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ASEAN'S ROLE IN THE SETTLEMENT OF INTERNATIONAL DISPUTES ON CHINA'S AGGRESSION AGAINST TAIWAN

Ega Permatadani¹, Ida Ayu Rosida², Rifda Ayu Akmaliya³, Sonia Amelia⁴, Anang Dony Irawan^{5*}

Universitas Muhammadiyah Surabaya

Jl. Raya Sutorejo No. 59, Dukuh Sutorejo, Kec. Mulyorejo, Kota Surabaya, Jawa Timur 60113

* Correspondence email: anangdonyirawan@um-surabaya.ac.id

ABSTRACT : ASEAN is a country located in the Asia Pacific region. ASEAN itself is declared in Bangkok and has 10 Member States. ASEAN's location is very strategic as a way of trade and industry in the ASIA region. If there is a conflict that occurs in the ASIA Region, the ASEAN countries will also be affected by the conflict. Like the conflict that is happening in East Asia, namely the conflict between China and Taiwan. However, Taiwan, whose position is as a territory of mainland China, has even declared its independence, even though *Taiwan is an integral part of China. This sparked anger from China, and became a civil conflict.* China itself carried out its aggression against its own brother, namely Taiwan. Military aggression carried out by China against Taiwan has violated war crimes in accordance with the core provisions of international crimes, namely the Rome Statute. China has been intimidating and depriving Taiwanese civilians of their human rights. Where here China is the main perpetrator of war crime violations. Actions taken by China have become an important focus for other ASEAN countries, where the importance of ASEAN's role in resolving this dispute is based on the TAC and United Nation mechanism.

KEYWORDS : Aggression, Violation of War Crimes, ASEAN.

INTRODUCTION

Association of South East-Asian Nations or commonly known as ASEAN (Praseyono Tri, 2019). The establishment of ASEAN was based on confidence building between member countries in order to expand regional cooperation with the aim of accelerating economic development, social progress, increasing peace and security, increasing regional stability, and providing mutual assistance in several other matters (Ratnaningsing Hidayanti, 2015). ASEAN countries are located on the Asian continent and are surrounded by other Asian countries, such as Central Asia, East Asia, South Asia and West Asia. However, there are so many conflicts that occur around the Asian region which ultimately affect the economies of ASEAN countries and other countries. Such as the conflicts that occurred in East Asia, the State of China and the State of Taiwan which were based on territorial struggles to military aggression.

When China has repeatedly expressed its clean and hard nature that Taiwan is an integral part of its territory to be able to completely block the Taiwan Independence

movement during Taiwan's authoritarian era and early democratic years. So that Taiwan and China form a cooperation framework that can regulate both trade relations, namely exports and imports, tariff adjustments, namely the ECFA (Economic Cooperation Framework Agreement) which is a very historic momentum for progress in cross-strait cooperation, the same agreement was agreed on June 29, 2010 so that could provide a lot of change between China and Taiwan relations. This makes China the most influential superpower in the world.

China itself is the 3rd largest country in the world, even with the largest giant population in the world. The total population of this country is about 1.5 M. The economic development that has occurred in this Bamboo Curtain country is very significant, causing China to be able to compete with other super power countries, such as the United States and Russia. Trade, technology, medicine, to education outside the country make China get a lot of coffers of profit (Yulu Chen, 2019). Until now China itself has become a superpower as well as a superpower in ASEAN, this is supported by its qualified Natural Resources and Human Resources for this country (A. Fanin Rebecca, 2021). In China there is the term "Mainland China" which this term refers to 2 different entities, namely the People's Republic of China (China) and the Republic of China (Taiwan), until then the Republic of China (Taiwan) was expelled during the Chinese Civil War in 1949 on the island of Formosa and its surroundings. However, Taiwan has managed to maintain and survive in its territory to this day, although under pressure from China's independence. However, the People's Republic of China (China) claims the territory belonging to Taiwan as part of this Bamboo Curtain State, but does not participate in governing politics, while Taiwan claims that the sovereignty of all mainland China is currently controlled by the People's Republic of China (China).

