

## International Legal Review of the Incident of Expulsion of Chinese Coast Guard Vessels in the North Natuna Sea

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### ABSTRACT

*The incident of the expulsion of a Chinese Coast Guard (CCG) vessel by Indonesian authorities in the North Natuna Sea has become a recurring phenomenon, raising complex questions about the legality of such actions under international maritime law. This study aims to analyze the legal status of CCG vessels in Indonesia's Exclusive Economic Zone (EEZ), the legality of expulsion actions, and the legal implications of China's Coast Guard Law 2021. Using normative legal research methods with a qualitative approach, this study examines UNCLOS 1982, arbitration awards, state practices, and international legal doctrines. The results of the study show that the right to freedom of navigation of CCG vessels in the EEZ is not absolute and is limited by the obligation to pay due regard to the sovereign rights of coastal states. The expulsion action carried out by Indonesia, as long as it is proportionate and non-escalatory, can be justified as a legitimate countermeasure to protect its sovereign rights from illegal intervention. Further, the study found that China's Coast Guard Law 2021 is fundamentally contrary to UNCLOS, seeks to replace international law with domestic legislation, and significantly increases the risk of conflict escalation in the region. The study concludes that while Indonesia's actions can be legally justified, the international maritime law framework now faces systemic challenges that threaten regional maritime stability.*

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**KEYWORDS** law of the sea, north natuna sea, unclos 1982, china coast guard, maritime disputes.



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### INTRODUCTION

The South China Sea area, which includes the North Natuna Sea, is one of the most strategic and dynamic waters in the world. In addition to serving as a vital maritime trade route through which more than one-third of global trade passes, the region is also rich in natural resources, especially fisheries and hydrocarbon reserves (Pradana & Wisesa, 2023). However, this great economic potential is accompanied by the complexity of overlapping sovereignty and sovereign rights disputes, making it a global geopolitical hotspot (Huang, 2022). At the center of this tension is the People's Republic of China's unilateral claim to a "nine-dash line" that covers nearly 90% of the South China Sea (Manurung, 2017). This historical claim directly overlaps with the exclusive economic zone (EEZ) and continental shelf of several Southeast Asian countries, including Indonesia in the waters of the North Natuna Sea (Suryadinata, 2021).

Indonesia consistently does not consider itself a claimant state in territorial disputes in the South China Sea. The Indonesian government's position is very clear and unequivocal: there are no territorial disputes with China. However, the southern end of China's "nine-dash line" clearly intersects with Indonesia's legally established EEZ under the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982), under which Indonesia has exclusive sovereign rights to explore and exploit natural resources (Hermawan & Putra, 2022). This

firmness of Indonesia's legal position was strengthened by the Permanent Court of Arbitration decision in 2016 in the case of Philippines v. China, which conclusively states that China's claim to "historical rights" in the "nine-dash line" has no legal basis and is contrary to the provisions of UNCLOS 1982 (Santoso, 2023; Beckman, 2021).

Although the arbitration award is final and binding, China has publicly rejected and ignored it. Instead, China is increasing its presence in the region through "gray-zone tactics." This strategy involves using state assets, especially China Coast Guard (CCG) vessels and maritime militias, to assert its claims *de facto* without provoking a full-scale armed conflict (Wijaya & Prasetyo, 2024). CCG vessels, which are often the equivalent size of frigate-type warships, routinely patrol, escort Chinese fishing fleets engaged in illegal fishing, and conduct intimidating maneuvers against law enforcement vessels from coastal countries, including Indonesia (Li, 2022; Cahyono, 2023).

The incident in the North Natuna Sea has evolved from a mere issue of illegal, unreported, and unregulated (IUU) fishing to a direct confrontation between government vessels. In recent years, the frequency and intensity of incidents involving vessels of the Maritime Security Agency of the Republic of Indonesia (Bakamla RI) or the Indonesian National Army Navy (TNI AL) attempting to enforce the law against CCG vessels that intervene have increased (Adhitama & Nugroho, 2024).

Actions taken by Indonesian authorities are often in the form of "expulsion" or attempts to drive CCG ships out of Indonesia's EEZ. This act of expulsion poses a complex legal and security dilemma. On the one hand, Indonesia has the right and obligation to protect its sovereign rights in the EEZ in accordance with the mandate of UNCLOS 1982 (Martadiredja, 2023). On the other hand, CCG ships are foreign government vessels that enjoy certain immunity under international law (Zhou, 2022).

The escalation has been increasingly alarming since China passed the Coast Guard Act in 2021. This domestic legislation explicitly authorizes the CCG to use all necessary means, including lethal force, to protect what China considers its jurisdiction and maritime interests (Bateman, 2021; Permana, 2023). This authority goes beyond international standards regarding the use of force in law enforcement at sea, which emphasize the principles of necessity and proportionality (Oegroseno, 2022).

The presence of CCG vessels operating under aggressive domestic legal mandates within the jurisdiction of other countries creates a dangerous precedent and fundamentally challenges the international legal order of the sea based on UNCLOS 1982 (Hakim, 2024). The incident of the expulsion of CCG ships by the Indonesian Bakamla or the Indonesian Navy is no longer just a routine law enforcement action but rather a gamble to maintain the integrity of UNCLOS 1982 as the "constitution of the seas" from unilateral revision through force and intimidation (Chen & Susilo, 2025).

