

## CHAPTER I

### INTRODUCTION

#### A. Problem Background

International Relations is one of the important things in a country in developing their own nations in all sectors. Many countries need International Relations in opening cooperation and transferring technology with the making relations across the state border. Especially Indonesia, located in South East Asia and archipelagic country of 17,508 islands (6,000 inhabited) stretches along the equator in South East Asia.

Indonesia's approximately 237.5 million people make it the world's fourth-most populous nation. The island of Java, roughly the size of New York State, is the most populous island in the world (124 million, 2005 est.) and one of the most densely populated areas in the world. Indonesia includes numerous related but distinct cultural and linguistic groups, many of which are ethnically Malay. Indonesia is a republic based on the 1945 constitution providing for a separation of executive, legislative, and judicial power. The armed forces shaped the political environment and provided leadership for Suharto's New Order from the time it came to power in the wake of the abortive 1965 uprising. Military officers, especially from the army, were key advisers to Suharto and Habibie and had considerable influence on policy. Under the dual function concept ("dwifungsi"), the military asserted a continuing role in socio-political affairs. This concept was used to justify placement

of the officers in the civilian bureaucracy at all government levels and in regional and national legislatures.<sup>1</sup>

Although the military retains influence and is one of the only truly national institutions, the wide-ranging democratic reforms instituted since 1999 abolished "dwifungsi" and ended the armed forces' formal involvement in government administration. The police have been separated from the military; further reduce the military's direct role in governmental matters. Control of the military by the democratically elected government has been strengthened.

The military prohibited involved in the political activities and just become the guardian of national security and do not have direct function to the civilian. This is the best way for Indonesian political system because it can return the original duties of police and reduce the military influenced as the part of reformation. The function of control and secure the civilian was given back to the police.

After the reformation of the dual function of TNI now they focused and have motto of "professional TNI" which is has meaning TNI only have duties in secure the Indonesian sovereignty geographically. Indonesia is the largest country in South East Asia that has the 2 million sq. km. (736,000 sq. mi.), maritime area: 7,900,000 sq. km. More than 17,500 islands; 6,000 are inhabited; 1,000 of which are permanently settled. Large islands consist of coastal plains with mountainous interiors.

Indonesia is the country that has the good position of geo-strategic and geopolitics.<sup>2</sup> Geographically Indonesia is only the country that has position between two

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<sup>1</sup> Indonesian Profiles, Bureau of East Asian and Pacific Affairs (Accessed on September 2008); available from <http://www.state.gov/html>

continents and two oceans, the geo-strategic of Indonesia have many understanding; in one side this position is strategic if we see from the national interest because of Indonesia is the strategic route of International Trade and many economic activities, but in other side it could become the threat of Indonesian security and political stability. The changing and problem of political condition in ASEAN and Australia can directly affect the Indonesia because of the strategic position of geo-political. Indonesia is very rich of natural resources and has large area, it could be more dangerous because Indonesia is surrounded by eleven neighbor countries and six of them have the direct border with Indonesia, they are: East Timor, Australia, New Guinea, Malaysia, and Singapore.

From the geo-strategic position of Indonesia, it will become the hard duties for Indonesian military to cover the large area of Indonesia and strengthen the sovereignty. Sovereignty is the right of a country in running their government as the status of their Independence and free of intervention in internal and external problems from other countries.

