

## NAVIGATING NEUTRALITY: INDONESIA'S LEGAL DILEMMA OVER INNOCENT PASSAGE IN THE INDO-PACIFIC POWER RIVALRY<sup>1</sup>

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*ABSTRACT: This study addresses Indonesia's strategic dilemma in maintaining neutrality and safeguarding maritime sovereignty amid intensifying geopolitical competition in the Indo-Pacific, particularly regarding the right of innocent passage through the Indonesian Archipelagic Sea Lanes (ALKI). The research is positioned within the context of evolving regional security dynamics, the rise of alliances such as AUKUS, and Indonesia's constitutional mandate for an independent and active foreign policy. Employing a normative juridical approach, the study analyzes UNCLOS 1982, Indonesian maritime legislation, and relevant international relations theories, supported by case studies and comparative analysis with other archipelagic and neutral states. The findings reveal that, while Indonesia's reliance on ASEAN-led diplomacy faces increasing limitations, harmonizing domestic regulations with UNCLOS, strengthening maritime surveillance, and advancing confidence-building measures are essential for upholding neutrality and regional stability. The research concludes that Indonesia's proactive legal and policy strategies-grounded in clear legal frameworks and supported by preventive diplomacy-are crucial for balancing international obligations and national interests, ensuring ALKI serves as a bridge of peace in the Indo-Pacific.*

*Keywords : ALKI; Right of Innocent Passage; UNCLOS 1982; Indo-Pacific Security*

### INTRODUCTION

Indonesia occupies a pivotal position at the crossroads of rapidly evolving global geopolitics. The Indo-Pacific region has become the epicenter of shifting norms and strategic contestation, compelling Indonesia to continuously adapt its foreign policy and security posture. The growing influence of China and India, as well as the strategic calculus of other major actors such as the United States, Australia, Japan, and Russia, has fostered unprecedented connectivity and competition between the Indian and Pacific Oceans (Nurhasya, 2023: 66–68). These developments present Indonesia with both significant opportunities-such as enhanced economic cooperation and regional stability-and formidable challenges, including persistent territorial disputes, military competition, and transnational security threats (Nurhasya, 2023: 67–68).

Indonesia's maritime geography, as the world's largest archipelagic state, underpins its strategic importance as a nexus for global shipping and regional security. The Indonesian Archipelagic Sea Lanes (ALKI) serve as vital arteries for international navigation, making the right of innocent passage a particularly sensitive and complex issue. The central challenge lies in how Indonesia can maintain its constitutional mandate of neutrality and sovereignty amid intensifying Indo-Pacific rivalries, where escalating tensions could threaten maritime security and national interests (Nurhasya, 2023: 69–70).

The rise of new security architectures and alliances, such as AUKUS, the US-Japan-South Korea trilateral, and the Quad, further underscores the Indo-Pacific's strategic significance (Nurhasya, 2023: 68–69). As Köllner notes, "the Indo-Pacific is not only a region of growing economic and political importance, but also one of increasing conflict potential" (Köllner, 2023: 1). Heightened rivalry, militarization, and nuclear modernization risk escalating tensions, especially in contested areas like the South China Sea and the Taiwan Strait (Köllner, 2023: 2). These dynamics challenge Indonesia's traditional reliance on diplomacy and multilateralism-primarily through ASEAN-to navigate regional complexities. Increasingly, such mechanisms are constrained by divergent national interests among member states and the evolving security environment (Caballero-Anthony & Emmers, 2022: 1080–1081).

Indonesia's approach to maritime sovereignty and neutrality is deeply rooted in its national doctrine and legal history. The "Wawasan Nusantara" (Archipelagic Outlook), first articulated in the 1957 Djuanda Declaration, was Indonesia's foundational claim that the waters between its islands are integral parts of its national territory. This doctrine, initially contested by major maritime powers,

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was eventually enshrined in international law through Indonesia's persistent diplomacy, culminating in the adoption of the archipelagic state concept in UNCLOS 1982 (Marsetio, 2014: 55–60; Lindsey & Mann, 2016: 2–4). This achievement fundamentally shaped Indonesia's maritime sovereignty and its approach to sea lane management, including the designation of ALKI.

