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Legal Politics of Indonesia's Military Position Through Policy Diplomacy and Agreements in The Asean Region

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Abstract

Indonesia's national goals are stated in the preamble of the 1945 Constitution, which aims to protect the nation and homeland, including national security. Defence and military legal policies in the form of diplomacy are of the utmost importance to avoid conflicts between countries. Particularly in the ASEAN region, Indonesia increasingly lacks strategic relevance for regional security, which can be seen from various legal issues related to Indonesian sovereignty. In no way a violation of sovereignty is a threat. Moreover, all international rules are intended to protect each other and avoid state conflict. Therefore it is crucial to examine the Indonesian military longest as a tool of diplomacy along with strategic legal policies through several agreements with other countries to strengthen the Indonesian military. The research method used is normative legal research with statutory and conceptual approaches. The results of this study conclude that Indonesia has pursued diplomacy in the form of agreements and cooperation with other countries for mutual benefits. Whereas. The cooperation agreements between countries in the ASEAN region have been carried out using all national and international laws and regulations. The results of this study conclude that Indonesia has pursued diplomacy in the form of agreements and cooperation with other countries for mutual benefits.

Keywords: Diplomacy and Policy; DCA and FIR; Indonesian Military Defense.

Abstrak

Tujuan nasional Indonesia tertera dalam pembukaan UUD 1945, yang bertujuan melindungi bangsa dan tanah air, termasuk keamanan nasional. Kebijakan hukum pertahanan dan militer dalam bentuk diplomasi sangat penting untuk menghindari konflik antar negara. Khususnya di kawasan ASEAN, Indonesia semakin kurang memiliki relevansi strategis terhadap keamanan kawasan, yang terlihat dari berbagai persoalan hukum terkait kedaulatan Indonesia. Pelanggaran kedaulatan sama sekali bukan ancaman. Selain itu, semua aturan internasional dimaksudkan untuk saling melindungi dan menghindari konflik negara. Oleh karena itu sangat penting untuk mengkaji terlama militer Indonesia sebagai alat diplomasi beserta kebijakan hukum strategisnya melalui beberapa kesepakatan dengan negara lain untuk memperkuat militer Indonesia. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan statutori dan konseptual. Hasil penelitian ini menyimpulkan bahwa Indonesia telah mengupayakan diplomasi berupa kesepakatan dan kerja sama dengan negara lain untuk saling menguntungkan. Sedangkan, perjanjian kerja sama antar negara di kawasan ASEAN telah dilaksanakan dengan menggunakan seluruh peraturan perundang-undangan nasional dan internasional. Hasil penelitian ini menyimpulkan bahwa Indonesia telah mengupayakan diplomasi berupa kesepakatan dan kerja sama dengan negara lain untuk saling menguntungkan.

Kata kunci: Diplomasi dan Kebijakan Militer Indonesia, DCA dan FIR.

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Introduction

The legal system was born from the existence of society, and there is no society without a legal system, the purpose of which is to regulate the relations and problems of the community itself. In international law, there is also the international community, and laws regulate it. This law was born and is interdependent with an agreement (ordinary social consciousness) as a shared responsibility to regulate relations in implementing a legal system that applies universally. As the opinion of Frederick Pollock, quoted by Brierly "the only

essential conditions for existence are the existence of a political community, and the recognition by its members of settled rules binding upon them in that capacity, international law seems to completely satisfy these conditions.” (Harris, 1991). This opinion emphasizes that international law is needed by the international community itself and is not static to develop the international community itself.

The terms and meanings of international law are very diverse and continue to develop from time to time. JL Brierley defines the law of nations or international law as follows: 'as the body of rules and principles of action which are binding upon civilized states to their relations one year later' (Brierly, 1949). Furthermore, according to Mochtar Kusumaadmadja, international law is the general rules and legal principles governing relations and issues that cross national boundaries that are not civil. Between country and country countries with non-state legal subjects or non-state legal subjects are mutually exclusive (Kusumaatmadja & Agoes, 2021).

The dynamics of adult international relations to this day cannot be separated from the existence of sovereignty. This sovereignty in contemporary public international law contains the primary legal status of a country not to be subject to territory, governance from the executive, legislative and judiciary to other countries, in addition to other public international laws (Bogdandy & Wolfrum, 2009).

This concept of sovereignty in international law is a recurring and controversial legal issue in western philosophy (Henkin, 1999). According to Thomas Hobbes, one of them is giving the traditional idea that sovereignty is an illusion. John Locke believed that sovereignty gives supreme authority over protecting human rights (Lara, 2014). These and similar views prove this concept to be problematic in international law. When international law places its sovereign claim on the traditional concept of sovereignty as absolute, it undermines states sovereign claims, in self-determination.