Sovereignty can be divided into two categories; sovereignty of people and sovereignty above the territorial. Sovereignty of people means that the highest sovereignty of a country is in the hand of people and the people give the legality and

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<sup>2</sup> The brief explanation about “geo-strategic” and the relationship between International Relations and Defense, can read in Yahya A. Muhaimin, *Bambu Runcing and Mesiu* ( Yogyakarta; Tiara Wacana, 2008) , page 14-22

power to the government. And then the meaning of sovereignty above the territorial is the right of government to run their authorities in their territorial (air and sea).<sup>3</sup>

Indonesia is a country that has full sovereignty in their air and sea and covering the big area is a difficult duty of Indonesian citizens especially for TNI as the guard of Indonesian territory. Indonesia is categorized as the big country because of the huge area of territory and the largest in South East Asia and also known as the weak country because of incapability of Indonesian military in protecting the Indonesian sovereignty and preventing many bad will from other countries in getting the profit of Indonesian geography such as stealing natural resources in Indonesian water or only disturbing the Indonesian air with black flight and military maneuver. Protecting the sovereignty and preventing the infraction are the interesting part to observe because if a country underestimates this part it can stimulate more cases and disturb the national security.

In the period of 2003 until 2008 Indonesia have many problem of their sovereignty especially in the territorial disputes. In the level B categorization from concept of preventive defense that was the provocation from other countries just like case in Bawean Island in 2003. It was the global view of the incapability of Indonesian military in covering the big Indonesian territory. In this case the United States military passed the Indonesia territorial in the south. The NCC Ngurah Rai caught some object in the high 15000 feet with speed 450 knot and disturbed civil aviation.

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<sup>3</sup> See in Kamus Politik edisi revisi tahun 2007, B.N. Marbun, SH. The meaning sovereignty and the types in page 238

This news was reported to the Center of National Air Defense II and then continues to POPUNAS KOHANUDNAS, and then the report checked with security clearance. TNI-AU prepared three f-16 fighter aircraft. KOHANUDNAS (Commando of National Air Defense) assumed that those planes were the five f-5 Tiger of Royal Singapore Air Force (RSAF) that has flight route from Paya Lebar, Singapore to Darwin, North Australia. After waiting for one hour those planes still did not report to the air control. Indonesian air forces sent two f-16 fighting falcons to identify those planes.

The results of the security clearance were F-18 Hornet United States planes and directly have the contact with two Indonesian f-16 Fighting Falcon although not firing each other but in the sky there happened the electronic warfare and missiles locked each other.

After Indonesian pilots gave sign with rocking the wing as the International signal that they were not the threat finally they moved to International water. Indonesian spy-plane Boeing 737 reported the shocked information that there were, five f-18 hornet planes United States with full armaments, one aircraft carrier USS Carl Winston super-carrier Nimitz class, and two frigates. This aircraft carrier carried about one hundred fighter planes, sixteen spy-planes, six helicopters, 3184 crew and about 2900 pilot.<sup>4</sup>

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<sup>4</sup>F-16 TNI AU vs F-18 AL AS Nyaris Baku Tembak di Atas Pulau Bawean (accessed on 20 November 2008); available from <http://www.sinarharapan.co.id/berita/0605/22/luu02.html> .

The military maneuver by United States military in Indonesian water violated the United Nation Convention on the Law of the Sea in 1982<sup>5</sup> and in the air violated the Civil Aviation Conference, held at Chicago in November- December 1944 especially in the article 1 that said:

*“The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory”*

And article 2

*Territory*

*For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.*<sup>6</sup>

Beside that the f-18 Hornet maneuver in the high 15000 feet with a speed at 450 knot had disturbed the civil aviation because of those jet plane flired in the International flight route and they have passed the maximum feet of civil aviation 15000-35000 feet, and of course it violated the Civil Aviation in Chicago<sup>7</sup>

*Article 3*

*Civil and state aircraft*

*(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.*

*(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.*

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<sup>5</sup> The statement from Prof Dr Priyatna Abdurrasyid , SH PhD the expert of International law of airspace in the response of United states mother ship across Bawean Island, Tuesday 8<sup>th</sup> July 2003 (accessed on 20<sup>th</sup> November 2008) ; available from [http:// www.Kompas.com](http://www.Kompas.com).

<sup>6</sup> Chicago convention 1944 (Accessed on 1st December 2008); available on <http://www.icao.com>.

