



## LAW ENFORCEMENT AGAINST VIETNAMESE-FLAGGED FOREIGN VESSELS IN INDONESIA'S EXCLUSIVE ECONOMIC ZONE: A CASE STUDY OF THE NORTH NATUNA SEA

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**Abstract:** Law enforcement in the Exclusive Economic Zone is a manifestation of the sovereign rights of coastal states as stipulated in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which has been ratified by Indonesia through Law Number 17 of 1985. As an archipelagic country, Indonesia has a strategic interest in protecting and managing marine resources, including through cracking down on foreign vessels that commit violations in the Exclusive Economic Zone. This study aims to analyze the regulation of Indonesia's authority in law enforcement against foreign ships and examine its implementation of Vietnamese-flagged ships in the North Natuna Sea and its legal constraints. The research method used is normative juridical with a statutory and conceptual approach. The results of the study show that Indonesia has a strong legal foundation based on the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and national regulations in the field of marine and fisheries. However, in practice, law enforcement still faces obstacles in the form of different perceptions of maritime boundaries, limited operational facilities, and bilateral diplomatic implications. Inter-agency synergy and strengthening operational and diplomatic strategies are needed to increase the effectiveness of protecting Indonesia's marine resources.

**Keywords:** Exclusive Economic Zone, law enforcement, North Natuna Sea, foreign vessels, international maritime law.

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### INTRODUCTION

Law enforcement in the maritime area is one of the fundamental instruments in the international maritime law system and national law, especially for Indonesia as an archipelagic country. In the modern construction of the law of the sea, the Exclusive Economic Zone regime grants *sovereign rights* to coastal states to explore, exploit, conserve, and manage natural resources up to the 200 nautical mile limit of the baseline. This provision is affirmed in the *United Nations Convention on the Law of the Sea*

(UNCLOS) 1982, which is the main foundation for international maritime law regulation and has been ratified by Indonesia through Law Number 17 of 1985 concerning the Ratification of the *United Nations Convention on the Law of the Sea* (UNCLOS) 1982.<sup>1</sup> Such ratification carries juridical consequences in the form of the state's obligation to adapt national norms and law enforcement practices to the principles of the convention.

As a country with a water area of about 5.8 million km<sup>2</sup> that includes territorial seas, archipelagic waters, and Exclusive Economic Zones, Indonesia has a strategic interest in maintaining and managing its marine resources in a sustainable manner.<sup>2</sup> In the context of the Exclusive Economic Zone, Article 56 of the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS) grants sovereign rights to biological and non-biological natural resources, while Article 73 gives coastal states the authority to take enforcement measures against foreign vessels that violate fisheries provisions. However, the character of the Exclusive Economic Zone, which is not a full sovereign territory, but a territory with limited sovereign rights, has implications for the limits of state authority in arresting, detaining, confiscating, and judicial proceedings against foreign ships. Thus, the regulation of law enforcement authority in the Exclusive Economic Zone requires a careful understanding of the relationship between international norms and national laws and regulations.

The complexity of these arrangements is even more evident in practice in the North Natuna Sea, which is part of Indonesia's Exclusive Economic Zone and borders the South China Sea region. This region has significant fisheries potential while being in the geopolitical dynamics of the region. The development of the delimitation of the maritime boundary between Indonesia and Vietnam that reached an agreement in 2022 does not necessarily eliminate problems on the ground, especially related to the implementation of law enforcement against Vietnamese-flagged foreign fishing vessels that carry out fishing without permits in the Indonesian Exclusive Economic Zone area.<sup>3</sup> The practice has been discovered in recent years and has legal, economic, and diplomatic implications.

In practice, the implementation of law enforcement against foreign vessels in the Exclusive Economic Zone is not only related to the basis of normative authority, but also concerns technical and institutional issues, including coordination between law enforcement agencies, proof of violations, and procedural conformity with the provisions of international law. Indecisive boundaries of authority and differences in interpretations of the sovereign rights regime in the Exclusive Economic Zone have the potential to cause inconsistencies in practice and disputes in relations between countries.