In addition to the sovereignty possessed by each country. International law is essential in maintaining international peace and security and the world it occupies. International law that applies universal law (universal law) has a role in the form of rules and their implementation. This can be seen in the legal aspects governing the laws of war (humanitarian) or other rules related to peaceful dispute resolution along with legal rules and international conventions that specifically address the prohibition of the use of weapons of mass murder, nuclear, and other rules of international law (Paris, 2002).

When talking about the sovereignty of each country. Of course, it cannot be separated from the so-called national security (national security). This security indirectly has a correlation and standardization with relevant legal regulations.

Formally, the concept of national security developed with the emergence of the first states, that is, with the socio-economic transition from indigenous human communities to enslaved people. Materially, this concept was applied in the earliest territorially organized societies with primitive (but enduring) mechanisms of social regulation. These security forces protected indigenous community members, territory, property, and other resources (Mijalković & Blagojević, 2014).

This concept of security was initially born after the adoption of the doctrine of sovereignty since the Peace of Augsburg in 1555, which gave the ruler the right to decide the religion in his country. This right was confirmed and revised by the Peace of Prague in 1635 and the Peace of Westphalia in 1648. Civil war broke out in Bohemia in 1618 and then spread throughout Europe. After that, the newly liberated nations were granted the same legal rights as territories under exclusive control. Although not limited to domestic political issues and freedom in foreign affairs in making agreements with other countries (Nye, 2003). Territorial itself is an area that has sovereignty, which means there is no factor of interference from other countries in it (Kegli et al., 2004).

The existence of the international treaties and agreements above has given birth to the momentum at the beginning of the first international community system to be created, and there are international relations that occur in territorial states that are equal in the eyes of the law. Entities and members of the international community. At the same time, it is the formal origin of the concept of national security. This concept focuses on state values (state prerogatives: territory, sovereignty, foreign policy interests, and national economy), which are protected against external armed attack, armed rebellion, subversion of intelligence by internal and external adversaries, and economic constraints (Mijalković, 2011).

Talk about national security. Scientists interpret that security as simply a state atmosphere free from all forms of threats from outside and from other countries, as a form of physical threat and violate the sovereignty of the country concerned. There are three main characteristics of its understanding. First, the national identity is identified as a country. Second, threats can occur from other countries. Third, it is carried out with the military force to deal with these threats (Anggoro, 2003).

The main problem faced by every country is in order to build strength to deter or defeat military attacks from other countries. Besides that, military threats may not be the only threat faced by the state or its citizens. The traditional definition, as it has been known in the West for decades, can only be understood, especially by considering the history of the formation of western countries which departed

from the Westphalian conception of the nation-state. Only a small number of them still face fundamental problems regarding state-organizing formations and institutions (Anggoro, 2003).

Indonesia, as a sovereign country, is obliged to defend its sovereignty. The presence of the military in the structure of national and state life is absolute. National defence, in its definition according to Law Number 3 of 2002 concerning National Defense is "all efforts to defend state sovereignty, territorial integrity of the Unitary State of the Republic of Indonesia, and the safety of the whole nation from threats and disturbances to the integrity of the nation and state." (Article 1 point 1). Referring to the law, it is also explained that apart from the Indonesian National Armed Forces as the main element of the national defence apparatus, other elements that play an essential role in national defence outside of military force are natural resources and human resources. (Law No.3 of 2002 concerning Defending the Country).

The national goal is stated in the preamble of the 1945 Constitution, which aims to protect Indonesia and the motherland. Promoting general welfare, educating the life of the nation, lasting peace, social justice and participation in its implementation based on freedom, order, eternal peace and social justice (Fauzi,, 2021). This means physically protecting Indonesia and its people from powerful threats and possible exploitation, educating and promoting the common good and participating in forming a world order.

Disruption to world peace is not only triggered by conflicts between countries but can also originate from internal conflicts in the country concerned. Meanwhile, a sense of independence means freedom from imperialism and freedom of self-determination of the nation itself. At the same time, social justice is implemented for the benefit of the people and the life of Indonesia (Defense Military of Indonesia, 2015).