<sup>7</sup> The statement from Prof Dr Endang Saefullah Wiradipradja SH LLM as the professor of International law of airspace in Padjajaran University, Tuesday 8<sup>th</sup> July 2003 (accessed on 20<sup>th</sup> November 2008); available from [http:// www.Kompas.com](http://www.Kompas.com)

*(c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.*

*(d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.*<sup>8</sup>

In 2005 Indonesia sent the note of protest to the Malaysian Embassy said The Indonesian Foreign Affairs spokesman Yuri Oktavian Thamrin in Jakarta, it is because the violation of Indonesia sovereignty from Kapal Diraja Malaysia Knembela-14, in perairan Pulau Jemur, North Sumatera. The incident happened when the Indonesian Police patrol caught three Malaysian trawlers ship still catching fish in Indonesian water and then the Malaysian warship KD Knembela-14 and M-502 Helicopter from Malaysia force the Indonesian Police patrol to release those ships. Finally with under pressure and realized that the have unbalance weaponry, Indonesian police patrol released the Malaysian fisherman ships.<sup>9</sup> This accident is the proof that Malaysia didn't respect the International law in Indonesian territory and underestimate the Indonesia sovereignty. This incident happen not just only Malaysia underestimate Indonesian sovereignty but also the incapability of TNI in covering the area of Indonesian territory which is directly related to the limit of military equipment and the low standard condition of TNI/POLRI equipment because of their age.

Besides in 2005 the Royal Malaysian ships crossed the Indonesian water when they peep the building of lighthouse in Karang Unarang in Sulawesi water 300

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<sup>8</sup> Chicago convention 1944, (accessed on 1st December 2008); available from <http://www.icao.com>.

<sup>9</sup> Indonesia melalui deplu melayangkan nota Protes, (accessed on December 2008); available from <http://www.SkyscraperCity.com>

yard from the building, and then KRI RENCONG that did duties patrol in that area identified that it was the Royal Malaysian Navy ship KD KERAMBIT and then forced them to leave the Indonesian Water. Before that, there was happen the radio contact that KRI RENCONG is in the Malaysian water said the KD KERAMBIT but after the long radio contact finally the Malaysian ship return to the International water.

In 2006 according PANGKOHANUDNAS Marsekal Muda TNI Eris Herriyanto there was four violation laws in Indonesian air. Three of them didn't have the permission. PANGKOHANUDNAS said that for the military and commercial plane that will pass the Indonesian air should have permission from Department of defense and foreign affairs and also clarification from KOHANUDNAS. If the planes have completed those procedures they can pass the Indonesian airspace.<sup>10</sup> In the sea KOARMATIM reported that there happen 35 violations of Indonesian sovereignty in the sea by Malaysian military.<sup>11</sup> In 2007 Indonesia faced many cases of the disturbing Indonesian sovereignty especially from Malaysia in Ambalat bloc. In 24<sup>th</sup> February 2007, at 10.00 WITA, Malaysian Navy ship patrol KD Budiman-3909 goes inside in Indonesia water with speed 10 knot about one sea mile. The next across happen in the afternoon at 15.00 WITA, when Malaysian Navy patrol KD Sri Perlis-47 went inside in Indonesia water about two miles with speed 10 knot. After being followed by KRI

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<sup>10</sup> News, (accessed on 22nd October 2008); available from <http://www.tni.mil.id/news/>

<sup>11</sup> Tentara Nasional Indonesia (TNI) - The armed forces, (accessed on December 2008); available from <http://www.AsiaFinestDiscussionForum.com/>



WELING from the KOARMATIM finally the two Malaysian ships left the Indonesian water.

