

State Sovereignty And Territorial Boundaries In The Perspective Of International Law

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Abstrak: *State sovereignty is a fundamental principle of international law, grounded in the existence of clearly defined and legally recognized territory. The determination of land, maritime, and air boundaries is essential for safeguarding territorial integrity, national security, and peaceful interstate relations. Nevertheless, border disputes frequently arise due to conflicting interpretations of international treaties, ambiguous territorial delimitations, colonial legacies, geographical changes, and competing political and economic interests, posing significant challenges to regional and global stability. This study aims to examine the concept of state sovereignty under international law, analyze legal mechanisms for determining state boundaries, and identify the causes and resolution of border disputes resulting from treaty interpretation. Using normative legal research with legislative, conceptual, and case study approaches, the study analyzes primary, secondary, and tertiary legal materials through qualitative methods. The findings indicate that international law provides a comprehensive framework for boundary determination through international treaties, customary international law, judicial decisions, and the provisions of the United Nations Convention on the Law of the Sea (UNCLOS). Border disputes may be resolved through negotiation, mediation, arbitration, or adjudication before the International Court of Justice. The study concludes that legal certainty over territorial boundaries is indispensable for the effective exercise of state sovereignty. Strengthened international cooperation, harmonized treaty interpretation, and more effective dispute resolution mechanisms are therefore essential to promote international peace, stability, and sustainable interstate relations.*

Keywords : *state sovereignty, territorial boundaries, international law, border disputes, international treaties.*

INTRODUCTION

The issue of national territorial boundaries is still one of the important issues in international law. In the practice of international relations, various border disputes still often occur both in land, sea, and air areas.¹ These disputes can be seen in the case of Sipadan and Ligitan Islands between Indonesia and Malaysia, the Pedra Branca dispute

between Singapore and Malaysia, and the South China Sea dispute involving several countries in the Asian region.² These disputes generally arise due to differences in interpretation of international agreements, unclear boundaries of territories inherited during the colonial period, and the existence of economic and political

¹ Malcolm N. Shaw, *International Law*, 9th ed. (Cambridge: Cambridge University Press, 2021), hlm. 351.

² Surya P. Subedi, *International Boundary Disputes and International Law* (London: Routledge, 2021), hlm. 87–90

interests inherent in disputed territories³. This condition shows that the determination of territorial boundaries has a very close relationship with the existence and exercise of a country's sovereignty, because territorial boundaries determine the space for the implementation of state jurisdiction and become the basis for the implementation of rights and obligations in international relations⁴

Normatively, the regulation of state sovereignty and territorial boundaries has been regulated in various international legal instruments. The 1933 Montevideo Convention on the Rights and Obligations of the State affirms that territory is one of the constituent elements of the state⁵ The 1945 United Nations Charter recognizes the principle of equal state sovereignty and respect for territorial integrity⁶. In addition, the 1969 Vienna Convention on the Law of Treaties provides guidelines on the interpretation and implementation of international treaties that are often the basis for determining territorial boundaries between states⁷. In the maritime aspect, the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 comprehensively regulates territorial seas, additional zones, exclusive economic zones, and continental shelf which are the legal basis for delimitation of maritime areas between countries⁸.

Although various international legal instruments have regulated the sovereignty and territorial boundaries of countries, there

are still some legal issues that require further study. First, there is a vague norm regarding the boundaries between airspace and space because until now there have been no international provisions that expressly set the vertical boundaries of state sovereignty⁹.

Second, there is a conflict of norms between historical claims submitted by several countries and the provisions for delimitation of maritime areas based on UNCLOS 1982, which often leads to differences in the application of law in the settlement of border disputes¹⁰. Third, there is a vacuum of norms in international legal arrangements that regulate in detail some aspects of certain territorial boundaries, especially those related to the development of aerospace technology and space activities¹¹. Departing from these problems, this research is important to analyze the concept of state sovereignty, the mechanism for determining territorial boundaries, and the resolution of border disputes from the perspective of international law.

