

## Review of the Formulating of the Code of Conduct in South China Sea between ASEAN and the People's Republic of China

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### Abstract

*This paper discusses about ASEAN and the People's Republic of China (PRC)'s resolution attempts in the South China Sea (SCS) dispute. This paper discusses the process of conflict resolution between ASEAN and the People's Republic of China (PRC) in the South China Sea (SCS) dispute issue since the declaration of conduct and its following moves were not yet able to formulate the planned code of ethics. This study aims to find out the causes of slow development of the COC of the South China Sea. This research uses qualitative methods to gather both primary and the secondary sources. Regime theory by Krasner is used by this research to see what factors cause both parties to be unable to formulate a code of ethics in the South China Sea. The conclusion from this research is the COC's development as a security regime in the South China Sea.*

### Keywords

ASEAN; People's Republic of China declaration of conduct; code of conduct; South China Sea



## I. Introduction

The South China Sea (abbreviated as SCS) has long been a disputed area by many parties. Its position between two major oceans, namely the Indian Ocean and the Pacific Ocean, and its location, which has been a place of trade traffic since the historical era, makes this area always a disputed area. International Hydrographic Bureau (IHO) determined the South China Sea boundaries in Limits of Oceans and Seas in 1986. After a revision in October 2019, the geographic boundary of the South China Sea is up to the Natuna Sea in Indonesian waters (Zou, 2019: p.9).

The dispute over the SCS area began when the Republic of China (ROC), led by the Kuomintang in 1947, declared their claim to the entire SCS area, most of which was formerly occupied by Japan during the Second World War. The people's Republic of China, or PRC, declared that those areas were theirs in 1953 while creating an imaginary boundary, better known as the nine-dash line. Following the declaration, in 1958 PRC issued a declaration regarding their territories surrounding the South China Sea (Fravel, 2011: p. 292).

Steps taken by ASEAN to deal with this in the 21st century are the issuance of the Declaration on Conduct of the Parties in the South China Sea (DoC) in Phnom Penh, Cambodia, in 2002. This declaration contains commitments from ASEAN member countries and the PRC to comply with international law principles, respect the freedom of navigation in the South China Sea, resolve disputes peacefully, and refrain from actions that can escalate conflict escalation. The DoC also aims to serve as a guide in acting well for ASEAN member countries and the PRC in maintaining peace and stability in disputed areas with the spirit of cooperation and mutual trust between the parties (DoC Document, 2002).

The code of ethics issue declaration was then also forwarded to the 44th ASEAN Ministerial Meeting. There, ASEAN and PRC succeeded in agreeing on an outline for implementing the code of ethics declaration known as the Guidelines for the Implementation of the DOC (Declaration on Conduct of the Parties in the South China Sea).

The guidelines eventually became an agreement that opened up opportunities for efforts to implement the DOC by both actors. Both actors initiated collaborative projects between ASEAN and China in the South China Sea region and started initial discussions on the establishment of a code of ethics. (CoC, Code of Conduct ) which is regional in SCS, which will function as a conflict prevention mechanism and regulator of state behavior. Both the DoC implementation and the CoC planning as two legal bases that bind ASEAN or the PRC experienced problems, so there was no clear meeting point between the two parties. The literature review regarding this research can be divided into three groups:

1. Studies that are as background in the development of ASEAN as the leading actor in SCS dispute resolution;
2. A study that discusses the attitude of the PRC in dealing with regional disputes in the South China Sea;
3. A study that describes the efforts to apply the rules in the SCS.

The first group of studies discusses the background of the two actors involved in the SCS dispute and its impacts on both parties in general terms, such as Acharya (2000, 2003) and Caballero-Anthony (2005). Hong (2013) tries to explain what factors are the problems that the two main actors, namely ASEAN and China, have in the negotiations on the SCS.

The second category discusses more how the attitudes and significant steps from both parties, both ASEAN and the PRC, to each other strengthen the position for peace in the South China Sea. From the ASEAN side, as a regional organization consisting of several claimant countries, they try to show their function as a regional unit that has significant authority in the South China Sea, such as Hongfang (2011). The response from the PRC itself consisted of quite significant opposition considering that both parties chose their respective frameworks in completing (Sato, 2013; Thayer, 2011) and responding to the PRC's previously prohibited actions in Chalid et al. (2015). In addition, this perspective also tries to explain the PRC's decision not to take offensive action because its foreign policy has changed and adheres to securities norms which make them more defensive in Rosyidin (2015) and Chen and Wang (2011) while seeing what the problems of implementing ASEAN norms in Loh (2011) are.