At the core of Indonesia's foreign policy is the constitutional mandate for an independent and active (*bebas aktif*) stance, as articulated in the Preamble to the 1945 Constitution. This mandate emphasizes the promotion of a world order based on independence, peace, and social justice (Republik Indonesia, 1945: Preamble). It requires Indonesia to avoid entanglement in great power rivalries and to uphold its proactive role in promoting regional stability and peace (Nurhasya, 2023: 66–67). This principle has guided Indonesia since the Cold War era, allowing it to navigate between competing blocs while maintaining flexibility and safeguarding national interests.

However, the practical implementation of this mandate is increasingly complex. The operationalization of the right of innocent passage in ALKI, as provided under UNCLOS 1982, is fraught with legal ambiguities and enforcement challenges—particularly regarding the transit of foreign military vessels and submarines. Indonesia's insistence on prior notification and restrictions on certain activities has led to diplomatic friction and operational dilemmas (Churchill & Lowe, 2022: 84–88; Babu, 2019: 5). These challenges are compounded by the evolving security landscape, where the interests of major powers and the proliferation of new alliances such as AUKUS may challenge Indonesia's neutral stance and maritime security (Nindya & Abiyya, 2022: 123–125).

Against this backdrop, Indonesia's Global Maritime Fulcrum (GMF) doctrine, as articulated by President Joko Widodo and further developed by Admiral Marsetio, seeks to position Indonesia as a pivotal maritime nation bridging the Indian and Pacific Oceans. The GMF's five pillars—strengthening maritime culture, managing resources, developing infrastructure, advancing diplomacy, and enhancing defense—aim to revive Indonesia's maritime identity, foster economic growth, and assert its influence in regional affairs (Lindsey & Mann, 2016: 5–7; Marsetio, 2014: 55–60). Yet, persistent obstacles remain, including underdevelopment in eastern regions, maritime security threats, and the challenge of balancing defense and economic priorities.

In summary, Indonesia's strategic dilemma in the Indo-Pacific is characterized by the need to balance its constitutional commitment to neutrality, the imperatives of maritime sovereignty, and the realities of regional power competition. This study situates itself within this dynamic context, examining how Indonesia can reconcile its legal and policy frameworks with the demands of international law and evolving geopolitical realities. The analysis that follows will explore the doctrinal, legal, and operational dimensions of Indonesia's approach to ALKI and innocent passage, offering insights and recommendations for sustaining its role as a neutral and constructive actor in the Indo-Pacific.

## RESEARCH PROBLEMS

This study is guided by two principal research problems that address critical legal and geopolitical challenges facing Indonesia in managing the right of innocent passage within ALKI under the framework of UNCLOS 1982:

- How does the interpretation and implementation of the right of innocent passage in ALKI under UNCLOS 1982 impact Indonesia's ability to maintain its sovereignty and uphold its constitutional mandate of neutrality amid intensifying great power competition in the Indo-Pacific?
  - This problem explores the legal ambiguities and enforcement challenges associated with the right of innocent passage, particularly regarding foreign military and commercial vessels navigating Indonesian waters. It examines the tension between Indonesia's sovereign rights over its territorial sea and archipelagic waters and the freedoms granted to foreign vessels under international law (Astuti et al., 2019: 45–47; United Nations, 1982: Arts. 17–32). The issue is further complicated by geopolitical dynamics, including the strategic interests of major powers and emerging security alliances such as AUKUS, which may challenge Indonesia's neutral stance and maritime security (Nindya and Abiyya, 2022: 123–125).
- What legal and policy strategies can Indonesia adopt to reconcile its constitutional commitment to an independent and active foreign policy with its international obligations concerning the right of innocent passage through ALKI, especially in the context of evolving regional security architectures and geopolitical tensions?

- This problem focuses on identifying effective legal frameworks and policy measures that harmonize Indonesia's domestic regulations with UNCLOS provisions (Republik Indonesia, 1985: Arts. 1–3; 2002: Arts. 2–5), while strengthening maritime surveillance, advancing confidence-building measures, and reinforcing Indonesia's leadership in promoting regional stability.

## RESEARCH METHODS

This research utilizes a normative juridical method, emphasizing the analysis of applicable positive law. The primary legal analysis focuses on the United Nations Convention on the Law of the Sea (UNCLOS) 1982 as the fundamental framework of international maritime law, alongside relevant Indonesian legislation, including Law No. 17 of 1985 on the ratification of UNCLOS (Republik Indonesia, 1985: Arts. 1–3), Law No. 43 of 2008 on State Territory (Republik Indonesia, 2008: Arts. 4–7), and Law No. 32 of 2014 on Maritime Affairs (Republik Indonesia, 2014: Arts. 5–9), which collectively regulate maritime security and navigation in the ALKI. The analysis also considers earlier regulations such as Government Regulation No. 8 of 1962 on sea traffic in Indonesian waters (Republik Indonesia, 1962: Arts. 1–4), which laid the groundwork for subsequent harmonization with international law.