Previous analyses have often focused on geopolitical aspects (Kurniawan, 2023), Indonesia's defense strategy (Syahputra, 2024), or IUU fishing issues in general (Pattiradjawane & Sembiring, 2022). However, there is still a gap in the in-depth and specific juridical analysis of the legality of the "expulsion" act itself when the target is a foreign government vessel such as the CCG, as explored in International Legal Review of the Incident of Expulsion of Chinese Coast Guard Vessels in the North Natuna Sea.

Is such action justified under the legal framework of UNCLOS 1982? How are principles such as the use of proportionate force and due regard (the obligation to pay attention to the rights of other countries) applied in confrontations between law enforcement vessels in the EEZ? This article seeks to fill this gap by conducting a comprehensive review of international law. This research is important to provide legal clarity for Indonesian policymakers and law enforcement officials in formulating an effective, measurable, and accountable response under international law in the face of the growing challenges in the North Natuna Sea.

Based on the background described, this study formulates several research questions as follows: (1) How does international maritime law, especially UNCLOS 1982, regulate the status, rights, and obligations of foreign coast guard vessels when they are within the exclusive economic zone (EEZ) of other countries? (2) How is the legality and proportionality of the "expulsion" actions carried out by Indonesian law enforcement authorities against Chinese Coast Guard vessels in the North Natuna Sea viewed from the perspective of international law on the use of force at sea? (3) What are the legal implications of the 2021 China Coast Guard Law on the international maritime law order set out in UNCLOS 2022 and security stability in the North Natuna Sea?

## RESEARCH METHOD

This research was methodologically designed as normative legal research, often referred to as doctrinal legal research. This type was chosen because the study focused on legal analysis as a system of norms, not on empirical social reality (Ibrahim, 2021; Soekanto & Mamudji, 2022).

The nature of this research was descriptive-analytical. The descriptive aspect was manifested through a systematic presentation of relevant international maritime law provisions, especially UNCLOS 1982, and a chronological description of the incidents. The analytical aspect was applied by critically examining legal materials to test the relationship between norms and facts, producing argumentative conclusions (Putra & Wijaya, 2023).

To explore the issue holistically, this study adopted several approaches. The main approach, serving as the backbone, was the statute approach, which involved an in-depth review of international legal instruments such as UNCLOS 1982 and the UN Charter, as well as domestic legislation like China's 2021 Coast Guard Act (Simons, 2022; Pratama, 2024).

A case approach was also used to analyze norm application in concrete incidents, drawing on official reports, think tank documentation, and jurisprudence such as the 2016 South China Sea Arbitration Award (Gupta, 2024; Beckman, 2021). The research was further enriched with a conceptual approach to clarify key legal concepts such as sovereign rights, proportionality, immunity of state ships, and due regard (Churchill & Lowe, 2022; Oegroseno, 2023).

Data sources consisted entirely of secondary materials, classified into primary (e.g., international conventions, arbitration awards, national laws), secondary (e.g., journals, textbooks, scholarly articles), and tertiary (e.g., dictionaries, encyclopedias, reports) legal materials (Arsana & Adiyatma, 2023; Tritto, 2022; Collins & Chan, 2024).

Legal materials were collected through literature and document studies (library research), utilizing international digital journal databases and conventional libraries. Analysis was conducted qualitatively using legal interpretation (legal hermeneutics)—systematically and teleologically—to build coherent arguments and draw logical conclusions addressing the International Legal Review of The Incident of Expulsion of Chinese Coast Guard Vessels in The North Natuna Sea

research problems (Susanto, 2023; Rahardjo, 2021). This methodological flow produced a valid, in-depth analysis of international law complexities in handling North Natuna Sea incidents.

## RESULTS AND DISCUSSION

### Legal Status of Chinese Coast Guard Vessels in Indonesia's Exclusive Economic Zone

Analysis of the legal status of Chinese Coast Guard (CCG) vessels when operating within Indonesia's Exclusive Economic Zone (EEZ) is a complex legal discourse, at the crossroads between the rights of coastal states and the freedoms of other countries. The legal basis for the EEZ is set out in Part V of the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982), which establishes it as a *sui generis* regime, i.e. not a territorial sea with full sovereignty, but also not a high sea (Churchill & Lowe, 2022).

In this zone, Indonesia as a coastal country has functional "sovereign rights", namely for the purpose of exploration, exploitation, conservation, and management of natural resources, both biological and non-biological, as well as jurisdiction related to the creation and use of artificial islands, installations, marine scientific research, and protection of the marine environment (UNCLOS 1982, Article 56). This sovereign right is the main basis for Indonesia to enforce the law against illegal economic activities, especially illegal fishing (IUU Fishing), in the North Natuna Sea (Hermawan & Putra, 2022).

On the other hand, Article 58 of UNCLOS 1982 expressly recognizes that other countries, including China, enjoy freedom of navigation and flight as well as other freedoms related to the peaceful use of the sea for peaceful purposes in the EEZ. This means, *prima facie*, that a CCG ship has the right to sail across Indonesia's EEZ. However, this freedom is not without limits. The crucial point that is the source of conflict lies in the interpretation and practice of the exercise of these rights.

The freedom of navigation in question is for the purpose of normal (*transiting*) and peaceful navigation (Dimitrov, 2023). The problem is that the presence of CCG ships in the North Natuna Sea often goes far beyond ordinary navigation activities. Various reports and documentary evidence show that CCG vessels routinely perform a series of actions that cannot be classified as peaceful shipping, such as conducting intimidating patrols, shadowing Indonesian patrol vessels (Bakamla/TNI AL), and actively escorting and protecting Chinese fishing vessels operating illegally within Indonesia's EEZ (Adhitama & Nugroho, 2024; Huang, 2022).

