

CHAPTER 1

INTRODUCTION

A. Background

The territory of a country we know besides the air and land, there is an ocean as well. However, the problem of maritime affairs or sea territory is not owned by every country, only certain countries have sea territories. The sea is sometimes the boundary of a country with another country with a boundary point determined through bilateral or multilateral means. It means that it is the limit of a country's power as far as the outer line of its territorial boundaries.

In the development of international law, the limit of power, which is the boundary of a country's territory, is very closely held, violations of the territory of a country can have fatal consequences and can even lead to relationship breakdown and can even trigger war. Territorial boundaries are demanded to maintain good regional security for each country, and border treaties that are created need to be obeyed to harm other countries' interests.

The determination of the territory's boundaries, which includes the sea in its manufacture, always considers the form of consequences and other considerations so that all interests are equally running. For countries whose territory borders another country's territory, the boundaries cannot be determined unilaterally but must pay attention to their history and the agreements made. The regulation of maritime boundaries has also been regulated in the 1982 United Nations Convention on Law of the Sea, which in this paper will be called international maritime law. The regulation of sea areas in international maritime law is

regulated by drawing baselines with the coastal state's geographical conditions.

The condition of the Asia Pacific Ocean Region as a large sea area is facing conflict conditions. The South China Sea, the fulcrum of geopolitics in the Asia Pacific region, is being discussed at the international level because it has sparked conflicts between several major Asian countries and several ASEAN members. Disputed issues regarding the claims of maritime territories between countries. The dispute influences the security conditions of the Asian region, especially ASEAN, even a show of military power has been shown by conflicting countries.

The South China Sea is a resource-rich area of 4 million square kilometers, stretching from the Malacca Strait to the Taiwan Strait. The intersection of sovereignty claims and territorial jurisdiction in the South China Sea region involves several countries. The map below shows the extent of the nine-dash line," claimed by China, while competing claims have been made by Vietnam, Malaysia, Philippines, Brunei, Indonesia, Singapore, and Taiwan.



Source: *Financial Times*, March 22, 2022

The characteristics of conflicts in this region are due to the interests of each country in the South China Sea area. The sea area consisting of hundreds of small islands holds abundant oil and gas reserves, especially in China's conflict areas and the Spratly and Parcel islands. The huge potential of natural resources around the South China Sea has made friction sharper between the warring countries. The existence of natural resources such as natural gas, oil, fish, and others in the South China Sea has the potential to cause conflict (Xu, 2014). Several aggressive actions have been carried out by countries directly adjacent to this region to legitimize any territories claimed for their ownership.

Basically, the SCS has the potential to increase the power of a country. SCS has a very strategic geographical position, connecting the western countries of the world with the eastern states. It can be seen that the South China

Sea is the busiest route in the world because more than half of the world's trade and shipping passes through the South China Sea with three major country players, namely the United States, China and India. Implicitly, the South China Sea is estimated to contain 213 billion barrels of oil (10 times more than the United States' oil reserves) and natural gas which is the same as Qatar's natural gas reserves (the 3rd country with the largest natural gas reserves in the world) (Noor, 2015).

The high potential of the SCS has the potential to increase the power of a country that controls it. Countries in the ASEAN region that are involved in conflict do not have enough power to hold China from claiming islands in the South China Sea. This makes the United States enter and be involved as a country with high military power. America, which is not part of Asia, is involved in a dispute in the South China Sea. The US in this case should carry out operations to enforce Freedom of Navigation, which is part of the international law of the sea (UNCLOS). Behind the application of FON in the South China Sea, the US seems to have other interests. In the South China Sea, for example, the US is of course very aware of the potential for ownership of the territory. Currently China and the US are the most powerful countries. With ownership, if China rules in the SCS region, it will automatically increase China's power and even influence over countries in the Asia Pacific.

B. Research Question

From the explanation of the background above, the issue formulation of this research is “Why did the United States intervene in the South China Sea dispute through Freedom of Navigation Policy?”

C. Theoretical Framework

The theoretical framework will explain the concepts and theories used related to the research topic. In this study, the concept of national interest, balance of power and deterrence will be explained.

1. National Interest Concept

One of the classic concepts of international relations theory is the national interest. This concept becomes a vital discussion for adherents of the realist approach who believes in state sovereignty as the only entity in international relations. Conceptually, the term national interest is still often discussed in Contemporary International Relations theory. Opinions for those who think realist will certainly emphasize the national interest as a "threat" that has the potential to disrupt the stability and security of a country. This approach to responding to security, as a consequence, emphasizes deterrence and balance of power which is closely related to the use of military forces (Burchill, 2005).

