

# Implementation of Indonesia's Defence Policy in Addressing the Implications of the Potential Threat from China's Coastguard Law

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## Abstract

The Chinese government enacted the China Coastguard Law (CCGL) on 1 February 2022, consisting of 8 chapters and 84 articles. Several provisions within this law, particularly Articles 3, 20, 21, 22, 25, and 46-51 pose significant potential for conflict, especially with Indonesia. These articles regulate China's maritime jurisdiction, the use of weapons, and actions against foreign vessels, which could heighten tensions in the South China Sea. This study aims to analyze Indonesia's Integrated and Interactive Defence and Security Strategy (IITCA) in response to the threats posed by the CCGL. The research reveals that Indonesia has strengthened multilateral and bilateral defense diplomacy, protected fishermen's rights, and enhanced its capacity to maintain regional peace and security, in line with the ASEAN Outlook on Indo-Pacific (AOIP). Indonesia has also involved civil society and academia in this integrative strategy. Transparency is maintained through public and international communication, including engagement with organizations such as the United Nations, WTO, ARF, and IMO, as well as cooperation with the fisheries and shipping industries. Control measures are implemented through Confidence-Building Measures (CBM), joint exercises with China and the US, and the reinforcement of maritime security through national and international cooperation. Accountability is ensured by establishing commissions, independent mechanisms, and regular audits and evaluations of defense policies. In addressing the CCGL, Indonesia must strengthen its defense human resources and develop more cohesive maritime policies to manage the escalating conflicts in the South China Sea.

**Keywords:** China Coast Guard; China Coast Guard Law; IITCA; South China Sea; Freedom of Navigation; Senkaku.

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## INTRODUCTION

China continues to demonstrate its aggressiveness in defense and maritime security. During the 25th Meeting of the Standing Committee of the 13th National People's Congress on 22 January 2021, the Chinese government enacted the China Coast Guard Law (CCGL). This law comprises eight chapters and 84 articles and came into effect on 1 February 2021. The CCGL has faced strong opposition from various international parties, particularly those involved in disputes with China in the South China Sea and the East China Sea. This opposition arises from the CCGL's inconsistencies with international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS 1982).

The CCGL is perceived as a verbal threat to the international and regional community (Kim, 2022) due to its potential to significantly impact maritime order. Through this law, the China Coast Guard (CCG) is armed to protect China's maritime sovereignty and authorized to take security measures, effectively positioning the CCG as China's frontline force against foreign interference in regional maritime disputes, including in the South China Sea and the Senkaku Islands. The CCG's operational area has also been extended to the Taiwan Strait.

Since 1988, under Deng Xiaoping's leadership, China has prioritized the development of its navy. By 2020, China's maritime security was entirely under naval control, operating under the "Near Sea" command concept, which extends to the second island chain (Pratomo in Lantara, 2021). The Chinese Navy's missions have increasingly expanded beyond the first island chain.

China's modus operandi is also reflected in the Hong Kong Government's policies, involving the passage of laws and capacity building under the guise of law enforcement. ASEAN, as a regional organization with significant interests, needs to engage in forward-looking negotiations regarding a code of conduct for the South China Sea. Prompt and appropriate analysis and response are necessary, including the consideration of cooperation with the Chinese Navy as a contingency scenario (Pratomo in Lantara, 2021).

Meanwhile, the Code of Conduct in the South China Sea (CoC), intended as a conflict management tool, remains unresolved. ASEAN countries must formulate peaceful strategies, which are achievable only if all disputing nations act in good faith without external intervention and provocation that could escalate conflicts. Therefore, ASEAN countries need to implement appropriate defense policies in their strategic planning.

Research by Fajri (2020) supports this approach by suggesting that Indonesia's maritime defense strategy should restructure ministries and agencies based on the Military, Political, Economic, Civil, and Information (MPESI) components. Prabowo (2013) advocates for a soft power approach in the South China Sea conflict. Kim (2022) highlights that the implications of the CCGL include escalating conflicts in the South China Sea, the Senkaku Islands, crackdowns on illegal fishing in the Yellow Sea, and Freedom of Navigation Operations. The uniqueness of this study lies in its examination of current South China Sea conflict trends through the implementation of the Integrative, Interactive, Transparency, Control, and Accountable (IITCA) defense policy.

## RESEARCH METHODS

This study adopts a descriptive qualitative approach to comprehensively understand the China Coast Guard Law (CCGL), its implications, and the implementation of defense policies. Data collection involves a thorough literature review, including articles, books, journals, and relevant sources about the CCGL and defense policy implementation. The analysis methodology adheres to the framework outlined by Miles et al., (2014), encompassing data collection, condensation,

display, conclusion drawing, and verification stages. The validity of the data is ensured through criteria such as Credibility (Internal Validity), Transferability (External Validity), Dependability (Reliability), and Confirmability (Objectivity) at each research stage.