To ensure a comprehensive understanding, the study integrates analysis of Indonesia's doctrine of independent and active foreign policy—a foundational principle that emphasizes non-alignment, independence in decision-making, and active contributions to global peace and order (Soesastro, 1989: 5–23). This doctrinal perspective is essential for evaluating Indonesia's evolving response to Indo-Pacific geopolitical dynamics, including the emergence of new security alliances such as AUKUS, and the operationalization of neutrality in practice (Nindya and Abiyya, 2022: 67–68).

Methodologically, the research adopts a case study and comparative analysis approach. Case studies focus on the implementation of the right of innocent passage in ALKI within specific contexts, such as foreign military exercises, incidents of territorial violations, and the implications arising from the presence of military alliances like AUKUS. This analysis evaluates how Indonesia balances its obligations under UNCLOS 1982 with national interests in safeguarding sovereignty and maritime security, especially when faced with operational ambiguities and enforcement dilemmas (Babu, 2019: 5–7; Churchill & Lowe, 2022: 84–88).

Comparative analysis is conducted by examining the policies and practices of other states with similar geographical and geopolitical characteristics, such as archipelagic states in the Pacific or neutral states with established traditions of non-alignment. This comparison aims to identify best practices and lessons learned for managing the right of innocent passage, enhancing maritime security, and maintaining neutrality amid great power rivalry (Smith and Bland, 2024: 654–655).

A qualitative descriptive approach is employed to analyze the data obtained, enabling an in-depth understanding of the complexity of the phenomena under study and identifying factors influencing Indonesia's stance and policy regarding the implementation of the right of innocent passage in ALKI. Consistent with Nindya and Abiyya, this research utilizes Regional Security Complex Theory and Offense-Defense Theory to analyze security dynamics in the Indo-Pacific and their implications for Indonesia's legal and policy strategies (Nindya and Abiyya, 2022: 67–68).

Data collection was conducted through an extensive literature review, including books, academic journals, articles, legal documents (such as UNCLOS 1982 and Indonesian legislation), official government statements, and other relevant sources. Data analysis was qualitative, employing legal interpretation, discourse analysis, and content analysis methods to synthesize findings and formulate robust policy recommendations for safeguarding Indonesia's neutrality and maritime sovereignty in the Indo-Pacific.

## RESULTS AND DISCUSSIONS

### Designation and Strategic Significance of ALKI: Legal and Geopolitical Dimensions

Indonesia's status as an archipelagic state under UNCLOS 1982 provides the legal foundation for the designation of Archipelagic Sea Lanes (ALKI) pursuant to Article 53. This entitlement is operationalized through Government Regulation No. 37 of 2002, which details procedures and requirements for foreign vessels exercising transit passage (Republik Indonesia, 2002: Arts. 3–6). The regulatory framework is further strengthened by Law No. 17 of 1985 and Law No. 43 of 2008, reflecting

Indonesia's dual commitment to sovereignty and international obligations (Republik Indonesia, 1985: Arts. 1–4; 2008: Arts. 5–8).

ALKI serves as designated maritime routes for foreign vessels, balancing Indonesia's sovereign rights with its responsibility to facilitate international navigation, ensure maritime safety, and protect the marine environment. This framework aligns with the Global Maritime Fulcrum (GMF) doctrine, which seeks to position Indonesia as a pivotal maritime nation bridging the Indian and Pacific Oceans (Lindsey & Mann, 2016, pp. 2–4; Marsetio, 2014, pp. 55–60). The GMF's five pillars—maritime culture, resource management, infrastructure, diplomacy, and defense—aim to revive Indonesia's maritime identity and drive economic growth. Yet, implementation faces persistent obstacles, including underdevelopment in eastern regions, maritime security threats, and the challenge of balancing defense and economic priorities (Lindsey & Mann, 2016: 5–7).