The presence of China as one of the countries in Asia as a standing country with a major power (Nainggolan Portak Partogi, 2018), well used (Indah, 2014) to carry out good and broad diplomatic relations with other countries, including countries in the ASEAN region. There is a reason why China conducts diplomatic relations en masse because this Bamboo Curtain country needs allies or friends both in military and economic terms (Oseven Eagle, 2021). Because of a desire of this country whose goal is for the prosperity of its own country, China also does to its brother, Taiwan, because it wants to achieve a goal that its country wants. But there is a selfish thing that happens is that China does not recognize Taiwan as a country, but recognizes Taiwan as the only territorial unit that China has as a mainland Chinese state (Tannasaldy Taufiq, 2017). This triggers an irresistible conflict. The conflict that occurred increased when China began to launch its military aggression against Taiwan, this aggression carried out by China became a security threat not only for Taiwan, but other neighboring countries.

The steps that have been taken by the Bamboo Curtain Country towards Taiwan, must become an awareness for ASEAN countries. The aggression that has been launched will have a very bad effect, be it in humanity or depriving Taiwan of independence, which effects will have an impact on ASEAN countries. The reason is because China is bordered in the ASEAN region, which if there is an aggression carried out by China, there will be a very large impact on the economic cycle between countries. In addition, the aggression carried out also poses a threat to other ASEAN countries, because of the good relations of their respective countries with Taiwan, and also the effects that will be caused by aggression will be bad for ASEAN countries around the coastal areas.

RESEARCH METHODS

The research method used in this study is a normative legal research method using a *statute approach* which is ultimately analyzed qualitatively. The normative legal research method identifies and initiates legal sources, both primary legal sources and secondary legal sources, which are then studied in a comprehensive analytical manner (Nasution, 2008). This study focuses on library research by conducting a study of legal materials obtained both primary and secondary. Primary legal sources are obtained from applicable regulations, namely: using *the United Nations Convention Against Transnational Organized Crime* (UNCATOC) was finally explained further into Undang-Undang Negara Republik Indonesia Nomor 5 Tahun 2009 concerning Ratification of the United Nations Convention Against Transnational Organized Crime. Meanwhile, secondary legal sources are obtained from books, scientific works, articles, and other library materials related to the problems that the authors examine, both in print and electronic media. Analysis of the main data is carried out qualitatively using a deductive approach and the discussion is adjusted to the main problems presented to obtain conclusions on the problems studied (Irawan, 2022).

RESULTS, DISCUSSION AND ANALYSIS

China's Aggression Against Taiwan

The conflict that is happening in the Asian region is very often discussed by the public. This problem is not only a hot topic in the Bamboo Curtain country, but also a hot topic globally, and is the center of attention of countries in the world. When the Chinese state initially gave efforts to political influence on Taiwan to make Taiwan break away from China. The Bamboo Curtain country itself has long accused that Taiwan is an integral part of the territory of its country that breaks away and does not want to submit to the existing system there. Which is one of the goals to hinder or hinder Taiwan during the ongoing authoritarian

era (Hidayat, 2019). With the aim that these two allied countries have very promising feedback for the interests of their respective countries.

The greatness of the Chinese state can be seen in the way and market trade, trade itself is the central point of the Chinese economy, as well as in the fields of technology, clothing, food, to medicine. This very significant and rapid economic turnaround made the Chinese state make new and initial steps regarding ongoing trade cooperation with Taiwan. The Chinese state itself has a principle that is firmly held and not easily underestimated, as a guide that is not to attack first if it is not attacked. However, China will not hesitate to carry out various policies if Taiwan attacks first because Taiwan continues to clean up hard to declare its country's independence. The countries of China and Taiwan should have made policies to maintain the security and peace of the Bamboo Curtain country together, but with Taiwan declaring its independence, Taiwan has indirectly betrayed the framework of cooperation that has been agreed upon by both parties. For China, Taiwan itself is like some of its lost islands that have many very important and strategic meanings (Junef, 2018).