Countries have international relations with other countries to obtain the interests of the country. Situations in this relationship sometimes lead to tensions that lead to prolonged conflicts. Countries also sometimes seek diplomacy for the sake of their national interests. Diplomacy tends to be associated with soft power, while military force is seen as a strength. The current English dictionary states that Diplomacy is the skill of making intelligent in dealing with settings so that they remain friendly and willing to help. Meanwhile, Sir Ernest Satow defines it as "The application of wisdom and intelligence for the implementation of foreign relations between the government and an independent state (Sudarsono et all, 2018). It can be concluded that diplomacy is a skill in determining how to win our interests without causing hostility.

Defence in the form of diplomacy can be a meaningful way to gain national interests by using military/defence as a tool or resource without using it negatively. Diplomatic defence can also be understood as a series of activities generally carried out by representatives of the ministry of defence or other government agencies to win national interests in security and defence, prioritizing other diplomatic negotiations (Sudarsono et al, 2018).

Threats such as in the form (nature of threat) can also be multi-dimensional. It is not merely limited to a military, ideological, political, economic and cultural threat, making this matter necessary to be discussed further. As with military threats, ideological and political threats can appear in various forms. A country may face political threats in the form of specific pressures to change the objectives or structures of its political institutions.

The Indonesian government has identified several security issues that generally arise. Some of them, such as piracy at sea, terrorism and smuggling, has had a long history in Indonesian waters, especially in the Natuna Sea, Sulu-Sulawesi Sea and the Malacca Strait. The prevalence of non-traditional security threats in these areas has political, economic and security implications that can hinder Indonesia's development. This is because the threats previously mentioned can affect the security and safety of shipping and disrupt the process of distributing Indonesia's resources (Samy & Kusumadewi, 2021).

Particularly in ASEAN, Indonesia is increasingly lacking the strategic relevance of the regional security sector. This needs efforts to build a legal construction in the ASEAN region. Bearing in mind ASEAN's process-oriented approach to regional cooperation in dealing with security challenges such as national organized crime to armed robbery, as well as strategic ones such as potential conflicts over the Taiwan Strait, South China Sea and other regional issues as previously described (Chapsos & Malcolm, 2017).

Responding to the case above, Indonesia has established diplomatic cooperation with several ASEAN countries in the region. Political directions, policies, and defence diplomacy have been pursued through several legal aspects. Agreements and diplomatic cooperation in this aspect are endeavoured by Indonesia to avoid threats to sovereignty.

Security Threats will continue to change and develop, thus requiring a strategic policy direction from the Indonesian government. However, aspects of social pluralism, economic interests, and disparities in the regional area have become the main aspects of Indonesia's security. A strategic diplomatic and political movement is needed in its implementation, built based on plurality. Strategic policies and political diplomacy efforts can maximally create the desired

goals of state security. Regarding this construction, it can be established as it should, especially in the ASEAN region.

Therefore, the state needs all legal aspects and diplomatic efforts to prevent crimes that have the potential for cross-border conflicts. Over time, defence diplomacy has been associated with a realpolitical instrument or power/power politics. Defence diplomacy has also begun to experience an expansion of meaning. This concept no longer focuses on aspects generally dominated by a handful of international actors with superpower capabilities but starts from aspects related to international security stability.

Based on the description above, the authors pay attention that legal action is needed to see the global development and diversity of crimes, especially on a regional scale such as ASEAN. It is interesting to examine how far the strategic position of Indonesia's defence diplomacy policy is in international relations. These aspects are intended to strengthen the Indonesian military from global threats through the ASEAN regional diplomacy approach.

To show why this research is new, it's important to talk about some of the studies that came before it. For example, researchers first looked at how the Indonesian military was used as a tool of diplomacy and strategic legal policy through agreements in the ASEAN region. This study uses normative legal research methods to look at how Indonesia's military diplomacy and agreements help keep national security and sovereignty in the region. The results show that Indonesia has done diplomacy in the form of agreements and working together with other countries to help both of them.

This has been done in accordance with national and international laws and rules. In the researcher's research, there are several previous studies, for example, Yanyan Mochamad Yani and Ian Montratama's study on "Indonesia and ASEAN in 2025: A Political and Security Perspective", *Global Dynamics | Volumes 03 | No. 02 | December 2018*, which investigates Indonesia's foreign policy within the ASEAN Community and its role in promoting national development (Yani & Montratama, 2018). This study emphasizes the need for Indonesia to strengthen the linkages between defense, security, and foreign policy aspects in order to develop a national security policy that is adequate in responding to changes in Asia's strategic environment and the uncertainty of interdependence. Furthermore, research by Posma Sariguna Johnson Kennedy, Yudi Sutrasna, and Haetami, "Indonesian Policy Analysis of the AUKUS Trilateral Defense Pact", examines Indonesia's response to the AUKUS (Australia-United Kingdom-United States) trilateral defense pact agreement and its relationship with the China-ASEAN conflict in the South China Sea (Kennedy, Sutrasna & Haetami, 2022).