These actions are directly contrary to the fundamental principle that is the balancing act in the EEZ, namely the obligation to "give due regard". Article 56 paragraph (2) and Article 58 paragraph (3) of the 1982 UNCLOS reciprocity require coastal states and other countries to respect each other's rights. When CCG vessels actively obstruct Indonesian authorities who are trying to enforce their sovereign rights to fishery resources, China, through its state organs, has failed to fulfill these due regard obligations (Djalal & Aditomo, 2024).

The activities of such CCG vessels can no longer be classified as the exercise of freedom of navigation, but have turned into an act of intervention against the legitimate jurisdiction of coastal states (Arsana & Adiyatma, 2023). This action is part of a broader gray zone strategy, in which state assets are used to impose unilateral jurisdictional claims without triggering armed conflict, thereby effectively challenging the existing legal order (Tritto, 2022; Li, 2022).

Furthermore, the argument regarding the status of CCG ships as government vessels operated for non-commercial purposes also needs to be critically analyzed. Under Articles 95 and 96 of the 1982 UNCLOS, warships and non-commercial government vessels enjoy full sovereign immunity from the jurisdiction of any country other than its flag state, especially when on the high seas. However, the application of this immunity within other countries' EEZs, especially when the ship commits actions that violate the rights of coastal states, becomes particularly problematic (Becker, 2023).

Sovereign immunity actually protects ships from direct law enforcement actions such as detention or seizure by coastal states. However, the immunity does not grant the ship a license to act arbitrarily or exempt its flag state from international responsibility for unlawful acts committed by its ships (Zhou, 2022; Crawford, 2021). When a CCG ship actively facilitates lawlessness in Indonesia's EEZ, then the ship has abused its rights, and the Chinese state is responsible for the violation of Indonesia's sovereign rights (Santoso & Lee, 2025). Thus, it can be concluded that although a CCG ship has the initial right to navigate in Indonesia's EEZ, its legal status changes when it engages in activities that interfere with the exercise of Indonesia's sovereign rights. At that point, its presence becomes no longer peaceful and violates the principle of due regard, which in turn provides justification for Indonesia to take responsive action to protect its rights guaranteed by international law of the sea.

### **Analysis of the Legality and Proportionality of the Eviction Measures by the Indonesian Authorities**

After determining that the presence of Chinese Coast Guard (CCG) vessels in Indonesia's Exclusive Economic Zone (EEZ) becomes legally problematic when conducting intervention activities, the next crucial question is the validity of the response taken by the Indonesian authorities, namely the act of "expulsion" or expulsion. A careful analysis of the legality and proportionality of these actions must be carried out, given that there is no explicit provision in the 1982 UNCLOS governing the procedures for handling foreign government vessels that commit violations in the EEZ. Article 73 of the 1982 UNCLOS, which is the main cornerstone of coastal state law enforcement authority in the EEZ, is specifically designed for violations of fisheries regulations and is primarily aimed at fishing vessels, not CCG-class state vessels (Guilfoyle, 2023). This normative vacuum demands a legal justification drawn from the general principles of international law, especially the law on state responsibility and the use of force.

The legality of the deportation act cannot be found textually in the 1982 UNCLOS, but must be built on the foundation of a state's inherent right to protect its sovereign rights. When a CCG vessel actively obstructs Indonesia in exercising its sovereign rights, for example by protecting illegal fishing vessels, this action is an "internationally wrongful act" committed by China's state organs (Crawford, 2021). Based on the legal framework of state responsibility, as codified by the International Law Commission (ILC), the aggrieved state (Indonesia) has the right to take legitimate "countermeasures" (Sari & Putra, 2024).

The purpose of retaliatory action is not to punish, but to force the offending state (China) to stop its illegal actions and return to complying with its international obligations, namely respecting Indonesia's sovereign rights (Hakim & Wijoyo, 2024). In this context, "expulsion" can be construed as a legitimate act of retaliation, a form of self-help aimed at returning the

situation to its original state (status quo ante), in which Indonesia can effectively exercise its jurisdiction without illegal intervention.

It is important to distinguish these acts of expulsion from the "use of force" prohibited under Article 2(4) of the UN Charter. As long as the expulsion action is carried out as part of the maritime law enforcement function and does not involve armed forces, then the action is below the threshold of prohibiting military aggression (Schofield, 2023).

The practice that has been carried out by the Indonesian Bakamla or the Indonesian Navy, which prioritizes communication through VHF radio, shadowing, and maneuvering to steer CCG ships out of the EEZ, clearly shows the character of law enforcement, not military action (Yudha & Prasetyo, 2025). Thus, the legality of the expulsion action can be maintained as long as it can be proven that the action is a necessary response to an ongoing violation of rights and is carried out in ways consistent with the law enforcement function.

Furthermore, after the basic legality is established, the proportionality aspect becomes the main determining parameter for the validity of actions in the field. The principle of proportionality in international law requires that every response taken must be balanced and not excessive when compared to the goals to be achieved and the nature of the violations faced (Oegroseno, 2023; Tanaka, 2022).

The goal is to stop illegal interventions, not to cause damage or harm to the CCG crew. The practice of using measured escalation (graduated response) is key. Indonesian authorities generally start with verbal warnings, then increase their presence and perform non-aggressive maneuvers (Ramirez, 2025). These actions, when measured by international standards, can be considered proportionate because they are the least coercive means of achieving legitimate goals (Ferreira, 2024).