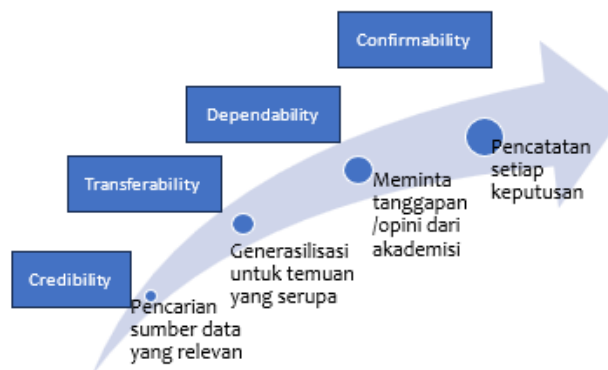


Figure 1 Research Design  
Source: Data Processed by the Author, 2023

## RESULTS AND DISCUSSION

### China Coast Guard Law (CCGL) Overview

China has four strategic components to bolster its maritime power, one of which is the protection of maritime rights and interests. In 2013, the Coast Guard was integrated under the State Ocean Administration, a body of the State Council. This council is a combination of four maritime law enforcement agencies: the Marine Surveillance Agency, the Fisheries Management Bureau, the Maritime Anti-Smuggling Force, and the Border Defense Coast Guard (Kim, 2022).

In 2018, the China Coast Guard (CCG) shifted under the People's Armed Police, commanded by the Central Military Commission. This restructuring made the CCG more militaristic, extending beyond mere law enforcement in the maritime sector. In November 2020, through the National People's Congress (NPC), the CCGL was introduced and further integrated on January 22, 2021, taking effect on February 1, 2021. This law grants the CCG flexibility in securing maritime interests, enforcing maritime law, and conducting defense operations (Kim, 2022).

The integrated coast guard force comprises 16,000 personnel, equipped for patrolling large ships and upgraded with military equipment and weaponry. This sharp rise in CCG capability allowed it to surpass the Japan Coast Guard (JCG), with China having 145 large ships exceeding 1,000 tons by 2019, up from 40 in 2012. Meanwhile, Japan has only 16 large ships (Kim, 2022).

The China Coast Guard Law consists of eight chapters and 84 articles, addressing key issues as follows (CJO, 2021):

1. The coast guard is authorized to protect maritime rights and enforce the law.
2. The scope of the Coast Guard includes various bureaus and workstations under the CCG.
3. The Coast Guard is responsible for identifying and verifying foreign vessels, including military and non-commercial government ships that violate Chinese jurisdiction, and implementing preventive and control measures in China's maritime area.

4. The Coast Guard engages in international cooperation on maritime law enforcement, joint exercises, and information exchange.
5. The Coast Guard is empowered to use weapons to stop encroachments and enforce maritime law when China's maritime sovereignty is threatened.

Certain articles in the CCGL could potentially lead to conflicts (Kim, 2022):

1. **Article 3:** This article states "the maritime area is under the jurisdiction of China," without a clear definition. It implies internal waters, contiguous zones, EEZs, and continental shelves. The ambiguity of this term may escalate conflicts in disputed areas like the Senkaku Islands and the East China Sea, hindering freedom of navigation.
2. **Article 20:** This article allows the destruction of unauthorized buildings or structures in Chinese maritime areas. It threatens structures like Vietnam's DK1 rig in the South China Sea and could hinder the creation of artificial islands in EEZs, contrary to UNCLOS 1982, which advocates conflict resolution through diplomacy.
3. **Article 21:** This article is inconsistent with UNCLOS 1982, giving the CCG authority to forcibly remove military and non-commercial government vessels violating Chinese maritime sovereignty, impacting Freedom of Navigation Operations (FONOP).
4. **Article 22:** This article permits the use of weapons against foreign individuals or organizations violating sovereignty or sovereign rights, potentially leading to excessive force. It affects the rights to natural resources in EEZs and could be used against foreign activists, scientists, or fishermen in disputed waters.
5. **Article 25:** This article allows the establishment of maritime zones under Chinese jurisdiction, restricting the passage and stay of ships and personnel. This contradicts UNCLOS, which only permits the suspension of innocent passage in territorial waters for security reasons.
6. **Articles 46 to 51:** These articles regulate the use of police equipment and weapons, potentially leading to excessive force, and endangering lives and property in coastal states. UNCLOS 1982 does not explicitly regulate the use of force, and Article 47 could be inconsistent with its provisions regarding foreign fishermen violating territorial sovereignty and fisheries regulations.

In summary, the CCGL enables the CCG to use force and consolidate China's maritime defense strategy, aiming for 'near-sea defense with far-sea protection' by mobilizing national resources to support the CCG in controlling China's 'near-sea' territory.

### Implications of China Coastguard Law on Indonesia

The China Coast Guard is enhancing its capabilities through a civil-military fusion framework and efforts to comprehensively mobilize various aspects of national defense. Essentially, the CCGL provides a legal basis for integrating political, military, and civilian resources by training CCG personnel to operate larger patrol boats to address challenges in the coming years (Pratomo in Lantara, 2021).

The implication of this law is a reaffirmation of the nine-dash line claim, which contradicts international law, specifically UNCLOS 1982. This is supported by ambiguous terms like "other waters under the jurisdiction of the PRC" and "internal sea," which are suspected to refer to China's veiled claims.

The definition of territorial jurisdiction in the CCGL is incomplete, causing potential conflicts. Additionally, it may lead to misunderstandings between the CCG and foreign vessels due to its broad application of China's traditional jurisdiction. This ambiguity could sharply increase conflict

tensions among claimant countries and those around the South China Sea region, impacting ASEAN and Indo-Pacific countries by disrupting the negotiation process of the Code of Conduct (CoC) (Pratomo in Lantara, 2021).

