

Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 14 of 2021 on Submarine Pipelines and/or Cables

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I. INTRODUCTION

The Government of the Republic of Indonesia built approximately 25 new ports in 2018. It improved the facilities of its existing ports to encourage economic growth and establish itself as a strong maritime state.¹ As a party to the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982), Indonesia must comply with the rules governed under UNCLOS 1982, including those related to submarine pipelines and cables. Furthermore, Indonesia is also a signatory to several other international conventions, including the International Maritime Organization Convention (IMO Convention) and the International Convention for the Safety of Life at Sea (SOLAS).

This paper analyses Indonesian domestic regulation, specifically the Minister of Marine Affairs and Fisheries No. 14 of 2021 on Submarine Pipelines and/or Cables (Ministerial Decree 14/2021). The primary aim of this study is to assess whether the Ministerial Decree 14/2021 complies with relevant international regulations, particularly the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982), regarding submarine pipelines. The study will determine

¹Kompas.com, “Nawa Cita, Agenda Prioritas Jokowi”, accessed on 25 December 2022, <https://nasional.kompas.com/read/2014/05/21/0754454/.Nawa.Cita.9.Agenda.Prioritas.Jokowi-JK>.

whether the Ministerial Decree 14/2021 aligns with UNCLOS 1982 regarding submarine pipelines.

II. RULES ON SUBMARINE CABLES AND/OR PIPELINES IN INTERNATIONAL LAW

UNCLOS 1982 regulates the rights of all States to lay submarine cables and pipelines in high seas areas, Exclusive Economic Zone (EEZ), and the continental shelf of other States. In general, UNCLOS provides guidance on the relations between coastal States and States laying submarine cables and pipelines according to the sea areas where the submarine cables and pipelines are located. Moreover, UNCLOS 1982 also regulates the obligation to convict perpetrators who break or injure submarine cables or pipelines. Pursuant to Article 113 of UNCLOS 1982, such obligation to convict is governed under domestic criminal legislation. Furthermore, UNCLOS also regulates the laws and regulations of the coastal state relating to innocent passage in its Article 21, in which coastal States may adopt laws and regulations in conformity with the provisions of UNCLOS 1982 and other International Law relating to innocent passage through the territorial sea, including, among others: a) the safety of navigation and the regulation of maritime traffic; the protection of navigational aids and facilities and other facilities or installations; and the protection of cables and pipeline.

Information and communication technology is pivotal in International Law, especially in the shipping industry. In this decade, the development of information and communication has proliferated as if eliminating national boundaries.² In the context of international law, a possible conflict that could arise related to submarine cables and/or pipelines is over the “inclusive uses” of the sea, which benefit the international community, and the “exclusive uses” of the sea by the coastal state.³

²Bernard H. Oxman, “The Rule of Law and the United Nations Convention on the Law of the Sea,” *European Journal of International Law* 7 (1981): 365. 3. See Lionel Carter, Douglas Burnett, Stephen Drew, Graham Marle, Lonnie Hagadorn, Deborah Bartlett-McNeil, and Nigel Irvine, “Submarine Cables and the Oceans: Connecting the World,” UNEP-WCMC Biodiversity Series No. 31 (ICPC/UNEP/UNEP-WCMC, United Kingdom, 2009), 8, see more www.iscpc.org/publications/ICPC-UNEPReport.pdf.

³Myres S. McDougal and William T. Burke, “The Public Order of the Oceans: A Contemporary International Law of the Sea”, New Haven: Yale University Press, 1962, 1–14.