By placing the aspects of normative regulation and concrete implementation in one analytical framework, this paper seeks to provide a comprehensive legal construction of the limits and scope of Indonesia's authority in enforcing laws in the

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<sup>1</sup> United Nations, *United Nations Convention on the Law of the Sea*, Montego Bay, 10 December 1982, *United Nations Treaty Series*, vol. 1833 (New York: United Nations, 1982), [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf).

<sup>2</sup> Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia, "Extent of Indonesia's Maritime Area," accessed March 3, 2026, <https://kkp.go.id/>.

<sup>3</sup> Ministry of Foreign Affairs of the Republic of Indonesia, "Indonesia and Vietnam Agree on EEZ Boundaries," December 22, 2022, accessed March 3, 2026, <https://kemlu.go.id/>.

Exclusive Economic Zone, as well as identifying challenges that affect the effectiveness of its implementation. This approach is expected to strengthen the argument of national law while maintaining consistency with the principles of international law of the sea.

## PROBLEM

1. How is Indonesia's authority in law enforcement arrangements for foreign ships in Indonesia's Exclusive Economic Zone?
2. How is the implementation of law enforcement against Vietnamese-flagged foreign vessels in Indonesia's Exclusive Economic Zone, especially in the North Natuna Sea, along with its legal constraints?

## RESEARCH METHODS

This research uses a normative legal research method (normative juridical), which is a research method that places law as a norm or rule that applies in the system of laws and regulations and international legal instruments. Normative legal research is oriented towards the analysis of positive legal principles, principles, and provisions that govern a particular problem, as well as examining the doctrines and views of scholars as part of the development of legal argumentation.<sup>4</sup>

The selection of this method is based on the character of the problem studied, namely regarding the regulation of Indonesia's authority in law enforcement against foreign ships in the Exclusive Economic Zone and its implementation of Vietnamese-flagged ships in the North Natuna Sea and its legal constraints. This focus demands an analysis of the normative construction of coastal state authority based on international maritime law regimes and national laws and regulations, so that an empirical approach is not a priority in this study.

The approaches used include the statute *approach* and the *conceptual approach*. The legislative approach is carried out by examining relevant legal provisions, including the *United Nations Convention on the Law of the Sea* (UNCLOS 1982) which has been ratified through Law Number 17 of 1985, the 1945 Constitution of the Republic of Indonesia, as well as national laws and regulations in the field of marine and fisheries. Meanwhile, a conceptual approach is carried out by examining the concept of *sovereign rights*, coastal state jurisdiction, and law enforcement principles in international maritime law as developed in legal doctrine and literature.

The technique of collecting legal materials is carried out through library *research*, by systematically tracing and inventorying relevant legal sources. Furthermore, the analysis was carried out qualitatively using legal interpretation methods, both grammatical, systematic, and teleological interpretations, in order to obtain a complete understanding of the limits and scope of Indonesia's authority in law enforcement against foreign ships in the Exclusive Economic Zone as well as legal obstacles in its implementation in the North Natuna Sea.

Through this method, the research aims to build coherent and systematic legal

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<sup>4</sup> Peter Mahmud Marzuki, *Legal Research*, Revised Edition (Jakarta: Kencana, 2016), 35–39.

arguments in answering the formulated problems, as well as making a conceptual contribution to the development of national maritime law doctrine within the framework of international law.

## DISCUSSION

### 1. Regulation of Indonesia's Authority in Law Enforcement of Foreign Ships in Indonesia's Exclusive Economic Zone

Indonesia's authority in enforcing laws against foreign vessels in the Exclusive Economic Zone is an integration between international law and national law. Exclusive Economic Zones differ from territorial seas in that coastal states do not have full sovereignty, but rather limited sovereign rights for the exploration, exploitation, conservation, and management of natural resources. Therefore, any law enforcement action must strike a balance between national interests and principles of international law, including humane treatment of crew members and bailout procedures.<sup>5</sup>

In international law, the main framework is the *United Nations Convention on the Law of the Sea (UNCLOS) 1982*, which Indonesia has ratified through **Law Number 17 of 1985**. Article 56 *of the United Nations Convention on the Law of the Sea (UNCLOS) 1982* gives coastal states exclusive rights to the use of biological and non-biological natural resources in the Exclusive Economic Zone, as well as the authority to regulate and supervise such activities. This sovereign right is not the same as full sovereignty in the territorial seas; For example, a coastal state cannot claim full territorial rights over a passing foreign vessel as long as it does not commit a violation.<sup>6</sup>

In addition to sovereign rights, *the 1982 United Nations Convention on the Law of the Sea (UNCLOS)* also stipulates law enforcement authority for coastal states. This includes stopping ships, document checks, detention, and other legal action against ships that violate the regulations in the Exclusive Economic Zone. However, this authority remains limited by international principles: the use of force must be proportionate, the crew must be treated humanely, and the ship can be released with certain guarantees. This reflects the balance between the rights of coastal states and the rights of foreign vessels on the open seas.

