



Indonesian-British strategic partnership in the Perspective of international treaty law

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Abstract

Countries must engage with other nations and international organizations to fulfill their diverse needs. These interactions can involve countries with other countries, countries with international organizations, or even different international organizations collaborating. One common form of international agreement is bilateral cooperation, wherein a country partners with another. Among the numerous countries that have collaborated with Indonesia, the United Kingdom (UK) stands out, as it has maintained a strong partnership with Indonesia for approximately 70 years. This study employs the normative legal research method to elucidate how international law, particularly regarding international agreements, perceives the bilateral partnership between Indonesia and the UK. A 'conceptual approach' has been chosen to provide insights into the analysis of the strategic partnership between the two countries. The research delves into various aspects and legal concepts underpinning this partnership, including the examination of Law Number 37 of 1999 concerning Foreign Relations and Law Number 24 of 2000 regarding International Agreements. The findings of this study indicate that the implementation of the cooperation agreement between Indonesia and the United Kingdom aligns with Kartasasmita's two fundamental principles of international agreements. Furthermore, the execution of the agreement between Indonesia and England satisfies multiple theories explaining the factors contributing to international cooperation. These theories encompass technological advancements, economic progress and development, as well as the presence of mutual awareness and willingness to engage in negotiations.

Keywords: International Agreement, Bilateral, Indonesia-UK

Abstrak

Negara perlu berinteraksi dengan negara lain atau organisasi internasional untuk mencukupi kepentingan mereka yang beragam. Negara dan negara, negara dengan organisasi internasional, atau satu organisasi internasional dengan organisasi internasional lainnya seluruhnya bisa terlibat dalam hubungan internasional. Satu dari sekian bentuk dari perjanjian internasional yang dijalankan oleh sebuah Negara ialah kerjasama bilateral. Di antara banyaknya negara yang telah melaksanakan kerjasama dengan Indonesia, Inggris yakni negara yang mempunyai hubungan kerjasama yang cukup lama dengan Indonesia yakni sekitar 70 tahun. Metode penelitian yang diterapkan yakni jenis metode penelitian hukum normatif metode tersebut digunakan untuk menggambarkan bagaimana hukum yang dalam hal ini hukum perjanjian internasional memandang jalannya kemitraan bilateral antara Indonesia-Inggris, dengan pendekatan "conceptual approach" pendekatan ini dipilih untuk memberi pandangan terkait analisa mengenai kemitraan strategis antara Inggris-Indonesia kemudian dalam penelitian ini dianalisis juga berbagai aspek serta berbagai konsep hukum yang melatarbelakangi terjadinya kemitraan tersebut yaitu melalui Undang-Undang Nomor 37 Tahun 1999 terkait Hubungan Luar Negeri dan Undang-Undang Nomor 24 Tahun 2000 terkait Perjanjian internasional. Hasil penelitian menunjukkan bahwa terlaksananya kesepakatan kerjasama antara Indonesia-Inggris sesuai dengan teori dari faktor terjadinya kerjasama internasional berdasarkan Kartasasmita antara lain Kemajuan disektor teknologi; Kemajuan dan perkembangan ekonomi; dan Adanya kesadaran dan keinginan untuk bernegosiasi.

Kata kunci: Perjanjian internasional, Bilateral, Indonesia-Inggris

I. Introduction

International relations constitute an integral aspect of the modern state. Multiple reasons drive states to engage in international relations. States are compelled to interact with each other as well as international organizations in order to tackle their diverse array of demands. As global

development progresses, the interactions between states and international organizations have become too intricate to be solely governed by international customs. This complexity arises from the mounting challenges that states and subjects of international law must confront. Even in the present times, various entities bound by international law find it essential to formalize their relations through global agreements¹.

To address the unique needs and interests of individual countries, establishing connections, even with international organizations, has become imperative. In the past, historical international customs exclusively regulated global interactions. However, relying on these customs to address the multifaceted challenges arising from these relations has become obsolete. Recognizing this, the states engaged in mutual communication have now translated their interactions into international treaties².

Every nation possesses the sovereign right to enter into international agreements. In a federal state, the exclusive authority to create foreign agreements resides with the federal government, thus the individual states typically lack this power. Nevertheless, in specific cases and as stipulated by the constitution, states can engage in international agreements concerning particular issues³.