As this paper examines the conformity of Indonesian domestic regulations related to submarine cables and/or pipelines with International Law, it is also wise to examine whether Indonesian domestic regulations have considered the interest of the rights of innocent passage of foreign vessels in peaceful passage within the territorial sea. Article 22 of UNCLOS 1982 regulates that all ships that pass through the sea area of a state must comply with the sea lanes and traffic separation scheme in the territorial sea. This regulation prioritises protecting safety and access to the rights of innocent passage enjoyed by other ships and explicitly guarantees that the Coastal State must fulfil these rights.⁴

Under Article 51 of UNCLOS 1982, the archipelagic state shall respect existing agreements with other states related to submarine cables that other states lay and pass through their waters without making a landfall. An archipelagic State shall also authorise the maintenance and replacement of such cables upon receipt of appropriate notification of their location and intent to repair or replace them. In other marine zones, such as the Exclusive Economic Zones (EEZ), the regulations regarding submarine cables and pipelines are regulated under Article 58 (1) of UNCLOS 1982, in which the Coastal State has the right and freedom to lay submarine cables and/or pipelines and utilise them legally in accordance with international law. Moreover, Article 60 of UNCLOS also regulates every state's exclusive rights to construct, control and regulate the operational development and use of artificial islands, installations, and/or structures. Article 60, paragraphs (4) and (5) of UNCLOS 1982 specifically governs that the coastal state may establish reasonable safety zones around artificial islands, installations and/or structures, and the coastal state shall determine the breadth of the safety zones and shall not exceed 500 meters around the artificial islands, installations and/or structures. Thus, it can be concluded that UNCLOS regulates the freedom of States to lay submarine cables and/or pipelines within the EEZ by considering the sovereign rights of the Coastal State to protect its natural resources.⁵

In relation to the continental shelf, international law also regulates that states have the right to lay their submarine cables and/or pipelines on the continental shelf based on the principle of freedom of the sea as regulated in

⁴UNCLOS 1982, article 22.

⁵Myron Nordquist, Satya Nandan, Shabtai Rosenne, "The United Nations Convention on the Law of the Sea 1982: A Commentary," Vol. II, Leiden: Martinus Nijhoff, 1993, p. 449.

Article 79 of UNCLOS 1982. Considering that the continental shelf is part of the high seas, the coastal states cannot prohibit other states' implementation (laying, maintaining, and repairing) of pipelines and/or cables.⁶ However, UNCLOS 1982 also addresses the right of the coastal state to protect its natural resources and the right of foreign ships to navigate on the continental shelf.⁷

Under International Law, several applicable laws on submarine cables and/or pipelines are regulated separately, such as the 1884 Convention for the Protection of Submarine Telegraph Cables (1884 Convention, the 1958 Convention on the High Seas and the Continental Shelf, and the 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREGS). The laws on submarine pipelines are mainly classified based on the function of the pipeline network designation.⁸ Submarine pipelines can be classified into several types, including inter-pipes, intra-pipes, and transmission pipes.⁹ Consistent with UNCLOS 1982, which classifies submarine cable installations according to the juridical nature of each maritime zone, submarine pipelines are also governed by the same system.

Regulations on the installation of submarine pipelines and/or cables for safety navigation are also regulated through several other international commitments, including:

- Suppression of Unlawful Acts (SUA) Framework- 1988/2005: regulates violations of the law committed by ships that threaten the safety of navigation and submarine installations.
- Safety of Life at Sea (SOLAS) Convention, 2002 on safety at sea.

⁶Article 79 (2) UNCLOS 1982, and Eric Wagner, "Submarine Cables and Protections Provided by the Law of the Sea," *Marine Policy* 19 (1995): 134.

⁷Robert Beckman, "Submarine Cables—A Critically Important but Neglected Area of the Law of the Sea," paper presented at the 7th International Conference of the International Society of International Law on Legal Regimes of Sea Air, Space and Antarctica, New Delhi, 15-17 January 2010, at 16, Centre for International Law 9CIL), National University of Singapore. See cil.nus.edu.sg/wp/wp-content/uploads/2010/01/Beckman-PDF-ISIL-Submarine-Cablesrev.pdf

⁸Vinogradov, Sergei, "Challenges of Nord Stream: Streamlining International Legal Frameworks and Regimes for Submarine Pipelines", in *German Yearbook of International Law*, Vol. 52 (2009), pp. 251- 252, see more Roggenkamp, Martha M., "Petroleum Pipelines in the North Sea: Questions of Jurisdiction and Practical Solutions", in *Journal of Energy & Natural Resources Law*, Vol. 16:1 (1998).