The dynamics that occur regarding the relationship between the two brothers, namely China and Taiwan, have been going on for a very long time so that it can be expressed as a pattern of "subordination" relationships. In the conflict that has been going on for a very long time, it has led to an offer from the United States of America (United States) to work with Taiwan to suppress or hinder the various problems that are currently happening with China, so that in the end (USA) the United States is trying to donate state-owned military equipment that enough numbers to Taiwan to anticipate the threat posed by China (Firsana Dewi & Utami Dewi, 2018). However, with the sudden appearance of the United States, this has become the biggest question because on the other hand, the United States has always been involved in interfering with internal issues between China and Taiwan, even though the US and Taiwan did not have diplomatic relations before and did not participate in these issues. existing, this in the end made the Bamboo Curtain country furious and inflamed.

But not China if the trade that occurs does not continue to rotate like the earth around the sun. Trade conducted by China is still said to be very safe considering that Taiwan has repeatedly declared its independence. However, with China's rapid progress, and Taiwan, which has declared its independence, it is still possible that questions raised about the status of the state of Taiwan will be questioned by countries in the world, including Taiwan itself. Because Taiwan itself has not received any recognition or determination in the international arena as an independent and sovereign country. Meanwhile, the release of Taiwan from China is considered a form of rebellion or betrayal of one of its territories that does not want to submit to the authoritarian system of the country's political government. But at that time,

when the USA (United States) has always been the protective wing for Taiwan (Prasetya, 2012). In fact, the United States instead makes an image that is not like a protector and supporter, but as if it wants to seize Taiwan from China by being the main supplier or supplier of weapons, so that Taiwan can break away from China, because the US itself did not initially have official diplomatic relations with Taiwan, but by helping Taiwan automatically the US has very good diplomatic relations with Taiwan. And Taiwan will become a strong ally of the US considering that its territory is actually still very close to the territory of the Bamboo Curtain Country.

For the views of the Chinese state and people, Taiwan is like a lost part of its territorial unit which has many cores as well as important and strategic meanings. However, the ambitions of the Chinese state itself were stifled and held back by the existence of important (United States) US affairs in the Asia Pacific region in particular, namely in Taiwan. The US ruined the plans of the Bamboo Curtain country. In addition, there are several interests of the United States of America carried out in the Asia Pacific region which are as free trade and maritime navigation (Syahbuddin, 2019) this is what makes China feel angry because the US is also running free trade in the maritime area. The maritime is also where China runs its economy, and if the US also begins to carry out free trade in the maritime area, it is predictable that the supply of state finances will decrease. The Bamboo Curtain country is very sensitive to the proximity between the US and Taiwan. Because for China, Taiwan is like a lost territory and territory. In which there are many meanings and significance in which Taiwan itself has a very strategic location. If Taiwan breaks away and becomes an ally of the US, China will lose its greatest strength, both in terms of territory, economy, military, and health.

And this is the reason why this Bamboo Curtain Country did not easily give up Taiwan and get its independence, because according to them Taiwan is a territory that broke away without permission and carried out a rebellion with an authoritarian system. If Taiwan has obtained its independence and becomes an official country, it is clear that the United States will be one of the closest countries to Taiwan which is ready to strike back at China in the trade, health, and even technology markets. And replace China as the only super major country in the world. If Taiwan has obtained its independence and becomes an official country, it is clear that the United States will be one of the closest countries to Taiwan which is ready to strike back at China in the trade, health, and even technology markets. And replace China as the only super major country in the world. If Taiwan has obtained its independence and becomes an official country, it is clear that the United States will be one of the closest

countries to Taiwan which is ready to strike back at China in the trade, health, and even technology markets. And replace China as the only super major country in the world.