This study uses a qualitative approach by taking secondary data from scientific articles and news. The study highlights the challenge for Indonesia to play an active role in de-escalating tensions between AUKUS and China while maintaining an independent and active political attitude. The main difference between these studies lies in their focus. The first study concentrates on the position of the Indonesian military as a tool of diplomacy and strategic legal policies through agreements in the ASEAN region. The second study examines Indonesia's foreign policy in the ASEAN Community and its role in promoting national development. The third study focuses on Indonesia's response to the AUKUS trilateral defense pact and its relationship with the China-ASEAN conflict in the South China Sea. Despite these differences, the three studies underscore the importance of diplomacy, foreign policy, and Indonesia's strategic position in maintaining national security and regional stability.

In light of the existing literature and research on Indonesia's security issues and defence diplomacy in the ASEAN region, the novelty of this research lies in its unique approach to analyzing and understanding the strategic position of Indonesia's defence diplomacy policy in international relations. This study aims to provide a comprehensive and updated analysis of the current state of Indonesia's defence diplomacy in the context of the rapidly changing global and regional security landscape, with a focus on non-traditional security threats.

The research will address the following novel aspects:

1. Examining the evolution of Indonesia's defence diplomacy policy in response to the changing nature of security threats, particularly non-traditional threats such as piracy, terrorism, and smuggling.
2. Investigating the effectiveness of Indonesia's defence diplomacy initiatives in fostering cooperation and building trust among ASEAN member countries, particularly in the context of addressing transnational and cross-border security challenges.
3. Assessing the role of legal instruments and agreements in shaping Indonesia's defence diplomacy strategies and their impact on regional security in the ASEAN region.
4. Analyzing the implications of Indonesia's defence diplomacy policy on its strategic relevance and influence in the ASEAN security sector, considering the various socio-political and economic factors affecting regional stability.
5. Identifying best practices and potential areas of improvement for Indonesia's defence diplomacy policy to enhance its strategic position in the ASEAN region and promote a more stable and secure regional environment.

By addressing these novel aspects, the research aims to contribute valuable insights to the field of international relations and security studies, as well as provide policy recommendations for the Indonesian government and ASEAN member states to strengthen their collective response to emerging security challenges in the region.

Research Problems

Based on the description and explanation above, the author wants to study related matters: First, what is the Indonesian military's condition as a diplomacy tool? Second, what are the strategic legal policies to strengthen the Indonesian military?

Research Methods

Normative law research uses normative legal case studies in the form of legal behaviour products, for example, reviewing draft laws. The study's main subject is a law conceptualized as a norm or rule that applies in society and becomes a reference for everyone's behaviour. So that this type of research focuses on positive law inventory, legal principles and doctrine, legal discovery in concreto cases, legal systematics, and level of legal synchronization. The research approach used is philosophical and analytical. The statutory approach (Statute Approach) is taken using primary legal materials (legal products), secondary (library studies) and tertiary (dictionaries, internet and other credible sources) (Ashiddiqie, 2006).

Discussion

Conditions of the Indonesian Military as a Diplomatic Tool

The Indonesian army was formed after Indonesian independence by the pre-existing armed forces. Military history in Indonesia is fascinating because it has a significant portion of its efforts to defend Indonesia's independence. In the revolutionary era's political aspects, the Indonesian military continued to show loyalty to the legitimate government in accordance with the 1945 Constitution (Fatgehipon, 2017).

During the period of Indonesian independence, there were several developments related to Indonesian military doctors. First, it occurred during the revolutionary years of 1945-1949, which stated that there is no common military doctrine. Most important is the shared perception that the TNI (Tentara Nasional Indonesia) was created by the Indonesian people, not by civilian political leaders. Second, it coincided in 1949-1957 that this perception was embodied, as the leadership trained in the KNIL (Royal Dutch East Indies Army) attempted to rationalize the large, cumbersome, and integrated armies of the previous

revolution. Thirdly, from 1957-1959 it was in stark contrast to its predecessors. With the outbreak of regional rebellions and the declaration of martial law, system work and advancing political and economic interests was a dramatic increase in the army's influence in society legitimized first by martial law and then by Nasution's dual function doctrine.