⁹*Ibid.*

- International Ship and Port Security (ISPS) code, 1974/1988/2003: regulates a standard safety management system for the safe operation of ships, avoiding the risk of accidents and preventing pollution at sea.
- Resolution A.817 (19) was adopted on 23 November 1995 - Performance Standards for Electronic Chart Display and Information Systems (ECDIS): ECDIS is a navigation information system stipulated in the 1974 SOLAS Convention. This navigation system regulates the monitoring of routes, planned routes, and information on the position of cables/pipes under the sea so that navigation is safe and danger is avoided. This resolution describes what information should be reported and received before, during and after the navigation.
- Resolution A.468 (XIII) was adopted on 19 November 1981 – Code on Noise Levels on Board Ships. This resolution was created under Article 16 (i) of the Convention on the Inter-Maritime Organization (IMO). In addition, high noise levels on ships can adversely impact the crew and interfere with the ship's safety. The discussion of submarine pipes is only mentioned in the description of the ship used to install the submarine pipe (pipe-laying barge).
- Resolution LDC.3(II) – Technical Guidelines on the Control of Incineration of Wastes at Sea, 1972. This resolution is an Annex II, which describes incineration at sea based on Article 1 of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters. In this resolution, submarine cables and/or pipelines are mentioned only once in selecting combustion areas.

III. REGULATION OF SUBMARINE CABLES AND/OR PIPELINES IN INDONESIA

As an archipelagic state with a mid-ocean form, with a water area larger than its land area, it is rational to expect Indonesia to prioritise its marine development.¹⁰ The potential economic, defence and security benefits and risks are considerable for Indonesia's long-term interest. However, to be recognised

¹⁰Budner, Barry Hunt, "The Law of Territorial Waters of Mid-Ocean Archipelagos and Archipelagic States", Martinus Nijjhof, Hague, p. 45.

as a strong maritime state, it is understandable to expect that Indonesia possesses sufficient maritime power in trade, defence, security, and political strength. Moreover, supporting factors such as accessibility of infrastructure, regulations, and resources, as well as commitments from relevant stakeholders and government, are also necessary.

To support the world maritime axis, the government of Indonesia focuses on the construction of ports, a pivotal infrastructure to support maritime activities. However, there is a potential problem regarding this matter. Submarine cables and pipelines surround several ports in Indonesia, for instance, the Riau Islands, Jakarta Bay, and Batam Bay. Thus, although some ports have adequate facilities as international ports, they cannot be accessed by large vessels over 1000 GT due to submarine cables and pipelines hindering such vessels from anchor.¹¹

Comprehensive legal instruments for installing submarine cables and/or pipelines have yet to exist.¹² Countries must regulate the disposition of offshore cables and pipelines through regional agreements, considering the relevant marine areas. Indonesia has several laws which govern the matters related to submarine cables and pipelines, which are:

- a. Law No. 1 of 2014 on Amendments to Law No. 27 of 2007 on Management of Coastal Zones and Small Islands: in its Article 19 Paragraph (1) letter f, it is regulated that the installation of submarine pipelines and cables must have a management permit.
- b. Law No. 23 of 2014 on Regional Government, in which Chapter V on the Authority of Provincial Regions at sea and Provinces characterised by islands: in its Article 27 Paragraph (2), it regulates the authority of the province to manage natural resources in the sea as referred to in paragraph (1) includes: exploration, exploitation, conservation and management of marine wealth other than oil and gas; administrative arrangements, and spatial arrangements.

¹¹Batam News, "Pipa Gas Singapura di Laut Kepri dinilai Merugikan", <https://www.batamnews.co.id/berita-7047-pipa-gas-singapura-di-laut-kepri-dinilai-merugikan.html> accessed on 19 September 2022.; Jurnas, Pipa kabel Bawah Laut Indonesia Seperti Sarang Laba-Laba, http://www.jurnas.com/news/117497/Pipa_Kabel_Bawah_Laut_Indonesia_Seperti_Sarang_Laba-laba/1/Ekonomi/Ekonomi accessed on 19 September 2022.