The third category study attempts to describe the ASEAN-China conflict management processes. Articles such as Majumdar (2015) try to explain the position of In addition to the articles above, Odgaard (2003) and Majumdar (2021) have arguments about the importance of norms in revitalizing relations between ASEAN and China, where these norms serve to limit the space for the great powers is category also in SCS negotiations. Weissmann( 2010) also argues about the peace in SCS after the DoC and the future of CoC as a legally binding regulation,so as Bateman (2011) which state that the existence of a legal regime in the South China Sea must be studied and the obstacles that accompany the process.

Previous studies have significant weaknesses, where on average, these studies discuss the unfinished relationship between ASEAN and China. Therefore, this study tries to use a different approach. So, if the author refers to the empirical facts described in the background, it can be seen that the application of DoC in the South China Sea is the main

solution in dispute resolution. The existence of various regional conferences indicates ASEAN's seriousness in maintaining global security stability in an area that is often considered 'no man's land.' Indeed, the stability of the Southeast Asia Region without open conflict between countries since the formation of ASEAN cannot be separated from the conflict resolution mechanism within ASEAN, which was carried out based on TAC in 1976, before the entry into force of the ASEAN Charter in 2007 which directly became a benchmark for non-aggressive actions from all over the world.

On the other hand, as a big power, the PRC always tries to claim the entire SCS territory. The claim that the PRC has does not refer to the UN's maritime law base in UNCLOS, whose contents provide clear legitimacy to explain that several ASEAN member countries such as the Philippines, Malaysia, Vietnam, Indonesia, and Brunei have territories in the region. This issue requires steps to be taken by entering into various code-based agreements before and after the ratification of the ASEAN Charter. In addition, existing studies have shown that the SCS negotiations between ASEAN and China have never really found a solution regarding clear territorial boundaries. In addition, from the studies mentioned above, a study has not been found related to the reasons that make the implementation of the DoC and the preparation of the CoC in the South China Sea not optimal.

With this in mind, this paper tries to explain why each party involved in the SCS territorial dispute cannot find a clear point of peace. Therefore, the question that must be answered from the formulation of the problem above is why the COC formulation in the South China Sea has not been completed?

## II. Review of Literature

This research will use the framework of regime theory analysis of regime theory. According to Stephen Krasner in his writings, *Structural Causes and Regime Consequences: Regimes as Intervening Variables*, an international regime is defined as a set of norms, rules, and decision-making procedures, either implicit or explicit agreed upon by the actors within the scope of international relations. In other words, an international regime is a form of unity of actors, both state and non-state actors, gathered in an international system that regulates their expectations. The international regime itself has two forms, namely the security regime and the economic regime; one example of a security regime among them is the Concert of Europe, which is a consensus of traditional European countries after the Vienna Convention of 1815 (Krasner, 1982: p.104-105).

The security regime has several characteristics that define its position as a union that binds state actors and institutions. First, principles, rules, and norms govern how the interrelationships between actors involved in one regime are. Second, there are restrictions on the distribution of weapons and military capabilities for actors involved in the regime, even though the actors can still obtain competitive weapons and are still able to continue preparing reserves. Finally, the interests of the actors in a regime to achieve peace are long-term. In other words, a security regime exists because of factors and considerations that weaken the desire of one of the actors to make wars (Acharya, 2001: p. 21-22).

There are several things that must be considered in regime theory, namely the regime must be understood as something more than just a "temporary agreement" which changes every time there is a shift or shift in the power of a country or the interests of that country, so that it can be explained that there are four points that are the main characteristics of an international regime, the first point is the principle or belief in the facts, causes and honesty of each party who will establish an international regime, then the norm which is a standard

of behavior as outlined in the rights -rights and obligations that must be obeyed by parties involved in an international regime, then there are regulations, where these regulations will serve as a form of specific provisions regarding the behaviors that will be taken by actors, and are more binding than norms, and the existence of decision-making procedures san, where this common practice will serve to make and implement the implementation of joint decisions (Keohane, 1984: p.57-59).

The four points above are per the function of the international regime itself, which tries to regulate, limit, and even in some conditions will try to force its members to behave under the agreements they have reached while choosing issues that deserve attention and what activities are carried out have clarity, and how and when a conflict is resolved (Puchala and Hopkins: 1982, p.247-248). Meanwhile, Robert Jervis stated that an international regime is a form of international cooperation that is more than just a short-term national interest, considering the strong commitment and obedience of actors to be very important in the sustainability of the international regime (Jervis, 1982: 367), especially international regimes. Especially the security regime to prevent security dilemmas due to the tendency of states to strengthen their respective armed forces, better known as the arms race, and disrupt the balance of power between actors (Jervis, 1978: 178).