METHOD

The research method used in this study is normative legal research with a statutory approach, a conceptual approach, and a case approach. The legal materials used consist of primary, secondary, and tertiary legal materials obtained through library research. Furthermore, legal materials are analyzed qualitatively with a descriptive method to examine state sovereignty, territorial boundary determination,

³ Ian Brownlie, *Principles of Public International Law*, 8th ed. (Oxford: Oxford University Press, 2012), hlm. 629–632.

⁴ Boer Mauna, *International Law: Definition, Role and Function in the Era of Global Dynamics*, Second Edition (Bandung: Alumni, 2015), pp. 329–331

⁵ Montevideo Convention on the Rights and Duties of States 1933, Article 1.

⁶ Charter of the United Nations 1945, Article 2

paragraph (1) and (4).

⁷ Vienna Convention on the Law of Treaties 1969, Articles 26 and 31

⁸ United Nations Convention on the Law of the Sea (UNCLOS) 1982, Parts II, V, and VI.

⁹ Malcolm N. Shaw, *International Law*, 9th ed. (Cambridge: Cambridge University Press, 2021), hlm. 517–520

¹⁰ Anthony Aust, *Modern Treaty Law and Practice*, 3rd ed. (Cambridge: Cambridge University Press, 2013), hlm. 245–249

¹¹ Ian Brownlie, *Principles of Public International Law*, 8th ed. (Oxford: Oxford University Press, 2012), hlm. 105

and border dispute resolution from the perspective of international law.

DISCUSSION

State Sovereignty as the Basis for Determining Regional Boundaries

State sovereignty is a fundamental principle in international law that is the basis for the existence of a country in international relations. The concept of sovereignty emphasizes that the state has the highest power to regulate its domestic affairs and foreign relations without interference from other countries. In the context of modern international law, sovereignty is understood not only as political power, but also as the inherent legal authority of a state to exercise its jurisdiction over the territory under its jurisdiction¹². Sovereignty gives legitimacy to the state to make laws and regulations, enforce laws, manage natural resources, and carry out government functions effectively in its territory.

Historically, the concept of sovereignty has evolved since the emergence of modern states in Europe in the 16th century. One of the figures who had a great influence on the development of this concept was Jean Bodin, who viewed sovereignty as the highest power that was permanent and indivisible in a country. According to Bodin, the state must have the highest authority in regulating all aspects of people's lives without the interference of other parties. This concept then developed and became the basis for the formation of the sovereign state system known in modern international law¹³.

The next development was marked by the birth of the Peace of Westphalia in 1648 which affirmed the recognition of the sovereignty of each state and the principle of

equality between states. Since then, each country has been seen as having the same right to determine policies within its own territory without the intervention of other countries.

The principle later became the main foundation in modern international relations and continued to evolve through various international legal instruments, including the Charter of the United Nations of 1945¹⁴

In the perspective of contemporary international law, sovereignty is no longer understood as an absolute power. The state retains supreme authority within its territory, but the exercise of that authority is limited by the obligation to respect international law, human rights, and agreed international treaties. Thus, modern sovereignty has a more dynamic character because it is always balanced by the responsibility of the state to the international community¹⁵.

The territory of the state has a very important position because it is a space for the enactment of national law and the exercise of state authority. Therefore, the existence of clear territorial boundaries is one of the important requirements for the implementation of sovereignty. Without a definite territorial boundary, a country will experience difficulties in carrying out government functions, providing protection to citizens, and managing natural resources within their jurisdiction¹⁶. Unclear territorial boundaries can also cause legal uncertainty regarding the scope of a country's authority, both on land, water, and in the airspace.