At the national level, the legal basis for law enforcement in the Exclusive Economic Zone is listed in several regulations. **Law Number 5 of 1983 concerning Indonesia's Exclusive Economic Zone** affirms Indonesia's sovereign rights over natural resources in the Exclusive Economic Zone and jurisdiction over certain activities. This regulation provides legitimacy for Indonesian officials to supervise and take action against violations in the Exclusive Economic Zone.

In practice, violations are most common in the fisheries sector, particularly illegal fishing by foreign vessels. To regulate this, **Law Number 31 of 2004 concerning Fisheries**, which was amended by **Law Number 45 of 2009**, requires every foreign

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<sup>5</sup> United Nations, *United Nations Convention on the Law of the Sea (UNCLOS)*, 1982, Part V, Article 56, [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

<sup>6</sup> Ibid.

fishing vessel to have an official permit from the Indonesian government. Violations give fisheries supervisory officials the right to stop, inspect, detain, and process the violating vessels.<sup>7</sup> This provision is the main basis for handling cases of illegal fishing, especially in the North Natuna Sea, which borders international waters and becomes a route for foreign ships.

The regulation of law enforcement at sea in general is also regulated in **Law Number 32 of 2014 concerning Marine Affairs**, which states that law enforcement is carried out by various agencies according to their duties and authorities, including **the Navy, the Police, Civil Servant Investigators, and the Maritime Security Agency (Bakamla)**.<sup>8</sup> The implementation of law enforcement in the Exclusive Economic Zone requires inter-agency coordination to ensure that patrols, surveillance, and enforcement can run effectively, especially when dealing with fast-moving and hard-to-reach foreign vessels.

The role of the Indonesian Navy is further explained in **Law Number 34 of 2004 concerning the Indonesian National Army**, which provides a legal basis for the Indonesian Navy to carry out patrols, pursuits, and initial actions against foreign vessels that commit violations in Indonesia's Exclusive Economic Zone.<sup>9</sup> The synergy between the Indonesian Navy and fisheries officials, Bakamla, and other law enforcement agencies is crucial so that law enforcement is not only legally legal, but also effective in practice.

In addition to the institutional aspect, the implementation of law enforcement in the Exclusive Economic Zone faces several challenges. First, differences in the interpretation of sovereign rights in the **United Nations Convention on the Law of the Sea (UNCLOS)** can cause legal uncertainty, especially in the context of the North Natuna Sea which borders the South China Sea area. Second, technical constraints such as limited patrol boats, detection equipment, and extreme weather conditions limit the effectiveness of surveillance.<sup>10</sup> Third, diplomatic implications also need to be considered: law enforcement actions against foreign-flagged vessels must take into account bilateral relations and potential international disputes.

Considering all legal, institutional, and practical aspects, it can be concluded that Indonesia has a strong legal basis in enforcing the law against foreign ships in the Exclusive Economic Zone. **The 1982 United Nations Convention on the Law of the Sea (UNCLOS)** provides international legitimacy, while national regulations provide detailed enforcement mechanisms, including authorities, enforcement procedures, and inter-agency coordination. This legal framework is the main foothold in handling violations, including in the North Natuna Sea, which faces challenges in the form of illegal fishing activities, the dynamics of foreign ships, and regional geopolitical pressures.

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<sup>7</sup> The Republic of Indonesia, *Law Number 31 of 2004 concerning Fisheries*, was amended by *Law Number 45 of 2009*.

