

## DAFTAR PUSTAKA

### BUKU

- Agoes, Etty R., *Konvensi Hukum Laut 1982 Masalah Pengaturan Hak Lintas Kapal Asing*, (Bandung: Abardin, 1991)
- Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: Rajawali Press, 2006)
- Angela Del Vecchio dan Roberto Virzo, *Interpretations of the United Nations Convention on the Law of the Sea by International Courts and Tribunals*, (Switzerland: Springer Nature Switzerland AG, 2019)
- Aulina, Kevin, *Oxford Public International Law: Territorial Sea and the Contiguous Zone*, (United Kingdom: Oxford University Press, 2015)
- Buntoro, Kresno, *Lintas Navigasi di Nusantara Indonesia*, (Jakarta: RajaGrafindo Persada, 2014)
- Diamond, Jared, *Collapse: How Societies Choose to Fail or Succeed*, (London: Penguin, 2006)
- Donald R. Rothwell dan Tim Stephens, *The International Law of the Sea*, (Australia: Bloomsbury Publishing, 2010)
- \_\_\_\_\_, *The International Law of the Sea*, (Hart Publishing, 2010)
- Erik Jaap Molenaar, *Navigational Rights and Freedoms in a European Regional Context in Navigational Rights and Freedoms and the New Law of the Sea*, (Martinus Nijhoff Publishers, 2000)
- Guilfoye, Douglas, *Shipping Interdiction and the Law of the Sea*, (New York: Cambridge University Press, 2009)
- Hadi, Soetrisno, *Metodologi Research*, (Yogyakarta: Yayasan Penerbit Psikologi, UGM, 1973)
- Hall's International Law*, 8<sup>th</sup> ed., (London UK: Oxford University Press, 1924)
- Hatschek, *An Outline of International Law*, (London UK: G. Bell and Sons Ltd, 1930)
- J. Ashley Roach & Smith, R. W., *Excessive Maritime Claims*, (Martinus Nijhoff Publishers, 2012)

- James Kraska dan Raul Pedrozo, *International Maritime Security Law*, (Leiden: Martinus Nijhof Publishers, 2013)
- Jessup, *The Law of Territorial Waters and Maritime Jurisdiction*, (New York: G.A. Jennings Co., Inc., 1927)
- Klein, Natalie, *Maritime Security and the Law of the Sea*, (Oxford, United Kingdom: Oxford University Press, 2010)
- Kusumaatmadja, Mochtar, *Sustainable Developments and the Preservation of the Oceans: The Challenges of UNCLOS and Agenda 21*, (Bandung, Indonesia: Center for Archipelago Law and Development Studies, 1996)
- \_\_\_\_\_ dan Etty R. Agoes, *Pengantar Hukum Internasional, Pusat Studi Wawasan Nusantara, Hukum dan Pembangunan*, (Bandung: Penerbit P.T. Alumni, 2003)
- Louis B Sohn dan Kristen Gustafson, *The Law of The Sea in A Nut Shell*, (St. Paul: West Publishing Co., 1984)
- Mamudji Sri, et.al., *Metode Penelitian dan Penulisan Hukum*, (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2005)
- Moleong, Lexy, *Metodologi Penelitian Kualitatif*, (Bandung: Remaja Rosdakarya, 2005)
- O'Connell, D.P., *International Law 2<sup>nd</sup> Edition Vol.1*, (Stevens and Sons Ltd., 1970)
- Oppenheim, *International Law Vol. 1: 8<sup>th</sup> Edition*, (London: Longmans, 1955)
- R.R. Churchill dan A.V. Lowe, *The Law of the Sea 3<sup>rd</sup> Edition*, (Juris Publishing: Manchester University Press, 2002)
- Ross, Alf, *A Textbook of International Law*, (London: Longmans, Greens and Co., 1947)
- Soekanto, Soerjono, *Ringkasan Metodologi Penelitian Hukum Empiris*, (Jakarta: IND-HILL-Co, 1990)
- \_\_\_\_\_ dan Sri Mahmuji Rahayu, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (Jakarta: Raja Grafindo Persada, 2004)
- Soemitro, Ronny Hanitijo, *Metodoe Penelitian Hukum dan Jurimetri*, (Jakarta: Ghalia Indonesia, 1988)

Tanaka, Yoshifumi, *The International Law of the Sea*, (Cambridge: Cambridge University Press, 2012)

