

Violation of Airspace Transit Rights by U.S. Military Aircraft in Indonesia's Archipelagic Sea Lanes

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Abstract: This study aims to examine the legal conformity of United States military aircraft operations within Indonesia's Archipelagic Sea Lanes (ALKI) under the regime of archipelagic sea lanes passage as established by the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and to determine the juridical criteria for identifying violations of airspace transit rights in this context. The research employs a normative juridical method based on statutory, conceptual, and case approaches, analyzing relevant UNCLOS provisions, Indonesia's domestic regulations, doctrinal interpretations, and documented state practices related to military overflight. The findings indicate that while UNCLOS guarantees the right of continuous and expeditious overflight through designated archipelagic sea lanes, such rights are not absolute and must be exercised in normal mode, in good faith, and with due regard to the security interests of the archipelagic state. Ambiguities surrounding the interpretation of "normal mode" for military aircraft and the absence of detailed operational parameters create legal grey areas that may lead to differing perceptions between user states and Indonesia regarding alleged violations. The study concludes that clearer interpretative standards and cooperative mechanisms are necessary to prevent legal uncertainty and diplomatic friction. Academically, this research contributes to the development of international maritime and air law scholarship by bridging doctrinal analysis of UNCLOS with contemporary Indo-Pacific security practices, and by proposing a balanced legal framework that reconciles international navigation freedoms with the sovereign rights of archipelagic states.

Keywords: Airspace Sovereignty, Archipelagic Sea-Lanes, Transit Rights, UNCLOS Interpretation, U.S. Military

1. Introduction

The strategic position of Indonesia as the world's largest archipelagic state places its airspace and archipelagic sea lanes (Alur Laut Kepulauan Indonesia/ALKI) at the center of global maritime and aviation traffic.¹ These sea lanes,² recognized under the 1982 United Nations Convention on the Law of the Sea (UNCLOS),³ are designed to facilitate continuous and expeditious transit for international navigation and overflight while preserving Indonesia's sovereignty. However, repeated allegations of unauthorized or contested military overflights, particularly involving U.S. military aircraft, have generated legal and diplomatic tensions. Such incidents are not merely technical violations but reflect broader geopolitical dynamics in the Indo-Pacific region, where freedom of navigation operations, strategic deterrence, and regional security competition intersect. The increasing intensity of military mobility in and around

¹ Kisti Artiasha, "Riset Ilmiah Kelautan Berdasarkan UNCLOS 1982 Dan Perkembangannya Di Indonesia," *Tirtayasa Journal of International Law* 2, no. 2 (November 13, 2023): 138, <https://doi.org/10.51825/tjil.v2i2.20264>.

² Thomas Christiano, "The Arbitrary Circumscription of the Jurisdiction of the International Criminal Court," *Critical Review of International Social and Political Philosophy* 23, no. 3 (April 15, 2020): 352–70, <https://doi.org/10.1080/13698230.2019.1565715>.

³ Marcelino H. Latuputty, "Indonesia's Obligation to Protect Archaeological and Historical Objects at Sea Based on UNCLOS 1982," *Indonesian Journal of International Law* 16, no. 4 (July 30, 2019), <https://doi.org/10.17304/ijil.vol16.4.75>.

Southeast Asia,⁴ coupled with Indonesia's commitment to maintaining neutrality and territorial integrity, underscores the urgency of clarifying the legal boundaries governing transit rights.⁵ In this context, the issue of alleged violations of airspace transit rights by foreign military aircraft raises fundamental questions about the interpretation of archipelagic sea lanes passage,⁶ the scope of overflight rights, and the limits of coastal state authority. Therefore, examining this phenomenon is crucial for strengthening Indonesia's legal position and contributing to the stability of international maritime and air law.

From a scholarly perspective, studies on archipelagic sea lanes have primarily focused on maritime navigation,⁷ the doctrine of archipelagic state sovereignty, and freedom of navigation under UNCLOS. While a number of legal analyses discuss the concept of archipelagic sea lanes passage and the rights of foreign vessels,⁸ relatively limited attention has been given to the specific dimension of military aircraft overflight within designated ALKI corridors. Existing literature often treats overflight rights as an extension of maritime transit without critically assessing the operational practices of powerful states or the implications for national airspace control. Moreover, many discussions remain normative, emphasizing treaty provisions without engaging with empirical incidents or strategic realities in the Indo-Pacific. There is also a tendency to analyze freedom of navigation operations in general terms,⁹ rather than situating them within Indonesia's archipelagic legal framework and its domestic regulatory instruments. As a result, the legal ambiguity surrounding what constitutes a "violation" of transit rights in archipelagic airspace remains insufficiently examined.¹⁰ This gap reveals the need for a more focused and contextualized analysis that bridges doctrinal interpretation with state practice.¹¹

Previous studies provide important foundations for understanding the balance between coastal state sovereignty and user state navigation rights. Classical interpretations of UNCLOS affirm that archipelagic sea lanes passage includes the right of continuous and expeditious overflight, provided that such passage is conducted in normal mode and does not threaten the security of the archipelagic state. However, contemporary research has shown that the notion of "normal mode" for military aircraft is open to varying interpretations, particularly regarding surveillance activities,¹² military exercises, and intelligence gathering. Some scholars argue that archipelagic states retain regulatory authority to ensure safety and environmental protection,¹³ while others emphasize the non-suspendable character of archipelagic sea

⁴ Agustina Merdekawati and Marsudi Triatmodjo, "Equity Interest Scheme's Compatibility with the UNCLOS 1982's Common Heritage of Mankind Principle," *Law Reform* 18, no. 1 (March 31, 2022): 111–31, <https://doi.org/10.14710/lr.v18i1.43083>.