Since the law's enactment, China has become more assertive and aggressive. One week after the law was passed, on 8 February 2021, China launched its largest maritime patrol ship, Haixun 06, from the Wuhan Shipyard. Weighing 5,560 tonnes, the ship is 128.6 meters long, 16 meters wide, and 7.9 meters high, capable of cruising at 20 knots, sailing up to 10,000 nautical miles, and patrolling the sea for 60 days without resupply (Hengyi, 2022).

The ship began operating in the Taiwan Strait for pollution prevention patrols, handling maritime incidents, cross-strait exchanges, and safeguarding national maritime sovereignty. As the Maritime Safety Administration, under the Ministry of Transportation rather than the CCG, oversees this, it signals the new law's threat.

Starting in 2015, US Navy ships have patrolled Chinese-made islands as part of Freedom of Navigation Operations (FONOPs), a practice upheld under international law since 1979. China contends that FONOPs violate its sovereign territory and use ship patrols to counter US actions. With the CCGL's implementation, the potential for conflict is heightened as non-commercial government ships and military vessels are subject to eviction and forcible removal. The CCG has deployed larger patrol vessels, including Haijing 2901 and Haijing 3901, each weighing 12,000 tonnes, equipped with 76mm caliber guns and machine guns (Kim, 2022).

The conflict between China's Coast Guard Law and Indonesia's sovereignty in the North Natuna Sea arises from China's claim based on the nine-dash line, which lacks international legal recognition. Indonesia does not acknowledge this claim, as it contradicts international law, affecting its sovereignty and sovereign rights in its EEZ waters, particularly in North Natuna.

The conflict has significant implications for Indonesia's maritime security, impacting sovereignty, economic stability, and defense. Chinese vessels engaging in illegal fishing within Indonesia's EEZ have led to confrontations, endangering Indonesia's sovereignty (Fernandes et al., 2021). Therefore, Indonesia must assert its rights firmly under international law, relying on frameworks such as UNCLOS 1982 and the South China Sea Court ruling (Firdaus et al., 2019).

Indonesia's maritime defense strategy involves controlling its seas to ensure total defense and security (Octavian, 2020). Given its strategic geographic position as an international shipping lane, strict control over its waters is crucial. To address the conflict with China, Indonesia emphasizes diplomacy and peaceful resolution, as Defence Minister Prabowo Subianto has stated (Pratomo in Lantara, 2021).

Provocations by various countries, including fishing boats and warships, continue to threaten the status quo, triggering diplomatic tensions. Despite efforts by ASEAN to finalize the CoC, results have been elusive due to China's desire to align the CoC with its national interests. Indonesia, as a key initiator of the CoC, plays a vital role in achieving diplomatic relations and peace in Southeast Asia.

Unilateral actions negatively impact conflict escalation. Indonesia's strategic position as an ASEAN anchor in the Indo-Pacific region could draw it into global currents involving the national interests of multiple countries.

## **Defense Policy Implementation**

Indonesia's National Defence is regulated by Law No. 3 of 2002, often referred to as the Universal People's Security Defence System (Sishankamrata). Article 7, paragraph 3, outlines how



to address non-military threats through the maximum efforts of government institutions outside the defense sector, supported by other elements of national strength, by the nature and form of the threats faced.

Since the 1990s, Indonesia has adopted a free and active foreign policy to act as a mediator in water conflicts involving superpowers. This policy is exemplified by the Workshops on Managing Potential Conflicts in the South China Sea, aimed at preventing conflicts through the promotion of cooperation among claimant countries and creating confidence-building measures (CBM).

In 2002, Indonesia contributed to the Declaration on the Conduct of Parties in the South China Sea (DOC). Initiated in 1999, the DOC took about three years of diplomatic mediation to address issues. It regulates the behavior of claimant states and anticipates threats to regional stability. Although the DOC aims to manage conflicts peacefully, the situation remains volatile, and a final solution is yet to be found.

Due to ongoing conflicts and China's increasing aggressiveness, ASEAN has included the dispute as a permanent agenda in regular conferences and meetings, such as the ASEAN Summit, ASEAN Ministerial Meeting, ASEAN Defence Minister Meeting, ASEAN Regional Forum, and the ASEAN-China Summit (Orchard, 2003).

The implementation of the China Coast Guard Law (CCGL), particularly in the ASEAN region, the Senkaku Islands, and international navigation, is viewed as a defense interest to establish a sea denial zone for a certain period in response to potential conflicts. China's claim in the South China Sea is represented by the nine-dash line extending south of Hainan Island. China's defense strategy involves two island chains, often referred to as two defense zones, with the grand strategy of "Offshore Defence" (US Office of Naval Intelligence, 2007).

The first defense zone includes the Kuril Islands, Japan, the Ryukyu Islands, Taiwan, and parts of Indonesia (from Kalimantan Island to Natuna Besar Island), clearly indicating that the South China Sea is central to China's maritime defense strategy.

Given these issues, a comprehensive defense policy is needed to anticipate conflict escalation. The author utilizes the Integrative, Interactive, Transparency, Control, and Accountability (IITCA) theory proposed by Lukman Yudho Prakoso (Prakoso, 2016). This theory is suitable for defense policy as it encompasses various aspects such as legislation, budget, and implementation.

Firstly, an integrative approach in defense policy integrates various related aspects, such as legislation, budget, and implementation, to ensure comprehensive and mutually supportive policies.