According to Ninic, there are three criteria in defining the national interest. First, the national interest must be significant so that its achievement becomes the main target of the government and society. Second, the national interest must intersect with the international environment. Third, the national interest must be separate from the interests of groups and even individuals, or government institutions and must truly reflect what the state wants and needs on behalf of the people. National interests are also distinguished based on their nature, which are vital or include core values that become the identity of foreign policy and will use various instruments to defend them, including military power. While the

second is non-vital interests or secondary interests, such as cultural missions, tourism cooperation, assistance for disaster management, and so on (Ninic, 1999).

National interest is one of the old concepts which exists as the foundation of foreign policy. Burchill explained that in realism perspective, national interest is used to keep the elements of "power" owned by the state can guarantee its sovereignty from other countries, as a consequence of maintaining the stability of political power at the international level. For the military, the importance of national security is calculated from the capacity calculated from the capacity of weapons, personnel and deterrence aspects. Burchill also explains that in a perspective rooted in the framework of liberal-institutionalism and Marxism presents a different view from realism. According to the Marxist view, the national interest lies not in the security of the state, but in economic and market stability which must also be used as a reference. More specifically, the national interest achieved is the operation of the market mechanism so that individuals in society can carry out economic activities in peace (Burchill, 2005).

There are three important things in this "political economy" perspective. First, no one can monopolize the definition of "national interest" in a rigid and final way, because he has to face the fact that there are different interpretations of the national interest. This means that the definition of "national interest" is always in a dynamic competition space. Second, public policy making will tend to represent the interests of the dominant group, both at the political, technocratic, and other institutional structures, because there is a vested interest embedded

in the policy making. Third, the definition of "national interest" must be contested through debates and democratic political mechanisms, not a "technocratic" model of adoption, let alone defined by the president or the ruling party (Hadiz, 1997).

Based on the explanation above, it can be explained that the national interest is a concept from the old theory of international relations. The concept of national interest as explained in the perspectives of realism and Marxism is related to interest in security and interest in economy. The two cannot be separated even though they are based on different perspectives. The perspectives of realism and Marxism that adhere to liberalism both have an influence on national interests, especially in areas of conflict that can increase the strength of a particular country.

2. Balance of Power

The study of power balances is as fundamental as international relations; Kautilya hypothesized about it, while Thucydides argued for it as a policy. There's always been a need for balance among many engaging states whenever there has been a system with multiple interrelated states. (Andersen, 2018)The term "balance of power" was used to describe the concept that the theory underlying state behavior is based on the balance of power (Andersen, 2018). It contends as to why the state operates the way they do or how they respond in specific situations. Morgenthau stated that states, like humans, had a desire for power and dominance. Even in an atmosphere of conscience ego driven moods, the balance of power can mitigate this behavior, preserving some level of stability and equilibrium (Andersen, 2018). Morgenthau believed that in

maintaining the stability of international politics, Balance of power and its policies were needed to be established and maintained. He also claimed that the balance of power would be the outcome of a power struggle in which each state must strive for dominance, rather than an intentional balance of power (Andersen, 2018). As a result, Kenneth Waltz sought to establish the balance of power as a more coherent and scientific theory. In which realist international politics is based on the balance of power ideas. Given the nature of international politics, in which each state is left stranded itself within a state of international anarchy, the only approach for a small state to preserve itself is to participate in balancing against a threatening large power (Waltz, 1979).

The entire concept of balance of power behavior is that states act to maintain a balance of power in a system in order to avoid one of the states from dominating the other. Maintaining a balance of power might result in a lengthy period of peace. However, maintaining the balance of power occasionally demands conflict. Whenever one country tries to attack another, the other state that is not involved will be concerned that the attacker state will have more power from the invaded state. As a result, the other state will try to prevent it by going to war to assist the invaded state in order to maintain the balance of power. In this view, balance of power behavior causes wars since conflict is required to restore or maintain an equilibrium or balance of power. Thus, one state cannot outgrow another since the other state will intervene to cease them from doing so. Their method of prevention is to increase their own strength to maintain the same pace in terms of military, economic, and so on (Morgenthau, 2005).

They attempted to accomplish equilibrium. However, most countries were unable to do so. As a result, the weaker states will attempt another alternative route by forming alliances with other states that share similar characteristics (Morgenthau, 2005) Regardless of how strong or weak a country grows, it will seek to achieve a balance of power for states that have greater power than others.