¹²Etty R Agoes, "Pengaturan Kabel Bawah Laut Menurut UNCLOS 1982 Dan Perundang-Undangan Nasional", Ministry of Foreign Affairs Republic of Indonesia, 2012.

- c. Law No. 32 of 2014 on Marine Affairs. Article 42 states that the management of marine space is used to protect, utilise and develop potential areas in the sea. Then, Article 43 Paragraph (1) states that marine spatial planning, as referred to in Article 42 Paragraph (2), includes national marine planning, zoning planning for coastal zones and small islands and marine zoning planning. Moreover, Article 47(1) obliges any activities conducted in the territorial jurisdiction, including the EEZ and continental shelf, to acquire a permit or license.
- d. Government Regulation No. 32 of 2019 on National Marine Spatial Planning: This regulation generally governs the planning and utilisation of marine spaces, including the territory's jurisdiction, contiguous zone, EEZ, and continental shelf.
- e. Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. 14 of 2021 on Submarine Pipelines and/or Cables: this is the relevant Decree discussed in this research.

From all the abovementioned laws, it is wise to understand that the primary legal source regarding submarine cables and/or pipelines in Indonesia is Law No. 1 of 2014. Article 19(1) of Law No. 1 of 2014 regulates that Indonesia utilise the permit or license mechanism to control the submarine cable and pipeline network. Moreover, the article regulates that the applicant must have a *location permit before obtaining a management permit*. This *location permit* is pivotal in determining where the installation will be made. *Location permit*, pursuant to Article 1(18) of Law No. 1 of 2014, is a permit which is granted to utilise the space of a part of coastal waters, which includes the sea level and the water column up to the seabed surface within a specific area limit and/or to utilise a part of small islands. This permit is published based on the zoning map made by the previous government based on the administrative zone known as the coastal zone plan and small islands, as regulated in Article 17. The relevant map was created by various stakeholders, including the Central/Local government, relevant communities, and business entities.

The zoning map is intended for marine spatial planning, as stated in the elucidation of Article 43 paragraph (1), that planning is used to determine areas used for economic socio-cultural interests, such as fishery activities, sea transportation infrastructure, maritime industry, tourism, settlements,

and marine resources; and to determine the waters used for shipping lanes, submarine cables and pipelines, and migration of marine biota. It is important to note that UNCLOS 1982 has granted sovereign states the right to lay submarine cables and/or pipelines; however, with the permit/license scheme obliged by the Indonesian government, it is questionable whether this regulation conforms with UNCLOS 1982. In essence, the permit/license required for installing submarine cables and/or pipelines in the EEZ, continental shelf or the High Seas contravenes International Laws, especially UNCLOS 1982, which address other States' freedom in all these water areas.

In general, Indonesia has regulations regarding submarine cables and/or pipelines in Indonesia, although they need to be comprehended within one comprehensive regulation. Moreover, some regulations are published at the ministry level, and implementations are limited to relevant institutions. At this moment, some of the sectoral regulations on submarine cables and/or pipelines in Indonesia:

- a. Decree of the Minister of Mining and Energy No. 300.K/38/M.PE.1997 on Safety of Oil and Gas Distribution Pipelines;
- b. Regulation of the Minister of Communications and Information Technology No.: 16/Per/M.Kominfo/9/2005 on Provision of International Telecommunication Transmission Facilities Through Marine Cable Communication Systems;
- c. Government Regulation No. 5 of 2010 on navigation;
- d. Regulation of the Minister of Transportation No. 68 of 2011 on Navigation Routes at sea;
- e. Minister of Transportation Regulation No. 71 of 2013 on Salvage and or Underwater Works;
- f. Minister of Transportation Regulation No. PM 129 of 2016 on Navigation Routes at Sea and Buildings and/or Installations in Waters; and
- g. the Decree of the Minister of Marine Affairs and Fisheries No. 14 of 2021 on Submarine Pipelines and/or Cables.