Secondly, an interactive approach involves the active participation of all relevant stakeholders, enriching perspectives, increasing policy validity, and minimizing potential conflict or dissatisfaction.

Thirdly, transparency is crucial in defense policy implementation. High transparency ensures accountability to the community and stakeholders, builds public trust, and involves them in the decision-making process.

Fourthly, control is an essential mechanism for supervising policy implementation. Effective controls ensure that policies align with desired objectives, oversee proper budget use, and prevent power abuse.

Finally, accountability is key in defense policy implementation. Every action or decision must be accountable, meaning responsible parties must explain and justify their actions or decisions to the public or authorities (Prakoso, 2016).

In the context of the China Coast Guard Law (CCGL), the IITCA theory that can be implemented in Indonesia's defense is as follows:

### **Integrative**

#### **Strengthening Multilateral Cooperation and Defense Diplomacy with Countries in Dispute with China**

Indonesia, as a cornerstone of ASEAN countries, continues to champion peace diplomacy efforts regarding the South China Sea dispute and China's assertiveness in various regions, including the Senkaku Islands. Several efforts have been undertaken:

- i. Defence diplomacy through the Indonesian Ministry of Foreign Affairs, including public statements at international forums like the ASEAN Summit in June 2020, the ASEAN-China Summit in November 2020, the ASEAN Inter-Parliamentary Assembly (AIPA) meeting in September 2020, and bilateral meetings such as President Joko Widodo's meeting with the Malaysian PM in February 2021. Indonesia has consistently advocated for all parties to refrain from provocative actions that escalate conflict tensions.
- ii. Historically, defense diplomacy negotiations began on July 22, 1992, coinciding with the ASEAN Declaration on the South China Sea.
- iii. In 2002, ASEAN and China agreed on the Declaration of the Conduct of Parties in the South China Sea (DOC).
- iv. ASEAN issued ASEAN's Six-Point Principles document in July 2012, aimed at guiding discussions on South China Sea issues, especially regarding the Code of Conduct (COC).
- v. In 2016, ASEAN and China agreed on the Joint Statement of Foreign Ministers on the Full and Effective Implementation of the DOC.
- vi. Also in 2016, an agreement was reached between ASEAN and China on the Code for Unplanned Encounters at Sea (CUES) and established a direct communication hotline between high-ranking officials of the Indonesian Ministry of Foreign Affairs, extending the implementation of the ASEAN DOC.
- vii. Continuing in 2017, the Code of Conduct (CoC) Framework was agreed upon between ASEAN and China, although the process is still in the first reading stage due to delays caused by the COVID-19 pandemic.
- viii. In June 2020, Indonesia facilitated negotiations and meetings through the ASEAN Ministerial Meeting (AMM) to address delays in CoC discussions caused by the pandemic.
- ix. In November 2020, the 37th ASEAN Summit emphasized resolving the South China Sea conflicts by the 1982 UNCLOS, reaffirming Indonesia's commitment to regional stability and security through diplomatic channels.
- x. Humanitarian Assistance and Disaster Relief (HADR) meetings have also been held, promoting maritime cooperation in natural disaster management and humanitarian aid across the region.
- xi. ASEAN-Japan Maritime Cooperation has strengthened maritime security and disaster management, exemplified by joint exercises and capacity-building programs.
- xii. ASEAN-Australia Maritime Cooperation aims to enhance maritime security, counter maritime crime, and protect marine resources and the environment.
- xiii. ASEAN supports Conflict-Free Zones (ZBK) and Nuclear Weapon-Free Zones (ZBSN) to prevent conflicts in contested waters, including potential conflicts arising from the China Coast Guard Law (CCGL).

- xiv. Support for the ASEAN Outlook on Indo-Pacific (AOIP) includes joint exercises like the 2023 ASEAN Solidarity Exercise (ASEX-01 N) Natuna, addressing security challenges and non-traditional threats in the region.

### **Protection of Fishermen's Rights**

The enactment of the China Coast Guard Law (CCGL) bolstering China's territorial assertions has prompted nations around the South China Sea to collaborate in safeguarding the rights of their fishermen. Among the disputed territories is the North Natuna Sea, comprising 154 islands, home to 6,130 fishing households. This law presents a significant threat to Indonesian fishermen operating in this region. To address this, integrating fishermen into national maritime defense through civil-military cooperation is crucial. Local military units and government agencies must collaborate, following the TNI Commander's Decree on strategic outer islands.

Indonesia's national laws concerning fishermen's rights do not fully align with the 1982 Convention on the Law of the Sea (UNCLOS), which acknowledges traditional fishing rights and mandates clear territorial demarcations. Articles 51 and 47 of UNCLOS stress the importance of respecting existing rights and traditional practices in neighboring waters.

International legislation, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), ensures fishermen's rights to a decent standard of living, including access to food, housing, and social benefits. The ICESCR, ratified by 142 nations, emphasizes accessibility and affordability for fishing communities. Indonesia's Law No. 27 of 2007 addresses the management of coastal and small island areas, protecting fishermen's rights under ECOSOB human rights principles.

Enforcing laws against foreign vessels infringing Indonesian waters is a significant challenge, exacerbated by Indonesian fishermen's limited fishing equipment, leading to fierce coastal competition and lower catches. Indonesia's fleet of 7,000 fishing vessels includes many operated by foreign fishermen, causing fish theft and declining fishery exports. Export performance is further hampered by stringent import requirements and environmental issues.

