

CHINA FOREIGN POLICY: A LEGAL ANALYSIS

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Abstract

This study aims to find out China's foreign policy in carrying out its economy which is characterized by its own economy, as a communist country but China does not carry out a complete communist economic system. Since 1978 the Chinese government has reformed a more planned economic system which is more market oriented. Thus the higher-ups increased the power of local leaders and installed managers in industry, allowing small-scale enterprises in services and light production. This study uses qualitative research by collecting data sources in the literature and then analyzing them according to the research objectives. China also uses politics in its economic cooperation with other countries, namely by setting the condition that countries wishing to establish cooperation with China must agree to China's claims to Taiwan and sever official relations with the Taiwanese government. Data analysis shows that China's foreign policy making is still traditional communist style, which has continued its leadership from the beginning such as Mao Zhedong to Xi Jinping. China as a communist country with foreign policy makers centered on one central command. It can be interpreted that China's foreign policy is determined by the leader of the country and the people around him. The conclusion of this study is that in deciding a Chinese foreign policy through the Think Tank group or the Politburo in its government.

Keywords: Economics; Laws; Political; State.

A. INTRODUCTION

China is a country located in East Asia, a country nicknamed the "bamboo curtain" with Beijing as its capital. China is also the country with the largest population in the world, with 1.35 billion people and an area of 9.69 million square kilometers. The State of China was founded in 1949 after the end of the Chinese Civil War, the war was won by the communist forces, so that since then China has become a country with communist political ideology and is led by a single party, the Chinese Communist Party (CCP).¹

China's economy is growing very rapidly, making it the largest and most complex economy in the world. Since the introduction of economic

1 Tao Kong, Xiaohan Yang, Ranran Wang, Zijun Cheng, Changyu Ren, Shuo Liu, Zhenhua Li, Fang Wang, Xiaoyin Ma & Xiaobo Zhang, One Year After COVID: The Challenges And Outlook Of Chinese Micro-And-Small Enterprises, *China Economic Journal*, Volume 15, Issue 1, 2022, page.1-28

reforms in 1978², China is the fastest growing economy in the world. This is evidenced by data as of 2013, where China is the country with the second largest economy in the world based on total nominal GDP and PPP, as well as being the largest exporter and importer in the world.³

During the reign of President Hu Jintao stressed that China's interests are on the path of peace and will increase its influence on the international system. The principle of Soft Power which became the main guideline for China's foreign policy was not only carried out during the leadership of Hu Jintao, he carried out two foreign policy concepts, namely Peaceful rise and Peaceful Of World. Where this can be seen from the various trips made in various parts of the world including in developing countries in order to promote cooperation in various aspects of politics, economy, culture and important dialogues.⁴

In practice, China's foreign policy goals focus on the stability of the domestic situation, the territorial integrity of the country⁵, and enhance national security. These factors are considered by the Chinese Leaders to support the development of their country. China's foreign policy was initiated by the alternation of the spirit of war and peaceful coexistence. Relations with other countries are influenced by China's internal politics which reflect changes in leadership styles and development strategies to achieve the goals of socialism and industrialization. China's foreign policy has dynamic characteristics, where China as a big country is increasing its influence in the international arena, especially in the Asia-Pacific region.⁶ China's foreign policy is very influential on the prosperity of the country so that whether or not a foreign policy is effective will greatly affect China's progress.

B. RESEARCH METHODS

This study will use qualitative research methods, namely research methods that focus on analyzing non-numerical data and without using statistical formulas as an approach. The data collection technique that the author uses is to use secondary data collection or use library research with the nature of descriptive research, namely to collect data related to the problems discussed and then described systematically. The author does not carry out direct observations in the field, but based on the available data, by conducting a literature review on a number of literatures, which have relevance to the problems studied.