The Minister of Marine Affairs and Fisheries 2021 Decree was created considering that the submarine pipelines and/or cables illustrated on the Indonesian marine map have yet to be regulated and are expected to align with

the spatial or zoning plan. This Decree regulates several Submarine Pipelines and/or Cables provisions, which are: [a] Map of Submarine Pipelines, [b] Coordinates of Submarine Pipelines, [c]. Submarine Cable Route Map, [d]. Submarine Cable Path Coordinates. Moreover, the Ministerial Decree 14/2021 lists the coordinates of 43 submarine pipeline segments, 217 submarine cable line segments, 209 Beach Main Hole and a map attachment.¹³

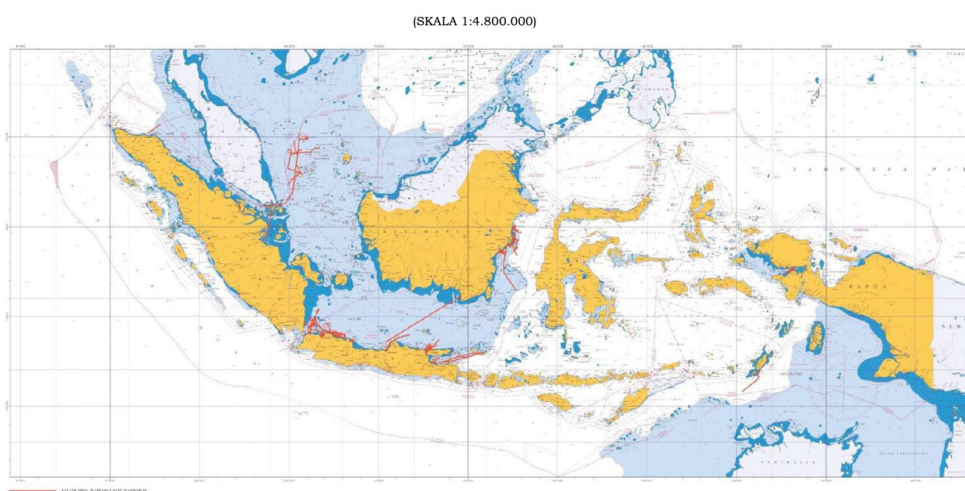


Figure 1. Map of Submarine Pipelines.

Source: Appendix of Ministerial Decree No. 14 of 2021.

In Indonesia, the agency which handles matters related to submarine cables and/or pipelines is the Directorate of Marine and Coastal Guards. This division has the task of formulating and implementing policies, drafting norms, standards, procedures and criteria, providing technical guidance and supervision, as well as evaluation and reporting in the fields of patrol and security, law enforcement and advocacy, shipping order, disaster management and underwater work, facilities and infrastructure.¹⁴ Based on Law No. 17 of 2008 on Navigation, Government Regulation No. 5 of 2010 on Navigation and Regulation of the Minister of Transportation No. 129 of 2016 on Navigation Route at Sea and or installation in waters, it is stated that for the location of

¹³Cabinet Secretariat of The Republic of Indonesia, “Government Issues Regulation on Submarine Pipelines, Cables System,” accessed 11 January 2023, <https://setkab.go.id/en/govt-issues-regulation-on-submarine-pipelines-cable-systems/>,.

¹⁴Kepala Pusat Hidrografi dan Oseanografi TNI Angkatan Laut (Pushidrosal) Laksamana Muda TNI Harjo Susmoro, <http://hubla.dephub.go.id/unit/kplp/Pages/Tugas-Fungsi.aspx>, K.

buildings or submarine installations such as pipes and cables under the sea as well as the safety and security zone for sailing must be announced by including it in the Sea Map and Shipping Manual and broadcast through the Seaman's News (Notice to Mariners / NtM).