<sup>8</sup> Republic of Indonesia, *Law Number 32 of 2014 concerning Marine Affairs*, <https://peraturan.bpk.go.id/Home/Details/40555/uu-no-32-tahun-2014>

<sup>9</sup> Republic of Indonesia, *Law No. 34 of 2004 concerning the Indonesian National Army*, <https://peraturan.bpk.go.id/Home/Details/40200/uu-no-34-tahun-2004>

<sup>10</sup> Wardana, I. G. A., *Marine Surveillance and Law Enforcement in Indonesia's EEZ* (Jakarta: LP3M, 2020), 56–63.

## 2. Implementation of Law Enforcement against Foreign Ships Flagged by Vietnam in Indonesia's Exclusive Economic Zone, Especially in the North Natuna Sea and its Legal Constraints

The implementation of law enforcement against Vietnamese-flagged vessels in Indonesia's Exclusive Economic Zone, especially in the North Natuna Sea, is a tangible manifestation of Indonesia's efforts to uphold its sovereign rights over its marine resources in accordance with the principles of international law and national law. The Exclusive Economic Zone, as a territory with limited sovereign rights, requires Indonesia to integrate international legal norms, national laws, and operational practices on the ground so that law enforcement runs effectively but remains in line with the provisions of the *1982 United Nations Convention on the Law of the Sea* (UNCLOS).

The North Natuna Sea has a unique and strategic character. The region is rich in fish resources of high economic value, but geographically it borders Vietnamese waters and is close to the South China Sea, making it a concentration point for foreign ship activities. Illegal fishing activities carried out by Vietnamese-flagged vessels show a difference in perceptions of the rights and jurisdiction of coastal states, even though Indonesia and Vietnam have signed a maritime boundary agreement in 2022.<sup>11</sup> The repeated pattern of violations confirms that written legal norms alone are not enough, so institutional coordination, adaptive supervision strategies, and a mature geopolitical understanding are needed.

Operationally, law enforcement in the North Natuna Sea combines several layers of action. The first stage is early detection through sea patrols, aerial monitoring, and the use of satellite systems to monitor ships located in Indonesia's Exclusive Economic Zone. When the ship was detected to have committed a violation, officials from the Directorate General of Marine Resources and Fisheries Supervision of the Ministry of Maritime Affairs and Fisheries, the Maritime Security Agency, and the Indonesian National Army Navy conducted temporary detention and examination of documents and fishing equipment. The vessels that were proven to have violated were then taken to the surveillance base for further investigation by the Fisheries Civil Servant Investigator and legal proceedings in accordance with Law Number 31 of 2004 concerning Fisheries.<sup>12</sup>

Statistics show this practice is not just an administrative formality. Throughout 2025, the Ministry of Maritime Affairs and Fisheries has managed to capture a number of Vietnamese-flagged ships in the North Natuna Sea, with potential state losses of hundreds of billions of rupiah.<sup>13</sup> This arrest confirms the presence of the state and Indonesia's

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<sup>11</sup> Reuters, "Indonesia Parliament Set to Ratify Sea Boundary with Vietnam, Lawmaker Says," *Reuters*, May 1, 2025, <https://www.reuters.com/world/asia-pacific/indonesia-parliament-set-ratify-sea-boundary-with-vietnam-lawmaker-says-2025-05-01/>

<sup>12</sup> Ministry of Maritime Affairs and Fisheries, Republic of Indonesia "Natuna Sea Law Enforcement Operation" Annual Report, 2025.

<sup>13</sup> Directorate General of Marine Resources and Fisheries Supervision, "KKP Arrests Vietnamese-Flagged Foreign Fishing Vessel in the North Natuna Sea," *Ministry of Maritime Affairs and Fisheries*, November 7, 2025, <https://kkp.go.id/djpsdkp/kkp-tangkap-kapal-ikan-asing-berbendera-vietnam-di-laut-natuna-utara-Y72O/detail.html>

commitment to law enforcement, as well as a strong signal against illegal fishing practices that threaten the sustainability of marine resources. Some of the captured ships have even been destroyed or sunk after a permanent legal ruling, as a preventive measure.<sup>14</sup>

Nevertheless, the implementation of law enforcement faces a number of substantive obstacles. First, the unclear perception of sea boundaries is still a challenge. Although Indonesia formally has sovereign rights over the Exclusive Economic Zone up to 200 nautical miles from the base line according to *the 1982 United Nations Convention on the Law of the Sea* (UNCLOS), different interpretations at the level of actors and officials create gray zones that are used by foreign ships.<sup>15</sup> This requires the authorities to be careful in the implementation of legal actions so as not to cause diplomatic disputes.