In 25<sup>th</sup> February 2007 at 09.00 WITA KD. Sri Perlis- 47 went inside in Indonesia water about 3000 yard at position 04 08 00 U - 118 07 30 T. Finally KD Sri Perlis -47 was driven out by KRI UNTUNG SUROPATI-872 but not long after that at 11.00 WITA, the Malaysian Maritime Patrol Beech Craft B 200 T Super king entered Inside Indonesian air about 3000 yard. In 2007 Indonesia sent four Indonesian Navy Ships KRI Ki Hadjar Dewantara, KRI Keris, KRI Untung Suropati and KRI Weling in operation "Balat Sakti" to guard the Indonesian border with Malaysia.<sup>12</sup> The incident in Indonesian water by other countries violated the *article 1 of Geneva Convention 1958*

*Art 1:*

*1. The sovereignty of a state extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.*

*2. The sovereignty of a coastal state extends to the airspace over the territorial sea as well as its bed and subsoil.*

*3. Every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this convention.*

In addition the International flight route and procedures has ruled in United Nation Convention on the Law of the Sea and Indonesia has ratified to the national law "Peraturan Pemerintah no 37 tahun 2002".

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<sup>12</sup> Berita, (accessed on 22<sup>nd</sup> October 2008); available from [http:// www.Royal Malaysian Navy.com/](http://www.Royal Malaysian Navy.com/)

According the General Djoko Santoso (Panglima TNI) in a meeting in Senayan Jakarta 20<sup>th</sup> October 2008 with Commission I DPR, Department of Defense, and TNI, from the report of Indonesia patrol in the Ambalat Bloc there still happened the Malaysian Navy goes inside Indonesian water.<sup>13</sup> The choosing period in 2003 until 2008 because of there are many military maneuvers in Indonesian water from the other countries. It is a fact that the continuation of those cases is really important to discuss because it has relations with the Indonesian image in International Relations and of course the continuation of military maneuver from other countries in Indonesian territory really which disturb the Indonesian sovereignty and national security.

## **B. Research Question**

How does Indonesia prevent the violation of its sovereignty from the other countries?

## **C. Purpose of The Research**

1. To describe and explain the military importance toward the Indonesian security image in International Relations.
2. To Indentify the relevance of Indonesian military
3. To apply the theory and concept of International Relations directly to explain the case study that happens in the world.

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<sup>13</sup> malaysia-masih-langgar-kedaulatan-ri-di-ambalat, (Accessed on 22<sup>nd</sup> October 2008); available from <http://www.detiknews.com/read/>

#### **D. Theoretical Framework**

To understand the problem above the writer uses the concept of “Preventive Defense” in solving the problem above. “Preventive Defense” is the defense strategy which is only focused on the National Security for any potential threat, even the small things and the non first priority<sup>14</sup>. Although only focusing only the non priority, if the small things cannot be handled they will become stronger and are step by step disturbing the Indonesian sovereignty and the national security. The threat can categorize into four things: first, the threat that *categorize as level A*, it is the highest level that threat the national security and the sovereignty whereas the existence of the sovereignty is the right of a country in gaining their national interest. This kind of threat is like the invasion from another countries and rebellion or coup d’état by the civilians and military.<sup>15</sup> *The second categorization is level B* is the activities that threat the national security, but indirectly threat and disturb the national sovereignty. This kind of threat is like the provocation from other countries by civilians or military. From the problem background and case study above this thesis is categorized in this level. *The third categorization is level C* is the activities that disturb the publics that indirectly disturb the national interest and sovereignty of a country. This kind of threat could be like the horizontal conflict (primordial), terror,

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<sup>14</sup> Bambu runcing dan mesiu, Yahya A. Muhaimin page 25-26. The concept of “preventive defense” introduced by Dr. William J.Pery The Professor of Stanford University when he was become the Minister of Defense in Bill Clinton era, in his article “ Defense in the Age of Hope”, foreign affairs, no6,1996.