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- 2 Satar Bakhsh, He Yin, Mohsin Shabir & Kishwar Ali., China Trade With Belt And Road Countries: The Role And Impact Of Institutions, *China Economic Journal*, Volume 15, Issue 1, 2022, page.29-48
 - 3 Witness Nyasha Bandura., Trade Uncertainty In US And China On Trade Openness In Sub-Saharan Africa, *China Economic Journal*, Volume 15, Issue 1, 2022, page.49-59
 - 4 Kun Lu, Pierre Failler, Benjamin M. Drakeford, Qinyi Wang & Tong Liu., Impacts Of The Recent USA And China Trade Dispute On China's Aquatic Products, *China Economic Journal*, Volume 15, Issue 1, 2022, page.60-76
 - 5 Peng Zhan, Xinxin Ma, Takashi Oshio & Yibo Mao., The Elderly's Health Capacity To Work In China, *China Economic Journal*, Volume 15, Issue 1, 2022, page.77-92
 - 6 James A. Yunker., Is China Market Socialist? Comparing Western Theory To Eastern Practice. *China Economic Journal*, Volume 15, Issue 1 2022, Page.93-119

C. RESULT AND DISCUSSION

In the era of Hu Jianto's leadership in 2002-2013, China has become a Major Power, especially in the economic field. At that time China's economic growth occurred very rapidly. China is increasingly active in promoting economic globalization and its multipolarism. The direction of China's foreign policy is also getting clearer, China wants to create a conducive international situation for its economic growth by avoiding existing tensions. This was also done by Hu Jintao to countries in the Southeast Asia region who were members of the ASEAN regional organization⁷.

ASEAN itself is a regional organization in the Southeast Asia region which was established on August 8, 1967 in Bangkok, Thailand. Its establishment was initiated by 5 representatives of ASEAN member countries including Indonesia, Malaysia, Thailand, Singapore and the Philippines. In the Bangkok Declaration implemented in 1967, it was stated that the purpose of establishing ASEAN was as an embodiment of peace, progress and prosperity in the Southeast Asian region. ASEAN also aims to maintain close cooperation with regional and international organizations that share common goals⁸.

When China started its revival⁹ in the economic and military fields during the 1990s, it caused various responses from ASEAN countries. Although China's economy is becoming increasingly challenging, at the same time China also appears to be emerging as a threat to ASEAN. This caused Singapore to quickly open the door to cooperation with America in the form of providing a limited military base.

However, this does not at all dampen China's efforts to approach ASEAN countries, of course, this approach to ASEAN has been based on careful consideration. Especially after the end of the Cold War and of course by paying attention to China's regional conditions which are running more steadily as stated in the political statement of vice president Hu Jianto at a meeting in Indonesia. During the meeting, Hu Jianto stated that China's concept of security emphasizes equality, dialogue, and cooperation to establish relations with other countries. This requires respect for each other, mutual cooperation, consensus in cooperation and avoiding imposing one's will on others¹⁰.

The cooperative relationship between China and ASEAN began in 1991 and became ASEAN dialogue partners in 1996. This China-ASEAN trade relationship increased cooperation in the form of the ASEAN-China Free

7 Yi Zhang., *Direct or Indirect? The Impact Of Political Connections On Export Mode Of Chinese Private Enterprises*. Published: 13 March 2020, Version 1

8 Pingyao Lai, Tian Zhu., *Deflating China's Nominal GDP : 2004 – 2018*, *China Economic Review*, Volume 71, February 2022, Article 101709

9 Guowei Cai, Xuejiao Zhang, Hao Yang., *Fiscal Stress And The Formation Of Zombie Firms: Evidence From China*, *China Economic Review*, Volume 71, February 2022, Article 101720

10 Yujia Huo, Jane Golley., *Intergenerational Education Transmission In China: The Gender Dimension*, *China Economic Review*, Volume 71, February 2022, Article 101710

Trade Area (FTA) agreement in 2001¹¹. The following year it was agreed that trade in fish, meat, , and plants will be released in 2004. Meanwhile, tariffs and other products will be phased out in stages until the realization of the FTA in 2005. The approach taken by China to ASEAN since the end of the Cold War is to use their "Soft Power", especially in the economic field. .Hu Jintao seeks to strengthen foreign policy towards ASEAN countries with the aim of eliminating the perception that China is a threat in Southeast Asia by reshaping the alignments of Southeast Asian countries against China using Soft Power diplomacy¹².