IV. THE CHALLENGES OF THE GOVERNMENT OF INDONESIA IN REGULATING THE SUBMARINE CABLES AND/OR PIPELINES

UNCLOS 1982 regulates that all States are entitled to lay submarine cables and pipelines on the Exclusive Economic Zones (EEZ), High Seas and continental shelf under articles 58(1), Article 79(1), Article 87 1(c), and Article 112 (1). Although UNCLOS is silent about the rights to lay submarine cables and pipelines under the territorial sea and its contiguous zones, it can be understood that the Coastal States have sovereign rights in these water areas. Moreover, UNCLOS 1982 obliges states to adopt applicable laws and regulations in case of breach/injury related to submarine cable and/or pipelines as governed in its Articles 114-115. Thus, Indonesia has several institutional regulations on these matters, which are:

- a. Regulation of the Minister of Communication and Information No.: 16/Per/M.Kominfo/9/2005 on Provision of International Telecommunication Transmission Facilities Through Marine Cable Communication Systems;
- b. Decree of the Minister of Mining and Energy No. 300.K/38/M.PE/1997; and
- c. Minister of Transportation Regulation No. PM 129 of 2016 on Shipping Route at Sea and Buildings and/or Installations in Waters.

Pursuant to the rules above, it can be interpreted that Indonesia has shown its effort to comply with the mandate of UNCLOS 1982 to provide domestic regulations related to submarine cables and/or pipelines. However, although UNCLOS 1982 does not differentiate the different types of submarine cables, Indonesia, in its domestic regulations, distinct the submarine cable pipelines into two different types, which are submarine pipelines as a support for energy distribution/infrastructure (electricity submarine cables) and submarine cable which support the communication networks (communication submarine

cables).¹⁵ This differentiation does not contravene the provisions of UNCLOS 1982. Moreover, for comparison, Australia has a licensing mechanism for underground cable installations under the Telecommunications Act 1997 of Australia,¹⁶ while submarine pipeline installations it is regulated by the Offshore Petroleum and Greenhouse Gas Storage Act 2006 of Australia.¹⁷

Regarding the permits, Article 19 of Law No. 1 of 2014 obliges business stakeholders to acquire *location permits* and *management permits* issued by the central and regional governments to be eligible to conduct business within the Indonesian sea area. Moreover, the permit or license is intended to tighten security and prevent the potential conflict prompted by economic interests caused by relevant business activities. This also aims to ensure that the trade flow within Indonesian waters can be conducted effectively. Furthermore, Indonesia is currently making a government regulatory framework related to submarine constructions and installations, which allows the Minister of Marine Affairs and Fisheries to authorise pipelines and/or cable installation permits.¹⁸

However, it would be more appropriate if the regulatory authority was given to the Ministry of Information and Communication in coordination with the Ministry of Fisheries, the Ministry of the Environment, the Ministry of Transportation and the coordinating Ministry of Marine Affairs and Fisheries. In the submarine pipeline installation, the ministries involved are the Ministry of Marine Affairs and Fisheries, the Ministry of Environment, the Ministry of Transportation, and the coordinating Ministry of Marine Affairs and Fisheries and the Ministry of Resources and Energy. The authority of each institution needs to be mapped entirely, giving rise to potential conflicts, overlapping authorities and unclear policies. Thus, efforts to harmonise laws and the role of coordination between institutions must be contained in the implementing regulations.

¹⁵Langlet David, "Transboundary Transit Pipelines: Reflections on the Balancing of Rights and Interests in Light of the Nord Stream Project", *The International and Comparative Law Quarterly* 63, no. 4 (2014): 977-995; Tara Davenport, "Submarine Communications Cables and Law of the Sea: Problems in Law and Practice," *Ocean Development & International Law* 43, no. 3 (2012): 201-242.

¹⁶Schedule 3A to the *Telecommunications Act 1997 of Australia*.

¹⁷*Greenhouse Gas Storage Act 2006 of Australia*.