Given that the relationship between the two sides, ASEAN and China, has clear causes and effects and significant long-term implications for the relationship between the two parties, Krasner's regime significance theory was chosen to explain this research. Krasner explains that the international regime can be a link between the essential causal variables and the response, considering that this theory looks at the causal relationship between certain factors in an international regime. The causal variables or causation referred to by Krasner (1982) include:

1. Egoistic self-interest, or the interest of an individual actor to satisfy themselves without benefiting other actors;
2. Political power, which can be described as an instrument of power to fulfill the interests of certain actors;
3. Norms and principles. These variables functioned as the 'rules of the game' in a regime;
4. Habit and custom, where the habits of a regime form a distinctive pattern of behavior, as well as
5. Knowledge. This variable is essential for policymaking and plays a significant role in international regimes' ongoing and future course.

This approach is elaborated by the analytical model below. Krasner assumes that the regime can be likened to an intervention variable between the most prominent essential causal variables, power and interest, and outcomes and behavior. Thus, the assumptions about a series of cause-and-effect relationships in regime theory can be explained by the following model:

### 2.1. Regime Theory analysis table based on Krasner (1982)

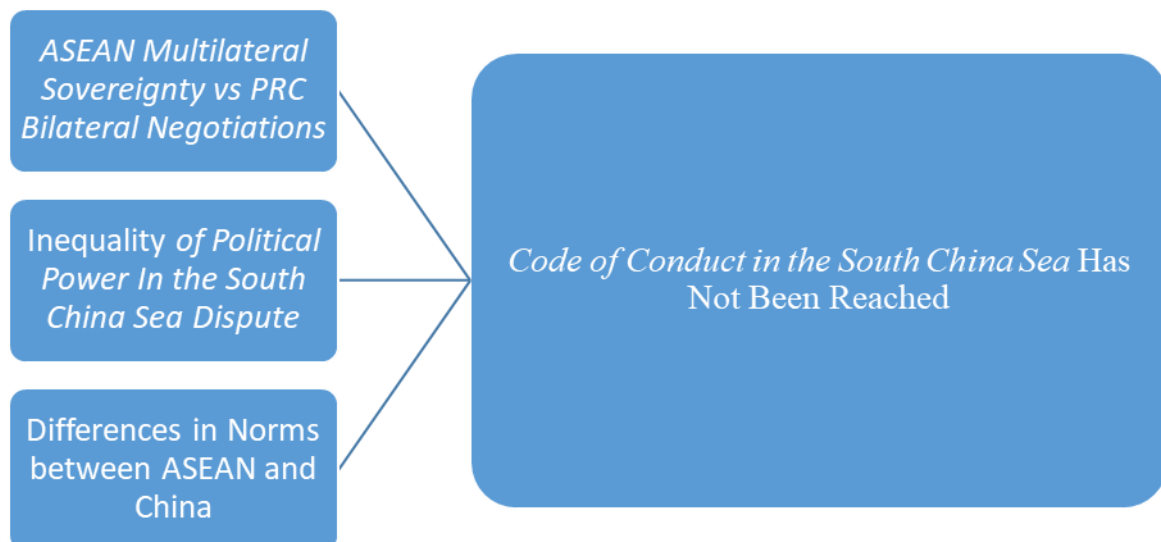
| <b>Theory</b>                             | <b>Variable</b>               | <b>Indicator</b>  |
|---|-------------------------------|---|
| International Regime (Stephen D. Krasner) | <i>Egoistic Self Interest</i> | ASEAN's desire to recognize SCS sovereignty for member countries.<br>The PRC's desire to uphold SCS sovereignty based on historical claims. |

|  |                                |  |
|--|--------------------------------|--|
|  | <i>Political Power</i>         | The PRC uses their position for SCS Sovereignty.                                 |
|  |                                | ASEAN wants a collective consensus in the SCS region for the claiming countries. |
|  | <i>Norms and Principles</i>    | ASEAN Political Norms  |
|  |                                | <i>Hezuo Anquan- Tao Guang Yang Hui</i> from China                               |
|  | <i>Complementary Variables</i> | PRC vs ASEAN principle ( <i>habits-customs</i> )                                 |
|  |                                | <i>Nine-dash Line vs UNCLOS (Knowledge)</i>                                      |

From the table above, the first variable analysis is obtained, namely interest or interest can be analyzed from how the DoC is prepared and the plan to increase the declaration into a code of ethics (CoC) both from the perspective of ASEAN, which wants the sovereignty of each claimant country, or the PRC which wants to legalize historical claims. The second variable is more likely to see how the PRC as a great power tries to apply its own rules in the South China Sea, as well as the ASEAN collectivity in the implementation of the DoC. The norm variable itself will look at how the PRC's foreign approach norms, in this case the Hezuo Anquan norm accompanied by Tao Guang Yang Hui, as well as the ASEAN principle that prioritizes consensus, affects the journey of the DoC of South China Sea as a security regime. These three will be the things that are very concerned in the function of the DoC of South China Sea as an unofficial international regime and its implementation plan in a code of ethics and the final result that shows the impact of these two things.