The case that has received global attention so far is that China has carried out aggression in Taiwan as evidence that China is one of the many countries that hold Major Powers of which China itself is also a permanent UN Security Council. Especially the location of the Chinese state around the Asian region and become good friends and diplomatically with them. Then the owner of the Bamboo Curtain country also shows that the existence of the Taiwan area belongs to him by looking at the history that has happened before. However, although there are many basic reasons that make China carry out aggression. The aggression carried out by China is like the military, the biggest impact is the negative impact on the lives of the people in Taiwan, this makes the people of Taiwan have lost their right to independence (Sugiyono, 2002) neighboring countries, namely Asia, especially the ASEAN organization, which resulted in economic chaos that occurred due to the ceasefire of aggression carried out by China against Taiwan (Sita Hidriyah, 2021).

ASEAN's Role in China's Aggression Against Taiwan

The crimes committed by the Bamboo Curtain country stole the world's attention to turn and focus indirectly on following the conflict that was taking place in this sister country. The aggression carried out by the Chinese state against Taiwan is also a concern for other countries, because the aggression that occurs poses a threat to the security of countries in the world. Bombarded military truces became one of the most frightening threats to other countries around it. The ceasefire that occurred was like military weapons to nuclear launches. This can have implications and have an effect on surrounding neighboring countries, such as Asian countries around the southern coast of the sea, including Indonesia. This fear is not arbitrary fear that occurs because of a paranoid state. But there are a lot of negative side effects and bad effects that arise, such as the fear of being wrong on the target to the effects of the dangerous chemical substances contained in these chemical weapons. The effects of radiation and chemical substances that are launched will certainly affect the growth and development of the successors of Asian countries, including Indonesia, plus that the effects of radiation will cause a tremendous shock regarding public health which has decreased significantly. In contrast to the United Nations organization that is in the world or international arena, the region around Asia also has an organization, namely ASEAN, this shows that the problems that occur can not only be solved by the United Nations, but ASEAN can also resolve various kinds of conflicts that are happening. The ASEAN organization itself has a very important role to maintain prosperity and peace in the Asian region.

Many experts observe that ASEAN's success in maintaining the security and defense of Southeast Asian countries can be seen from the context of the role of existing norms as a means of balancing. This balance focuses on the country's development efforts and Asia's global economic interests. Because of this ASEAN plays an important role in resolving this conflict, the reason is because China itself has a strategic location bordering Asian countries, then China itself cannot be separated from ASEAN, then finally ASEAN consists of developing and advanced countries in the Asian region. , this will be a consideration for the Chinese state in carrying out its attacks. ASEAN itself is the center of China's economic cycle in addition to western European countries which are the center of this Bamboo Curtain Country. In the eyes of China itself, ASEAN has become the best political instrument abroad in following several security interests in the Southeast Asia region. If there is a bad state relationship with ASEAN countries, it will definitely cause a deficit for the Chinese government, considering that ASEAN itself is an organization consisting of 10 member countries in Asia that are developing and developed. The government of China will definitely think again to stop its military aggression because the effects of the Chinese state will reach the ASEAN region countries,

In addition, the position of the ASEAN organization is as a friend and concurrently as a neighbor to China who are both in the coastal area. This Coastal Region is often referred to as the Asia Pacific Region. It focuses on regional regions that contain parts of Southeast Asian and East Asian countries. The location of the location is very wide and oversees a number of countries, namely Hong Kong, Taiwan, China, Japan, Korea and all ASEAN and AUSSIE member countries that were involved during World War II. Therefore, if there is an ongoing military aggression in the nearest area, various further steps must be taken as a form of anticipation so that no weapons or chemical substances are targeted in neighboring countries.

ASEAN itself here must continue to work on how to prevent disasters that will arise due to the occurrence of the conflict, especially considering that these two brothers are developed East Asian countries, ASEAN as a mediator in the conflict between China-Taiwan must provide various solutions and strive to resolve the conflict. this conflict of interest (Pottu & Chontina, 2021). "*All members shall settle their international dispute by peaceful means in such a manner that international peace and security are not endangered*" pursuant to article 2(3) of the United Nations Charter, conflicting countries must settle in a peaceful manner, not in chaos. This is reinforced by article 33 of the UN Charter "*The parties to any dispute, to continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation,*

arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice" (Muthia, 2020).