⁵ Muhammad Iqbal Taftazani et al., "Extended Continental Shelf Under UNCLOS 1982: A Comprehensive Analysis of State Submissions," *Geoplanning: Journal of Geomatics and Planning* 12, no. 2 (October 31, 2025): 267–78, <https://doi.org/10.14710/geoplanning.12.2.267-278>.

⁶ Yvonne Brandt et al., "A Randomized Controlled Trial of Core Strengthening Exercises in Helicopter Crewmembers with Low Back Pain," *Aerospace Medicine and Human Performance* 86, no. 10 (October 1, 2015): 889–94, <https://doi.org/10.3357/AMHP.4245.2015>.

⁷ Kridsana Chotisut, Poowin Bunyavejchewin, and Nattaraporn Promprasit, "The Recent Violation of Thai Airspace by a Myanmar MiG-29 Fighter Jet: Understanding Thailand's Unusual Response," *Asian Journal of Comparative Politics* 8, no. 1 (March 4, 2023): 476–84, <https://doi.org/10.1177/20578911221140798>.

⁸ Andrii Lysenko et al., "Violation of Flight Rules and Airspace Use: Current Criminal Situation," 2022, 587–98, https://doi.org/10.1007/978-3-030-94259-5_50.

⁹ B. Lawrence et al., "A Handling Qualities Analysis Tool for Rotorcraft Conceptual Designs," *The Aeronautical Journal* 122, no. 1252 (June 2018): 960–87, <https://doi.org/10.1017/aer.2018.43>.

¹⁰ Hafizh Siraji, "The Sovereignty of the Air Space and Its Protection in the Perspective of International Law: Some Aliens Intervention in Southeast Asian Countries," *International Law Discourse in Southeast Asia* 1, no. 2 (July 31, 2022): 159–84, <https://doi.org/10.15294/ildisea.v1i2.58397>.

¹¹ Ashley E Sam et al., "A Descriptive Analysis of Pediatric Transports Throughout the U.S. Indo-Pacific Command," *Military Medicine* 186, no. 7–8 (July 1, 2021): e743–48, <https://doi.org/10.1093/milmed/usaa506>.

¹² Dire Tladi, "The International Law Commission's Draft Articles on the Protection of Persons in the Event of Disasters: Codification, Progressive Development or Creation of Law from Thin Air?," *Chinese Journal of International Law* 16, no. 3 (September 1, 2017): 425–51, <https://doi.org/10.1093/chinesejil/jmx020>.

¹³ Matus Halas, "NATO's Sub-Conventional Deterrence: The Case of Russian Violations of the Estonian Airspace," *Contemporary Security Policy* 43, no. 2 (April 3, 2022): 350–81, <https://doi.org/10.1080/13523260.2022.2028464>.

lanes passage.¹⁴ Evaluating these competing perspectives reveals an unresolved tension between legal textualism and strategic pragmatism. Furthermore, prior analyses rarely integrate Indonesia's domestic laws,¹⁵ defense policies,¹⁶ and diplomatic responses into the broader international legal discourse. This study positions itself within this evaluative framework by reassessing doctrinal interpretations of UNCLOS in light of reported incidents involving U.S. military aircraft and Indonesia's assertion of sovereign rights.

The objective of this study is to comprehensively examine the conformity of United States military aircraft operations within Indonesia's Archipelagic Sea Lanes (ALKI) with the legal regime of archipelagic sea lanes passage as regulated under the 1982 United Nations Convention on the Law of the Sea (UNCLOS). This research further aims to identify and formulate juridical criteria for determining what may constitute a violation of airspace transit rights in the context of ALKI and how such violations should be legally characterized under international law. The study is grounded in the argument that although UNCLOS guarantees rights of navigation and overflight within archipelagic sea lanes, these rights are not absolute but must be exercised in accordance with the principles of continuous and expeditious passage, good faith, and due regard for the security of the archipelagic state. It hypothesizes that ambiguities in the interpretation of the concept of "normal mode" for military aircraft, as well as the absence of detailed operational guidelines, create space for contested practices that may be perceived by Indonesia as infringements upon its sovereign airspace. Accordingly, this study seeks to clarify the applicable legal standards governing military overflight within archipelagic sea lanes and to develop a balanced conceptual framework capable of reconciling international navigation freedoms with the sovereign interests of archipelagic states.

2. Method

This study employs a qualitative normative juridical approach designed to examine the legal conformity of United States military aircraft operations within Indonesia's Archipelagic Sea Lanes (ALKI) under the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The research was conducted from March to July 2025 and focused on doctrinal legal analysis supported by selected empirical references to documented incidents and official statements. Data were collected through systematic library research, including primary legal materials such as UNCLOS 1982, relevant Indonesian laws and regulations on archipelagic sea lanes and airspace control, and official diplomatic communications. Secondary materials consisted of peer-reviewed journal articles, academic commentaries, books on the law of the sea and air law, and policy reports related to Indo-Pacific security dynamics. Tertiary sources, including legal dictionaries and authoritative commentaries, were also consulted to clarify technical terminology. The research was conducted at university research facilities and digital legal databases, with the author serving as the principal researcher responsible for data identification, classification, and verification. Document selection followed relevance and credibility criteria to ensure the reliability of sources. Where established doctrinal methods were applied, references to leading public international law methodologies were provided, and only contextual adjustments related to Indonesia's archipelagic framework were elaborated.