Clarity of territorial boundaries is also the basis for the state to implement various public policies. The government can only carry out the functions of administration, law enforcement, taxation, environmental management, and exploitation of natural

¹² *Ibid*

¹³ Malcolm N. Shaw, *International Law*, 9th ed. (Cambridge: Cambridge University Press, 2021), hlm. 351–353

¹⁴ Charter of the United Nations 1945, Article 2 paragraph (1)

¹⁵ Boer Mauna, *International Law*,

Second Edition (Bandung: Alumni, 2015), pp. 329–

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¹⁶ J.G. Starke, *Introduction to International Law*, Tenth Edition (Jakarta: Sinar Grafika, 2010), p. 214

resources effectively if the scope of its jurisdiction has been definitively determined. Therefore, the delimitation of territorial boundaries is not only a technical issue of mapping, but is a legal instrument that determines the sustainability of the administration of a country.¹⁷

In international practice, territorial boundaries also have a strategic meaning for the protection of national interests. Countries with clear territorial boundaries will find it easier to maintain national security, prevent territorial violations, control cross-border trade flows, and supervise activities related to smuggling, piracy, human trafficking, and other forms of transnational crime. Therefore, strengthening regulations regarding territorial boundaries is an integral part of national defense and security policies.¹⁸

In international law, the territory of a country generally includes three main elements, namely land area, sea area, and airspace. These three elements are under the jurisdiction of the country concerned in accordance with the provisions of applicable international law. Recognition of a country's territory is an important aspect in determining the extent to which the country can exercise its rights and obligations in international relations. Therefore, the establishment of clear territorial boundaries is an important instrument to ensure the effective exercise of sovereignty and avoid overlapping jurisdictions with other countries.¹⁹

In addition to these three elements, the development of international law shows that there is a growing concern for outer space.

Until now, there has been no international agreement on the exact boundary between the airspace under the sovereignty of the state and the space that is subject to the international legal regime. This condition has

given rise to various academic debates and international practices regarding the extent to which countries can exercise their sovereignty vertically²⁰. Nevertheless, the majority of international legal experts agree that space cannot be the object of a claim to sovereignty by any country as affirmed in the 1967 Outer Space Treaty.²¹

In the perspective of international law, the sovereignty of one country must be respected by another country based on the principle of equality and non-intervention.

This principle is reflected in the Charter of the United Nations which affirms that every state has the same right to defend its territorial integrity and independence.²² Thus, the determination of territorial boundaries is not only related to geographical aspects, but is also a tangible manifestation of state sovereignty in the international legal system. The clarity of territorial boundaries is a symbol of recognition of the existence of a country and at the same time a basis for maintaining the stability of relations between countries.

The principle of non-intervention has a very close relationship with the concept of state sovereignty. Other countries are not allowed to interfere in affairs that are within the domestic jurisdiction of a country, including regarding territorial management and the exercise of authority government.

However, the development of the international community shows that this principle is not an absolute principle. In certain circumstances, such as threats to international peace or gross violations of international law, the international community through the mechanisms of the United Nations can take

¹⁷ Malcolm N. Shaw, *International Law*, 9th ed., hlm. 517–520

¹⁸ Surya P. Subedi, *International Boundary Disputes and International Law* (London: Routledge, 2021), hlm. 87–90

¹⁹ Ian Brownlie, *Principles of Public International Law*, hlm. 629–632.

²⁰ Malcolm N. Shaw, *International Law*, 9th ed., hlm. 540–543

²¹ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space 1967, Article II

²² Charter of the United Nations 1945, Article 2 paragraph (1) dan (4)

action in accordance with the provisions of the UN Charter.²³

Analysis of Differences in the Interpretation of International Treaties in Border Disputes

International agreements are the main legal instruments used in determining territorial boundaries between countries.

Through international agreements, countries can clearly define the boundary line separating their respective jurisdictions and regulate various aspects related to the management of border areas. In practice, international agreements have a very important function because they are the legal basis that binds the parties in accordance with the principle of *pacta sunt servanda*, that is, every agreement that has been agreed upon must be implemented in good faith.²⁴ However, the existence of an agreement does not necessarily guarantee the disappearance of potential disputes. In many cases, border disputes arise due to differences in interpretation of the content of the agreement that is the basis for determining the boundaries of the territory.

The principle of *pacta sunt servanda* is one of the fundamental principles in international treaty law. This principle provides legal certainty that any country that has expressed its consent to be bound by a treaty is obliged to implement all its provisions with full responsibility. These obligations not only include the formal implementation of norms, but also require good faith in every action of the state while exercising its rights and obligations under international treaties.²⁵ Without good faith, the implementation of an agreement has the potential to cause abuse of rights which can trigger new disputes between the parties.