Despite these ambitions, the operationalization of the right of innocent passage in ALKI is fraught with challenges. As Churchill and Lowe (2022: 84–88) and Babu (2019: 5) highlight, ambiguities in defining “innocent passage” often lead to conflicting interpretations between Indonesia and user states, resulting in enforcement dilemmas and diplomatic friction. Instances of foreign vessels engaging in intelligence gathering or unauthorized military maneuvers underscore the tension between Indonesia's security concerns and its international legal obligations (Babu, 2019: 6–7; United Nations, 1982: Arts. 18–19). These operational challenges are compounded by the need to harmonize national regulations with UNCLOS provisions to avoid accusations of unilateralism and safeguard Indonesia's legitimacy (Babu, 2019: 6; Churchill & Lowe, 2022: 84–88).

The emergence of new security alliances, notably AUKUS, further complicates the strategic environment. As Nindya and Abiyya (2022: 70, 123–125) note, AUKUS introduces additional complexity to regional security dynamics, potentially complicating the enforcement of innocent passage in ALKI and raising concerns about an escalating arms race. While AUKUS is perceived as a counterbalance to China's assertiveness, it also generates apprehension about possible escalation and destabilization (Nindya & Abiyya, 2022: n.p.).

Smith and Bland (2024: 653–655) provide a critical perspective, noting that both pro- and anti-AUKUS positions risk oversimplifying Indo-Pacific security debates and neglecting deeper ontological questions. They argue that arrangements like AUKUS and the Quad contribute to regional stability but caution that security debates must not overshadow the agency and existential concerns of regional states.

Buntoro (2010: 267–69) underscores ALKI's strategic significance for Indonesia's maritime security, emphasizing the need for robust legal and security measures to safeguard these corridors. Nashir (2024: 636–639) stresses the importance of strengthening Indonesia's strategic posture in the evolving Indo-Pacific landscape, given the profound consequences for national interests. As a middle power and member of the Non-Aligned Movement, Indonesia is expected to act as a regional security epicenter without compromising constructive relations with either the United States or China (Nindya & Abiyya, 2022: 68–71). The GMF policy provides a strategic platform for Indonesia to enhance its influence and maritime security cooperation (Lindsey & Mann, 2016: 8–9).

### **Indonesia's Neutrality: Myth or Reality Amidst Indo-Pacific Conflict?**

Foreign policy, as James N. Rosenau describes, consists of “a cluster of orientation,” “a set of commitment to and plan for action,” and “a form of behaviour, action, or concrete actions,” serving as a guide for states to relate harmoniously with other countries (Rosenau, 1980: 12). In applying its neutrality, Indonesia firmly upholds the principle of a free and active foreign policy. This principle is a diplomatic concept in which the state determines its own stance and policies without binding itself to any particular bloc of power, while remaining actively engaged in efforts for peace and global cooperation.

“Free” means that Indonesia is not tied to any particular bloc (for example, Western or Eastern) and is free to determine its stance and policies based on national interests. “Active” means that Indonesia actively participates in efforts for peace and global cooperation, through both bilateral and multilateral diplomacy. A free and active foreign policy does not equate to strict neutrality; rather, it allows Indonesia to independently determine its position and policies without binding itself to any party. This principle enables flexibility in interacting with various countries without sacrificing independence and national interests. As explained in Article 3 of Law No. 37/1999, a free and active foreign policy means the state is free to determine its stance and wisdom on international issues, not

binding itself a priori to any world power, and actively contributing to global affairs (Republik Indonesia, Undang-Undang No. 37 Tahun 1999, Penjelasan Pasal 3).

This discussion directly addresses the central research question of this journal: How sustainable and effective is Indonesia's neutrality in the face of intensifying great power rivalry and shifting Indo-Pacific security dynamics? By grounding the analysis in both conceptual and legal foundations, the section provides a clear framework for evaluating Indonesia's foreign policy choices.

The principle of an independent and active foreign policy constitutes the primary foundation for Indonesia's policy of neutrality amidst the dynamics of Indo-Pacific conflict. Since the Cold War era, this principle has served as Indonesia's diplomatic strategy to avoid alignment with any major power while remaining actively engaged in the maintenance of global peace and stability. In the current geopolitical context, Indonesia's neutrality is increasingly tested, particularly with the emergence of AUKUS and intensifying tensions between the United States and China in the Indo-Pacific (Nindya and Abiyya, 2022: 67–68).