Indonesian fishermen entering the North Natuna Sea, claimed by China, risk escalating tensions. The CCGL authorizes China's coast guard to use force to protect its maritime interests, potentially intensifying bilateral conflicts with Indonesia.

### **Interactive**

Conditions in the South China Sea after the enactment of the CCGL are not much different from before. Where China still uses gray zone tactics to provoke and scare Indonesian fishermen. This is done to hinder the exploration of marine resources in the North Natuna Sea. Implicitly, this step taken by China has provided an indication of the de facto expansion of the disputed territory through the CCGL policy test that is in place. This policy is a pilot project that will be implemented in the East China Sea and around the Senkaku Islands.

Most of the countries in dispute are agitated and increase their military capabilities to protect their territories. This was done by Japan, Vietnam, the Philippines, Taiwan, and Indonesia. After the CCG landed in the Senkaku Islands, Japan immediately added 12 large patrol boats in 2023. Meanwhile, the Philippines focuses on improving its military capabilities (AMTI CSIS, 2021).

This received a response from the US through a telephone conversation between President Joe Biden and PM Yoshihide Suga and has been confirmed by Defense Secretary Llyod Austin and Secretary of State Antony Blinken. The US sent the US Coast Guard (USCG) as a form of its commitment to the QUAD alliance (AMTI CSIS, 2021).





China's aggressiveness in the North Natuna Sea itself is increasingly worrying. In December 2022, the activity of the CCG 5901 ship, called the Monster, was found because of its size as the world's largest patrol ship with a weight of 12,000 tons, a length of 165 meters, and a width of 22 meters. This repeated incident often intervenes in the enforcement of maritime laws in Indonesia for fishermen from China (Suryarandika, 2023).

Previously, Indonesia had responded to this CCGL through a press conference at the ASEAN Ministerial Meeting on November 10, 2020. Indonesia highly appreciates other countries for drafting the CCGL Bill and makes every effort to create peace and stability in the South China Sea Region (Rahayu, 2020). Indonesia urges that the law does not have a negative impact on regional security stability. The next step is taken by Indonesia by increasing interactive communication with the Chinese government (Rahayu, 2020). In the meeting of the ASEAN Political-Security Community Council Indonesia, Indonesia also emphasized that the steps to overcome this problem consist of three points, including improving capabilities and building a healthy defense posture, focusing on regional peace and security stability, and the implementation of the ASEAN Outlook on Indo-Pacific (AOIP) (Rahayu, 2020).

In implementing defense policies in this interactive pattern, Indonesia also involves civil society, academics, and defense experts in dialogue and discussion related to this issue to obtain diverse perspectives. Civil society involvement is carried out by holding public forums or workshops to invite civil society groups that are affected or have interests related to this conflict. This can provide a platform for them to share their views, concerns, and experiences with China's coast guard laws. Their opinions and input can help in developing a broader strategy.

The next step is the involvement of academics who have knowledge and expertise in the fields of international law, international relations, and maritime issues and can provide an objective and in-depth perspective. Discussions with them can help understand the implications of China's coast guard laws on regional security and their impact on neighboring countries. A senior researcher from the Center for Strategic and International Studies (CSIS), Evan Laksamana revealed that Indonesia needs to develop and strengthen maritime policies with uniformity of goals and priorities in overcoming the South China Sea conflicts (Sinaga et al., 2021).

The involvement of academics in this case is manifested in the form of ASEAN-Korea Maritime cooperation. The ASEAN-Korea Marine Technology Cooperation Research Center (MTCRC) has been carried out since 2011 in the field of research and development of maritime science. The MoU was included in the framework of the Center for Marine Technology Research and Cooperation (PPKT) involving *the Korea Institute of Ocean Science & Technology* (KIOST) with the Bandung Institute of Technology (ITB), the Indonesian Institute of Sciences (LIPI), and the Bogor Agricultural Institute (IPB). In addition, South Korea also signed an MoU with 5 companies in the Offshore Installation Services Industry, namely GasEntec and Samin MTS from Korea, PT Elnusa Tbk. (ELSA), PT GTS Indonesia Tbk. (GTSI), and JSK Shipping from Indonesia. This is done to increase capacity building.

To develop defense technology, Indonesia has agreed on an MoU with Japan regarding the delivery of the main equipment of the weapon system (Bautista) and technology transfer in the defense sector. Japan exported a number of units of the latest generation of Destroyer and Frigate types to the Indonesian Navy. Along with this, President Joko Widodo also encouraged the improvement of defense and security carried out through the acceleration of negotiations on the sale of equipment and defense technology, referring to the latest developments in the region. This vision of bilateral cooperation encourages a free and open Indo-Pacific and agreements in the

AOIP. During the meeting, Japan also gave encouragement to improve infrastructure to develop the Patimban Port in West Java with a loan of 70 billion yen, or equivalent to 9.2 trillion rupiah (Progress, 2021). By implementing this interactive strategy, it is hoped that countries affected by the China Coastguard Law can confront and mitigate the implications of potential threats that may arise.