¹⁸Framework for Government Regulation for Infrastructure and Installation at Sea, 2017, article 1 No. 18.

Although Indonesia has several sectoral regulations, including the Regulation of the Minister of Communication and Information No. 16/Per/M. Kominfo/9/2005 on Provision of International Telecommunication Transmission Facilities Through Sea Cable Communication System, Decree of the Minister of Mining and Energy No. 300.K/38/M.PE/1997, and Regulation of the Minister of Transportation No. 129 of 2016 on shipping routes in the sea and buildings and/or installations in waters. In general, all these regulations are sectoral and prone to overlapping authorities.

In essence, submarine pipelines and cables have been regulated in national law and its derivatives and in international agreements in the form of guidelines, manuals or conventions to which States have agreed. However, where the submarine pipelines and/or cables are installed is crucial to navigation safety issues and the ease for large ships to anchor in certain water areas. Currently, the government has announced the location or placement of submarine pipelines and/or cables in accordance with the area determined by the government so that it will not interfere with the flow of ship traffic as regulated in the Ministerial Decree No. 14/2021. Moreover, the government is improving the draft Government Regulation on the Installation of Submarine Pipelines and/or Cables. With the realisation of this government regulation, such regulation will be able to translate related laws, remove overlapping authorities between related institutions, and support Indonesia's economic development to allow Indonesia to become an advanced and independent maritime state.

As a maritime state, Indonesia has the rights and obligations in accordance with the rules in the UNCLOS 1982 and the IMO Convention. The obligation which must be carried out by the state, among others, is the guarantee of shipping safety for navigation through their state, equipped with all installations or infrastructure related to marine security, for example, navigational aids and sea traffic signs. Based on Law No. 17 of 2008 on Shipping, Government Regulation No. 5 of 2010 on Navigation and Regulation of the Minister of Transportation No. 129 of 2016 on Navigation Routes at Sea and Buildings and/or Installations in Waters, the safe zone for navigation purposes must be announced by indicated on the Marine Map and Shipping Manual and submit it to Notice to Mariners/NtM.

The coastal state must establish standards and criteria to ensure the safety of pipelines. Moreover, the Coastal State also must protect submarine pipelines

and cables so as not to interfere with shipping, including burying pipelines in seabed trenches (1 to 10 meters, usually in water depths of up to 2 km); designation of non-anchored areas (where submarine cables are placed); creation of cable protection areas (restriction of all activities) (such as fishing) which have the potential to endanger subsea pipelines); coast guard and naval patrol (preferably joint state cooperation); radar system, Remote Identification and Tracking (LRIT) and Automatic Identification System (AIS).

All States shall ensure that the installation of submarine pipelines and cables does not violate national and international laws, including relevant regional agreements. In addition, at the domestic level, coordination with relevant ministries/institutions is required to avoid overlapping authority.

V. CONCLUSION

The utilisation of submarine cables and/or pipelines has experienced rapid development in the field of information technology and the use of marine natural resources. Regulations to lay submarine installations are pivotal for shipping and safety navigation. The installations of submarine cables/and or pipelines have been regulated by several international commitments, such as the 1982 UNCLOS and IMO Convention. Moreover, Indonesia has regulated the installations of submarine cables and/or pipelines through its domestic regulations, such as Law No. 1 of 2014 on Amendments to Law No. 27 of 2007 on Management of Coastal Zones and Small Islands; Fisheries Law; Shipping Law; and sectoral Government Regulations, such as the Decree of the Minister of Fisheries and Maritime Affairs No. 14 of 2021 on Submarine Pipelines and Cables. It is expected that this Ministerial Decree, the zoning plan or marine spatial planning for shipping needs and other infrastructure development can be adequately realised and overlapping authorities can be reduced. However, the nature of this Ministerial Decree, which obliges business entities to acquire permits/licenses even in the EEZ, in which no State has sovereign rights, does not conform with international law, especially UNCLOS 1982. Thus, Indonesia would promptly comply with international law by amending the relevant domestic laws that contravened it.

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