Nindya and Abiyya note that AUKUS, as a strategic trilateral alliance between Australia, the United Kingdom, and the United States, is widely viewed as “a new maneuver for their bloc to fight the increasingly aggressive domination of the People's Republic of China (PRC) in the Indo-Pacific region” (Nindya and Abiyya, 2022: 67). They further argue that “with the AUKUS mission to maintain the stability of the security of the Indo-Pacific, the imagined possibility is the opposite and becomes the background for the reactions of various countries in the region, one of which is Indonesia” (Nindya and Abiyya, 2022: 67). The authors emphasize that AUKUS has the potential to violate nuclear non-proliferation agreements and provoke negative responses from various parties, including China: “With the AUKUS partnership aimed at maintaining prosperity and security in the Indo-Pacific region, this actually becomes contradictory with the diverse responses received from various parties... thus its use can affect the stability of regional security in the Indo-Pacific” (Nindya and Abiyya, 2022: 70).

Indonesia's dilemma is not unique in the region. As Smith and Bland demonstrate in their analysis of New Zealand, middle powers in the Indo-Pacific must constantly balance independent foreign policy traditions with the pressures of alliance politics and great power competition. The debate over AUKUS in New Zealand, for example, reveals how values-based foreign policy and regional priorities—such as the Pacific's focus on climate change—can be overshadowed by security anxieties (Smith and Bland, 2024: 654–55). This comparative perspective underscores that Indonesia's challenge—maintaining neutrality while engaging constructively—is shared by other states seeking agency in a contested region.

A principal challenge in maintaining neutrality is balancing diplomatic relations with all parties involved in the conflict. Indonesia must exercise caution to avoid entanglement in great power rivalry, while safeguarding its national interests in economic, defense, and maritime domains. In this regard, ASEAN serves as a vital platform for Indonesia to exercise collective diplomacy, promote regional stability, and prevent polarization resulting from geopolitical competition (ASEAN Secretariat, 2016: 1, 6–7). Furthermore, Indonesia's neutrality is reflected in its stance on the South China Sea dispute. Indonesia is not a claimant in the South China Sea but has a vested interest in maintaining regional stability and security. Indonesia seeks to facilitate peaceful dialogue among disputing parties and promote settlement based on international law, including UNCLOS 1982 (ASEAN Secretariat, 2016: 3, 7).

Indonesia's neutrality faces significant challenges in the context of emerging military alliances such as AUKUS. Although Indonesia is not a member of AUKUS, the deployment of AUKUS nuclear-powered submarines in the Indo-Pacific region creates a strategic dilemma for Indonesia as it seeks to protect its maritime sovereignty and uphold the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) commitments. Buntoro discusses the complexities Indonesia encounters in balancing its independent and active foreign policy with the security implications posed by such military developments (Buntoro, 2010: 210–15). Consequently, Indonesia must emphasize preventive diplomacy to ensure that all military activities in the region comply with international law, particularly the navigational rights and obligations under UNCLOS 1982 (United Nations, 1982: Arts. 17–21).

As a state with significant strategic interests in the Indo-Pacific, Indonesia should assume an active and principled role in international forums such as the East Asia Summit (EAS) and the G20 to reinforce its commitment to global peace and regional stability. This approach aligns with the regional trend toward “values-based foreign policy” and proactive engagement. Smith and Bland illustrate how New Zealand's recent foreign policy initiatives have emphasized indigenous values and

long-term stewardship, embedding cultural frameworks into its regional engagement. They note that New Zealand's "Pacific Reset" and subsequent "Resilience Approach" were designed to foster comprehensive and proactive engagement with the Pacific, grounded in local values and a commitment to intergenerational wellbeing (Smith and Bland, 2024: 654).

Drawing from this example, Indonesia can prioritize constructive diplomacy, mediation, and regional cooperation, enabling it to maintain neutrality, safeguard national interests, and serve as a key actor in promoting Indo-Pacific stability. As Smith and Bland argue, a nuanced and adaptive foreign policy-one that balances security imperatives with broader existential challenges such as climate change-positions a state to navigate complex regional dynamics effectively.

This analysis demonstrates that neutrality, for Indonesia, is not a passive stance but an adaptive strategy that requires balancing national interests, regional expectations, and global norms. The comparative lessons from New Zealand's experience with AUKUS reinforce the importance of a values-driven, context-sensitive foreign policy in responding to both traditional and non-traditional security threats.