Two complementary variables will be described briefly, where the fourth variable, namely habit and custom, can be analyzed from the habits of the PRC and ASEAN in resolving existing disputes, while the last variable, namely knowledge or knowledge, will see how different knowledge from China and ASEAN is. The question of how SCS sovereignty will have a significant influence on the final outcome of the emerging international regime.

## 2.2. Operationalization of the Regime Theory Analysis Model on Case Studies





### III. Research Methods

This article will use qualitative methods as the research approach used, namely research that focuses on studying the quality of the object under study (Bazeley, 2013: 3–4). This method is used considering that this research is expected to explain the issues and phenomena studied, in this case, the interaction of ASEAN and the People's Republic of China, systematically, factual, and accurate. The qualitative method refers broadly to data collection and strategic analysis that relies on the collection and analysis of non-numeric data. Miles and Huberman (in Bazeley, 2013:4) explain that qualitative research data types are descriptive and explanative data. They allow researchers to explain chronological flow (over time), the existence of a cause-and-effect relationship, or in the form of an explanation of an event. secondary sources Sources used in this study are a combination of primary and where the sources that will be used in this research are archives on policies related to relations between ASEAN and the People's Republic of China, or archives regarding legal developments in the SCS, as well as interviews with figures involved in the formulation of the DoC and Conduct is submitted) until 2019. CoC between ASEAN and the PRC, as well as secondary sources, such as books, journals, and articles from online media which are mainly restricted from the literature that appeared in 2002 ( after the Declaration of Existing data will be collected using desk research methods and media monitoring, especially from online media. The author triangulates research as found in qualitative research in general, in terms of Neuman (2014), which explains that theoretical triangulation is a form of using various theoretical perspectives to plan studies and interpret data.

### IV. Results and Discussion

ASEAN and the People's Republic of China, as the two powers claiming the SCS, have issued regulations as a post-cold war measure. After holding their fourth summit in January 1992 in Singapore. This step was finally realized with the existence of the ASEAN Regional Forum (ARF) in 1994. The ARF itself, which initially consisted of 18 countries, was under the coordination of the ASEAN Political-Security Community Council (ASEAN Political-Security Community), a forum whose function was to discuss dialogue on political and security issues in the Asia Pacific region in order to support the process of integration and development of the ASEAN Political and Security Community. In its journey, the ARF has become the basis of discussions between ASEAN and China, following its initial goal as a counterweight to the regional order, considering that many ASEAN member countries are from other countries. Another goal is to give ASEAN influence over major regional powers in taking a joint stance (Acharya, 2000:p.146-147).

However, according to the first point of the variable used by Krasner, namely egoistic self-interest, what is expected by ARF as an open forum is still influenced by the interests of each actor involved. The role of this self-interest can be seen in a joint communique at the ASEAN Ministers Meeting (AMM), where the 25th AMM was held, with a document regarding the ASEAN Declaration Against the SCS carried out in 1992. In this document, ASEAN expressed its continuing concerns on the South China Sea issue and encouraged all claimants to affirm their commitment to the 1992 ASEAN Declaration on the SCS. The document was followed up with drafting the idea of a code of conduct in the SCS. As a next step, ASEAN and China then exchanged a draft code of conduct, which led to the adoption of the Declaration of Conduct in the South China Sea ( Declaration of Conduct in the South China Sea ) in 2002 (Cheppensook:2020, p.748-749).

This move was under the three objectives of the DoC, namely: first, the signed DoC will have the aim of promoting steps to build trust between the two parties, then to carry out actual maritime cooperation, and to lay the basis for discussions and conclusions for both parties. Moreover, this declaration has not yet become a legally binding document and has no specific commitment to stop the PRC's development in disputed areas, such as requests from Vietnam and the Philippines. (Acharya, 2003: p.270-272). The PRC's approach to the South China Sea issue still intersects with the United States (Severino in Jenner and Thuy, 2018: p.36-39). The PRC's 'active defense' approach in the South China Sea dispute was finally the right decision considering that the US had also entered into their EEZ. This approach was previously initiated by Deng Xiaoping, who changed his foreign policy approach towards a low profile. Under Deng, the PRC's approach to foreign policy mirrors the *hezuo anquan* or cooperative security norms. (Rosyidin, 2012: p.140). The impact of adopting these norms was quite significant on the approach to the PRC's foreign policy after the Cold War was able to completely change its political approach by joining the ARF and signing the DoC as a method of communicating with ASEAN. The norms are inseparable from another principle that the PRC began to embrace since the late 1980s, namely *taoguang yanghui*, which means to remain humble (Chen and Wang, 2011: p.198-199).