Hu Jintao's efforts have paid off with the increasing relationship between China and ASEAN, this is evidenced by the opening of the ASEAN-China Center in 2011 in Bali, Indonesia in the series of the 19th ASEAN Summit. The ASEAN-China Center is useful for promoting cooperation in the fields of trade, tourism, education and culture. According to the Secretary General of the ASEAN-China Center, Ma Mingqiang, the launch of the ASEAN-China¹³ Center marks 20 years of cooperation between ASEAN-China relations. (Berita Satu 2011) This shows Hu Jintao's success in using Soft Power (economic) diplomacy in approaching ASEAN countries¹⁴.

In resolving conflicts with ASEAN countries, Hu Jintao also prefers diplomacy. For example, in resolving the conflict in the South China Sea, President Hu Jintao, during his visit to Cambodia a few days before the 20th ASEAN Summit, asked Cambodia for help so that ASEAN would "not rush" in finalizing the draft Code of Conduct (CoC). China wanted to be involved in making the CoC, because Hu Jintao felt that his involvement from the beginning in formulating the CoC, especially at a time when ASEAN countries still had differences of opinion was very important¹⁵.

Meanwhile, during Xi Jinping's leadership which began in 2013, China implemented a new foreign policy policy, especially in the economic and investment fields. In its management, China under Xi Jinping formed the Asian Infrastructure Investment Bank (AIIB) and One Belt, One Road (OBOR), known as the New Silk Road initiative to build cross-continental infrastructure both by land and sea. This is also a sign of a shift in China's foreign policy towards ASEAN. China wants to make Beijing the center of the

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- 11 Chunkai Zhao, Yaqian Wu, Jianhao Guo., Mobile Payment And Chinese Rural Household Consumption, *China Economic Review*, Volume 71, February 2022, Article 101719
 - 12 Zhiqiang Dong, Xiaobing Wang, Tianhua Zhang, Yuejun Zhong., The Effects Of Local Government Leadership Turnover On Entrepreneurial Behavior, *China Economic Review*, Volume 71, February 2022, Article 101727
 - 13 Xiaoyu Cheng, Jianying Wang, Kevin Z. Chen., Does Villager Social Capital Hinder Poverty Targeting? Evidence From Poverty-Stricken County Of Western China, *China Economic Review*, Volume 71, February 2022, Article 101728
 - 14 Xiang Ao, Xuan Chen, Zhong Zhao., Is Care By Grandparents Or Parents Better For Children's Non-Cognitive Skills? Evidence On Locus Of Control From China, *China Economic Review*, Volume 71, February 2022, Article 101734
 - 15 Gang Xie, Lei Zhang., Effects Of School Closure On Household Labor Supply: Evidence From Rural China, *China Economic Review*, Volume 71, February 2022, Article 101737

new world, because OBOR and AIIB are based in Beijing, so ASEAN is used as a smoothing agent for this effort¹⁶.

Xi Jinping, who was sworn in on March 14, 2013, will lead China with a vision of the "China Dream" which is applied to almost all life in China. Another shift from China's foreign policy in the Xi Jinping era towards ASEAN, namely China's increasing development and militarization of islands in the South China Sea (including the disputed Spratly Island) which is a sign that China's diplomacy towards ASEAN is no longer limited to soft power (economics). but has also used Hard Power (military). The construction and militarization of islands in the South China Sea is aimed at the success of the Belt and Road sea lane in which China wants to revive the ancient Silk Road through trade networks and infrastructure in Eurasia and Africa. This includes the sea route that crosses the Southeast Asian region¹⁷.

Tensions in the South China Sea escalated after reports that China had deployed advanced missiles to disputed maritime areas. According to the report, China has installed several Surface-to-Air Missile (SAM) and Anti-Ship Ballistic Missile (ACBM) systems across the Parasel and Spratly island chains, some of which are claimed by several ASEAN countries including the Philippines and Vietnam. Weeks earlier, China also deployed electronic jamming equipment to the maritime area, giving it the ability to interfere with command and control communications from rival military assets operating in the South China Sea.

ASEAN countries as rivals to China are worried that the Asian giant is slowly but surely establishing the foundation of an Air Defense Identification Zone (ADIZ) on one of the most important and busy waterways in the world. More than USD 5 trillion worth of global trade crossed the ocean last year. Upgrading China's missile defense systems in the region would allow it to progressively restrict movement as well as squeeze smaller rival nation's supply lines, all of which retain relatively modest military capabilities to fortify their maritime claims.

