ensuring that their respective sovereignty and maritime rights are recognized in accordance with the provisions of international law.

However, the above provisions may be waived in situations deemed necessary, such as historical property rights or other special circumstances, which justify delimiting the territorial seas of the two countries in a manner different from these provisions. The approach to resolving the maritime border dispute between Malaysia and Singapore should prioritize efforts to reach an agreement through negotiation.<sup>12</sup>

In this context, both countries must try to reach a fair and mutually beneficial agreement to delimit their respective territorial seas. If these negotiations do not achieve success, the median boundary principle can be used as a basis, where no country has the right to claim more than the median boundary, namely the point that is the same distance from the nearest point on the baseline of the two countries.

This approach reflects the principles of international law governing the determination of territorial sea boundaries and can be a fair basis for resolving maritime border disputes between Malaysia and Singapore.

This decision has an important impact on Malaysia and Singapore because it creates overlapping territorial waters, which results in the incompleteness of sovereign rights in this area which has significant strategic value. The essence of the dispute between Malaysia and Singapore actually lies in the issue of maritime delimitation, especially in

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<sup>12</sup> Yordan Gunawan, 2021, *Hukum Internasional: Sebuah Pendekatan Modern*, Yogyakarta, LP3M UMY, hlm.319

the context of determining territorial sea boundaries, not just whether Singapore has a valid claim to the exclusive economic zone around Batu Puteh Island or not.

Therefore, negotiations between Malaysia and Singapore to resolve maritime border disputes need to be based on the principle of equality and take into account the specific circumstances of each country, with the aim of achieving a fair and mutually beneficial solution for both parties. This approach can create a fair and balanced basis for resolving issues related to maritime delimitation between Malaysia and Singapore.

Because Middle Rocks is officially under Malaysian sovereignty, located between Pedra Branca Island and South Ledge, which could hinder the expansion of the territorial waters of Pedra Branca Island, it is clear that South Ledge is included in Malaysian territorial waters.

Therefore, Malaysia can consider the South Ledge as a relevant reference point in establishing the maritime boundary between the two. Although the division of territorial waters is the main focus and most complex aspect in the conflict between Malaysia and Singapore, there are other important aspects, such as fishermen's rights, maritime patrol security, security issues, prevention of marine pollution, and plans for separating traffic lanes. boat.

To overcome all these complexities, close cooperation and mutual understanding between the two neighboring countries is an urgent need to reach a fair agreement through constructive negotiations.

## CONCLUSION

The Batu Puteh Island dispute between Malaysia and Singapore reflects the complexity of territorial conflicts in the Johor Strait area. The International Court of Justice decision assigns sovereignty of Batu Puteh Island to Singapore, recognizing a strong claim based on historical and legal evidence. Although Malaysia accepts the decision, remaining uncertainty regarding maritime boundaries indicates that the resolution of this conflict is not yet complete.

The trial process revealed the intensity of the rivalry and the complexity of points of contention such as the construction of the lighthouse and inheritance rights. Malaysia's willingness to accept the decision and collaborate marks a positive step, but it is important to remember that conflict resolution involves political aspects and cross-border cooperation.

The resolution of this dispute creates an important precedent for sovereignty determination in the region, emphasizing the need for a cooperative approach and ongoing dialogue between Malaysia and Singapore to manage differences and prevent future escalation of conflict.

In the context of the Batu Puteh Island dispute between Malaysia and Singapore, the International Court of Justice decision in 2008 regarding the ownership of the islands confirmed Singapore's sovereignty over Batu Puteh Island and Malaysia over Middle Rocks Island.

Malaysia's reaction to this decision reflects the complexity of the border dispute and the difficulty of satisfying all parties. Nonetheless, concrete steps following the decision, such as Singapore's acceptance of sovereignty and implementation steps, created a framework for managing differences and minimizing tensions in the disputed areas.

To maintain good relations between Malaysia and Singapore, both countries must

resolve this case by eliminating their selfishness. This can be achieved through another meeting, where they can discuss the dispute constructively. During the meeting, the presence of a mediator is very important to help find a peaceful solution to the dispute. On 23 May 2008, the International Court of Justice ruled that Batu Puteh Island was under Singapore's sovereignty. The impact of this decision requires the two countries, Singapore and Malaysia, to maintain good relations and find solutions to the consequences of decisions regarding the Batu Puteh Island dispute. It is hoped that these steps will result in harmony and peace between the two countries, despite the one-sided nature of the decision.

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