Fourth, The series of events above were carried out to guarantee the national goals of the Indonesian people as formulated in the preamble of the 1945 Constitution. Until now, the issue of national security has developed and varied both in terms of institutional issues and in the form of statutory regulations (Jenkins, 1983). The following are several laws and regulations that cover national security, including Law Number 6 of 1946 concerning a State of Emergency, Law Number 74 of 1957 concerning Repeal, PerPu 23/1959 concerning a State of Emergency, Government Regulation Number 16 of 1960 concerning Requests and Implementation of Military Assistance. Meanwhile, the technical laws that were born after the Reformation, namely Law Number 39 of 1999 concerning Human Rights, Law Number 2 of 2002 concerning the Police, Law Number 3 of 2002 concerning National Defense, Law Number 15 of 2003 concerning Eradication of Criminal Acts of Terrorism, Law Number 34 of 2004 concerning the TNI. All aspects of the above regulations are still overlapping because they are still sectoral. This situation weakens the effectiveness of handling national security (Eko, 2015).

National defence is essentially a complete national defence, and its implementation is based on awareness of the rights and obligations of every citizen and confidence in their own strengths. The whole implies the involvement of all people, national resources, national infrastructure, and all regions of the country as a complete and comprehensive defence in the nation's life order.

Until now, the use of the military in state affairs is no longer purely using force. Many countries have used diplomacy tools to achieve their goals to avoid elements of violence or hostility.

Defence diplomacy is a skill in determining how to get your interests without violence and hostility. Diplomacy can also be understood as a series. Diplomatic defence can also be understood as a series of activities that are generally carried out by representatives of the ministry of defence or other government agencies to win national interests in the field of security and defence, where the priority is the use of negotiation and diplomacy (Sudarsono, Mahroza & Suryanto, 2018).

Estimated threats and challenges in national security are determined through strategic analysis. From a security perspective, the Indonesian region and the Southeast Asian region as a whole are vulnerable to experiencing problems in

the economic, political and military aspects. It also has potential challenges and risks to create tensions between countries. Several Southeast Asian countries have modernized their defence forces as a result of advances in the defence industry (Nanda, Swastono & Octavian, 2019).

As described above, many cases are directly related to Indonesian sovereignty. However, because of the various cases above, the writer only wants to examine the legal aspects of diplomacy needed to maintain stable and conducive national security.

Andrew Cottey and Anthony Forster, in *Reshaping Defense Diplomacy: New Roles for Military*, explain the use of armed forces and infrastructure (especially the ministry of defence) as foreign policy (Wendt, 1999). Defence diplomacy encompasses a wide range of activities that may, in the past, have been described as military cooperation or military assistance. Defence diplomacy activities can be carried out in several activities, including (Nanda, Swastono & Octavian, 2019):

1. Establishment of bilateral agreements and multilateral relations between high-ranking military officials and civilian defense officials.
2. Appointment of foreign defense superiors.
3. Bilateral agreement defense cooperation.
4. Joint training between foreign military and civilian defense personnel.
5. Provision of expertise and advice in the democratic control of the armed forces, defense management and in the military-technical field.
6. Exchange of military personnel and units, and ship visits.
7. Placement of military and civilian personnel in the ministries of defense or the military of a friendly country.
8. Coach placement.
9. Procurement of military equipment and other material assistance.
10. Bilateral or multilateral military training.

Each country has efforts and actions for its national security. According to Lippman, a state can be considered safe if it is not in danger or threatened and can solve problems peacefully and not use violence (Collins, 2022). Nonetheless, national security can still change and undergo other political, economic, social and cultural changes. Several countries began to strengthen their sense of nationalism, the existence of the industrial revolution, the proliferation of nuclear weapons, and so on so that the state is still the leading actor in protecting national security (Rachmat, 2015).

This issue prompted Barry Buzan to formulate aspects of security issues, as outlined in his article "Pattern of Global Security in the Twentieth Century". In his article, Barry formulated five aspects of security, namely (Buzan, 1991).

1. Security Politics, where there is a guarantee to maintain political rights, free from pressure due to reality, and freedom to maintain a political regime.
2. Military Security is free from foreign military threats and external military intervention.
3. Economic Security Guaranteed access to natural resources, financial sources, and global markets that can support activities to achieve social welfare.
4. Social Security is free from horizontal threats of conflict between groups such as (ethnicity, religion, and race) or for control over resources.
5. Environmental Security is free from threats to environmental damage that can cause a humanitarian disaster.

According to Winger, Andre Cottey and Anthony Foster, diplomacy is a security tool and related legal policies. This is as Martin Edmons defines defence diplomacy as the use of the military for operations other than war by utilizing training and discipline experience to achieve national interests both inside and outside (Pedrason, 2017).