### **Legal and Policy Strategies for Safeguarding Maritime Sovereignty and Fulfilling International Obligations**

Balancing the protection of maritime sovereignty with compliance with international obligations-particularly the right of innocent passage in ALKI-constitutes a strategic challenge for Indonesia. As an archipelagic state possessing exclusive rights over its Exclusive Economic Zone (EEZ) and full sovereignty over its territorial sea, Indonesia must adopt comprehensive legal and policy strategies to secure its maritime domain without contravening international legal norms, especially the United Nations Convention on the Law of the Sea 1982.

Babu underscores that while UNCLOS provides a clear legal basis for innocent passage, its practical implementation is fraught with ambiguity, especially for archipelagic states like Indonesia. He notes, "the lack of clarity in defining what constitutes 'innocent passage' often leads to conflicting interpretations between coastal and user states, resulting in enforcement dilemmas and diplomatic friction" (Babu, 2019: 5). This tension is particularly acute in ALKI, where Indonesia must balance its sovereign rights with the navigational freedoms claimed by other states (Babu, 2019: 2-3).

The first step is to strengthen law enforcement in Indonesian waters, including ALKI. Effective law enforcement can be achieved by enhancing maritime patrols, both by the Indonesian Navy (TNI AL) and the Maritime Security Agency (BAKAMLA), as well as reinforcing inter-agency coordination among the Ministry of Defense and the Ministry of Marine Affairs and Fisheries. Additionally, modernizing surveillance systems with advanced technology-such as maritime radar and satellite-based monitoring systems-is crucial for detecting and preventing potential sovereignty violations by foreign vessels, including AUKUS nuclear-powered submarines.

However, Babu cautions that "mere enhancement of patrols is insufficient without a robust legal framework and clear operational guidelines" (Babu, 2019: 5). He argues that Indonesia's efforts to strengthen maritime surveillance and enforcement must be matched by legal clarity and international engagement, as "ambiguous national regulations risk undermining both enforcement effectiveness and Indonesia's standing in international law" (Babu, 2019: 5-6).

Smith and Bland provide a comprehensive analysis of the AUKUS partnership, highlighting its dual-structured approach and implications for regional security. They note, "AUKUS is structured around two main pillars. Pillar One focuses on helping Australia acquire nuclear-powered submarines, a move that has raised concerns about nuclear proliferation and regional stability" (Smith and Bland, 2024: 653). Pillar Two, by contrast, "involves cooperation on advanced capabilities such as artificial intelligence, quantum technologies and undersea capabilities. This second pillar is designed to enhance trilateral technology sharing and defence innovation among the partner countries" (Smith and Bland, 2024: 653).

While AUKUS aims to strengthen collective defense and technological advancement, Smith and Bland emphasize the necessity of complementing these efforts with robust diplomacy. In the context of New Zealand's engagement with regional security frameworks, they cite a joint US-NZ declaration: "We share the view that arrangements such as the Quad, AUKUS, and the Indo-Pacific Economic Framework for Prosperity contribute to peace, security, and prosperity in the Indo-Pacific and see powerful reasons for New Zealand engaging practically with them, as and when all parties deem it appropriate" (Smith and Bland, 2024: 653). This underscores the importance of balancing enhanced security measures with active diplomatic engagement to sustain regional stability.

Beyond domestic efforts, maritime diplomacy is a vital instrument for maintaining the stability and sovereignty of Indonesian waters. Such diplomacy may be conducted through bilateral dialogues with ALKI user states as well as through regional forums such as ASEAN and international organizations like the International Maritime Organization (IMO). As a regional leader, Indonesia can advocate for the establishment of regional mechanisms to ensure that the presence of foreign military vessels, particularly those with nuclear capabilities, remains within the framework of international law and does not threaten regional stability. As Nindya and Abiyya observe, "Indonesia as a middle power and a non-aligned country is expected to be able to reinterpret its principles and take a firm stance in pioneering collective security with a unified voice alongside other ASEAN countries" (Nindya and Abiyya, 2022: 68). They further underscore the importance of Indonesia playing an active role in maintaining regional security without jeopardizing its relations with other states, especially amid rising tensions and the emergence of new security pacts such as AUKUS (Nindya and Abiyya, 2022: 67–70).

Babu further highlights the tension between national legislation and UNCLOS, emphasizing that "national legislation must be carefully harmonized with UNCLOS provisions to avoid accusations of unilateralism and to ensure international legitimacy" (Babu, 2019: 6). This is particularly relevant for Indonesia, which must ensure that its domestic legal instruments governing ALKI are consistent with its international obligations.