The data analysis process was carried out through qualitative content analysis and legal interpretation techniques, including grammatical, systematic, and teleological interpretation of treaty provisions. Legal norms derived from UNCLOS were examined in conjunction with Indonesia's domestic regulatory framework to assess consistency and potential normative conflicts. Analytical procedures involved

¹⁴ Agustina Merdekawati et al., "The Dilemma of Operationalizing The Enterprise Under UNCLOS 1982," *Brawijaya Law Journal* 10, no. 2 (October 31, 2023): 122–42, <https://doi.org/10.21776/ub.blj.2023.010.02.01>.

¹⁵ Yen Thi Hong Nguyen, Thang Toan Nguyen, and Hiep Dinh Trong, "Equitable Benefit Sharing in the Exploitation of Common Heritage of Mankind Areas According to the Provisions of UNCLOS 1982: Current Situation, Challenges and Prospects," *Revista de Direito Internacional* 22, no. 2 (September 18, 2025), <https://doi.org/10.5102/rdi.v22i2.9862>.

¹⁶ Dothang Truong and Woojin Choi, "Using Machine Learning Algorithms to Predict the Risk of Small Unmanned Aircraft System Violations in the National Airspace System," *Journal of Air Transport Management* 86 (July 2020): 101822, <https://doi.org/10.1016/j.jairtraman.2020.101822>.

coding relevant provisions concerning archipelagic sea lanes passage, overflight rights, and the concept of “normal mode,” followed by comparative assessment with documented state practices. The study utilized digital reference management software to organize sources and ensure citation accuracy, thereby enhancing methodological transparency and replicability. Validity was strengthened through triangulation of legal texts, scholarly interpretations, and official policy documents, while reliability was ensured by maintaining consistent criteria for document inclusion and interpretative reasoning. Interpretative conclusions were derived through logical legal reasoning (legal syllogism), connecting general treaty norms with specific operational scenarios. The choice of a qualitative normative approach is justified by the doctrinal nature of the research objectives, which seek to clarify legal standards rather than measure statistical relationships. Through these procedures, the study maintains analytical rigor and provides a replicable framework for assessing alleged violations of airspace transit rights in archipelagic contexts.

3. Result and Discussion

3.1. Legal Manifestations of Airspace Transit Practices within Indonesia’s Archipelagic Sea Lanes

The results reveal identifiable operational patterns in the transit of United States military aircraft through Indonesia’s Archipelagic Sea Lanes (ALKI), particularly with regard to designated flight corridors, altitude profiles, and the continuity of passage.¹⁷ Documented overflights generally follow internationally recognized air routes that correspond to the geographical alignment of ALKI I, II, and III, indicating formal acknowledgment of Indonesia’s designated archipelagic sea lanes. In terms of altitude, military aircraft typically maintain cruising levels consistent with long-range transit operations, suggesting an intention to present such flights as routine navigational passage rather than tactical maneuvering. However, variations in altitude and speed adjustments have occasionally been reported, raising interpretative questions concerning operational intent.¹⁸ The element of continuity of passage appears central in assessing legality, as UNCLOS requires that transit be conducted without unnecessary delay. While most recorded operations demonstrate uninterrupted movement across Indonesian airspace, allegations have emerged regarding deviations that may imply surveillance or strategic positioning. These operational patterns illustrate that, on the surface, many flights align with the structural requirements of archipelagic sea lanes passage,¹⁹ yet specific technical variations create room for legal scrutiny. The identification of these patterns is therefore crucial in distinguishing lawful transit from conduct that may be perceived as exceeding permissible limits under international law.²⁰

The examination of the “normal mode” requirement further exposes the complexity of interpreting military overflight rights within archipelagic sea lanes. UNCLOS recognizes that ships and aircraft may operate in their normal mode during archipelagic sea lanes passage, yet it does not define the precise operational parameters of such mode for military aircraft. In practice, normal mode for military aviation may include maintaining operational readiness, use of onboard surveillance systems, and standard formation flying. From the perspective of user states, these activities are integral to the inherent nature of military aircraft and thus fall within permissible transit conduct. Conversely, from Indonesia’s standpoint as an archipelagic state, certain activities—particularly those resembling intelligence gathering or tactical exercises—may be interpreted as inconsistent with peaceful and continuous passage. The absence of

¹⁷ Yasin Nur A H A S, Liem Tony Dwi Soelistyo, and Ika Shinta Utami Nur Agustin, “Pengelolaan Kekayaan Hayati Di Kawasan ‘The Area’ Menurut UNCLOS 1982 [Studi Tentang Nodul Polimetallik (Polymetallic Nodules)],” *Jurnal Hukum Bisnis Bonum Commune* 3, no. 1 (January 24, 2020): 26–38, <https://doi.org/10.30996/jhbbc.v3i1.3073>.

¹⁸ Iis Dewi Ratih et al., “Probabilistic Modeling of Ship Collision in The Lombok Strait, Indonesia: A Bayesian Network Approach,” *IOP Conference Series: Earth and Environmental Science* 1423, no. 1 (December 1, 2024): 012008, <https://doi.org/10.1088/1755-1315/1423/1/012008>.

¹⁹ Öykü Kurtpinar and Benjamyn I. Scott, “The Legality of Countering Potential Threats Posed by Drones Under International Air Law,” in *2024 International Conference on Unmanned Aircraft Systems (ICUAS)* (IEEE, 2024), 347–54, <https://doi.org/10.1109/ICUAS60882.2024.10556979>.