<sup>15</sup> Theoretically or empirically, coup d’état always involved the physics action and military/weapons from domestic or non-domestic like another countries. Usually coup d’état is the form of politic participation with use the force and army in taking over the government, can read in *Perkembangan Militer Dalam Politik di Indonesia, 1945-1966*(Yogyakarta: Gadjah Mada University Press, revision edition, 2002), especially page 7-8 and passim.

and bombing the public facilities and vital object for example: the bomb explosion in 05<sup>th</sup> August 2003 in the Hotel JW MARRIOT, Jakarta and in the 09<sup>th</sup> September 2004 in Australian Embassy, Kuningan, Jakarta. *The fourth categorization is level D* is like the situation or systemic action that theoretically is not threat the national interest and sovereignty, but in the long term through social-politics mechanism will become the indirect threat of national security, for example like unstable of political system. Next is the concept of strategy by John Lovell. This is the concept that the type of strategy which is taken by the decision maker that should consider about their military capabilities and the opponent strategy. In this concept we have four dimensions that is resulted four type of strategy: confrontative, accommodative, leadership, and concordance. Here is the picture:

Picture. 1.1. Typologi of Foreign Policy Political Strategy<sup>16</sup>

		THE EVALUATION OF OPPONENT STRATEGY	
		<u>Threat</u>	<u>Support</u>
THE ESTIMATION OF	Stronger	Confrontative	Leadership
OWN CAPABILITIES	Weaker	Accommodative	Concordance

*Source: John Lovell Foreign Policy in perspective (Holt, Richard, Winston, 1970), p99*

Indonesian condition that is weak in military spending and caused the incapability of TNI equipment can not done the decisive action in preventing sovereignty violation. Because of the estimation of Indonesian military consider as

<sup>16</sup> Ilmu Hubungan Internasional Disiplin dan Metodologi, Mohtar Mas'oe'd page 190. The concept of strategy.

the weak countries in facing the threat of their sovereignty. The only option according the concept of strategy is having the accommodative ways in solving the disputes and many kind of sovereignty violation.

#### **E. Hypothesis**

The prevention of Indonesian sovereignty violation in their territory is by shooting down all of aircraft, ship, and ground activities that trying to disturb and enter Indonesian sovereignty. With showing this action and the capability of TNI's equipments from the national products and non western products, hopefully in the future the other countries will think twice in disturbing Indonesian sovereignty when they hear the decisive action of Indonesian government after having the strong capabilities of military equipment and military spending.

#### **F. Method of Research**

Library Research will be applied in the way of collecting data, explaining the problems as well as analyzing the hypothesis. All the information that support this research uses the secondary data, which are going books, Newspapers, Journals, Internet, and other literature sources.

#### **G. Range of Research**

Focusing more on the topic research, the writer limits the time, which the research is conducted. The writer is going to explain the cases of violation of Indonesian sovereignty in sea and air from 2003 until 2009 because it is the period that there were so many disturbances for Indonesian sovereignty; the writer also collects the data as long as it is relevant to be used in this research.

## **H. System of Writing**

The outline of this research is follows:

CHAPTER I will be explaining about the Problem Background, Research Question, Purpose of Research, Theoretical Framework, Hypothesis, Method of Research, Range of Research, and System of Writing.

CHAPTER II will discuss and give information about the history of Indonesian military in maintaining Indonesian sovereignty in the Indonesian Independence war. Next is explaining kind of threat from another countries and Indonesian Military need focused of military equipment in the air and in the sea.

CHAPTER III will discuss the prevention of sovereignty infraction in Indonesian territory with maximize the role of national industries and local products (PT PINDAD, PT PAL, and PTDI) in the long term in fulfilling the national need of military equipment that have the deterrence effect. It also give the prove and the effort of Indonesian military industries have capabilities for making the appropriate product and just need the support from government in developing their product.

CHAPTER IV Contain the update data about the Indonesian military and some other countries. Beside that it will include the analysis and the relevance of Indonesian military. With having the relevant military power in the short term by buying the military equipment from non-western product hopefully in the future Indonesian can protect its sovereignty from the violation by other countries.

CHAPTER V Contain of the conclusion from all of chapter and also answer the question of research.