Westlake, John, *International Law, Vol. 1: Part I Peace*, (Forgotten Books, 2018)

Wolfrum, Rüdiger, *Statement by President of the International Tribunal for the Law of the Sea – Freedom of Navigation: New Challenges*, (International Tribunal for The Law of The Sea)

### **PERATURAN INTERNASIONAL**

*Statute of the International Court of Justice* 1945 (Statuta Mahkamah Internasional)

*United Nations Convention on the Law of the Sea* 1982 (Konvensi Hukum Laut Internasional 1982)

### **PERATURAN NASIONAL**

Undang-Undang Republik Indonesia Nomor 17 Tahun 1985 tentang Pengesahan *United Nations Convention on the Law of the Sea* 1982

Undang-Undang Republik Indonesia Nomor 6 Tahun 1996 tentang Perairan Indonesia

Undang-Undang Republik Indonesia Nomor 43 Tahun 2008 tentang Wilayah Negara

Undang-Undang Republik Indonesia Nomor 32 Tahun 2014 tentang Kelautan

Peraturan Pemerintah Republik Indonesia Nomor 8 Tahun 1962 tentang Lalu Lintas Laut Damai Kendaraan Air Asing dalam Perairan Indonesia

Peraturan Pemerintah Republik Indonesia Nomor 36 Tahun 2002 tentang Hak dan Kewajiban Kapal Asing dalam Melaksanakan Lintas Damai Melalui Perairan Indonesia

Peraturan Pemerintah Republik Indonesia Nomor 37 Tahun 2002 tentang Hak dan Kewajiban Kapal dan Pesawat Udara Asing Dalam Melaksanakan Hak Lintas Alur Laut Kepulauan Melalui Alur Laut Kepulauan yang Ditetapkan

Keputusan Presiden Republik Indonesia Nomor 16 Tahun 1971 tentang Wewenang Pemberian Izin Berlayar Bagi Segala Kegiatan Kendaraan Air Asing Dalam Wilayah Perairan Indonesia

### **YURISPRUDENSI**

*Corfu Channel Case: United Kingdom v. Albania*, (ICJ Reports, 1949)

Fisheries Case: United Kingdom v. Norway, (ICJ Reports, 1951)

Military and Paramilitary Activities: Nicaragua v. United States, (ICJ Reports, 1986)

Maritime Delimitation and Territorial Questions Between Qatar and Bahrain: Qatar v. Bahrain, (ICJ Reports, 2001)

The United States of America v. The Netherlands, *The Island of Palmas Case*, (The Hague: The Permanent Court of Arbitration, 1928)

### **WAWANCARA**

Kresno Buntoro, Wawancara, Virtual Zoom Meeting, (Medan: 25 Januari, 2021)

### **JURNAL**

A.R. Thomas dan James C. Duncan, *U.S. Naval War College International Law Studies Volume 73*, (Newport: U.S. Naval War College, 1999)

Afriansyah, Arief, *Kewenangan Negara Pantai Dalam Mengelola Wilayah Laut*, (Jurnal Hukum dan Pembangunan, 2015)

Agoes, Eddy R., *Praktik Negara-Negara Atas Konsepsi Negara Kepulauan*, (Jurnal Hukum Internasional Volume I Nomor 3, 2004)

Aguw, Youla Olva, *Pengaturan Pemanfaatan Sumber Daya Alam Laut dan Pesisir Berbasis Penegakan Hukum dan Keadilan*, (Lex Et Societatis, Vol. I, No. 5, September 2013)

Agyebeng, William K., *Theory in Search of Practice: The Right of Innocent Passage in the Territorial Sea*, (Cornell International Law Journal, 2006)

Astley III, John and Schmitt, Michael N., *The Law of the Sea and Naval Operations*, (Air Force Law Review Vol. 42:119, 1997)