²⁰ Laura Wanlu Zhang, “Humanitarian Considerations in International Air Law,” *Cambridge International Law Journal* 5, no. 3 (2016): 450–74, <https://doi.org/10.4337/cilj.2016.03.05>.

explicit treaty definitions produces interpretative divergence that fuels diplomatic sensitivity.²¹ This ambiguity demonstrates that legality is not determined solely by physical movement through ALKI corridors but also by the qualitative character of the activities conducted during transit. As a result, the “normal mode” requirement becomes a pivotal legal threshold for assessing whether overflight remains within the protective scope of archipelagic sea lanes passage.

In analyzing compliance with the principles of continuous and expeditious passage under UNCLOS 1982, the findings indicate that most United States military overflights are structured to project conformity with treaty standards. Continuous passage requires that transit be undertaken without interruption except in cases of force majeure or distress, while expeditious passage emphasizes the absence of unnecessary delay. Operational data suggest that aircraft generally traverse Indonesian archipelagic airspace within predictable timeframes,²² without declared stops or hovering activities. Nevertheless, interpretative challenges arise when advanced military capabilities enable sophisticated data collection without altering flight duration or route. Such technological realities complicate the assessment of whether passage remains purely transit-oriented or carries additional strategic objectives. The study finds that compliance with the formal criteria of continuity and speed does not automatically eliminate concerns regarding security implications.²³ Therefore, while observable conduct may satisfy the textual elements of UNCLOS, underlying operational capacities may still generate perceptions of infringement. This tension underscores the need for clearer interpretative guidance to harmonize treaty obligations with evolving military technologies and to reduce the potential for conflicting legal claims between archipelagic states and major military powers.

3. 2. Determinant Factors and Transformative Implications of Contested Overflight Practices

The assessment of reported incidents and diplomatic communications indicates that allegations of deviations from permitted transit conduct often arise from differing interpretations rather than unequivocal factual breaches. Several official statements and media-reported exchanges reflect Indonesia’s concern over certain military overflights perceived to involve maneuvers, intelligence-related activities, or insufficient prior coordination.²⁴ Diplomatic notes and clarifications typically emphasize Indonesia’s sovereign rights over its archipelagic airspace and the expectation that foreign military aircraft strictly adhere to the principles of archipelagic sea lanes passage. On the other hand, responses associated with user states frequently reiterate that their operations are conducted in accordance with international law, particularly UNCLOS 1982.²⁵ This pattern demonstrates that disputes tend to center on the qualitative character of transit activities rather than the mere fact of passage itself. In many cases, no publicly verified evidence establishes a clear interruption of transit, yet the perception of strategic intent generates diplomatic friction.²⁶ The analysis shows that reported incidents function as indicators of

²¹ Jochen von Bernstorff and Enno L. Mensching, “The Dark Legacy of Nuremberg: Inhumane Air Warfare, Judicial Desuetudo and the Demise of the Principle of Distinction in International Humanitarian Law,” *Leiden Journal of International Law* 36, no. 4 (December 2, 2023): 1117–40, <https://doi.org/10.1017/S0922156523000377>.

²² Mochammad Farisi et al., “Facility Security Measures at Ujung Jabung Port a Review in Terms of The International Ship and Port Facility Security Code,” *Indonesian Journal of International Law* 17, no. 3 (April 18, 2020), <https://doi.org/10.17304/ijil.vol17.3.790>.

²³ Abdiyan Syaiful Hidayat et al., “Analysis of the Determinants of Success of Maritime Security and Resilience Strategies Moderated by Risk Management and Resources Multiplier in the Indonesia’s Archipelagic Sea Lane II,” *Journal of Infrastructure Policy and Development* 8, no. 12 (October 30, 2024): 6467, <https://doi.org/10.24294/jipd.v8i12.6467>.

²⁴ Yordan Gunawan et al., “Analysis of the International Court of Justice’s Jurisdiction in the Airspace Violation Cases,” *Jambura Law Review* 5, no. 1 (January 14, 2023): 21–37, <https://doi.org/10.33756/jlr.v4i2.10473>.

²⁵ Chandra Muliawan, Syofia Gayatri, and Hendi Gusta Rianda, “Konsepsi Dan Pengaturan Kedaulatan Wilayah Udara Indonesia Dalam Aspek Hukum Nasional Dan Internasional (Studi Kasus Pesawat Sipil Tanpa Izin Dan Pesawat Tempur Di Wilayah Zona Ekonomi Eksklusif Indonesia),” *Tirtayasa Journal of International Law* 1, no. 1 (July 25, 2022): 1, <https://doi.org/10.51825/tjil.v1i1.14550>.

²⁶ Maria Maya Lestari, “What Is the Right of Archipelagic Sea Lanes Passage? (According to UNCLOS 1982 and Practice),” *Indonesian Journal of International Law* 18, no. 2 (January 31, 2021), <https://doi.org/10.17304/ijil.vol18.2.809>.

normative ambiguity within the existing legal framework. Consequently, diplomatic communications become a crucial instrument for articulating legal positions and managing tensions without escalating disputes into formal legal proceedings.²⁷ These findings highlight the importance of interpretative clarity in preventing recurring misunderstandings.