In the context of determining territorial boundaries, international agreements have a very strategic position because they serve as the main legal basis in determining the scope of state sovereignty. The clarity of the norm formulation in an agreement is a factor that greatly determines the success of territorial delimitation. If an agreement contains a clear, detailed formulation, and is supported by accurate geographical coordinates, the chances of future disputes will be smaller. On the other hand, if the formulation of the agreement is general or multi-interpreted, then each country can give a different interpretation according to its national interests.²⁶

Differences in interpretation may occur due to the use of ambiguous terms, unclear geographical descriptions, or unforeseen changes in conditions at the time of the agreement. Not all international treaties are drafted with the same level of detail. Some treaties, especially those made in the past, contain only general descriptions of territorial boundaries without accurate geographical coordinates. As a result, when the treaty has to be implemented under different conditions than at the time of its formation, various interpretations arise that can give rise to disputes between countries.²⁷

In addition to editorial factors, changes in natural conditions can also affect the effectiveness of a territorial boundary agreement. Shifts in river flows, coastal sedimentation, abrasion, and the appearance of small islands due to volcanic activity can cause boundaries that were originally considered clear to be difficult to implement in practice. In such circumstances, bordering countries often need to do review of territorial delimitation through bilateral negotiations and dispute

²³ Boer Mauna, *International Law*, pp. 333–335

²⁴ Vienna Convention on the Law of Treaties 1969, Article 26

²⁵ Anthony Aust, *Modern Treaty Law and Practice*, 3rd ed. (Cambridge: Cambridge University Press, 2013), hlm. 234

²⁶ Malcolm N. Shaw, *International Law*, 9th ed. (Cambridge: Cambridge University Press, 2021), hlm. 517–520

²⁷ Anthony Aust, *Modern Treaty Law and Practice*, hlm. 245–249

resolution mechanisms available in international law.²⁸

According to the Vienna Convention on the Law of Treaties of 1969, a treaty must be interpreted in good faith based on the ordinary meaning of the terms used in the context of the treaty and in accordance with the purpose for which it was formed.²⁹ This provision shows that the process of interpreting the agreement should not be carried out unilaterally, but must consider the entire content of the agreement and the intention of the parties when the agreement was made. However, in the practice of international relations, each country often has different national interests so that the interpretation of a provision can result in different understandings.

Article 31 of the Vienna Convention on the Law of Treaties 1969 is the main basis in the process of interpreting international agreements. The article requires that each provision be understood based on the usual meaning of the words used, the overall context of the agreement, and the objectives to be achieved. If the provision still raises doubts, Article 32 permits the use of travaux préparatoires (treaty preparation documents) as an interpretive aid.³⁰ Thus, the interpretive process does not only depend on the sound of the text alone, but also takes into account the history of the formation of the agreement.

In the practice of resolving international disputes, the International Court of Justice consistently applies the provisions of Article 31 and Article 32 of the Vienna Convention as a guideline in interpreting various international agreements. This approach aims to maintain consistency in the application of international law while preventing states from making

unilateral interpretations in the interests of their national interests.³¹

Differences in interpretation of international treaties are often found in territorial boundary disputes stemming from colonial treaties. Many treaties made during the colonial period used maps with limited accuracy or less detailed geographical descriptions. Moreover, the main purpose of drafting treaties in colonial times was often not oriented to the needs of independent countries in the future, but rather to regulate the administrative and political interests of the colonial powers at that time.³² As a result, after the countries gained independence, there were various differences of opinion regarding the location and scope of the territory actually referred to in the agreement

The most well-known example is the Sipadan and Ligitan Island disputes between Indonesia and Malaysia. In this case, both countries based their arguments on historical documents of Dutch and British colonial heritage. However, the International Court of Justice did not only consider the content of the colonial treaty, but also paid attention to the principle of effectiveness, namely evidence of the actual implementation of state administration over the disputed territory.