- Baker, Roozbeh (Rudy) B, *Customary International Law in the 21<sup>st</sup> Century: Old Challenges and New Debates*, (New York: The European Journal of International Law Vol. 21 no. 1 EJIL 2010)
- Bardin, Anne, *Coastal State's Jurisdiction Over Foreign Vessels*, (14 Pace International Law Review 27, 2002)
- Bunga, Gerald Alditya, *Pelanggaran Kedaulatan Indonesia oleh Pesawat F-18 Hornet Milik Amerika Serikat (Ditinjau dari Konvensi Chicago Tahun 1944 dan Konvensi Hukum Laut Tahun 1982)*, (Bandung: Dialogia Iuridica Volume 8 Nomor 2, April 2017)
- Buntoro, Kresno, *Konsep "Bagi-Beban" Dalam Keamanan Maritim di Nusantara Indonesia*, (Jurnal Maritim Pusjianstra, 2016)
- Butler, W. E., *Innocent Passage and the 1982 Convention: The Influence of Soviet Law and Policy*, (The American Journal of International Law Vol. 81 No. 2, 1987)
- Cai Dongming dan Shao Limin, *An Exploratory Discussion on the Innocent Passage of Warships Through the Territorial Sea*, (China: Chinese Society of the Law of the Sea, Januari 1995)
- D. P. O'Connell Q.C., LL.D., D.CL., F.R. HIST. S., dan I. A. Shearer LL.M., S.J.D., *Innocent Passage in the Territorial Sea*, (The International Law of the Sea: Volume I 1<sup>st</sup> Edition, 1982)
- Davenport, Tara, *The Archipelagic Regime*, (Oxford: Oxford Scholarly Authorities on International Law, 2015)
- Djalal, Hasism, *Maritime Dimensions of a New World Order: Security Experiences in South East Asia*, Negara Kepulauan Menuju Negara Maritim, ed. Chandra Motik Yusuf (Jakarta, Indonesia: Indonesian Maritime Institute, 2010)
- Dyke, Van, *The Disappearing Right to Navigational Freedom in the Exclusive Economic Zone*, (Marine Policy Vol. 29:107, 2005)
- Eka Widi Astuti, Oki Kustiwa, M. Arief Syahroni, dan Wahyu Subagyo, *Legal Enforcement of Innocent Passgae Implementation in Indonesian Waters*, (Surbaya: Jurnal IUS – Kajian Hukum dan Keadilan Vol. 7 No.2, Agustus 2019)

- Fajrin, Muhammad, *Tinjauan Hukum Terhadap Hak Lintas Damai di Perairan Nusantara*, (Makassar: Universitas Hasanuddin, 2012)
- Francks, Erik, *Innocent Passage of Warships: Recent Developments in US—Soviet Relations*, (United Kingdom: Butterworth-Heinemann Ltd., 1990)
- Franklin, Cf Carl M., *The Law of the Sea: Some Recent Developments (With Particular Reference to the United Nations Conference of 1958)* (International Law Studies 1: 122-3, 1959– 1960)
- Froman, F. David, *Uncharted Waters: Non-Innocent Passage of Warships in the Territorial Sea*, (California: Naval Postgraduate School)
- H Yang, *Right of Innocent Passage in the Territorial Sea in: Jurisdiction of the Coastal State over Foreign Merchant Ships in Internal Waters and the Territorial Sea*, (Hamburg Studies on Maritime Affairs Volume 4: Springer, Berlin, Heidelberg, 2006)
- Hakapää, Karl, *Innocent Passage*, (Oxford: Oxford Public International Law – Max Planck Encyclopedia of Public International Law [MPEPIL], 2013)
- Harry Purwanto dan Dewa Gede Sudika Mangku, *Legal Instruments of the Republic of Indonesia in Border Management Using the Perspective of Archipelagic State*, (International Journal of Business, Economics, and Law, Vol. 11, Issue 4, 2016)
- Hong, Nong, *Understanding the Freedom of Navigation Doctrine and the China-US Relations in the South China Sea – Legal Concepts, Practice, and Policy Implication*, (Washington: Institute for China-America Studies, 2017)
- Hung, Tan Tsu, *Principles of Public International Law*, 1992
- Irawati, *Pengaturan Tentang Hak Lintas Kapal Asing di Perairan Negara Kepulauan Menurut Konvensi Hukum Laut 1982 dan Implementasinya di Indonesia*, (Syiar Hukum, 2009)
- J. Ashley Roach, *Today's Customary International Law of the Sea*, (Ocean Development & International Law, 45:3, 2014)
- Jin, Shao, *The Question Of Innocent Passage Of Warships: After UNCLOS III*, (Marine Policy: 13.1, 1989)
- Karakasis, Vasileios P., *Sailing Over the History of the International Law of the Sea*, (Cyprus Issue Project Working Paper No. 8, 2014)