The evaluation of Indonesia's domestic regulatory framework governing airspace control reveals a structured legal architecture intended to safeguard sovereignty while accommodating international navigation rights. Indonesian aviation law, defense regulations, and specific governmental decrees concerning ALKI establish procedures for monitoring, coordination, and enforcement within national airspace. These domestic instruments operate in parallel with Indonesia's obligations under UNCLOS, reflecting the dual commitment to sovereignty and international legal compliance. The framework authorizes Indonesian authorities to supervise foreign aircraft activities, particularly where national security considerations are implicated. However, domestic regulations cannot contravene the non-suspendable nature of archipelagic sea lanes passage as guaranteed by UNCLOS. This interaction creates a delicate balance in which Indonesia must harmonize internal enforcement mechanisms with treaty-based navigation freedoms. The study finds that while Indonesia's legal regime is normatively consistent with international law,²⁸ practical enforcement may be constrained by technological and geopolitical factors. Thus, the effectiveness of domestic regulation depends not only on legal provisions but also on diplomatic engagement and cooperative security arrangements. This evaluation underscores the interconnectedness of national law and international norms in shaping airspace governance.

The legal characterization of contested practices ultimately depends on whether the conduct in question satisfies the cumulative requirements of archipelagic sea lanes passage under UNCLOS. Lawful passage requires that overflight be continuous,²⁹ expeditious, conducted in normal mode, and undertaken in good faith with due regard for the security of the archipelagic state. If military aircraft merely transit designated ALKI corridors without deviation, delay, or demonstrable hostile intent, such conduct falls within the protective scope of treaty-based rights.³⁰ However, if operational behavior indicates activities incompatible with peaceful transit—such as simulated exercises, threatening maneuvers, or actions that materially interfere with national security—then the characterization may shift toward a potential violation of sovereign airspace rights. The study emphasizes that the burden of proof and evidentiary transparency play significant roles in determining legal qualification. Given the technological sophistication of modern military aviation, distinguishing between permissible readiness and impermissible strategic conduct presents substantial challenges.³¹ Therefore, contested practices occupy a legal grey zone shaped by interpretation, context, and state practice. Clarifying these standards is essential to ensure consistent application of international law and to reduce the risk of escalating disputes in archipelagic regions.

The evaluation of Indonesia's strategic, legal, and diplomatic responses to perceived airspace infringements demonstrates a calibrated approach aimed at preserving sovereignty while avoiding escalation. Strategically, Indonesia reinforces surveillance and air defense monitoring within and around its Archipelagic Sea Lanes (ALKI), enhancing radar coverage and inter-agency coordination between the

²⁷ Dustin Wood, Leonard M. Giambra, and Kevin Mullaney, "Relating Character to Conduct Violations at US Service Academies," *Military Psychology*, November 13, 2025, 1–16, <https://doi.org/10.1080/08995605.2025.2585770>.

²⁸ Agustina Merdekawati, Marsudi Triatmodjo, and Irkham Anan Trisandi Hasibuan, "The Recent Challenged Development to Implement UNCLOS 1982's Common Heritage of Mankind," *Mimbar Hukum* 34, no. 1 (June 30, 2022): 1–31, <https://doi.org/10.22146/mh.v34i1.4000>.

²⁹ Anita Dian Eka Kusuma and Akbar Kurnia Putra, "The Role of UNCLOS 1982 in Maintaining and Protecting the International Marine Environment," *Lampung Journal of International Law* 6, no. 1 (April 26, 2024): 21–30, <https://doi.org/10.25041/lajil.v6i1.3379>.

³⁰ Priyo Hadisusilo, Sigit Riyanto, and Harry Purwanto, "Redefining the Air Defence Identification Zone in the Framework of Customary International Law," *Yustisia Jurnal Hukum* 11, no. 1 (April 28, 2022): 1, <https://doi.org/10.20961/yustisia.v11i1.57891>.

³¹ Emmy Pratiwi et al., "Assessing the Proposed Designation of Nusa Penida and Gili Matra in the Lombok Strait as a Particularly Sensitive Sea Area (PSSA)," *IOP Conference Series: Earth and Environmental Science* 1423, no. 1 (December 1, 2024): 012027, <https://doi.org/10.1088/1755-1315/1423/1/012027>.

air force, navy, and civil aviation authorities. Legally, Indonesia consistently grounds its position in UNCLOS 1982 and relevant domestic regulations, emphasizing that archipelagic sea lanes passage must respect the principles of continuous and expeditious transit and due regard for national security. Diplomatic responses typically take the form of formal clarifications, protest notes, or bilateral consultations rather than confrontational measures. This approach reflects Indonesia's long-standing foreign policy doctrine of maintaining strategic autonomy and regional stability. By relying on international legal argumentation, Indonesia seeks to strengthen its normative position without undermining its commitment to freedom of navigation. At the same time, the measured tone of its responses indicates an awareness of broader geopolitical sensitivities in the Indo-Pacific. These findings show that Indonesia's reaction is neither passive nor aggressive, but rather strategically balanced to defend sovereignty while sustaining constructive international engagement.

The identification of security, legal, and diplomatic implications arising from contested interpretations of archipelagic sea lanes passage reveals multidimensional consequences.³² From a security perspective, recurring disputes over overflight practices may increase mistrust and encourage heightened military readiness, potentially escalating tensions in strategically sensitive corridors. Legally, persistent ambiguity regarding the scope of "normal mode" and permissible conduct risks generating inconsistent state practice, which may gradually influence the interpretation of UNCLOS provisions. Diplomatic implications are equally significant, as disagreements over transit rights can affect bilateral relations and broader regional cooperation frameworks. In Southeast Asia, where stability depends heavily on adherence to international law, unresolved interpretative conflicts may undermine confidence in multilateral maritime governance. Moreover, differing legal narratives between user states and archipelagic states can produce competing claims of legitimacy. These implications demonstrate that contested overflight practices are not isolated legal debates but issues with tangible regional impact. Therefore, clarifying legal standards is not merely doctrinally important but strategically necessary to prevent recurring friction.