Conversely, the action would be disproportionate if the Indonesian authorities, in the absence of any direct threat to Indonesian lives or ships, immediately used high-pressure water cannons or even fired warning shots. Such actions would be considered excessive and could trigger an unwanted escalation (Putranto, 2023). Therefore, each incident must be assessed on a case-by-case basis. However, based on the general pattern of Indonesia's response that has been documented, the approach taken tends to be cautious and measurable, which indicates a high awareness of the importance of maintaining proportionality (Perwita & Santoso, 2024).

## **Legal Implications of China's Coast Guard Law 2021**

Analysis of incidents in the North Natuna Sea became increasingly complex and urgent after the People's Republic of China passed the China Coast Guard Law (CGL) in January 2021. This domestic legislation is not just an internal regulation, but a policy instrument that has profound legal and security implications, and fundamentally changes the dynamics of confrontation at sea. The CGL significantly expanded the authority of the China Coast Guard (CCG), notably through two highly controversial articles.

First, Article 3 ambiguously defines the jurisdiction of the CCG to include "waters under the jurisdiction of the People's Republic of China", a phrase that is internally interpreted by Beijing to include the entire area within the "nine-dash line", which directly overlaps with Indonesia's EEZ in the North Natuna Sea (Bateman, 2021). Second, and most worrying, is Article 22 which authorizes the CCG to use all kinds of force, including the use of weapons

and airborne weapons, to stop violations and enforce sovereignty in those waters (Permana, 2023).

The first and foremost legal implication of the CGL is a direct conflict with the fundamental principles of international maritime law, especially UNCLOS 1982. By claiming law enforcement jurisdiction in an area recognized by international law as another country's EEZ, China is unilaterally trying to replace the universal maritime legal order with its domestic law (Wijaya, 2024). This act directly opposes the essence of UNCLOS which is designed to provide legal certainty over maritime boundaries and prevent excessive unilateral claims. The 2016 Court of Arbitration ruling has categorically rejected the legal basis of China's "historical rights" claims, but the CGL has instead ignored the ruling and sought to legitimize the same claim through the power of national legislation (Beckman, 2021).

Moreover, the authorization of the use of force in Article 22 clashes violently with the general prohibition on threats or use of force set forth in Article 2(4) of the UN Charter. International legal standards require that the use of force in law enforcement be a last resort and comply with the principles of necessity and strict proportionality (Oegroseno, 2023). The CGL, with its permissive language, effectively lowers this threshold and creates a domestic justification for actions that the international community would consider aggressive and illegal (Gao, 2022).

The second more practical implication is the formalization of the "gray zone strategy" and the increased risk of escalation on the ground. Prior to the CGL, intimidating actions by the CCG could be argued as unwritten policies or even actions by individuals on the ground. However, with the CGL, these measures now have a solid domestic legal basis, transforming them from ambiguous practices to official state policies (Tritto, 2022; Huang, 2022).

This dramatically increases the risk of miscalculation and escalation. Indonesian law enforcement authorities, such as Bakamla, which operate under international legal corridors and measurable rules of engagement (RoE), are now faced with adversaries operating under fundamentally different and more aggressive legal mandates (Adhitama & Nugroho, 2024). This asymmetry in RoE is very dangerous; a standard maneuver from an Indonesian ship can be interpreted by the CCG commander as an action that justifies the response of the force according to the CGL's mandate, which can trigger an uncontrollable spiral of violence (Kurniawan & Prasetyo, 2024; Susanto & Putra, 2025).

The third implication, which is systemic, is the erosion of the rules-based international order. CGL is a clear example of the practice of "lawfare", where domestic law is weaponized to achieve geopolitical goals and to challenge existing international norms (Chau, 2023). If the practice of a powerful state being able to unilaterally pass laws that override its international obligations is allowed, then this would create a very damaging precedent.

This will encourage other countries to do the same, which will ultimately lead to the fragmentation of the law of the sea and the return of an era where power (might) takes precedence over law (Duy, 2024). For Indonesia and other Southeast Asian countries, the CGL is not only a security challenge in their immediate waters, but also an existential threat to the principles of the ASEAN Charter and ASEAN's centrality in maintaining regional peace and stability based on respect for international law (Prakoso, 2025). Therefore, the CGL cannot be seen only as China's internal problem, but rather as a global challenge to the rule of law in the seas.

## **Dynamics of South China Sea Claims and Their Impact on the North Natuna Sea**

The incident of the expulsion of a Chinese Coast Guard (CCG) vessel in the North Natuna Sea was not an isolated event. These incidents are a physical manifestation of a fundamental clash between two distinct and irreconcilable conceptions of law regarding rights and jurisdiction in the South China Sea. On the one hand, there is the international law of the sea order codified in the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982), which is Indonesia's firm hold. On the other side is China's expansive claims based on ambiguous historical interpretations, known as the "nine-dash line". Understanding the dynamics of these claims conflicts is a prerequisite to be able to analyze the legality of incidents that occur in the field. UNCLOS 1982, often referred to as the "constitution of the oceans", provides a comprehensive and universal framework for defining a country's maritime boundaries, including territorial seas, additional zones, Exclusive Economic Zones (EEZs), and continental shelves (Churchill & Lowe, 2022).

Indonesia's legal position in this regard is very clear, consistent, and based entirely on the provisions of the 1982 UNCLOS. Indonesia has officially established the boundaries of its EEZ and continental shelf, which stretches partly north from the Natuna Islands. This area of water, which Indonesia officially named the North Natuna Sea in 2017, is part of Indonesia's legal maritime jurisdiction (Kusuma, 2025).