However, on the other hand, ASEAN's egoistic self-interest can be said to have a significant direct influence, considering that ASEAN's desire to do this is evident from the inter-country approach, which has a significant impact on DoC development and CoC implementation plans. Within ASEAN as an organization, there is no clear consensus regarding the development of the CoC. Some states took an assertive attitude in dealing with China, such as the Philippines and Vietnam, and some of them opted to take moderate attitudes such as Indonesia, Malaysia, and Brunei.

States without direct involvement in the dispute, such as Thailand (which does not have a separate claim in the South China Sea) or several ASEAN countries trading partners of the PRC, such as Laos and Cambodia. Yet, in general, there have been two issues that have been disputed by both the PRC and ASEAN since 2013. Both issues are important, as they regard either of the actors as the right of sovereign states to access their legal rights without hindrance and the extent of the international community (Roberts, 2018: p. 3).

The second variable from Krasner's research, namely *political power*, can be seen from the impact of DoC on the development of relations between ASEAN and China, which shows that China has succeeded in significantly suppressing ASEAN's position. On the one hand, ASEAN's decision to agree to *ASEAN's Six Point Principles on the South China Sea* is proof that ASEAN has not been able to pursue the position of a great power like the PRC. Moreover, the existence of the DoC as an institution is not so binding, considering that only Vietnam, Malaysia, the Philippines and Brunei as member countries have claims in the South China Sea. On the other hand, the existence of initiatives between the two parties such as ASEAN+3, where ASEAN works well with China, Japan and South Korea, shows that ASEAN's priority is politicization, considering that power in ASEAN countries is held by one oligarchic group. This is because the social structure in ASEAN countries is very diverse (Severino: 2007, 189-193).

On the other hand, the PRC's actions affect the pattern of policies taken by ASEAN as a regional power in the SCS. ASEAN itself has an ASEAN approach characterized by deliberation and consensus, facilitating the approach between ASEAN member countries and the PRC. The steps taken by ASEAN towards the PRC in the SCS can be considered as a brilliant step. Despite that, there are still limitations in the multilateralism aspect of the ARF and ASEAN's approach to the SCS. The limitations of this DoC can be seen from the

existence of conflicts between the Philippines and China regarding sovereign areas in the South China Sea. This conflict shows that the nature of this type of diplomacy does not always meet results (Caballero-Anthony, 2005:p.143-144).

The conflict in 2012 had a significant impact on the previously approved DoC, considering the sending of military forces from both the Philippines and China to Scarborough Shoal due to the intrusion of several fishing boats bearing the PRC flag. This action was also motivated by infrastructure development and encroachment from the PRC within the Philippines' EEZ. This incident was quite significant on bilateral relations between the two countries after the Philippines filed an arbitration case against the PRC under UNCLOS in January 2013, where this submission relates to the legality of the nine-dash line from the PRC to the contested area.

The conflict between the Philippines and the PRC shows further steps that ASEAN must take regarding the nine-dash line and the indecisiveness of the DoC since 2002. This failure also had an impact on the 19th Meeting of the ASEAN Regional Forum in Phnom Penh in July 2012, where ASEAN ended the meeting without any first decision in 45 years of ASEAN's founding at the time, despite ASEAN's decision to adopt a code of conduct for maritime issues in the SCS. If you look at the occurrence of the above case, it can be said that the actions of the Philippines as a member of the ARF to protest the position and approach of the PRC in the South China Sea have become two natural things, considering Cambodia's position as an ally of the PRC in the ARF regardless of Cambodia's position at that time as Chairman of ASEAN. On the other hand, the statement from Deputy Prime Minister Hor Namhong regarding the need for all ASEAN countries and their respective PRC to be responsible for the preparation of the CoC in the South China Sea was a step taken by Cambodia as ASEAN chairman at that time, regardless of the problems between the two parties as they are covering several countries as an individual actor.

Based on the case above, the problems related to the formulation of the CoC in the South China Sea are complicated and appear not neutral because they bring the interests of great powers countries such as the PRC and the United States, which are members of the ARF. The change from DoC to CoC between ASEAN and China has an enormous influence if ASEAN member countries want to resolve the SCS dispute peacefully, mainly because of the competition from the two great powers in fighting for hegemony in the 21st century. (Chalid et al., 2016). Therefore, the position of norms and principles as the main characteristics of international regimes is critical. With the existence of norms and 'rules of the game' and sovereignty as the main principle, the position of the international regime as a collective unit becomes something that can provide a 'boundary.'