Moreover, Indonesia must fully utilize the provisions of UNCLOS 1982 to safeguard its national interests. This includes submitting interpretations of relevant articles, particularly Article 53, which grants archipelagic states the right to designate sea lanes and regulate maritime traffic in ALKI. In the event of violations that adversely affect Indonesia's interests, the country may seek international legal remedies through dispute resolution mechanisms established under Part XV of UNCLOS, such as the International Tribunal for the Law of the Sea (ITLOS) or the International Court of Justice (ICJ) (United Nations, 1982: Arts. 53, 279–99). As Babu notes, "resort to international tribunals such as ITLOS not only reinforces the rule of law but also sets important precedents for future cases involving archipelagic sea lanes" (Babu, 2019: 7).

By combining robust legal strategies, enhanced maritime defense capacity, and active diplomacy at regional and international levels, Indonesia can safeguard its maritime sovereignty while ensuring compliance with international law. This approach will reinforce Indonesia's position as a sovereign and influential archipelagic state in maintaining Indo-Pacific stability amid increasingly complex geopolitical dynamics. Furthermore, Indonesia should strengthen cooperation with other regional states to address the growing challenges of maritime security (Buntoro, 2010: 267–69).

Ultimately, the effectiveness of these strategies will depend on Indonesia's ability to adapt to the rapidly changing security environment in the Indo-Pacific. As the next section will demonstrate, operationalizing these legal and policy frameworks—especially in the context of ALKI and foreign military activities—requires not only institutional capacity but also sustained regional engagement and a nuanced understanding of both legal rights and geopolitical realities.

### **ALKI: Arena of Rivalry or Bridge of Peace?**

The evolving Indo-Pacific security environment places Indonesia at the crossroads of intensifying great power competition. The rise of alliances such as AUKUS, the Quad, and the US-Japan-South Korea trilateral has heightened the risk that strategic waterways like ALKI could become flashpoints for rivalry rather than bridges of peace (Nurhasya, 2023: 69–70; Nindya & Abiyya, 2022: 70, 123–125).

Indonesia's constitutional mandate for an independent and active (*bebas aktif*) foreign policy is rooted in the 1945 Constitution, which emphasizes the promotion of a world order based on independence, peace, and social justice (Republik Indonesia, 1945: Preamble). This doctrine underpins Indonesia's commitment to neutrality and non-alignment, reinforcing its resilience against external pressures (Nurhasya, 2023: 66–67). However, Indonesia's reliance on ASEAN-led diplomacy and multilateralism is increasingly constrained by divergent national interests among member states and the evolving regional security environment (Caballero-Anthony & Emmers, 2022: 1080–1081; Köllner, 2023: 3).

ASEAN's consensus-based approach, while fostering dialogue, often limits decisive action in times of crisis (Acharya, 2014: 150–153). As Köllner (2023: 3) notes, ASEAN's ability to act as an effective regional security manager is limited by the divergent interests of its members and external

pressures. This reality challenges Indonesia's efforts to maintain neutrality and avoid entanglement in great power rivalries.

In response, confidence-building measures (CBMs) have gained importance for reducing tensions and managing disputes. CBMs such as information exchange, military-to-military dialogues, and crisis communication channels can help prevent misunderstandings and escalation (Köllner, 2023: 4). Indonesia's tradition of non-alignment and active diplomacy positions it to champion such initiatives, ensuring ALKI and other strategic waterways remain bridges of peace. The absence of robust regional security architecture increases the risk that local crises could escalate and draw in external powers, reinforcing the urgency for Indonesia to advocate for stronger institutional mechanisms and practical CBMs (Köllner, 2023: 2, 5).

Indonesia's approach must therefore combine legal, diplomatic, and practical confidence-building initiatives. As Köllner (2023: 5) recommends, regional actors should invest more in preventive diplomacy and crisis management to reduce the risk of conflict. Indonesia's leadership in formulating the ASEAN Outlook on the Indo-Pacific (AOIP) reflects its ambition to balance competing interests while promoting peace, stability, and sustainable development (ASEAN Secretariat, 2019: 3; Anwar, 2020: 115).