3. Deterrence

According to Paul k. Huth (1999) Deterrence can be defined as the utilization of threats by one party to persuade another to restrain in taking any action. A threat acts as a deterrent in which persuades its target not to conduct the intended action considering the costs and damages the target will endure. (Huth, 1999) In the field of international relations, a strategy of deterrence refers to threats of military retribution made by one country's leaders to the leaders of another in an effort to discourage the other from committing towards the threat or use of military force in pursuit of its foreign policy objectives. It should be obvious, however, that deterrence strategies in international politics may involve both military and non-military threats at deterring other nations from taking military or non-military action. The use of rational choice and game-theoretic models of decision making has been the most common method for thinking about deterrence. State leaders contemplating the use of military force evaluate the anticipated value of employing force to the expected utility of abstaining from a military challenge to the status quo in this rational choice tradition, and they choose the option with higher expected benefit. (Huth, 1999)

According to rational deterrence theory, Military threats may decrease the attacker's anticipated efficiency for engaging force by convincing the attacker that perhaps a military conflict would be both expensive and ineffective. Theoretically, analysts must construct scenarios in which defenders provide enough positive payoffs for potential attackers to accept the predicted usefulness of not using force while not jeopardizing critical security interests or compromising the legitimacy of the threat to use force. (Huth, 1999)"What policies are most likely to achieve such a balance?" and " When is it most necessary for defending states to achieve a balance between legitimately threatening war while still maintaining prolonged peace agreeable to the attacker?" is one of the most imaginative theoretical problems. In the context of territorial conflicts between countries, deterrent strategies have been explored many times which reflects the reality that territorial conflicts have historically been a major source of international crises and wars. According to Mearsheimer (1983), Huth (1988), and Glaser & Kaufmann (1998), a defensive state requires military capability to respond swiftly and effectively to a variety of military situations. When defending troops are insufficient, invading states will gain an edge over opposing forces by establishing in political and military leaders the belief that war expenditures will be minimal and that military victories would result in tangible territorial gains.

D. Hypothesis

This study hypothesized that United States intervene because china increasing ambition to dominate the south china sea will disrupt U.S. national interest in

terms of economy and security, By maintaining stability international trade routes through Freedom of Navigation U.S. set out to bringing balance of power in South China Sea creating stability and security in the Southeast Asian region while upholding the international law as a means to drive out the china influence and claim in South China Sea.

E. Research Objective

1. The purpose of writing this thesis is to find out why the United States intervened in the South China Sea dispute.
2. Through this thesis, the author hopes that it will improve insight for others that are interested in this topic.

F. Scope of Research

To avoid being too broad in the scope of the problem in this discussion, this thesis will focus on a definite time which in this thesis writes about the problems in the South China Sea from 2011 to 2018. The reason the author chose the period in 2011 was due to the interference of the United States in this issue which brought a new flow to Southeast Asia. While 2018 is a time when tensions are on the rise. The period of 2011 to 2018 in the author's opinion is sufficient to analyze what influence the United States has on the South China Sea issue.

G. Research Methodology

In conducting this research, the writer carried out the research method as below in collecting and analyzing the data to answer the proposed research question.

1. Type of Research

This research method usually refers to some form of research, one of them is descriptive research. And this research is using the descriptive research which is a study that attempts to describe a

phenomenon, events, events that occur today. Descriptive research focuses on actual issues as they are at the time of the study. Through descriptive research, researchers try to describe the events and events that became the center of attention without giving special treatment to the event.

2. Data-Collection Method

The data in this research is acquired by doing library research. Whereas the data is the secondary data by citing from other works in the form of books, journals, proceedings, conventions, websites, and news relevant to the topic discussed in this thesis.

3. Data Analysis Method

In the method of analyzing the data, this thesis is carried out a qualitative analysis. Qualitative analysis is a method for examining social research data without converting them into a numerical format. The assessment of observation in this thesis is done by doing a content analysis, in which the evidence is provided from the result of analysis of mainly relevant documents available.

H. Outline

- CHAPTER 1** – Explaining about the background of the problem, the foundation of the theory, the hypothesis, the research objective, the research methods, scope of research, and systematics of writing of outline.
- CHAPTER 2** – Discussing China's interests in the South China Sea, further explaining China's aggressiveness in the South China Sea and discussing China's response to ASEAN in the SCS issue.
- CHAPTER 3** – Discussing about Freedom of Navigation and United States motive intervened in

the South China Sea dispute through
Freedom of Navigation

CHAPTER 4 – Covering the conclusion of this thesis
and answer the formulation of the
problem.