DECLARATION OF RESEARCH AUTHENTICITY

I hereby declare that the thesis under the title **"THE ANALYSIS OF SOUTH CHINA SEA DISPUTE BETWEEN THE PHILIPPINE AND THE PEOPLE'S REPUBLIC OF CHINA AFTER AWARD OF ARBITRAL TRIBUNAL CONSTITUTED ON 2013 UNDER ANNEX VII OF THE 1982 UNITED NATION CONVENTION ON THE LAW OF THE SEA"** its content is truly my own work and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk or any sanction impose to me in accordance with applicable regulation, if the future found a breach of scientific ethics, I am willing to accept the sanction.

Written by:

Name	**: Raiyan Maulana**
Student Number	**: 20120610257**
Faculty	**: Law**
Major	**: International Program for Law and Sharia**
University	**: Universitas Muhammadiyah Yogyakarta**

Yogyakarta, 11 August 2017

Raiyan Maulana

DEDICATION PAGE

I dedicate this Undergraduate thesis to

My Lord, Allah SWT

Prophet Muhammad SAW

My Beloved Parents, Ismed Zucheri and Endang Susanti

And my Beloved Sister Nindi Aulianty

FOREWORD

السَّلاَمُ عَلَيْكُمْ وَرَحْمَةُ اللهِ وَبَرَكَاتُهُ

Give all praises to Allah SWT who always give mercy and blessing, and has given the grace so that I can complete this thesis, and never forget to give *shalawat* and *salam* to our prophet Muhammad SAW who has bringing us until we have the good life like this time. This undergraduate thesis is submitted as one of the requirement to obtain the bachelor degree (S-1) of Laws Faculty in Universitas Muhammadiyah Yogyakarta under the title **"THE ANALYSIS OF SOUTH CHINA SEA DISPUTE BETWEEN THE PHILIPINE AND THE PEOPLE'S REPUBLIC OF CHINA AFTER AWARD OF ARBITRAL TRIBUNAL CONSTITUTED ON 2013 UNDER ANNEX VII OF THE 1982 UNITED NATION CONVENTION ON THE LAW OF THE SEA".**

For this moment the author wants to give a lot of thanks to all parties who have been giving a big support to the author because the support and help from other author can't finish the thesis. In the way when creating the thesis is have so many problem and obstacle confronting, but because of the support and motivation from them I can't finish this thesis .

First, I would like to send the big thanks to my beloved Father Ismed Zucheri and my beloved mother Endang Susanti who have given some supports, namely material support our formal support and actually give me a prayer for my good life and good mind, and also my sister Nindi Aulianty who motivates me to become the good person in this world.

Many thanks to my advisors, Pak Dr. M. Nur Islami, S.H., M.Hum and Pak Yordan Gunawan, S.H., Int. MBA, M.H who guided me with patient, wisdom and compassion. My appreciation also goes for all lecturers (Pak Nasrullah, Pak Iwan dan

Pak Endriyo) and staff (Mbak Isni, Pak Maman dan Pak Dirman) at the Faculty of Law of Universitas Muhammadiyah Yogyakarta.

The biggest thanks to my friends, Andi Pramawijaya Sar, Gaidar Kenny Marcapada, and M. Muklis Dian Putra, who has given me the help to create my thesis, and also all my friends who have given me advise and help for my thesis, until I can make my thesis perfect. Thanks to all my IPOLianS family, especially IPOLianS 2012 for the togetherness, IPOLianS 2011 for the kindness, and IPOLianS 2013 as my sparring partner in finishing my undergraduate thesis.

May Allah SWT always gives the reward for all the assistance that has been provided to the author during the process of preparing and writing this thesis. The author realize this thesis is far from the perfection, and because of that it is good to get the suggestion and criticism from the readers, so this thesis can be better. Finally, the author hopes this Scientific Paper can be useful for us now and later.

وَ السَّلاَمُ عَلَيْكُمْ وَرَحْمَةُ اللهِ وَبَرَكَاتُهُ

Yogyakarta, 28 July 2017

Raiyan Maulana

TABLE OF CONTENTS

ABSTRACT ..... **i**

APPROVAL PAGE ..... **ii**

VALIDATION PAGE ..... **iii**

DECLARATION OF RESEARCH AUTHENTICITY ..... **iv**

DEDICATION PAGE ..... **v**

FOREWORD ..... **vi**

TABLE OF CONTENTS ..... **viii**

CHAPTER I: INTRODUCTION **1**

A. Background 1

B. Research Problem 5

C. Objective Research 5

D. Benefit of Research 5

E. Overview of the Chapter 6

CHAPTER II: LITERATURE REVIEW **7**

A. South China Sea 7

B. The Permanent Court of Arbitration 8

C. United Nation Convention on the Law of the Sea (UNCLOS) 10

D. The Alternative Mechanism for the Settlement of Dispute on Convention..... 11

CHAPTER III: RESEARCH METHOD..... 13

A. Type of the Research..... 13

B. Types of Data..... 14

C. Method of Collecting Data 15

D. Method of Data Analysis 15

CHAPTER IV: FINDING ANYLISIS 16

A. The History of South China Sea Dispute between the People's Republic of China and the Philippines. 16

1. The General Review of South China Sea Dispute 16

2. The People's Republic of China Claim on the South China Sea 24

3. The Philippine Claim's in South China Sea..... 32

B. The Submission of The Philippines and the Respond of People's Republic of China 40

C. The Role of Arbitral Tribunal Under Annex VII of the United Nation Convention on the Law of the Sea to the South China Sea. 45

D. The Decision of Arbitral Tribunal..... 49

CHAPTER V 53

A. Conclusion 53

B. Rcomendation 54

BIBLIOGRAPHY 55