At the 22nd ASEAN Summit in April 2013, Brunei then issued a statement confirming that they, as representatives of ASEAN, will actively cooperate with the PRC regarding the SCS. On the other hand, Thailand, the coordinator of relations between ASEAN and China, has succeeded in discussing the SCS issue informally with China. The discussion between ASEAN and China will discuss the urgency of implementing a code of ethics as a valid legal basis in the South China Sea, where discussions in September 2013 and April 2014 to reach an initial conclusion from the COC did not meet significant consensus (DeCastro, 2020). The above meetings aim to reach a preliminary conclusion on the COC to be implemented while showing that the PRC cannot necessarily ignore ASEAN in its decision-making in the South China Sea. Given the above decision, the PRC will indeed try again to consider the initial conclusions of the COC at the annual meeting of the ASEAN foreign ministers in Nay Pyi Taw, Myanmar, in August 2014, considering that the PRC refuses to deny the existence of the Triple Action Pact proposal from the Philippines. Despite that, The Philippines finally succeeded in bringing the LCS issue to



the Permanent Court of Arbitration (PCA) in The Hague, Netherlands, in June 2016, as this became a difference between opinions within ASEAN to improve the DoC into a legally-binding for regional security in the South China Sea.

The development of the DoC and CoC in the South China Sea itself in the mid-2010s was very dependent on the role of the Philippines, which replaced Brunei as chairman of ASEAN. The President of the Philippines, Rodrigo Duterte, at the two ASEAN Summits in Manila in 2017, said that the Philippines, as the chair of ASEAN, continues to support a constructive role in developing the draft ASEAN-China CoC. (De Castro, 2020). In the same year, ASEAN has approved a draft for the CoC framework in the SCS, although it is not yet clear whether the signed interim document will be legally binding for both parties. The actions taken by the PRC itself may reflect a change in approach from ASEAN considering that until January 1995, the development of the PRC in the South China Sea only had an impact on Vietnam, which was isolated from ASEAN countries. The decision makes ASEAN involvement in SCS affairs unavoidable, considering the number of countries that also feel directly threatened by the Philippines or Malaysia, whose maritime areas intersect, and other countries that have maritime boundaries in the SCS, such as Brunei and Indonesia.

However, with the *Hezuo Anquan* and *Taoguang Baohui* norms applied by PRC, similar steps, namely making claims to 'no man's land areas, have decreased frequently. These norms, coupled with the existence of ASEAN regional cooperation norms which are implemented in the ASEAN Way, makes this conflict tendency not to lead to armed conflict on a massive scale, but to become a thing that goes round and round without a clear end given the nature of the two parties involved. Both adhere to a non-interventional approach. From the fifth variable, namely knowledge or knowledge, it can be seen that there is a difference in knowledge of the two actors. On the one hand, as a maritime power, ASEAN has a view of the sea area per UNCLOS (The United Nations Convention on the Law of the Sea), while the PRC knows based on the nine-dash line claim. With a significant difference in knowledge regarding the provisions of the sea area, where the PRC does not recognize the Exclusive Economic Zone claim following UNCLOS, it affects how ASEAN claiming countries, especially Vietnam and the Philippines, respond to the proposed CoC draft.

From the three main variables above, establishing a regime through a code of ethics in the South China Sea has not been implemented. The two complementary variables also legitimize the failure to draft a code of ethics between ASEAN and China.

## V. Conclusion

ASEAN's relationship with the People's Republic of China regarding the South China Sea dispute is relatively complex. Regime theory then is used to view states interactions or relationships between various types of international relations actors to discuss this issue. Given that regime theory discusses several factors to see how an international regime becomes a rule of the game at the level of state actors and institutions, this study tries to discuss several factors that cause a regime to succeed, and or in some cases, fail, including in The depth of political relations and military cooperation in a region becomes an important matter. ASEAN in the 21st century has a new problem, namely the settlement of disputes in the South China Sea with the People's Republic of China. Despite its shortcomings, ASEAN tries to improve the Declaration of Conduct to a *Code of Conduct that* legally binds both parties.

The five factors to see the implementation of a regime from Krasner (1982) show that the formulation of the code of ethics in the South China Sea is still deadlocked, from the *egoistic self-interest* of the two different actors related to SCS sovereignty, then *political power* that is not aligned between ASEAN and China, and unconformity of norms used by the two actors. The difference in legal knowledge and differences in principles from the two parties are factors that need to be looked at further in resolving regional disputes in the South China Sea dispute, considering that the movement was relatively stagnant after the signing of the DoC. The absence of an agreement made by ASEAN, in the end, caused the dispute between the South China Sea and the PRC to continue so that the code of ethics in the South China Sea could not be implemented.