The successful implementation of defence diplomacy depends on diplomatic efforts undertaken at the global, regional and bilateral levels. Bilateral diplomacy plays a crucial role in authority. The success of a country's defence diplomacy strategy results from cooperation between the components of diplomacy, defence and development. For this reason, there are three essential points in defence and security diplomacy, namely (Syawfi, 2009).

1. Defense diplomacy for national security development efforts.
2. Defense Diplomacy for capability defense
3. Defense Diplomacy for the Defense Industry.

Strategic efforts through various aspects of cooperation in the fields of economy, culture, politics, defence and diplomacy so that countries can have friends, further cooperate, and, most importantly, increase trust. Defence in the form of diplomacy can be used as a tool to achieve the goal of a country's foreign policy.

From a series of problems of threats and security diplomacy above, it has explained the efforts that Indonesia can make to strive for national security. Of course, this effort requires the government's attention to all aspects of national legislation as appropriate.

Strategic Legal Policy to Strengthen Indonesian Military in ASEAN

Military threats are only part of the threat dimension. Recently, a new perspective emerged: human security. Unlike the previous perspective, which tends to see the state as the most crucial element, human security sees the importance of human security. In this perspective, the welfare of citizens is something that is considered necessary. They can face threats from various sources, including the state's repressive apparatus, disease epidemics, widespread crimes, natural disasters and accidents (Anggoro, 2003).

The source of threat (source of threat) to what has been known as

“national security” is becoming broader, not just covering threats from within (internal threat) and external (external threat) but also threats that are global without being categorized as an external or internal threat. Rhythm with it, the nature of the threat has also changed to become multi-dimensional. Threats have become increasingly diverse and cannot be limited solely to a military threat; ideology, politics, economics and culture are dimensions that remain relevant for discussion.

The military threat is not the only threat to the nation's division. The emergence of new ideological threats, such as ideological and political threats, have appeared in various forms with their political structures and strategies as this has been present and used in several cases, such as the Arab spring, namely Libya and Syria, against several Lebanese. Jordan. The political conditions accompanying all bilateral and multilateral assistance may be categorized as a political threat in a milder form.

Threats in the form of security and defence, as well as an ideology, will grow over time, as with Indonesia, this could happen. In regional areas such as ASEAN, having worked together in political and security cooperation, ASEAN Leaders have agreed to form the ASEAN Political-Security Community (APSC). The APSC should aim to ensure that the countries of the region are at peace with each other and with the world in a just, democratic and harmonious environment.

The ASEAN Community pledges to rely exclusively on peaceful processes to resolve intra-regional differences. It considers their security fundamentally linked to one another and bound by shared geographic location, vision and goals. It has components of development, conflict prevention, resolution, post-conflict peacebuilding, and implementation mechanisms.

ASEAN itself has adopted non-intervention that each member country cannot intervene in other countries (Ramcharan, 2000). Which indirectly rejects interference in any form against the sovereignty of other countries that is contrary to the ASEAN charter itself. This non-intervention norm encourages ASEAN

countries to strengthen sovereignty and control over internal conflicts (Julianto, 2023).

This principle is needed to maintain regional security stability with ASEAN as a forum for the aspirations of countries to behave peacefully and comply with the contents of the agreements regulated therein. On the other hand, international relations between fellow subjects of international law, state to state, have developed rapidly. Many security situations can sometimes pose a threat to other countries. The lack of related legal regulations and technological developments make this situation necessary to be reconstructed. Sovereign territory owned by the state is often a problem and continues to be debated to avoid conflict between countries, especially against Indonesia.

Until now, Indonesia has pursued several policies with other countries, especially in ASEAN countries, to maintain sovereignty and gain access to the benefits of this agreement. Among them:

1 Defense Cooperation Agreement (DCA)

A defence cooperation agreement (DCA) is a formal bilateral agreement that establishes the long-term institutional framework for various aspects of defence and military cooperation, including defence policy, military industry and arms procurement, defence-related research and development, officer training and exchanges, joint exercises, and sharing confidential information (Kinne, 2020). DCA is a general agreement that, in principle, can be signed between any pair of countries. DCA emphasizes the routine forms of day-to-day defence cooperation and usually does not discuss eventualities involving conflict or war (Kinne, 2018).

Demand for DCA depends on the relative yield of cooperative and non-cooperative outcomes. Countries work together to achieve mutual benefits, advantages that cannot be obtained unilaterally (Kinne, 2018). If the country's gains are not significant enough to outweigh the risks, states have little incentive to cooperate through these agreements.