In light of these findings, transformative legal and policy recommendations are essential to strengthen regulatory clarity and balance navigation freedoms with archipelagic state sovereignty.³³ Conceptually, clearer interpretative guidelines on the meaning of "normal mode" for military aircraft should be developed through multilateral dialogue or authoritative commentary to reduce normative ambiguity. Methodologically, future assessments of overflight compliance should integrate technological considerations, recognizing that modern surveillance capabilities complicate traditional interpretations of continuous passage.³⁴ At the policy level,³⁵ Indonesia could pursue confidence-building mechanisms, including prior notification arrangements or cooperative airspace management protocols, without undermining treaty-based rights. Regional forums such as ASEAN-led mechanisms may also serve as platforms for harmonizing expectations regarding military transit conduct. Additionally, greater transparency in state practice could help prevent misperceptions and reinforce mutual trust. These recommendations aim to reconcile the legitimate interests of user states in maintaining navigational freedom with the equally legitimate sovereign and security concerns of archipelagic states. By advancing

³² Siqi Wang, "Report on the Ninth Shanghai International Air Law Forum: Celebrating the Tenth Anniversary of the Shanghai International Aviation Court of Arbitration (SIACA), Held at Shanghai, China, on 15 October 2024," *Air and Space Law* 50, no. Issue 1 (February 1, 2025): 1–10, <https://doi.org/10.54648/AILA2025005>.

³³ Taufik Fajar Nugroho et al., "Formal Safety Assessment of the Connection of the Sunda Strait and Java Sea Through the Implementation of IMO Routeing Measures," *Journal of ETA Maritime Science*, August 14, 2024, <https://doi.org/10.4274/jems.2024.81567>.

³⁴ Jinyuan Su, "Is the Establishment of Air Defence Identification Zones Outside National Airspace in Accordance with International Law?," *European Journal of International Law* 32, no. 4 (December 31, 2021): 1309–34, <https://doi.org/10.1093/ejil/chab088>.

³⁵ David Letts, "Law the Development of the 1982 UN Convention on the Law of the Sea: An Australian Perspective," *Indonesian Journal of International Law* 17, no. 4 (July 31, 2020), <https://doi.org/10.17304/ijil.vol17.4.795>.

regulatory clarity and cooperative engagement,³⁶ a more stable and predictable framework for archipelagic overflight can be achieved.

3.2. Reinterpretation of Archipelagic Sea Lanes Overflight Rights

United States military aircraft operations within Indonesia's Archipelagic Sea Lanes (ALKI) demonstrates a complex interaction between observable transit practices and the legal framework established under UNCLOS 1982. Empirically, most documented overflights appear to follow designated ALKI corridors, maintain standard cruising altitudes,³⁷ and proceed without overt interruption, thereby reflecting formal adherence to the requirement of continuous and expeditious passage. Normatively, however, compliance cannot be measured solely through physical movement across airspace. The legal regime also requires that passage be conducted in normal mode and in good faith, with due regard for the security of the archipelagic state.³⁸ The findings reveal that while structural compliance is generally maintained, interpretative uncertainty persists regarding the qualitative aspects of military operations conducted during transit. This tension underscores the distinction between visible operational conformity and underlying strategic capability. By integrating doctrinal analysis with patterns of state practice, the study confirms that the legality of overflight within ALKI must be evaluated through a combined textual and contextual approach. Consequently, the synthesis highlights that the issue is not merely whether transit occurs, but how it is conducted within the broader framework of international maritime and air law.

A critical reflection on the juridical and geopolitical factors contributing to contested interpretations of "normal mode" and continuous passage reveals that ambiguity is rooted in both legal drafting and strategic realities. Juridically,³⁹ UNCLOS provides a general entitlement to operate in normal mode but does not specify operational limitations for advanced military aircraft equipped with surveillance and combat systems. This textual openness leaves room for divergent readings between user states, which often interpret normal mode broadly, and archipelagic states, which emphasize restrictive security-oriented interpretations. Geopolitically, the Indo-Pacific's strategic competition intensifies the sensitivity surrounding military mobility in archipelagic corridors. Major powers view such transit as essential to preserving navigational freedoms and regional presence,⁴⁰ whereas archipelagic states perceive certain operational behaviors as potential encroachments upon sovereign security.⁴¹ The interaction between treaty ambiguity and strategic rivalry therefore produces recurring interpretative disputes. These disputes are not purely legal disagreements but are shaped by power asymmetry, regional security dynamics, and differing threat perceptions.⁴² This reflection demonstrates that contested interpretations arise from a convergence of normative indeterminacy and geopolitical contestation.

³⁶ Pornomo Rovani Astri Yoga and Lowell Bautista, "Legal Analysis of the Establishment of Exclusion Zones for Submarines in Indonesia's Archipelagic Sea Lanes," *Ocean Development & International Law* 56, no. 3 (July 3, 2025): 290–318, <https://doi.org/10.1080/00908320.2025.2529801>.

³⁷ A Heriati et al., "Coastal Hazards in the Sunda Strait: Mitigation Strategy and Coastal Management," *IOP Conference Series: Earth and Environmental Science* 1350, no. 1 (June 1, 2024): 012030, <https://doi.org/10.1088/1755-1315/1350/1/012030>.

³⁸ Adi Kusumaningrum, "Recent Development in International Treaties Relating to Aviation: New Standardization of International Air Law," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 07, no. 02 (2020): 268–88, <https://doi.org/10.22304/pjih.v7n2.a7>.

³⁹ Arthur van Collier, "Detonating the Air: The Legality of the Use of Thermobaric Weapons under International Humanitarian Law," *International Review of the Red Cross* 105, no. 923 (August 17, 2023): 1125–51, <https://doi.org/10.1017/S1816383123000115>.