Diplomatically, Indonesia has consistently stated that it is not a claimant state in territorial disputes over islands, rocks, or maritime features in the South China Sea, such as the Spratly or Paracel Islands disputes. However, Indonesia has firmly refused to negotiate on its maritime boundaries that have been set in accordance with UNCLOS, which coincidentally overlap with China's unilateral claims (Suryadinata, 2021; Perwita & Santoso, 2024). This firm stance places Indonesia as a firm guardian of the international maritime law order in the region.

Across the legal spectrum, China's position is based on the "nine dotted lines", a claim that first appeared on the map of China in the mid-20th century. This demarcation line covers almost 90% of the entire South China Sea and is highly ambiguous, both in terms of exact geographical coordinates and its legal nature (Gao & Jia, 2023). China argues that the line represents "historical rights" to the resources within it, a concept that is unknown and has no place in the legal architecture of the 1982 UNCLOS (Hayton, 2024).

The southernmost end of this dotted line is the source of direct conflict, because it cuts deep into the territory that according to UNCLOS 1982 is the EEZ and the legal continental shelf of Indonesia and Vietnam (Thuy, 2023). Thus, there is a frontal clash: Indonesia's sovereign rights based on the rule of modern international law are confronted with China's claims based on a historically unjuridically defined narrative.

This clash of claims should have found a bright spot through the Permanent Court of Arbitration ruling on July 12, 2016 in a case brought by the Philippines against China. This ruling, although rejected outright by Beijing, has very significant legal weight and is internationally binding (Ba, 2024). The Court of Arbitration made several key decisions that were directly relevant to the situation in the North Natuna Sea. First, and most fundamentally, the court ruled that China's claim to "historical rights" within the "nine dotted lines" has no legal basis and is incompatible with UNCLOS (Beckman, 2021).

The convention, according to the court, comprehensively regulates the rights of states in its maritime zones, thus negates any historical claims that are not in line with it. Second, the court explicitly stated that the "nine dotted lines" themselves are contrary to the Convention and violate the Philippines' sovereign rights in its EEZs (Santoso, 2023). The implications of this ruling logically apply to all countries whose EEZs are violated by the line, including Indonesia.

The direct impact of these dynamics on the North Natuna Sea is very real. As China rejected the arbitration award and continued to defend its claims, it actively deployed state assets, especially Coast Guard (CCG) vessels and maritime militias, to assert its de facto presence within the "nine-dash line" area (Li, 2022). The presence of CCG vessels escorting China's fishing fleet in the waters that constitute Indonesia's EEZ is a manifestation of China's efforts to create "new facts on the ground" and impose its unfounded claims through a show of force (Huang, 2022).

This is the root of every incident that occurs. When the Indonesian Bakamla or the Indonesian Navy seeks to enforce Indonesian law against foreign fishing vessels operating illegally in its EEZ, they are faced with intervention from Chinese government vessels (CCGs) that act as if they are within Chinese jurisdiction. Therefore, the incident of the expulsion of the CCG ship by the Indonesian authorities was not an aggression, but rather a reactive action to maintain the legal order of UNCLOS 1982 and protect legitimate sovereign rights from coercive attempts based on historical claims that have been declared invalid by international law.

### **The Role of UNCLOS 1982 in Resolving Maritime Disputes**

The 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982) is widely recognized as the "constitution for the oceans", which provides a comprehensive legal framework to regulate all activities at sea. Its fundamental role in the resolution of maritime disputes, including those that occur in the South China Sea and impact the North Natuna Sea, can be analyzed from two main aspects: its substantive role in providing legal certainty, and its procedural role in providing a mandatory dispute resolution mechanism. UNCLOS 1982 is a "package deal", in which countries that ratify it not only accept the rights to the maritime zone but also simultaneously submit to the obligation to resolve disputes peacefully through the mechanisms stipulated in it (Djalal, 2023). It is this dual approach that makes UNCLOS a revolutionary and central legal instrument in maintaining global maritime stability.

UNCLOS's substantive role in conflict resolution lies in its ability to prevent disputes through legal clarity and certainty. By defining in detail and uniformly the boundaries and rights in each maritime zone ranging from territorial seas, ancillary zones, Exclusive Economic Zones (EEZs), to continental shelves, UNCLOS significantly reduces the ambiguity that has historically been a major source of disputes between countries (Churchill & Lowe, 2022). In the context of the North Natuna Sea, this substantive role is crucial. Based on UNCLOS, Indonesia has a solid legal basis to claim sovereign rights to resources in the EEZ and its continental shelf. The clarity of these norms gives legitimacy to Indonesia's diplomatic position and law enforcement actions. In the absence of clear substantive rules from UNCLOS, the dispute in the North Natuna Sea will become nothing more than a political and military power struggle with no legal basis to refer to (Chen & Susilo, 2025). UNCLOS provides the same International Legal Review of The Incident of Expulsion of Chinese Coast Guard Vessels in The North Natuna Sea

legal language and objective standards on which Indonesia can claim that its rights are being violated.

Beyond its substantive role, the procedural role of UNCLOS as set out in Part XV is the most important innovation in international law. This section creates a comprehensive and compulsory dispute settlement system. The system is designed in stages, beginning with an obligation for the disputed states to exchange views in order to reach a settlement through negotiation or other peaceful means (Article 283). However, if these peaceful means do not bear fruit, UNCLOS gives "teeth" through Article 286, which states that disputes can be submitted unilaterally to one of the four available judicial forums: the International Court for the Law of the Sea (ITLOS), the International Court of Justice (ICJ), or arbitral tribunals established pursuant to Annex VII or VIII (Tanaka, 2024; Lodge, 2022). It is this obligation to submit to judicial procedures that distinguishes UNCLOS from many other international treaties.