In the national scope, a dispute that usually occurs is a dispute that does not exclusively involve the state and has a high consequence in the international arena (Dewa Gede Sudikna Mangku, 2012). Efforts to settle disputes through peaceful means are described in the *Security Declarations Agreement* (ZOPFAN), which was signed by several ASEAN countries in 1971 which contains a free, peaceful and neutral area. the content that has been mutually agreed upon is a form of state commitment in the realm of political and security cooperation. ZOPFAN's emphasis is on "Agreement to accept various measures and attitudes for mutual restraint" (Darmawan & Kuncoro, 2019).

In resolving an ongoing dispute taken by the case of China and Taiwan, they should adhere to an arrangement regarding the ongoing conflict, ASEAN which is collected in the *Treat of Amit and Cooperation in Southeast Asia* (TAC) Chapter IV TAC (articles 13-17) which it contains regulations for peaceful dispute resolution. The essence of the article is Article 13 "*The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affect them should arise, especially disputes likely to disturb regional peace and-harmony, they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations*", Article 14 "*To. settle disputes through regional processes, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.*", Article 15 "*The High Council may however offer its good offices, or upon agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry or conciliation. When deemed necessary, the High Council shall recommend appropriate measures for the prevention of a deterioration of the dispute or the situation*", Article 16 "*Parties to the dispute should be well disposed towards such offers of assistance*", Article 17 "*Nothing in this Treaty shall include recourse to the modes of peaceful settlement contained in Article 33 (1) of the Charter of the United Nations. The High Contracting Parties which arc parties to a dispute should be encouraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures provided for in the Charter of tlic United Nations.*"

However, in articles 13 to 17, if the conflict continues to hatch and in the end it is difficult to prevent it again, the next step to be taken is that the authorities or authorities be patient and refrain from warning, namely if there is violence. So that ASEAN members are believed that they may be able to avoid or avoid warnings of violence that will be used

because violence will not have a good impact if it is continued further (Dewa Gede Sudika Mangku, 2011).

China itself is very necessary for ASEAN compared to several Asian countries in the Eastern Region, as well as ASEAN in the eyes of China which is very important in the growth and development of its country. The current conflict is a new challenge for ASEAN to firmly react to China's unreasonable nature of the dispute case. The ways to deal with ASEAN's essential standards contained in the TAC can be concluded that ASEAN must remain focused on disputes, especially non-impedance and continue to maintain the strength of each region from the dangers of outside mediation (Haslam, 2019).

CONCLUSION

The presence of China as one of the countries in Asia as a major power country, is used well to carry out good and wide diplomatic relations with other ASEAN countries. The reason why China conducts diplomatic relations en masse is because China needs allies both in the military and in the economic field. In a conflict that has lasted for a very long time, there has been an offer from the United States to help Taiwan in overcoming various problems. In the midst of the heated conflict between Taiwan and China, the United States contributed a large amount of military equipment to Taiwan to anticipate the threat posed by China. Which in the end established relations between the United States and Taiwan. The aggression that is being carried out by China has many implications for the surplus to deficit in Asian countries, especially ASEAN, which resulted in causing chaos in the economic sector as a result of the aggression carried out by China against Taiwan. The aggression carried out by China is also a security threat, because a truce to nuclear weapons can have an impact on other Asian countries, such as mistargeting to the effects of chemical substances contained in these weapons. If the country's relations are not good with ASEAN countries, it will definitely cause a deficit for the Chinese government, which the Chinese government will definitely rethink to stop its military aggression. The dispute resolution taken by China and Taiwan must adhere to the ASEAN dispute arrangements contained in the *Treaty of Amity and Cooperation in Southeast Asia* (TAC) Chapter IV TAC (Articles 13-17) which contains regulations for peaceful dispute resolution. China itself for ASEAN is indeed indispensable compared to some East Asian countries. The case creates a new challenge for ASEAN to firmly react to China's unreasonable nature of the dispute case.

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