## References

- Acharya, A. (2000). *The Quest for identity: International Relations of Southeast Asia*. Oxford University Press.
- Acharya, A. (2001). *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order*. Routledge.
- Acharya, A. (2013). *The making of Southeast Asia: international relations of a region*. Cornell University Press; Singapore.
- Bazeley, P. (2014). *Qualitative data analysis practical strategies*. Los Angeles, Calif. Sage.
- BBC. (2012, July 13). Asean nations fail to reach agreement on South China Sea. *BBC News*. <https://www.bbc.com/news/world-asia-18825148>
- Benjamin, J., & Almubaroq, HZ (2021). The Dynamics of The China Maritime Militia Conflict In South China Sea On Sovereignty Indonesian Countries And ASEAN Region Countries. *JESS (Journal of Education on Social Science)*, 5 (2). <https://doi.org/10.24036/jess.v5i2>
- Bryman, A. (2012). *Social Research Methods: 4th Edition*. Oxford: Oxford University Press.
- Buszynski, L. (2003). ASEAN, the declaration on conduct, and the South China Sea. *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, 25 (3), 343–362.
- Caballero-Anthony, M. (2005). *Regional Security in Southeast Asia: Beyond the ASEAN Way*. Institute of Southeast Asian Studies.
- Chalid, AM, Heryadi, D., Suparman, N., & Surdirman, A. (2016). ASEAN's Role in Responding to Military Cooperation between the United States and the Philippines regarding the South China Sea Conflict. *Intermestic: Journal of International Studies*, 1 (1), 5–22.
- Cheepensook, K. (2020). ASEAN in the South China Sea conflict, 2012–2018: A lesson in conflict transformation from normative power Europe. *International Economics and Economic Policy*, 17 (3), 747–764. <https://doi.org/10.1007/s10368-020-00477-z>
- Chen, D., & Wang, J. (2011). Lying low no more? China's new thinking on the Tao Guang Yang Hui strategy. *China: An International Journal*, 9, 195–216.
- Chung, CPC (2015). Drawing the U-Shaped Line. *Modern China*, 42 (1), 38–72. <https://doi.org/10.1177/0097700415598538>
- Collier, D. (2011). Understanding Process Tracing. *PS: Political Science & Politics*, 44 (04), 823–830. <https://doi.org/10.1017/s1049096511001429>
- De Castro, RC (2020). The Limits of Intergovernmentalism: The Philippines' Changing Strategy in the South China Sea Dispute and Its Impact on the Association of

- Southeast Asian Nations (ASEAN). *Journal of Current Southeast Asian Affairs*, 39 (3), 335–358.
- De facto. (nd). *The Conquest of Tomás Cloma – De Facto*. [www.defactoborders.org](http://www.defactoborders.org). Retrieved February 27, 2022, from <https://www.defactoborders.org/places/spratly-islands/freedom-for-tomas-cloma>
- De Guzman, L. (2019, November 4). *ASEAN targets completion of Code of Conduct within three years*. CNN Philippines. <https://www.cnnphilippines.com/news/2019/11/4/asean-china-code-of-conduct-south-china-sea.html>
- Fravel, MT (2011). China's Strategy in the South China Sea. *Contemporary Southeast Asia*, 33 (3), 292–319. <https://doi.org/10.1355/cs33-3b>
- Hakim, C. (2021, Nov. 17). *What Can Be Seen from the Formation of AUKUS?* KOMPAS.com; Cyber Media Compass. <https://national.kompas.com/read/2021/11/17/18483011/apa-yang-can-dilihat-dari-pemunjukan-aucus?page=all>
- Handley, S. (2006). *Take your partners: The local authority handbook on international partnerships* (p. 4). Local Government International Bureau.
- Hayton, B. (2015). *The South China Sea: the struggle for power in Asia*. Yale University Press.
- Hongfang, S. (2011). South China Sea Issue in China-ASEAN Relations: An alternative approach to ease the tension. *International Journal of China Studies*, 2 (3), 585–600.
- Jenner, CJ, & Truong Thuy Tran. (2016). *The South China Sea: a crucible of regional cooperation or conflict-making sovereignty claims?* Cambridge University Press.
- Jervis, R. (1978). Cooperation under the Security Dilemma. *World Politics*, 30 (2), 167–214. <https://doi.org/10.2307/2009958>
- Jervis, R. (1982). Security Regimes. *International Organization*, 36 (2), 357–378. <https://www.jstor.org/stable/2706526>
- Krasner, SD (1982). Structural Causes and Regime Consequences: Regimes as Intervening Variables. *International Organization*, 36 (2), 185–205. <https://www.jstor.org/stable/2706520>
- Le Thu, H. (2018). China's dual strategy of coercion and inducement towards ASEAN. *The Pacific Review*, 32 (1), 20–36. <https://doi.org/10.1080/09512748.2017.1417325>
- Li, J., & Li, D. (2003). The Dotted Line on the Chinese Map of the South China Sea: A Note. *Ocean Development & International Law*, 34 (3-4), 287–295. <https://doi.org/10.1080/00908320390221821>
- Li, M. (2014, February 28). *Managing Security in the South China Sea: From DOC to COC | Kyoto Review of Southeast Asia*. Kyoto Review of Southeast Asia. <https://kyotoreview.org/issue-15/managing-security-in-the-south-china-sea-from-doc-to-coc/>
- Lo, K. (2021, November 15). *Beijing pushes South China Sea code of conduct for anniversary with Asean*. South China Morning Post. <https://www.scmp.com/news/china/diplomacy/article/3156105/south-china-sea-beijing-keen-make-code-conduct-gains-30th>
- Loh, DMH (2018). The Disturbance and Endurance of Norms in ASEAN: peaceful but stressful. *Australian Journal of International Affairs*, 72 (5), 385–402. <https://doi.org/10.1080/10357718.2018.1488939>
- Majumdar, M. (2015). The ASEAN Way of Conflict Management in the South China Sea. *Strategic Analysis*, 39 (1), 73–87. <https://doi.org/10.1080/09700161.2014.980545>