Based on these considerations, the International Court of Justice finally ruled that sovereignty over Sipadan and Ligitan lies with Malaysia because it is considered more capable of demonstrating the effective implementation of government functions than Indonesia.³³

The ruling shows that in territorial boundary disputes, the existence of international agreements alone is not necessarily enough to prove the rights of a

²⁸ Surya P. Subedi, *International Boundary Disputes and International Law* (London: Routledge, 2021), hlm. 87–90

²⁹ Vienna Convention on the Law of Treaties 1969, Article 31

³⁰ Vienna Convention on the Law of Treaties 1969, Article 32

³¹ Ian Brownlie, *Principles of Public International Law*, 8th ed. (Oxford: Oxford University Press, 2012), hlm. 629–632

³² Malcolm N. Shaw, *International Law*, 9th ed., hlm. 540–54

³³ Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Judgment, International Court of Justice, 17 December 2002

country. The practice of implementing government authority in real terms, such as administrative management, environmental protection, construction of public facilities, and law enforcement in disputed areas, can be very important evidence in determining who has sovereignty. Therefore, the state is not only obliged to have a formal legal basis, but must also demonstrate the effective exercise of its sovereignty on the ground.

CONCLUSION

Based on the results of research and discussions on state sovereignty and the determination of territorial boundaries in the perspective of international law, it can be concluded that sovereignty is a fundamental element that determines the existence and recognition of a state in the international legal system. Sovereignty gives the state the authority to carry out government functions, establish and enforce laws, and regulate relations with other countries independently without outside interference. In its implementation, sovereignty cannot be separated from the existence of state territory because territory is the space for the enforcement of state jurisdiction and power. Therefore, clear territorial boundaries that are recognized by international law are one of the important requirements for the realization of effective sovereignty.

The determination of territorial boundaries has a very strategic meaning because it is directly related to political, legal, economic, defense, and national security aspects. The clarity of territorial boundaries provides legal certainty regarding the scope of a country's authority in managing natural resources, protecting its citizens, and maintaining territorial integrity from various threats and claims of other parties. In the context of international relations, territorial boundaries also function as an instrument to create stability and order between countries so

that they can minimize potential conflicts arising from overlapping jurisdictional claims.

The results of the study show that international law has provided various legal bases that are the basis for determining the territorial boundaries of countries. The legal basis includes international treaties, customary international law, decisions of international judicial bodies, and principles of international law recognized by the international community. In the context of the sea area, the regulation of territorial boundaries has gained a relatively comprehensive legal basis through the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 which regulates territorial seas, additional zones, exclusive economic zones, and continental shelf.

Meanwhile, the regulation of land and air boundaries still depends heavily on agreements between countries and international practices that develop over time. This research also shows that border disputes are one of the issues that still often arise in international relations. Although various legal instruments have regulated the determination of territorial boundaries, in practice there are still various factors that cause disputes between countries. These factors include the unclarity of international agreements, differences in interpretation of existing legal documents, the legacy of territorial boundaries during the colonial period, changes in geographical conditions, the development of mapping technology, and the economic and strategic interests inherent in the disputed territory. The existence of high-value natural resources is also often a factor that strengthens the state's claim to a certain area.

The study also concludes that international law has provided various mechanisms for peaceful dispute resolution that can be used by countries in resolving territorial boundary disputes. These mechanisms include negotiation, mediation, conciliation, international arbitration, and settlement through the International Court of Justice. The existence of such mechanisms reflects the international community's commitment to maintaining world

peace and security through the settlement of disputes based on law, not through the use of force or unilateral actions that could threaten international stability.

Thus, it can be concluded that the clarity of territorial boundaries is a very important element in the implementation of state sovereignty. The determination of territorial boundaries based on the principles of international law not only provides legal certainty for the country concerned, but also plays a role in maintaining good relations between countries, preventing conflicts, and supporting the creation of international order and peace. Therefore, respect for international law and the commitment to resolve disputes peacefully must always be the basis in any effort to resolve the border issue between countries

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