Second, limited operational capacity is a significant obstacle. The North Natuna Sea is a vast area with challenging sea conditions, including strong currents and extreme weather. Limited patrol boats, disproportionate numbers of personnel, and uneven surveillance equipment make it difficult to pursue and detain foreign vessels that frequently change locations. Cooperation between agencies is crucial to ensure that patrols run effectively and enforcement can be carried out continuously.

Third, diplomatic factors are always present in the context of cross-border law enforcement. The arrest of Vietnamese-flagged vessels requires coordination with the Vietnamese Embassy so that law enforcement actions do not cause bilateral tensions. Indonesia must strike a balance between strict domestic law enforcement and harmonious diplomatic relations, especially when the crew is from local communities with sensitive economic interests.

Fourth, the level of resistance from the crew often poses additional challenges. Dangerous maneuvers, avoidance of the apparatus, or physical resistance require the readiness of the apparatus in terms of law and safety at sea. This confirms that illegal fishing is not just an administrative offense, but is also related to opportunistic behavior that takes advantage of field conditions.<sup>16</sup> In addition, the bilateral coordination mechanism and dispute resolution between Indonesia and Vietnam still needs to be strengthened. Despite the existing maritime boundary treaties, illegal fishing activities still occur, signaling the need for policy innovations, such as joint patrols, ship data exchange, and diplomatic protocols to suppress illegal practices while consistently enforcing the law.

Overall, the implementation of law enforcement against Vietnamese-flagged vessels in the North Natuna Sea underscores the complexity of the interaction between law, geopolitics, and operational practices. Indonesia has demonstrated a real commitment through patrols, arrests, and legal processes, but normative, technical, and diplomatic obstacles demand a more adaptive and innovative strategy. The issue of illegal

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<sup>14</sup> ANTARA News, "Indonesia Government Impounds 255 Ships for Illegal Fishing in 2025," November 6, 2025, <https://en.antaranews.com/news/390301/homepage-v2.htm>

<sup>15</sup> *Parliamentary Review, North Natuna and Vietnamese Fishing Boats*, House of Representatives of the Republic of Indonesia Expert Body, 2025, 35–36.

<sup>16</sup> Tia Maulida and Indra Kusumawardhana, "An Analysis of Vietnam's Response in Facing Indonesia's Illegal Fishing Policy in the Natuna Waters EEZ," *Insignia Journal of International Relations* 9, no. 2 (2022): 120–135.

cross-border fishing is not only a domestic legal issue, but also a reflection of the challenges of the Exclusive Economic Zone as a limited jurisdiction located on a geopolitical border, thus requiring a multidimensional approach that combines law, security, and diplomacy to maintain the sustainability of Indonesia's marine resources.

## CONCLUSION

Indonesia's regulatory authority in law enforcement against foreign vessels in the Exclusive Economic Zone has a strong normative foundation, both within the framework of international law and national law. *The 1982 United Nations Convention on the Law of the Sea* gives legitimacy to the sovereign right of coastal states to explore, exploit, conserve, and manage natural resources in the Exclusive Economic Zone, including the authority to take enforcement measures against fisheries violations. These provisions are implemented in various national regulations, including the Law on Indonesia's Exclusive Economic Zone, the Fisheries Law, and the Marine Law, which regulate mechanisms and authorized institutions in the implementation of enforcement.

In practice, law enforcement against Vietnamese-flagged vessels in the North Natuna Sea shows Indonesia's commitment to maintaining sovereign rights and the sustainability of marine resources. However, its implementation still faces obstacles in the form of differences in the perception of maritime boundaries, limited monitoring facilities and infrastructure, regional geopolitical dynamics, and bilateral diplomatic implications. Therefore, the effectiveness of law enforcement in the Exclusive Economic Zone requires strengthening inter-agency coordination, increasing operational capacity, and a consistent diplomatic approach so that the protection of marine resources can be carried out optimally and remain in line with the principles of international maritime law.

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