## CONCLUSIONS

In conclusion, Indonesia's efforts to navigate neutrality and safeguard maritime sovereignty amid intensifying Indo-Pacific power rivalry are shaped by a complex interplay of legal, policy, and geopolitical factors. The research demonstrates that, while Indonesia's constitutional commitment to a free and active foreign policy provides a resilient foundation for neutrality, this stance is increasingly tested by the operational ambiguities of the right of innocent passage in ALKI, the rise of new security alliances such as AUKUS, and the limitations of ASEAN-led multilateralism (Nurhasya, 2023: 66–70; Caballero-Anthony & Emmers, 2022: 1080–1081; Babu, 2019: 2–6). To effectively balance its sovereign interests with international obligations under UNCLOS 1982, Indonesia must harmonize domestic regulations, strengthen maritime surveillance and law enforcement, and advance confidence-building measures and preventive diplomacy within regional forums (Churchill & Lowe, 2022: 84–88; Nindya and Abiyya, 2022: 67–71; Köllner, 2023: 4–5). Indonesia's legal and strategic management of ALKI and the right of innocent passage is emblematic of its broader challenge: balancing sovereignty, neutrality, and international obligations in a rapidly changing Indo-Pacific. By drawing on its constitutional principles, maritime doctrine, and diplomatic tradition, Indonesia can navigate the complexities of regional rivalry and maintain its role as a stabilizing force. Continued investment in legal harmonization, institutional capacity, and regional leadership will be essential for ensuring that ALKI remains a bridge of peace and that Indonesia's maritime sovereignty is both respected and secure. Ultimately, Indonesia's proactive legal and policy strategies-grounded in robust legal frameworks, adaptive diplomacy, and regional engagement-are essential for ensuring that ALKI remains a bridge of peace rather than an arena of rivalry, thereby reinforcing Indonesia's role as a neutral and constructive actor in maintaining Indo-Pacific stability.

## POLICY RECOMMENDATIONS

- Strengthen Legal Harmonization
  - Indonesia should continue to align its national legislation with UNCLOS provisions, ensuring legal clarity and international legitimacy, especially concerning the regulation of ALKI and the right of innocent passage (Babu, 2019: 6).
- Enhance Maritime Surveillance and Enforcement
  - Invest in modern surveillance technologies and improve inter-agency coordination among the Navy, BAKAMLA, and other relevant bodies to effectively monitor and secure Indonesian waters (Buntoro, 2010: 267–69).
- Promote Confidence-Building Measures and Diplomacy
  - Intensify diplomatic engagement within ASEAN and other regional forums to develop and implement confidence-building measures, crisis management mechanisms, and preventive diplomacy (Köllner, 2023: 4–5).
- Utilize International Legal Mechanisms
  - Actively use international dispute resolution bodies, such as ITLOS, to address violations and set legal precedents for the management of archipelagic sea lanes (Babu, 2019: 7).
- Champion Regional Leadership



- Leverage Indonesia's leadership role in ASEAN and the Indo-Pacific to advocate for inclusive, rules-based regional security frameworks and to mediate between competing interests (Anwar, 2020: 111; ASEAN Secretariat, 2019: 3).
- Strengthening Institutional Capacity
  - Indonesia should invest in capacity-building for its maritime security agencies, including training, technology acquisition, and inter-agency coordination. This will enhance its ability to monitor ALKI, respond to violations, and project maritime power.
- Enhancing Legal Clarity and International Engagement
  - Regularly reviewing and updating national legislation to align with UNCLOS and international best practices is essential. Indonesia should also actively participate in international forums, submit interpretative declarations, and utilize dispute resolution mechanisms such as ITLOS to defend its interests and set legal precedents.
- Advancing Regional Leadership and Multilateralism
  - Indonesia must continue to lead in ASEAN and Indo-Pacific forums, advocating for inclusive, rules-based approaches to maritime security. By promoting CBMs, preventive diplomacy, and joint initiatives, Indonesia can help prevent the Indo-Pacific from becoming an arena of rivalry and instead foster a bridge of peace and cooperation.
- Integrating Maritime Doctrine with National Development
  - Finally, the GMF doctrine should be fully integrated into Indonesia's national development strategy, linking maritime security with economic growth, infrastructure development, and environmental sustainability (Marsetio, 2014, pp. 55–60). This holistic approach will ensure that Indonesia's maritime vision is both resilient and adaptive in the face of evolving regional dynamics.

By implementing these policy recommendations, Indonesia can reinforce its sovereignty, uphold its international obligations, and ensure that ALKI remains a bridge of peace and cooperation in the Indo-Pacific.

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