As a form of strengthening economic influence, China under Xi Jinping seeks to hegemony ASEAN by playing a large role in the Southeast Asian economy that depends on exports as a market for products and raw materials for investment. Through the Asian Infrastructure Investment Bank (AIIB) China plays an active role in building roads and transportation in Laos, Myanmar, and Cambodia that connects Southern China with natural resources in Southeast Asia as well as infrastructure developments in other Southeast Asian countries.

With the hegemony of ASEAN through the economy and foreign debt loans, as well as the use of military force in the South China Sea conflict, it shows that China in the Xi Jinping era has made a shift in its foreign policy

16 Haitao Chen, Bin Zhang, Zhaohua Wang., Hidden Inequality in Household Electricity Consumption: Measurement and Determinants based on Large-Scale Smart Meter Data, *China Economic Review*, Volume 71, February 2022, Article 101739

17 Christopher Bollinger, Xiaozhou Ding, Steven Lugauer., The Expansion Of Higher Education And Household Saving In China, *China Economic Review*, Volume 71, February 2022, Article 101736

towards China. The shift in China's foreign policy towards ASEAN has, of course, been through in-depth observation and a process of self-correction of the results that have been achieved and will be achieved. Then, of course, Xi Jinping has his own reasons regarding the shift in foreign policy, so that is what makes the author feel reluctant to examine the case.

In the study of international relations, foreign policy is something that really determines the direction of a country's foreign policy. Foreign policy will strongly reflect the goals of the country in international relations, both in bilateral and multilateral relations. As is well known, a country's foreign policy is of course based on the calculation of profit and loss so that rationally any foreign policy will lead to the achievement of the national interest.

A country's foreign policy does not always run constant, but also changes frequently in its course. Changes in foreign policy are driven by various reasons, there are many factors that can influence these changes. One of them was put forward by Charles F. Hermann in his journal entitled *Changing Course: When Government Chooses to Redirect Foreign Policy* in 1990, Herman stated that:

In general, foreign policy change can be divided into (1) change that is from regime change or state transformation, and (2) change that happens when the existing government decides to push in different foreign policy directions. Foreign policy change that relates to the changing political system is labeled as foreign policy redirection. The latter, henceforth, occurs when the existing actors change their course in foreign policy. Therefore, the nature of the change tends to be more "self-correcting"¹⁸.

According to Hermann, in general, changes in foreign policy can be divided into two, namely first, changes that occur due to regime changes or state transformations. Second, change occurs when the government decides to push a different foreign policy direction. Changes in foreign policy related to a changing political system is the first definition or also known as a transfer of foreign policy. Meanwhile, the changes that occur when the existing actors change their focus in foreign policy, the nature of the change tends to be more self-correcting.

In connection with the case to be studied, the author will use the concept of foreign policy change. This is due to a shift in China's foreign policy towards ASEAN between the reign of Hu Jintao and the reign of Xi Jinping which was motivated by changes in foreign policy. The regime change from 10 years in power to a new regime even though they both come from the Chinese Communist Party (CCP), of course, there is still a change in focus in foreign policy, what Hermann called in his journal self-correction¹⁹.

18 Yucheng Sun, Xianbo Zhou., The Effect Of Teacher's Concurrent Administrative Position On Students' Academic Outcomes: Evidence And Mechanisms. *China Economic Review*, Volume 71, February 2022, Article 101735

19 Ling-Yun He, Geng Huang., Are China's Trade Interests Overestimated? Evidence From Firms' Importing Behavior And Pollution Emissions, *China Economic Review*, Volume 71, February 2022, Article 101738

During Hu Jintao's time, China's foreign policy towards ASEAN was a self-approach, where Hu Jintao used their "Soft Power", especially in the economic field. Hu Jintao seeks to strengthen foreign policy towards ASEAN countries with the aim of eliminating the perception that China is a threat in Southeast Asia by reshaping the alignments of Southeast Asian countries against China using Soft Power diplomacy²⁰.

China is trying to follow the path of ASEAN in order to be accepted by its presence in the regional organization, Hu Jintao further strengthens the economic field that can benefit both China and ASEAN. One of the things from this strategy was that it was agreed that trade in fish, meat, and plants would be freed up in 2004. Meanwhile, tariffs and other products would be phased out until the FTA was realized in 2005. The main goal of Hu Jintao's strategy is to make China acceptable first. first in the new ASEAN forums they will try to get their national interests.