- Karin M. Burke, Deborah A. DeLeo, *Innocent Passage and Transit Passage in the United Nations Convention on the Law of the Sea*, (The Yale Journal of World Public Order Vol.9:389, 1983)
- Kartawijaya, Suharyono, *Pemanfaatan Hak Lintas Kapal Asing di Perairan Indonesia dan Penegakan Hukumnya*, (Malang: Nashak Publikasi Jurnal Universitas Brawijaya, 2015)
- Kaye, Stuart, *Freedom of Navigation in a Post 9/11 World: Security and Creeping Jurisdiction*, (Oxford: The Law of the Sea: Prospects and Problems, Oxford University Press, 2006)
- \_\_\_\_\_, *Freedom of Navigation in the Indo-Pacific Region*, (Sea Power Centre – Australia: Papers in Australian Maritime Affairs No. 22, 2008)
- Kevin Baumert dan Brian Melchior, *The Practice of Archipelagic States: A Study of Studies*, (Washington DC, USA: Routledge Taylor & Francis Group, 2015)
- Keyuan, Zou, *Innocent Passage for Warships: The Chinese Doctrine and Practice*, (Ocean Development & International Law, 1998)
- Kraska, James, *Broken Taillight At Sea: The Peacetime International Law of Visit, Board, Search, and Seizure*, (Ocean and Coastal Law Journal Vol. 16 No. 1, 2010)
- Kuok, Lynn, *The U.S. FON Program in the South China Sea A Lawful and Necessary Response to China's Strategic Ambiguity*, (Brookings: East Asia Policy Paper 9, June 2016)
- Larson, David L., *Ocean Development and International Law: Innocent, Transit, And Archipelagic Sea Lanes Passage*, (United Kingdom: Taylor & Francis, 1987)
- Lestari, Maria Maya, *Study of the Right of Foreign Ship Against State Sovereignty*, (Riau: Indonesian Journal of International Law Vol. 14 No. 4, 2017)
- Miron, Alina, *The Archipelagic Status Reconsidered in Light of the South China Sea and Düzgit Integrity Awards*, (France: Indonesian Journal of International Law Vol. 15 No. 3, 2018)
- O. G. De Vries Reilingh, *Warships in Territorial Waters, Their Right of Innocent Passage*, (The Netherlands: Netherlands Yearbook of International Law, 1971)

- Oegroseno, Arif Havas, *Archipelagic States: From Concept to Law*, (Oxford: The IMLI Manual on International Maritime Law: Volume I: The Law of the Sea, 2014)
- Oxman, Bernard H., *The Regime of Warship Under the United Nations Convention on the Law of the Sea*, (Virginia Journal of International Law Vol. 24:809, 1984)
- Pirtle, Charles E., *Transit Rights and U.S. Security Interests in International Straits: The Straits Debate Revisited*, (Ocean Development and International Law Vol. 5: 477, 1978)
- Puspitawati, Dhiana, *Indonesia's Archipelagic State Status: Current Development*, (Volume 8 Number 4, July 2011)
- \_\_\_\_\_, *The East/West Archipelagic Sea Lanes Passage Through the Indonesian Archipelago*, (Maritime Studies, 2005)
- Reisman, W. Michael, *The Regime of Straits and National Security: An Appraisal of International Lawmaking*, (United States of America: American Journal of International Law Vol. 74:48, 1980)
- Reuland, Cf Robert C., *The Customary Right of Hot Pursuit onto the High Seas: Annotations to Article 111 of the Law of the Sea Convention*, (33 Virginia Journal of International Law 557-578, 1993)
- Rothwell, Donald R., *Coastal State Sovereignty and Innocent Passage – The Voyage of the Lusitania Expresso*, (Marine Policy, 1992)
- Shearer, I.A., *Problems of Jurisdiction and Law Enforcement against Delinquent Vessels*, (Cambridge University Press, The International & Comparative Law Quarterly Vol. 35:320, 1986)
- Sodik, Dikdik Mohamad, *The Indonesian Legal Framework on Baselines, Archipelagic Passage, and Innocent Passage*, (Ocean Development & International Law: 43:4, 2012)
- Suhendang, Dadang, *Penegakan Hukum Hak Lintas Damai Bagi Kapal-Kapal Asing di Perairan Indonesia*, (Malang: Kumpulan Jurnal Mahasiswa Fakultas Hukum, 2015)