Indonesia has made strategic policy efforts by entering into a Defense Cooperation Agreement (DCA) with Singapore. This agreement has been going on since 1973, when the two countries agree to define maritime boundaries. This cooperation continued and developed, which was marked starting in 1980. The two countries have realized the strategic importance of mutual assistance in the defence area, including building partnerships in various other defence fields, such as increasing personnel capacity in the Defense Industry. In 1995 this collaboration was re-established by giving Singapore access to both Regional Military Training or what is known as Military Training Areas (MTA) that both countries can use

(UNCLOS, 1982). However, this agreement ended in 2003 and was not ratified by the DPR.

This agreement was resumed in 2007. However, the agreement still needs to be subsequently ratified. At that time, the DPR refused to ratify the agreement. The DPR considered that allowing Singapore to carry out military exercises in Indonesian archipelagic waters was risky. It is feared that the military exercises will threaten Indonesia's sovereignty in archipelagic waters, even though Singapore has guaranteed it will fully respect Indonesia's sovereign territory. Singapore thinks that the implementation of military exercises is included in Article 51 United Nations Convention on the Law of the Sea (UNCLOS 1982). Therefore, Indonesia must permit Singapore to carry out military exercises in Indonesian archipelagic waters. Indonesia thinks there should be prerequisite terms and conditions for such obligations. The different interpretations of the 1982 UNCLOS led to a stalemate in the DCA negotiations between the two countries (Darmawan, 2022).

The DPR's ratification marked a lengthy controversy, which led the DPR to reject the agreement in 2007 over fears of violating Indonesian sovereignty. Until December 6, 2022, the Indonesian Parliament finally signed the Defense Cooperation Agreement (DCA) (Darmawan, 2022). In the end, DCA became part of the agreement between Indonesia and Singapore. Indonesia, in implementing this agreement, has made the legal basis for the Law of the Republic of Indonesia No. 3 of 2023 concerning the Ratification of the Agreement Between the Government of the Republic of Indonesia and the Government of the Republic of Singapore regarding Defense Cooperation (Agreement Between the Government of the Republic of Indonesia and the Government of the Republic of Singapore on Defense Cooperation).

The author assumes even though Indonesia signed this agreement. However, access to the Military Training Areas (MTA), including in Baturaja and Ara Island, Indonesia, as a place for joint military training, can threaten the stability of Indonesia's sovereign security and security. First, this area has been used as a training ground for the Indonesian National Armed Forces. Second, there are administrative provisions from Singapura for the use of this area. Third, there was a breach in this agreement, resulting in a third party being involved in this activity.

The signing of the DCA shows that Indonesia has effectively fulfilled its obligations under Article 51 UNCLOS. The signing of the DCA also underlined the growing strategic trust between the two neighbouring countries with different geographical conditions and foreign policy interests.

2. Flight Information Region (FIR)

Flight Information Region (FIR) is “an airspace of defined dimensions in which flight information and warning services are provided. FIR is an area whose determination is not based on the territorial area but is determined based on the interests and considerations of aviation safety (safety consideration) (Purwanto, 2014). Every aircraft flying in air traffic must be supervised. The objectives include preventing collisions between aircraft and between aircraft and obstacles in the manoeuvring area, expediting and maintaining an orderly flow of air traffic, providing instructions and valuable information for aviation safety and efficiency, and providing notification to relevant organizations for search and rescue assistance.

Indonesia has a very wide airspace, but the technology at that time was still very limited. Not much experience in managing commercial and military flights has resulted in the management of Indonesian airspace, particularly in the Riau and Natuna Islands, being managed by Singapore based on a mandate from an international civil aviation organization through Regional Air Navigation I (RAN I). Singapore took the initiative to manage airspace surveillance in the waters of Natuna and Riau, hoping that the area would be sterile from air violations and no longer be a threat.

On the other hand, the Natuna and Riau waters have existed since 1946, and Singapore still has complete control over the navigation area. It must obtain ATC Clearance from Singapore's air traffic controllers (Hanafi, 2015). For Indonesia itself, control of the airspace of the two islands above is still international, so with various considerations, this activity will not interfere with Indonesia's territorial sovereignty. Two countries also control Singapore controls FIR, namely, above 20,000 feet, while Malaysia controls below 20,000 feet (Lestari & Yealta, 2016).