The future of China-ASEAN relations under Xi Jinping will actually not be much different from China under Hu Jintao, Xi Jinping will still use Soft Power against ASEAN and Xi Jinping will prioritize good partnerships with surrounding countries, especially countries in the Southeast Asia region. for investment purposes so that there will be no drastic changes in political or economic policies from Hu Jintao to Xi Jinping.

At the National People's Congress (NPC) on March 14, 2013, in addition to electing Xi Jinping as the new President of China, the congress also revealed a long-term development plan that will involve an integrated program to develop or transform the 400 million Chinese people living in rural areas into urban areas. by concentrating on the process of developing small and medium sized cities. In order to realize this plan, Xi Jinping announced the China Dream vision and will be realized through the idea of One Belt One Road (OBOR). This is the initiation of China's geopolitical strategy by utilizing world transportation routes as trade routes spread across the Eurasian region.

According to Herman, changes in foreign policy occur when the government decides to push a different foreign policy direction. This prompted Xi Jinping to push for a foreign policy that was different from Hu Jintao's for China's progress. During the leadership of Xi Jinping in 2013, China implemented a new foreign policy policy, especially in the economic and investment fields. In its management, China under Xi Jinping formed the Asian Infrastructure Investment Bank (AIIB) and One Belt, One Road (OBOR), known as the New Silk Road initiative to build cross-continental infrastructure both by land and sea. This is also a sign of a shift in China's foreign policy towards ASEAN.

Another shift from China's foreign policy towards ASEAN in the Xi Jinping era is the use of Hard Power, China uses its military power to win South China Sea disputes with ASEAN countries. China is increasing the development and militarization of islands in the South China Sea (including

20 Jinliang Yu, Yu Qi., BT-to-VAT Reform And Firm Productivity: Evidence From A Quasi-Experiment In China, *China Economic Review*, Volume 71, February 2022, Article 101740

the disputed island of the Spartan Island) which is a sign that China's diplomacy towards ASEAN is no longer only limited to Soft Power (economy) but has also used Hard Power (military). The construction and militarization of islands in the South China Sea is aimed at the success of the Belt and Road sea lane in which China wants to revive the ancient Silk Road through trade networks and infrastructure in Eurasia and Africa. This includes the sea route that crosses the Southeast Asian region.

As a form of strengthening economic influence, China under Xi Jinping seeks to play a large role in Southeast Asian economies that depend on exports as a market for products and raw materials for investment. Through the Asian Infrastructure Investment Bank (AIIB) China plays an active role in building roads and transportation in Laos, Myanmar, and Cambodia that connects Southern China with natural resources in Southeast Asia and infrastructure developments in other Southeast Asian countries.

With the vision of "China Dream" Xi Jinping feels that it is time for China to become a leader in the Asia Pacific region, including Southeast Asia in it. Xi Jinping's ambitious Belt and Road project requires China to make a foreign policy shift towards ASEAN, where previously only Soft Diplomacy was now added with Hard Power (military) to make this grand plan a success. Politically, China has an interest in strengthening its influence in the ASEAN region.

The economic approach used by China seems to have strengthened its political influence and hegemony in the ASEAN region. China in this case is also able to take advantage of the negative sentiments of some ASEAN countries towards the United States which is considered to be too interfering in domestic issues of ASEAN countries. In addition, China is also able to take the initiative when the US and European economies are still experiencing crisis and stagnation. At a time when global economic conditions are still unstable, efforts to penetrate the economy from China can be an opportunity for economic development for ASEAN countries by establishing cooperation and obtaining loan funds to build infrastructure. The increasing influence of China's hegemony can at least be seen from the closeness of several ASEAN leaders to Xi Jinping.

D. CONCLUSION

Based on the background of the problem framework described above, the conclusion of this study is that Xi Jinping has shifted China's foreign policy towards ASEAN because Xi Jinping wants to strengthen China's influence in ASEAN, especially in the struggle for influence with the United States and Xi Jinping wants to secure the Sea. South China for the success of the One Belt, One Road (OBOR) sea route project.

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