### **Transparency**

In the face of the potential threat implications of the China Coastguard Law, the implementation of defense policy must prioritize the principle of transparency. This can be done in the following ways:

1. Informing the Community and the International Community. Affected countries should openly and transparently inform the Chinese Coast Guard activities in their region to the public and the international community. By gaining support and attention from the public and the international community, the pressure on the China Coast Guard can be further increased. These international entities include the United Nations (UN), the World Trade Organization (WTO), the ASEAN Regional Forum (ARF), the International Maritime Organization (IMO), and others that have roles and mechanisms to address defense policy issues between countries and issues related to regional security.
2. Improve surveillance and monitoring in the affected territorial waters or Special Economic Zones, either through the use of advanced technologies such as satellites or direct surveillance on the ground.
3. Strengthen cooperation with the fisheries and shipping industry, including involving associations or organizations representing their interests, to ensure the sustainability and safety of activities in these waters. Indonesia has been undergoing this cooperation for several years, including in 2012 Indonesia carried out a cooperative relationship with Malaysia to overcome illegal fishing in Natuna. This collaboration took place in Nusa Dua, Bali. The content of the cooperation between the two countries is a guide to fishermen who are lost in the territory of Indonesia and Malaysia and their handling (Widodo, 2017). In 2016, the Malaysian Minister of Agriculture visited the office of the Ministry of Marine Affairs and Fisheries. At the meeting, Malaysia and Indonesia discussed the joint patrol plan between Indonesia and Malaysia. The existence of this collaboration is aimed at minimizing illegal fish theft in both countries. Based on the memorandum of agreement that occurred in 2012, Indonesia and Malaysia continue cooperation in the border area. Especially in the Natuna area (Lerian, 2017).
4. Conduct public diplomacy, whether through social media campaigns, press conferences, or official publicity, to disseminate as accurate information as possible to the wider public about the China Coast Guard Law and the efforts being made to address this conflict.
5. Inform the public about the implications of the China Coast Guard Law and its impact on national interests.
6. In its guard, the TNI implements a layered defense strategy, namely, deterrence, action, and recovery. The purpose of each strategy is a deterrence strategy to prepare for the strength and ability of the TNI to realize deterrence effects from outside and within. Second, the enforcement strategy is to deal with threats that interfere with the sovereignty and integrity of the Republic of Indonesia with combat operations. Third, a recovery strategy to restore the condition of security stability as well as the condition of the people around the conflict area through coaching, reconstruction, and rehabilitation. However, until now the TNI's strength

around the South China Sea is still inadequate. So it is necessary to increase human resources through training, education, development, joint exercises, and others.

### Control

Defense policy steps in this control stage can be carried out by strengthening the supervision of *China Coast Guard* activities in the affected waters. This can be done through diplomacy and dialogue to resolve the conflict with the China Coast Guard. Through dialogue, the country can fight for interests and overcome problems with the China Coast Guard.

Broadly speaking, this defense diplomacy aims to find a balance between the need for security stability inventions, escalation of defense capabilities, and defense independence. In achieving this, the success of a country depends heavily on the quality of defense diplomacy efforts implemented at the bilateral, regional, and global levels (Hartono, 2016). Defense diplomacy aims to incorporate diplomatic and military instruments related to conflict prevention and crisis management.

Syawfi (2009) stated that a country's defense diplomacy strategy is a collaboration of diplomacy, defense, and industrial development components. However, partially, a country's defense diplomacy activities have three main characteristics, namely (Sinaga, 2017):

a) Defense diplomacy for confidence-building measures (CBM)

Defensive diplomacy to build trust is an action aimed at reducing fear and misunderstanding between the two sides. One form of defense diplomacy to build trust is through joint exercises or joint exercises. Through interaction and communication between soldiers from different countries during joint exercises, they can get to know each other better, as well as foster a sense of togetherness and mutual understanding among themselves. Through joint learning and training, mutual trust is also formed among military personnel. This will be able to strengthen military-to-military relations and ultimately lead to stronger defense cooperation between these countries, to prevent conflicts or increase tensions between countries (Arifin, 2018). Here are some of the joint exercises between Indonesia and China:

- b) In June 2011, the Chinese and Indonesian special forces conducted a joint exercise named "Sharp Knife 2011" in Bandung. The training was overseen by Hou Shusen, deputy chief of the general staff of the Chinese People's Liberation Army (PLA), and Budiman, deputy chief of staff of the Indonesian National Army (TNI-AD). The initiative focused on personnel training, equipment and technology, joint exercises, offshore security drills, and multilateral dialogues.
- c) A total of 144 Indonesian and Chinese special forces soldiers trained together with the 2nd Sharp Knife codenamed at the Jinan Integrated Training Base, China in July 2012. Participants were divided into two training contingents, namely Contingent A and B. Contingent A was led by Major Liu Xiao Dong (China) in charge of 72 combined personnel from the TNI and the People's Liberation Army (PLA). Meanwhile, Contingent B is led by Major Inf Adek Chandra D, with the same number of personnel. Commander General (Danjen) of Kopassus Maj. Gen. TNI Wisnu Bawa Tenaya and Chief of Staff of Kodam Jinan Maj. Gen. Ma Qiu Xing opened the 2nd Sharp Knife exercise
- d) The Indonesian National Army (TNI) and the Chinese Army held a joint counter-terrorism exercise. The center of the activity, codenamed Sharp Knife Airborne 2013, took place at the Command Headquarters (Mako) of the Air Force Special Forces Corps (Korpaskhas) for six days or October 6-11, 2013. This joint training material (plasma) is Indonesian and Chinese versions of martial arts activities, birdmen, and skydiving. The number of participants

consisted of 120 TNI personnel and 60 personnel of the People's Liberation Army (PLA) of the Chinese Airforce. The TNI was represented by Paskhas soldiers.