- Majumdar, M. (2021). Beijing Raising the Ante in the Natunas: The Next Flash Point in the South China Sea? *India Quarterly: A Journal of International Affairs*, 77 (3), 462–478. <https://doi.org/10.1177/09749284211027249>
- Neuman, WL (2014). *Social Research Methods: Qualitative and Quantitative Approaches* (7th ed.). Pearson.
- Odgaard, L. (2003). The South China Sea: ASEAN's Security Concerns about China. *Security Dialogue*, 34 (1), 11–24.
- Permanent Court of Arbitration. (2016, July 12). *PCA Press Release: The South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China) | PCA-CPA*. Pca-Cpa.org. <https://pca-cpa.org/en/news/pca-press-release-the-south-china-sea-arbitration-the-republic-of-the-philippines-v-the-peoples-republic-of-china/>.
- Portal of the Ministry of Foreign Affairs of the Republic of Indonesia. (2013). *South China Sea*. Kemlu.go.id. [https://kemlu.go.id/portal/id/read/101/page\\_list\\_lainan/laut-china-selatan](https://kemlu.go.id/portal/id/read/101/page_list_lainan/laut-china-selatan)
- Puchala, DJ, & Hopkins, RF (1982). International Regimes: Lessons from Inductive Analysis. *International Organization*, 36 (2), 245–275. <https://www.jstor.org/stable/2706522>
- Ramli, R. (2018). Southeast Asia and China Relations: Desecritizing the South China Sea. In JN Pieterse, AR Embong, & SY Tham (Eds.), *Changing Constellations of Southeast Asia: From Northeast Asia to China* (pp. 285–306). Routledge.
- Rattanaseevee, P. (2014). Towards institutionalized regionalism: the role of institutions and prospects for institutionalization in ASEAN. *SpringerPlus*, 3 (1). <https://doi.org/10.1186/2193-1801-3-556>
- Roberts, CB (2018). The South China Sea Precedent: Rising Instability amidst revisionist tendencies. *S. Rajaratnam School of International Studies*, 7.
- Rosyidin, M. (2015). Why not go to war? China's Foreign Policy Norms and the South China Sea Conflict. *Andalas Journal of International Studies (AJIS)*, 1 (2), 137. <https://doi.org/10.25077/ajis.1.2.137-151.2012>
- Santos, TG (2012, April 11). *PH, Chinese naval vessels in Scarborough Shoal standoff*. INQUIRER.net. <https://globalnation.inquirer.net/32341/ph-chinese-naval-vessels-in-scarborough-shoal-standoff>
- Sato, K. (2013). The Rise of China's Impact on ASEAN Conference Diplomacy: A Study of Conflict in the South China Sea. *Journal of Contemporary East Asia Studies*, 2 (2), 95–110. <https://doi.org/10.1080/24761028.2013.11869064>
- ASEAN National Secretariat – Indonesia. (2013). *ASEAN Regional Forum*. Setnas-Asean.id. <http://setnas-asean.id/asean-regional-forum-arf>
- Severino, RC (2010). ASEAN and the South China Sea. *Security Challenges*, 6 (2), 37–47. <https://www.jstor.org/stable/26459936>
- Soebroto, S., Sunardi, & Wahyono SK (1983). *The United Nations Convention on the Law of the Sea: An Overview*.
- Zou, K. (2019). *Routledge Handbook of the South China Sea*, Routledge.