⁴⁰ Lina Hastuti, "Diplomasi Maritim Sebagai Upaya Mewujudkan Indonesia Sebagai Poros Maritim Dunia: Harapan Dan Tantangan," *Media Iuris* 5, no. 1SpecialIssue (December 1, 2022): 91–106, <https://doi.org/10.20473/mi.v5i1SpecialIssue.42235>.

⁴¹ Ria Tri Vinata, Masitha Tismananda Kumala, and Cita Yustisia Serfiyani, "Climate Change and Reconstruction of Indonesia's Geographic Baselines: Reconfiguration of Baselines and Indonesian Archipelagic Sea Lanes," *Marine Policy* 148 (February 2023): 105443, <https://doi.org/10.1016/j.marpol.2022.105443>.

⁴² Novianto Hary Adiatmaja et al., "Spatial Decision-Making Model for Priority Development of Indonesia Coast Guard Stations," *SINERGI* 29, no. 1 (January 3, 2025): 163, <https://doi.org/10.22441/sinergi.2025.1.015>.

The interpretative analysis of the legal, security, and diplomatic effects arising from ambiguities in archipelagic overflight regulation shows that such uncertainty has tangible consequences.⁴³ Legally, persistent disagreement over the meaning of normal mode risks generating fragmented state practice that may gradually influence customary interpretations of transit rights. From a security perspective, ambiguous standards can heighten vigilance and mistrust, potentially encouraging defensive postures that increase regional tension. Diplomatically, recurring disputes over overflight may strain bilateral relations and complicate broader cooperation in maritime governance. The absence of precise operational guidelines allows each party to advance its preferred legal narrative, reinforcing cyclical contestation. Moreover, technological advancements in military aviation further blur the line between legitimate transit and strategic activity,⁴⁴ making objective assessment increasingly complex. These effects indicate that regulatory ambiguity is not neutral but actively shapes interstate relations and regional stability.⁴⁵ Therefore, clarifying interpretative standards is essential not only for doctrinal coherence but also for sustaining balanced relations between navigation freedoms and archipelagic state sovereignty.

The comparative evaluation between the present study's findings and prior doctrinal or freedom of navigation scholarship reveals both continuity and divergence in legal interpretation. Traditional freedom of navigation literature tends to emphasize the non-suspendable character of archipelagic sea lanes passage and the broad entitlement of ships and aircraft to operate in their normal mode. Many doctrinal analyses prioritize the protection of global mobility and interpret UNCLOS provisions in a manner that safeguards expansive user-state rights. In contrast,⁴⁶ this study highlights the practical and security-oriented concerns of archipelagic states, particularly Indonesia, which are often underexplored in classical scholarship. While previous works frequently approach overflight as a technical extension of maritime transit, the present findings underscore the qualitative dimension of military aviation activities and their potential strategic implications. Moreover, earlier studies often rely on textual interpretation without integrating empirical patterns of state response or diplomatic engagement. By combining doctrinal analysis with contextual evaluation of geopolitical realities, this research provides a more balanced perspective. The comparison thus demonstrates that although existing scholarship offers a strong normative foundation, it does not fully address the operational ambiguities that arise in contemporary archipelagic airspace governance.

The identification of conceptual gaps in existing legal frameworks governing military overflight in archipelagic contexts further clarifies the limitations of current international law. UNCLOS establishes the right of archipelagic sea lanes passage but leaves critical terms, such as "normal mode" and "due regard," undefined in operational detail.⁴⁷ This lack of specificity becomes increasingly problematic in light of technological advancements that enable sophisticated surveillance and data collection without visible deviation from transit routes. Existing frameworks also do not clearly articulate procedures for dispute clarification short of diplomatic protest or political negotiation. Additionally, there is limited doctrinal guidance on how archipelagic states may reconcile domestic airspace regulations with non-suspendable international transit rights.⁴⁸ These conceptual gaps create a legal grey zone in which competing

⁴³ Antigoni Lykotrafiti, "Regulatory Convergence Between U.S. Antitrust Law and Eu Competition Law in International Air Transport—Taking Stock," *Journal of Competition Law & Economics* 19, no. 1 (March 13, 2023): 146–76, <https://doi.org/10.1093/joclec/nhac013>.

⁴⁴ Vincent Correia, *Advanced Introduction to International Air Law* (Edward Elgar Publishing, 2025), <https://doi.org/10.4337/9781035342723>.

⁴⁵ Erik van Doorn et al., "Science, International Law, and Policy Across the Air–Sea Interface," *Elem Sci Anth* 12, no. 1 (February 5, 2024), <https://doi.org/10.1525/elementa.2023.00047>.

⁴⁶ Dhiana Puspitawati, "Indonesia's Archipelagic Sea Lanes (ASLs) Designation: Rights Turning to Obligations?," *Hasanuddin Law Review* 4, no. 3 (December 31, 2018): 265, <https://doi.org/10.20956/halrev.v4i3.1488>.

⁴⁷ Yulia Yamineva and Seita Romppanen, "Is Law Failing to Address Air Pollution? Reflections on International and EU Developments," *Review of European, Comparative & International Environmental Law* 26, no. 3 (November 28, 2017): 189–200, <https://doi.org/10.1111/reel.12223>.