- e) Indonesia and China are holding joint military exercises called "Sharp Knife". The war exercise called "Sharp Knife Airborne 2014" to improve combat capabilities and strengthen relations between the armies of the two countries was held in 2014. A total of 80 members of the Indonesian Air Force Special Forces (Paskhas) took part in the war exercise with Chinese counterparts at the 43rd Brigade Training Center of the Chinese People's Liberation Army (PLA) in Jinan, Shandong province, China. The joint training materials (latma) are ordinary and special shooting exercises, martial arts, mountain climbing, overcoming obstacles, techniques to approach the target, and several activities related to the release of hostages and anti-terrorism.
- f) Joint training between Indonesia and China on May 8, 2021. The Indonesian Navy and the Chinese Navy conducted joint exercises in Jakarta waters with the aim of improving coordination in efforts to deal with emergency situations at sea. The exercise used 2 units of Chinese-owned controlled frigates, namely Liuzhou and Suqian. Meanwhile, Indonesian ships with KRI Usman Harun's defense equipment, and KRI Halasan with frigates and missile escorts. Training materials along with communication materials, search and rescue operations, and maneuver formations.

Since 2007, Indonesia has conducted joint military exercises with the United States, known as "Garuda Shield," with 16 sessions held up to 2023. In 2022, Super Garuda Shield 2022 involved Indonesia, the US, Canada, France, India, Malaysia, New Zealand, South Korea, Papua New Guinea, Timor-Leste, the United Kingdom, Australia, Singapore, and Japan, totaling 4,337 participating soldiers. The exercises encompassed various aspects, including field and maritime drills such as amphibious operations, maritime security, urban military operations, air defense, air operations, and airfield seizure. Command post exercises were also conducted to enhance military personnel's planning, command, and communication skills within simulated operational environments.

### **Defense diplomacy for defense capabilities**

Defense diplomacy for defense capabilities is diplomacy directed at efforts to improve the capabilities of the defense sector. This can be done in the following ways:

- a) Strengthening Maritime Security in Natuna Based on the omnibus law and national legislation for 2020 - 2024, the government has clarified the position of Bakamla RI as the Coast Guard. This major project is carried out by Bakamla, the TNI, and the Ministry of Defense with an indication of funding of Rp. 12.2 trillion from the State Budget. The benefits of this major project are increasing the deterrent effect and enforcing sovereignty in Natuna waters, reducing piracy, violence, and crime at sea, IUUF, and transnational crimes, and strengthening the navigation security management system.
- b) Bakamla RI Maritime Diplomacy has made efforts to carry out maritime diplomacy both domestically and abroad. The form of foreign maritime diplomacy carried out by Bakamla RI is by collaborating with several countries, namely Australia, Vietnam, Japan, the USA, the Philippines, Spain, Malaysia, and Greece. In addition, Bakamla RI actively attends various foreign and domestic cooperation forums, including:
  - HACCAM (Head of Asian Coast Guard Agencies Meeting).
  - MSDE (Maritime Security Desktop Exercise).
  - IORA (Indian Ocean Rim Association).



- Various ASEAN-level maritime meeting forums.
  - Forum IMO (International Maritime Organization)
- c) Bakamla RI drafted a Memorandum of Understanding (MoU) and Cooperation Agreement (PKS). From 2019 to December 2019 Bakamla RI implemented MoU and PKS with several government agencies and non-governmental institutions such as the Indonesian Submarine Cable Association (ASKALSI), PT. Bank Mandiri (Persero) Tbk, Institute of International Languages, Faculty of Cultural Sciences, University of Indonesia (LBI FIB UI), Jakarta Center for Law Enforcement (JCLEC), PT. Telekomunikasi Indonesia (Telkom), Jakarta College of Shipping Sciences (STIP), PT. XL Axiata, PT. Pos Indonesia, Central Statistics Agency (BPS), PT. Bank Mandiri (Persero) Tbk, Padjajaran University (UNPAD), Officer Formation School (Setukpa), Manado State University (UNIMA).
- d) Improvement of quality governance, management, administrative, technical, and operational services, and support in order to realize good governance. The Ministry of PAN & RB RI, and the online PMPRB index in 2018 is 50.58 with the "CC" value category while the evaluation results of the implementation of Bureaucratic Reform in 2019 are 52.90 with the "CC" category.
- e) The construction of the Natuna Bakamla RI aju base is planned to be completed in 2023.

**a. Defense diplomacy for the defense industry**

The strengthening of the national defense industry must be supported by adequate research and development, and competent human resources, and it is also important to be accompanied by a massive and comprehensive legal umbrella. Then especially the independence of the defense industry is highly dependent on the three pillars of science and technology, namely universities, R&D institutions, and industry, as well as users (TNI as users). Therefore, the defense industry's legal policy must at least accommodate the following:

- 1) Human resource development, including initiating strategic programs, especially in the field of technology engineering, technology transfer, and training certification.
- 2) Research and development cooperation in the field of science and technology and Indian both domestically and abroad.
- 3) Empowerment of national industries that have the potential to advance the Defense Industry.
- 4) Intensify air, sea, and land patrols and surveillance near the relevant waters.
- 5) Urges international stakeholders, such as the United Nations, to actively monitor the situation in the relevant waters and take appropriate measures in case of violations of international law.
- 6) Cooperate with countries with global influence, such as the US, the European Union, and Japan, to support efforts to maintain security and stability in related waters.