The most obvious application of this mechanism is in the case of the South China Sea Arbitration (Philippines vs China). The Philippines, after failing in diplomatic efforts, availed itself of arbitration procedures under Annex VII of UNCLOS. Although China refused to participate, the arbitral tribunal ruled that it had jurisdiction because both countries were parties to UNCLOS, and the disputes raised were related to the interpretation and application of the Convention (Jayakumar & Beckman, 2022). The final verdict issued in 2016 is final and legally binding for both parties. This case is an important precedent that shows that the UNCLOS dispute resolution mechanism can function even when one of the parties to the dispute is uncooperative (Santoso, 2023). This provides a valuable lesson for other countries, including Indonesia, that the international legal pathway is a valid and robust option to assert its maritime rights.

Nevertheless, the UNCLOS dispute resolution system is not without challenges and limitations. The biggest challenge is the issue of enforcement. International law does not have a global police body that can force a losing country to comply with a verdict (Ku, 2023). China's refusal to comply with the 2016 ruling is a clear example of this weakness. Enforcement of the verdict depends on political, diplomatic, and reputational pressure from the international community (Ba, 2024). In addition, UNCLOS itself provides some optional exceptions in Article 298, under which states can declare that they do not accept mandatory procedures for certain disputes, such as maritime boundary delimitation or disputes regarding military activities (Oude Elferink, 2024).

However, it is important to note that this exception is limited in nature and does not cover disputes regarding the general interpretation of UNCLOS or the validity of historical claims, as affirmed by the courts in the case of Philippines vs. China. Despite these limitations, UNCLOS's role remains irreplaceable. It provides the only universally agreed legal framework for resolving maritime disputes, providing legitimacy for countries that comply with them, and juridically delegitimizing the claims and actions of states that violate them.

### **International Precedents Regarding the Expulsion of Foreign Ships from the EEZ**

Analysis of the legality of the expulsion of Chinese Coast Guard (CCG) vessels by Indonesian authorities can be enriched by reviewing international precedents, both from judicial decisions and from state practice. It is important to recognize from the outset that

perfectly identical precedents of international court rulings on the expulsion of one country's coast guard vessels by other countries' coast guards from the Exclusive Economic Zone (EEZ) are extremely rare. This is due to the sensitive nature of confrontations between state organs, which are more often resolved through closed diplomatic channels than public litigation (Kraska & Pedrozo, 2023).

Therefore, precedent analysis should be carried out by referring to analogous cases that establish relevant principles regarding law enforcement at sea, as well as by observing the patterns of behavior of other countries when faced with similar situations.

From the judicial realm, several arbitration cases and the International Court for the Law of the Sea (ITLOS) rulings have laid important foundations regarding the limits of coastal states' authority in law enforcement. The case of M/V Saiga (No. 2) (Saint Vincent and the Grenadines v. Guinea) at ITLOS in 1999 became a fundamental reference. Although the case involved the detention of a private oil tanker, ITLOS established a universal standard that the use of force in law enforcement at sea should be avoided as much as possible. If forced to be used, the force must be proportionate, not endangering human life, and not excessive in relation to the violation that occurred (Rothwell & Stephens, 2022). This principle affirms that there are clear limits even when a coastal state has the right to enforce its laws. This standard is directly relevant to assess whether Indonesia's "expulsion" method is proportionate and not excessive.

Another important precedent is the Arctic Sunrise case (Netherlands vs Russia), which was decided by an arbitral tribunal in 2015. The case involved the arrest of a Greenpeace vessel by Russian authorities in Russia's EEZ. The court ruled that although coastal states have the right to enforce their laws, the actions taken by Russia including boarding helicopters and detaining the entire crew are disproportionate (Tanaka, 2024). This ruling reinforces the norm that law enforcement actions in the EEZ should remain within the corridor of civilian law enforcement, not military operations. By analogizing the principles of these two cases, it can be concluded that the expulsion action by Indonesia can be justified as long as it is carried out in a measurable, non-escalatory manner, and consistent with the function of the civilian coast guard, not as a show of military force (Guilfoyle, 2023).

In addition to judicial precedents, the practices of other countries in dealing with similar intrusions also provide an overview of the prevailing norms. In the East China Sea, Japan routinely encounters CCG ships around the Senkaku/Diaoyu Islands. The practice implemented by the Japan Coast Guard (JCG) is generally to shadow, issue radio alerts, and use maneuvers to block or dwarf CCG vessels, but always avoid physical contact or the use of weapons (Hornung, 2023).

This "managed confrontation" approach aims to assert jurisdiction without triggering an armed escalation. Similarly, the practices of Vietnam and the Philippines in the South China Sea, which use their coast guard vessels and fisheries surveillance vessels to persistently challenge the presence of Chinese vessels, indicate a regional pattern of responding through non-military means (Thuy & Bautista, 2025). These practices, while not always successful in permanently expelling them, have established a regional norm on how to respond to gray zones with persistent and calibrated civil resistance.