- Tampi, Monica Carolina Ingke, *Pengaturan Hukum Hak Lintas Damai Menurut Konvensi Hukum Laut 1982 dan Implementasinya di Indonesia*, (Manado: Lex et Societatis Vol. V No. 5, Juli 2017)
- Ton, Ahn Duc, *Innocent Passage of Warships: International Law and the Practice of East Asian Littoral States*, (Australia: Asia-Pacific Journal of Ocean Law and Policy Vol. 1: 210-243, 2016)
- Windsor, Thomas, *Innocent Passage of Warships in East Asian Territorial Seas*, (Australia: Australian Journal of Maritime and Ocean Affairs Vol. 3(3), 2011)

#### **KARYA TULIS ILMIAH**

- Buntoro, Kresno, *An Analysis of Legal Issues Relating to Navigational Rights and Freedoms Through and Over Indonesian Waters*, (Australia: University of Wollongong Thesis Collection, 2010)
- Indarti, Poengky, *Pelayaran Akatsuki Maru Dalam Tinjauan Hukum Laut Internasional*, (Surabaya: Universitas Airlangga, 1993)
- Laksana, Arief, *Dampak Diterapkannya Prinsip Wawasan Nusantara Terhadap Hak Pelayaran Kapal-Kapal Asing*, (Surabaya: Universitas Airlangga, 1983)
- Susilo, Fakhrido B.P., *Peranan TNI-AL Dalam Pengamanan Alur Laut Kepulauan Indonesia*, (Depok: Universitas Indonesia, 2009)

#### **BUKU TAHUNAN (BOOKLET)**

- Direktorat Kelembagaan Internasional, *Batas-Batas Maritim Indonesia – Negara Tetangga*, (Jakarta: Departemen Kelautan dan Perikanan, 2005)
- Fikry Cassidy, Partogi J.P. Samosir, Debbi Oktarossa, Erry Wahyu Prasetyo, Faiz Ahmad Nugroho, Widya Fitri, dan Robertus Aji Putro (Kementerian Luar Negeri), *Diplomasi Poros Maritim: Keamanan Maritim Dalam Perspektif Politik Luar Negeri*, (Jakarta Pusat: Badan Pengkajian dan Pengembangan Kebijakan Kementerian Luar Negeri Republik Indonesia – Kajian Mandiri, 2016)
- Office for Ocean Affairs and The Law of The Sea, *Baselines: An Examination of The Relevant Provisions of The United Nations Convention on the Law of The Sea*, (New York: United Nations, 1989)

United Nations Division for Ocean Affairs and the Law of the Sea, *Oceans: The Source of Life*, (New York: United Nations, 2002)

## **WEBSITE**

International Law Commission of the United Nations, *Yearbook International Law Commission 1954*, (United Nations, 1960), hlm. 161, [https://legal.un.org/ilc/publications/yearbooks/english/ilc\\_1954\\_v2.pdf](https://legal.un.org/ilc/publications/yearbooks/english/ilc_1954_v2.pdf), diakses pada tanggal 8 November 2020

International Law Commission of the United Nations, *Yearbook International Law Commission 1956*, (United Nations, 1957), hlm. 276, [https://legal.un.org/ilc/publications/yearbooks/english/ilc\\_1956\\_v2.pdf](https://legal.un.org/ilc/publications/yearbooks/english/ilc_1956_v2.pdf), diakses pada tanggal 8 November 2020.

Puspen TNI, *Kapal Perang dan Pesawat Udara Malaysia Kembali Langgar Wilayah NKRI*, 28 Februari 2007, <https://www.tni.mil.id/view-4852-kapal-perang-dan-pesawat-udara-malaysia-kembali-langgar-wilayah-nkri.html>, diakses 7 Oktober 2020.

Richardson, Elliot L., *Power, Mobility and the Law of the Sea*, (58 Foreign Affairs 902, 1979–1980), <https://www.foreignaffairs.com/articles/oceans-seas/1980-03-01/power-mobility-and-law-sea>, diakses pada 18 November 2020.

The Division for Ocean Affairs and the Law of the Sea (DOALOS), Office of Legal Affairs, United Nations Secretariat, *Maritime Space: Maritime Zones and Maritime Delimitation Legislation and Treaties*, <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm>, diakses 7 Oktober 2020.

United Nations, *Depositary Notifications: Declarations and Reservations of United Nations Convention on the Law of the Sea 1982*, <https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XXI/XXI-6.en.pdf>, diakses 6 Oktober 2020.