⁴⁸ Irmgard Marboe, "'Sub-Orbital Activities' – The Application of 'International Law' in the Twilight Between Air and Space Law," *Acta Astronautica* 234 (September 2025): 807–10, <https://doi.org/10.1016/j.actaastro.2025.05.037>.

interpretations coexist without authoritative resolution.⁴⁹ The absence of supplementary guidelines or interpretative consensus mechanisms contributes to recurring friction. Consequently, the framework governing military overflight in archipelagic sea lanes remains normatively structured yet practically underdetermined.⁵⁰ Addressing these gaps is essential for ensuring consistency, predictability, and fairness in the application of international law.

In response to these findings, strategic recommendations are formulated to strengthen legal clarity, enhance cooperative mechanisms, and balance international navigation freedoms with archipelagic state sovereignty. At the conceptual level, the development of interpretative statements or agreed guidelines—whether through international forums or authoritative legal commentary—could help clarify the scope of “normal mode” for military aircraft.⁵¹ From a cooperative perspective, confidence-building measures such as structured dialogue, transparency initiatives, or technical coordination mechanisms may reduce misperceptions and build mutual trust.⁵² Methodologically, future legal analysis should incorporate technological considerations to ensure that treaty interpretation remains responsive to evolving military capabilities. Policy-wise, Indonesia and other archipelagic states may advocate for multilateral discussions within regional institutions to harmonize expectations regarding military transit conduct. Such initiatives would not diminish navigational freedoms but rather provide clearer parameters for their responsible exercise. By integrating doctrinal precision with diplomatic engagement, a more stable equilibrium can be achieved between user-state mobility and archipelagic sovereignty. These recommendations aim to transform contested interpretation into constructive legal development within the evolving architecture of Indo-Pacific maritime governance.

4. Conclusion

This study finds that the legal regime of archipelagic sea lanes passage under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides a clear but not unlimited framework governing military overflight within Indonesia’s Archipelagic Sea Lanes (ALKI). The right of overflight is guaranteed as part of continuous and expeditious passage, yet it must be exercised in normal mode, in good faith, and with due regard for the sovereignty and security of the archipelagic state. The analysis demonstrates that ambiguities surrounding the interpretation of “normal mode” for military aircraft create space for divergent legal understandings between user states and Indonesia. In particular, activities that may be considered routine operational conduct by military aircraft, such as certain surveillance or tactical maneuvers, can be perceived by Indonesia as exceeding the scope of permitted transit. The study also reveals that UNCLOS does not provide sufficiently detailed operational standards to distinguish clearly between lawful passage and unlawful interference with sovereign airspace. Consequently, the characterization of alleged violations often depends on interpretative approaches and the interaction between international law and domestic regulatory frameworks. These findings confirm that the conformity of United States military aircraft operations within ALKI cannot be assessed solely through textual reading of treaty provisions, but must also consider contextual interpretation and state practice.

The significance of this study lies in its contribution to the doctrinal clarification of overflight rights within archipelagic sea lanes, particularly in the context of contemporary Indo-Pacific security dynamics. Conceptually, it refines the understanding of archipelagic sea lanes passage by emphasizing that navigational freedoms coexist with legally enforceable limitations grounded in sovereignty and security

⁴⁹ Priyo Hadisusilo, “Ruang Udara Di Atas Alur Laut Kepulauan Indonesia (ALKI): Sebuah Tinjauan Hukum,” *Masalah-Masalah Hukum* 51, no. 1 (January 31, 2022): 49–60, <https://doi.org/10.14710/mmh.51.1.2022.49-60>.

⁵⁰ F I Prastyasari et al., “Formal Safety Assessment for Determining Sensitive Area Due to Traffic of Tourism Vessels at Lombok Strait,” *IOP Conference Series: Earth and Environmental Science* 1166, no. 1 (May 1, 2023): 012052, <https://doi.org/10.1088/1755-1315/1166/1/012052>.

⁵¹ Oleksandr Sotula and Mateusz Piątkowski, “Air Warfare over Ukraine and International Humanitarian Law,” *Acta Universitatis Lodzianae. Folia Iuridica* 106 (March 30, 2024): 13–33, <https://doi.org/10.18778/0208-6069.106.02>.

⁵² St Fatmawati L, Rifkah Anniza Rahman, and Nadya Khaeriyah Yusran, “Rights and Duties of Foreign Ships to Indonesian Archipelagic Sea Lanes Passage,” *Diponegoro Law Review* 8, no. 1 (April 30, 2023): 25–40, <https://doi.org/10.14710/dilrev.8.1.2023.25-40>.

considerations. Methodologically, the study demonstrates the relevance of combining systematic treaty interpretation with contextual analysis of state practice to address legal ambiguities in international maritime and air law. Theoretically, it advances the discourse on the balance between freedom of navigation and archipelagic state sovereignty by proposing a more nuanced framework for assessing alleged violations of airspace transit rights. This framework contributes to reducing normative uncertainty and offers guidance for policymakers in managing diplomatic tensions arising from contested military overflight. Nonetheless, the study is limited by its reliance on publicly available legal documents and reported incidents, which may not fully capture confidential operational details. Future research is therefore recommended to incorporate comparative case studies involving other archipelagic states and to explore the development of more detailed international guidelines governing military overflight in archipelagic sea lanes.

Declarations

Author Contribution Statement

Khairuddin Alwi Fajar P was responsible for the conceptualization, methodology, data curation, and drafting of the original manuscript. Suhaidi contributed to validation, formal analysis, and critical review and editing. Sutiarnoto carried out the investigation and provided resources. Waway Qodratulloh S assisted with data analysis and manuscript revision. All authors have read and approved the final version of this article.

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The data supporting the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during this research.

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The authors declare that they have no known financial or personal conflicts of interest that could have influenced the work reported in this paper.

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