**b. Accountable**

In the face of the potential threat implications of the China Coastguard Law, the implementation of defense policies can be carried out by considering the principle of accountability. This principle of accountability involves clear responsibility and accountability in carrying out the defense policy. Some of the things that Indonesia can do include the following:

- a) The establishment of an independent commission or mechanism tasked with tracking and overseeing the implementation of defense policies related to the China Coastguard Law. The Commission has the task of tracking and analyzing, supervising the implementation of defense policies, compiling recommendations and suggestions to the government on measures to be taken to protect national sovereignty and national interests, Preparing independent reports to be published regularly, providing information to the public on developments related to the China Coastguard Law, and building public awareness on relevant defense issues.



- b) Enhance coordination and collaboration between relevant state institutions, such as the TNI, the Ministry of Defense, the Ministry of Foreign Affairs, and other relevant institutions in dealing with the implications of the China Coastguard Law.
- c) Tightening coordination within the framework of ASEAN cooperation related to the China Coastguard Law through the ASEAN Political-Security Community (APSC).
- d) Strengthen the role of the ASEAN Maritime Forum (AMF) in formulating responsive and collective measures to the implications of the China Coastguard Law.
- e) Audit and monitor defense activities carried out to deal with this problem.
- f) Conduct periodic evaluations of policies and actions taken to improve weaknesses and improve defense effectiveness.

## CONCLUSION

The findings of this study indicate that the China Coast Guard Law (CCGL) contains several articles with the potential to provoke conflict, including Article 3, which creates ambiguity with the term "sea areas under China's jurisdiction." Article 20 regulates the demolition of buildings or structures in Chinese territory without permission, according to the provisions and deadlines set by the law. Article 21 grants full authority to the China Coast Guard (CCG) to forcibly remove military and non-commercial government vessels that violate maritime sovereignty during Freedom of Navigation Operations. Article 22 permits the use of weapons by the CCG in accordance with international law, based on the behavior or actions of individuals or objects, such as ships. Article 25 restricts the duration and stay of ships and personnel. Articles 46 to 51 govern the use of police equipment and weapons. These provisions could lead to excessive use of force and violence in conflict resolution, with direct impacts on the Senkaku Islands in Japan, the South China Sea, and international freedom of navigation.

The impact of the CCGL is not confined to Indonesia; it is also felt by other nations involved in maritime disputes with China. For instance, Japan has issued official statements expressing concern over the potential for military escalation in the Senkaku Islands. In the South China Sea, countries like Vietnam and the Philippines have increased maritime patrols and strengthened alliances with major powers such as the United States to counterbalance China's influence. Statistics show a rise in maritime incidents between Chinese vessels and those of other countries following the implementation of the CCGL, reflecting the growing tensions in the region.

To address these challenges, this study applies the Integrative, Interactive, Transparency, Control, and Accountable (IITCA) theory by Prakoso (2016) to analyze the implementation of defense policies. At the integrative stage, Indonesia can strengthen multilateral cooperation and defense diplomacy with countries in dispute with China and protect fishermen's rights. For example, Indonesia has initiated multilateral dialogues within ASEAN to develop a collective strategy to address the CCGL.

At the interactive stage, Indonesia has engaged in communication with the Chinese government regarding the CCGL, while also enhancing capabilities and building a robust defense posture focused on regional peace and security stability, as well as the implementation of the ASEAN Outlook on Indo-Pacific (AOIP). Indonesia also involves civil society and academia in this integrative strategy, organizing workshops and seminars to raise awareness of these issues.

At the transparency stage, Indonesia seeks to inform the public and the international community, including the United Nations, WTO, ARF, and IMO, and to strengthen cooperation with the fisheries and shipping industries. For instance, Indonesia regularly submits reports to the IMO on maritime security conditions within its territory to ensure strict international oversight.

At the control stage, Indonesia conducts defense diplomacy for Confidence-Building Measures (CBM) through joint exercises with China and the United States. Defense diplomacy to enhance capabilities is carried out by strengthening maritime security through the Indonesian Maritime Security Agency (Bakamla RI) via national and international cooperation. Defense

diplomacy for the defense industry is pursued through the development of human resources and the defense industry. For example, Indonesia has initiated intensive training programs for naval personnel focused on maritime security operations and rapid response to incidents at sea.

Finally, at the accountability stage, this is achieved through the establishment of commissions and independent mechanisms, as well as regular audits and evaluations of defense policies. As part of this effort, Indonesia has formed an evaluation team responsible for assessing the effectiveness of defense strategies and providing recommendations for improvements.

The recommendations of this study include the significant development of education and training to enhance the quality and quantity of human resources in the defense sector. For instance, Indonesia needs to expand maritime training programs focused on law enforcement at sea and the development of technical skills in maritime operations. Additionally, Indonesia needs to develop and strengthen maritime policies with unified goals and priorities to address conflicts in the South China Sea, given the escalating tensions due to the CCGL. As part of this strategy, Indonesia might consider establishing a maritime research center aimed at studying the dynamics of maritime conflicts and providing data-driven policy recommendations.

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