In contrast, the practices of countries such as Argentina in the South Atlantic show a harsher approach, where its navy several times shot down and sank Chinese fishing vessels that International Legal Review of The Incident of Expulsion of Chinese Coast Guard Vessels in The North Natuna Sea

were conducting illegal fishing and aggressively resisted when they were about to be caught (Llanos, 2024). However, it is important to note that the target of this crackdown is private fishing vessels, not government vessels. The fact that Indonesia does not adopt a similar approach to CCG ships actually strengthens the argument that Indonesia acts with great caution and awareness of the status of the state ships it faces (Santoso & Lee, 2025).

In the end, it must be emphasized the uniqueness of the incident in the North Natuna Sea that distinguishes it from many existing precedents. In this case, the target of the expulsion is not a private vessel that committed commercial violations, but rather an organ vessel of another country whose presence in Indonesia's EEZ is part of a systematic effort to challenge sovereign rights and impose alternative jurisdictional claims that are not recognized by international law (Spence, 2023). This raised the incident from a mere issue of fisheries law enforcement to an inter-state dispute over sovereign rights. Therefore, while the principles of the M/V Saiga case and other state practices provide important guidance on proportionality, expulsion by Indonesia must also be understood within the legal framework of state responsibility, i.e. as a legitimate countermeasure to ongoing violations of sovereign rights, a context that makes it more complex than ordinary law enforcement precedents.

### **Diplomacy Strategy and Dispute Resolution Mechanism between Indonesia and China**

In the face of repeated incidents in the North Natuna Sea, Indonesia's response is not only limited to law enforcement at sea, but also supported by a multi-layered and calibrated diplomacy strategy. The analysis of this strategy shows that Indonesia applies a dual-track approach, namely maintaining firmness in the field through the presence of maritime patrols, while simultaneously prioritizing the path of dialogue and principled diplomacy. This approach reflects the dilemma faced by many countries in Southeast Asia, namely how to balance the need to maintain sovereignty and sovereign rights with the need to maintain vital economic ties with China (Laksmana, 2024). Indonesia's diplomatic framework on this issue is consistently based on the pillars of multilateralism, ASEAN centrality, and absolute compliance with international law.

The main strategy of Indonesian diplomacy is to avoid the trap of bilateralism that China is actively pursuing. Beijing has consistently preferred to handle disputes on a one-on-one basis, an approach that allows them to maximize their superior economic and political influence over each country (Ba, 2024). On the contrary, Indonesia seeks to internationalize this issue by framing it not as a bilateral territorial dispute, but as a threat to regional stability and a violation of the universally recognized international legal order of the sea (Hadiningrat, 2025).

Within this framework, Indonesia places the centrality of ASEAN as the main axis of its diplomacy. Indonesia is one of the most vocal drivers for the acceleration of negotiations on a substantive, effective, and legally binding Code of Conduct (CoC). The hope is that a strong CoC can be an effective conflict management mechanism, despite the slow progress of the negotiations, which many analysts consider to be a time-consuming strategy on the part of China (Nguyen & Singh, 2024; Prakoso, 2025).

In every diplomatic forum, both at the regional (ASEAN, ARF) and global (UN) levels, Indonesia has consistently affirmed that UNCLOS 1982 is the only legal basis for determining rights and obligations at sea. This affirmation is part of Indonesia's "principled diplomacy", where there is no room for negotiation regarding the sovereign rights that have been guaranteed

by the convention (Suryadinata, 2021). Indonesia's position as a non-claimant state in disputes over the ownership of islands in the South China Sea gives it a unique moral and diplomatic position.

This status allows Indonesia to position itself as an "honest broker" among disputed ASEAN countries, while maintaining a strong line of defense against violations in its own EEZ. However, this diplomacy strategy often clashes with China's approach which tends to disagggerate issues. China is trying hard to separate "minor incidents" at sea from the grand narrative of "excellent" bilateral relations, especially in the areas of economics and investment (Zhang, 2023). This is a tactic to dampen Indonesia's diplomatic response, by implicitly reminding of the great economic interdependence.

Regarding formal dispute resolution mechanisms, UNCLOS 1982 actually provides a judicial avenue through mandatory arbitration procedures as provided for in Part XV. Theoretically, Indonesia has the option to take this route, as the Philippines has successfully done (Santoso, 2023). However, until now, Jakarta has shown a great reluctance to pursue this legal "nuclear option". There are several strategic reasons behind this reluctance. First, the political and economic impact of suing its largest trading partner will be enormous and have the potential to damage bilateral relations as a whole (Kurniawan, 2023). Second, the issue of enforcement of arbitral awards remains the main obstacle. The Philippines' legal victory in 2016 did not necessarily change China's behavior on the ground, indicating that legal victories are not always directly proportional to factual changes (Ku, 2023). Third, taking the role of a plaintiff would undermine Indonesia's position as an impartial leader and mediator in ASEAN, a role that is considered crucial to maintaining regional solidity.

Thus, Indonesia's strategy can be summed up as a policy of "calibrated assertiveness" and a hedging strategy. Indonesia strikes a balance between demonstrating sufficient force in the North Natuna Sea to prevent a fait accompli by China, while simultaneously keeping diplomatic channels open and avoiding escalation that could jeopardize its broader economic interests. This strategy has successfully managed the conflict so that it does not explode into an open crisis. However, with the increasing frequency and intensity of incidents following the enactment of China's 2021 Coast Guard Law, the sustainability and effectiveness of this balancing strategy are being tested continuously, raising critical questions about how long this approach can be sustained (Perwita & Santoso, 2024).