Control of the airspace continued until 1982 the international convention on the law of the sea or known as UNCLOS 1982 (United Nations Convention on the Law of the Sea 1982), was born, which confirmed that the waters of Natuna and the Riau Islands, which were initially international turned into international waters. Indonesian waters. In RAN II in Singapore in 1983, Indonesia tried to change the results of RAN I's decision and requested that Singapore return air control over the Natuna waters and the Riau Islands to Indonesia (Hanafi, 2015). However, Singapore rejected this because Indonesia was considered to have limitations regarding its ability to deal with this region.

However, aspects of international law, especially air law, need to be understood because the 1944 Chicago Convention has regulated the rights and obligations of each country's airspace ownership status (Mauna, 2001). Therefore,

air law is closely related to several sources of international law, such as *pasta sunt servanda*, equal rights, reciprocity, good faith, and *rebus sic stantibus*. This rule is a source of law in international agreements to serve as an agreement between the two countries to comply with each agreement.

Article 1 of the 1944 Chicago Convention as Article 8 paragraph 3 of Law No. 1 of 2009 Explains that Indonesia has authority over its airspace. The nature of sovereignty in the air space differs from that in the territorial sea. In the airspace is not known by the name of the right of innocent passage or known as (innocent passage) by other countries. Based on this concept of sovereignty, no aircraft from other countries can cross the territory of the Indonesian state without permission from the country concerned.

When viewed based on jurisdiction, the author argues that the Indonesian state, as a sovereign country, has access and authority over its national territory. This is seen by the affirmation in UNCLOS 1982, changing the territory to become Indonesian territory. Second, provisions in international law are expressly outlined in articles 1 and 2 The 1944 Chicago convention means waters that are recognized or under the sovereignty and protection of the Indonesian state. Third, it can be seen in articles 5 and 6 UU No 1 of 2009 regarding aviation which confirms that Indonesia has full exclusive power over its territory.

Indonesia's defense and security as this FIR already has a legal basis as stated in Article 7 paragraph (1) uu no 34 of 2004. However, in practice, Singapore emphasized that every plane that passes through the Natuna and Riau areas must ask for its country's permission, even for Indonesia itself. However, in the end, Indonesia itself was able to gain complete control over this area, the Riau Islands and Natuna. This was confirmed through the signing of an FIR adjustment agreement between Indonesia and Singapore in 2022 (Farisa, 2022).

The legal aspect that needs to be considered in this case is that at the beginning of Indonesia's independence, the condition of Indonesian air traffic equipment and personnel facilities was minimal, so the management of FIR was handed over to Singapore. Therefore, since 1946, part of the FIR, which includes the Riau Islands and Natuna in western Indonesia, has been under the management of the Singapore FIR. Considering that mastery over this sovereignty is a priority for Indonesia through legal mediation efforts, political diplomacy and adjustments to this FIR, it has had several positive impacts on Indonesia through international recognition of Indonesia's territorial status as an archipelagic country that has full sovereignty over the air space above as stipulated in the 1944 Chicago Convention and United Nations Convention on the Law of the Sea (UNCLOS 1982).

Conclusion

Indonesia has made diplomatic efforts through various bilateral and multilateral agreements with other countries, military cooperation and training, management in the field of defence equipment, and defence efforts in the industrial sector. Other efforts are carried out with various other aspects, such as the fields of economy, culture, politics, defence and diplomacy so that countries work together to serve as a tool to achieve these goals of a country's foreign policy.

Indonesia's strategic policies in the ASEAN region that have been carried out can be seen in the Defense Cooperation Agreement (DCA), which has since been agreed upon by both countries and is mutually beneficial to both parties. Next is related to the Flight Information Region (FIR), which through policy diplomacy efforts, Indonesia has gained overall control over the region. All of these agreements and policies are entirely for the benefit of the Indonesian people to adapt and maintain their sovereignty.

Suggestion

From This research, the Author can give some suggestions:

1. Indonesia must continue to improve its military capabilities while addressing human rights issues to enhance its credibility and legitimacy as a regional security actor.
2. Indonesia should also encourage regional cooperation and collaboration to address shared security challenges.
3. Finally, Indonesia must promote diplomacy and dialogue to resolve conflicts and prevent regional militarization.

Further research is expected :

1. More in-depth research on implementing Indonesia's diplomatic policies and military agreements in ASEAN by analyzing more complete and detailed data.
2. Can add perspectives from other ASEAN member countries through interviews or case studies to understand Indonesia's military role in ASEAN.
3. Conduct comparative research between Indonesia and other ASEAN member countries to compare security policies and military positions in ASEAN more broadly.
4. Research the impact of Indonesia's diplomatic policies and military agreements in ASEAN on regional security, specifically counterterrorism or conflict resolution.

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