### **Challenges in Enforcing Indonesia's Maritime Sovereignty in Disputed Waters**

Although Indonesia's legal position on the North Natuna Sea is very strong based on the 1982 UNCLOS, translating this clarity of the law into de facto control on the ground is a struggle fraught with multidimensional challenges. The enforcement of Indonesia's sovereign rights and maritime jurisdiction in waters that intersect with China's unilateral claim of the "nine dotted lines" is faced with a complex set of obstacles, including aspects of capacity, legal, geopolitical, and unconventional tactics applied by the Chinese side. These challenges collectively complicate Indonesia's efforts to manage resources and maintain order in its own jurisdiction.

The first and most obvious challenge is the asymmetry of capacity and technology between Indonesian maritime law enforcement officials and the Chinese Coast Guard (CCG). The CCG has transformed into the largest and most modern coast guard force in the world, International Legal Review of The Incident of Expulsion of Chinese Coast Guard Vessels in The North Natuna Sea

with many patrol ships (cutters) the size of frigates or even destroyers (Jane's Defence Weekly, 2025). These CCG ships have the endurance to patrol the high seas for weeks, are equipped with capable weaponry, and are built with a rugged design to perform physical maneuvers. On the other hand, Indonesia's patrol fleet divided between the Maritime Security Agency (Bakamla), the Ministry of Maritime Affairs and Fisheries (KKP), and the Water Police (Polairud) generally consists of smaller vessels with more limited range and durability (Manurung, 2024). Although the Indonesian Navy has larger assets, the deployment of grey hulls to deal with the coast guard (white hull) is an escalatory step that Indonesia strongly avoids to prevent accusations of "militarization" of the dispute (Syahputra, 2024). This gap creates a physical imbalance where Indonesian patrol boats are often at a disadvantage when facing each other at sea.

The second challenge lies in the legal aspects and rules of engagement (RoE). There is a sharp asymmetry between the operational framework of the Indonesian apparatus and the CCG. Indonesian forces operate under strict international legal restrictions regarding the use of force, which emphasizes the principles of necessity and proportionality (Oegroseno, 2023). In contrast, the CCG operates under the mandate of the 2021 Coast Guard Act which grants broad discretion to use force, including weapons, to protect China's "national interests" (Permana, 2023). These fundamental differences in legal basis put Indonesian personnel in a tactically difficult position. They must show an exceptional level of patience and caution when faced with provocations, as a slightly exaggerated response can be exploited by China as a justification for a harsher escalation (Hartanto, 2025). This dilemma is known as the "gray zone dilemma", where too lenient action will erode jurisdiction, while too harsh action risks triggering conflict.

The third challenge is geopolitical and economic. Every Indonesian patrol boat commander in the North Natuna Sea not only carries the country's flag, but also bears the burden of national strategic considerations. Strict law enforcement actions against Chinese ships, while completely legal, have the potential to trigger a diplomatic crisis with China, which is Indonesia's largest trading partner and investor (Laksmana, 2024).

These economic considerations create implicit pressure for policymakers and operators on the ground to manage incidents rather than resolve them completely. Indonesia's "hedging" strategy demands a delicate balance between maintaining sovereignty and maintaining the stability of economic relations (Kurniawan, 2023). This geopolitical pressure effectively limits the spectrum of response options that Indonesia can take, forcing the country to always choose the path of de-escalation.

Finally, the most complex challenge is dealing with the gray zone tactics systematically implemented by China. This is not just the deployment of CCG ships, but it also involves the massive use of maritime militias. Hundreds of Chinese fishing vessels, many of which are part of organized and state-funded professional militias, are deliberately deployed to conduct mass fishing activities, swarm offshore installations, and obstruct Indonesian patrol vessels (Erickson, 2023; Connor, 2022).

This tactic, known as the "cabbage strategy", creates a situation where Indonesian officials are faced with a dilemma: cracking down on these civilian vessels en masse is logistically impossible and risks raising humanitarian issues, but allowing it means giving up effective control over these waters (Li, 2022). The use of maritime militias effectively blurs

the line between civilian activity and state aggression, a hybrid tactic specifically designed to cripple conventional law enforcement responses. Addressing these interrelated challenges requires a holistic approach from Indonesia, which includes not only modernizing defense equipment and building maritime domain awareness capacity, but also the development of legal doctrines, more adaptive rules of engagement, and proactive maritime diplomacy.

## CONCLUSION

The research concludes that foreign coast guard vessels, such as Chinese Coast Guard (CCG) ships, hold a dualistic legal status in another country's exclusive economic zone (EEZ) under UNCLOS 1982: they enjoy freedom of navigation per Article 58 but must give due regard to the coastal state's sovereign rights under Article 56; active interference, intimidation, or obstruction of legitimate enforcement (e.g., against illegal fishing in Indonesia's North Natuna Sea EEZ) violates this principle, exceeding permissible navigation. Indonesian "expulsion" actions—via radio warnings, shadowing, and non-harmful maneuvers as a last resort—are legally justified as proportionate countermeasures to protect sovereign rights, though not explicitly regulated in UNCLOS 1982, provided they meet necessity and proportionality standards without crossing into prohibited military force. China's 2021 Coast Guard Law undermines the rules-based maritime order by unilaterally legitimizing baseless claims through domestic mandates, eroding UNCLOS 1982 and heightening escalation risks via asymmetric rules of engagement, threatening North Natuna Sea stability. For future research, empirical studies could analyze real-time incident data from satellite tracking and official logs to assess the practical effectiveness of expulsion tactics and develop de-escalation protocols tailored to gray-zone operations.

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