Based on Article 38 paragraph 1 of the Statute of the International Court of Justice, international agreements are one of the main sources of international law. Whereas Article 2 paragraph (1) letter a of the 1969 Vienna Convention defines international treaties as follows:

“Treaty means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;”

In the realm of international relations, the state, which serves as the central subject of international law, holds paramount importance. International relations can occur among states, between states and international organizations, or even between different international organizations. This signifies that irrespective of a country's political, economic, or social system, international treaties serve as instruments for fostering cooperation and cultivating peaceful relations among nations. Illustrative of this is the Vienna Conventions developed by the United Nations (UN) in 1969 and 1986. One such example is the Vienna Convention on the Law of Treaties between States and International Organizations or Between International Organizations (1986). These conventions are devised to establish favorable conditions that ensure equity and uphold the obligations laid out in contracts⁴.

Bilateral cooperation stands as a prominent form of international agreement undertaken by countries. Among the earliest instances of international collaboration between two nations lies bilateral cooperation. Undoubtedly, each country requires the collaboration of other states to foster development and cater to the well-being of its citizens. Since declaring independence on August 17, 1945, Indonesia has forged diplomatic ties with numerous nations. The country has fostered relationships through various channels, encompassing bilateral, regional, and global forums, engaging with a diverse array of friendly states. While fulfilling these commitments, Indonesia consistently upholds a code of conduct grounded in mutual respect, refrains from meddling in the internal affairs of other states, renounces the application of force and engages in negotiations with all involved parties prior to making decisions. At present, Indonesia maintains

¹ Danel Aditia Situngkir, “Perjanjian Internasional Dan Dampaknya Bagi Hukum Nasional,” *KERTHA WICAKSANA: Sarana Komunikasi Dosen dan Mahasiswa* 13, no. 1 (2019): 19–25.

² Danel Aditia Situngkir, “Terikatnya Negara Dalam Perjanjian Internasional,” *Refleksi Hukum: Jurnal Ilmu Hukum* 2, no. 2 (2018): 167–180.

³ Rodrigo Wullur, “Kekuatan Mengikat Perjanjian Internasional Sebagai Salah Satu Sumber Hukum Internasional Menurut Pasal 38 Piagam Mahkamah Internasional,” *Lex Administratum* VI, no. 1 (2018): 97–98.

⁴ Elfia Farida, “KEWAJIBAN NEGARA INDONESIA TERHADAP PERJANJIAN INTERNASIONAL YANG TELAH DIRATIFIKASI (Convention on The Protection of The Rights of All Migrant Workers of Their Families),” *Administrative Law and Governance Journal* 3, no. 1 (2020): 182–191.

bilateral relations with 162 states and is a unique non-governmental territorial entity. Eight regions are partner states of Indonesia (Africa, the Middle East, East and Pacific Asia, South and Central Asia, North and Central America, South America and the Caribbean, Western Europe, as well as Central and Eastern Europe).

Britain is one of the strategic partners based on the Joint Statement on Closer Cooperation in April 2012. On 19 April 2022, the Strategic Partnership was strengthened with the Indonesia-Britain Partnership Roadmap 2022-2024. The focus of the Indonesian-Britain cooperation covers relatively comprehensive priority sectors, such as trade, investment, creative industries, climate change and low-carbon development, education, research and innovation, life science, and health. Indonesia-Britain has several bilateral cooperation mechanisms such as the Menlu Partnership Forum, the Joint Economic and Trade Committee (JETCO) at the Trade Minister level, as well as the dialogue mechanism and working group in the defense, cyber, counter-terrorism, education, and health sectors. Britain launched the Indo-Pacific Tilt policy in 2021 which opens up opportunities for strengthening the intensity of bilateral partnership in the Region.

In accordance with the Joint Statement on Closer Cooperation of April 2012, Britain is one of the strategic partners. Indonesia-Britain Partnership Roadmap 2022-2024 to enhance Strategic Partnership on 19 April 2022. The priority sectors of cooperation between Indonesia and the UK are broad and include trade, investment, creative industries, climate change and low-carbon development, education, research, and innovation, as well as life and health sciences. The Partnership Forum at the Menlu level, the Joint Economic and Trade Committee (JETCO) at the level of Ministers of Trade, as well as the dialogue mechanisms and working groups in the defense, cyber, counter-terrorism, education, and health sectors, are only a small part of the bilateral cooperation mechanism between Indonesia and Britain. The Indo-Pacific Alignment Policy, introduced by Britain in 2021, provides an opportunity to increase the intensity of bilateral partnerships across the region.

In ensuring the authenticity and originality of the study on this study, the researchers included several other research findings that are essentially closely related to the study, including First, the study conducted by Astari Marisa entitled "Indonesia-Australia Bilateral Relations: Australia's Interest in the Ratification of Indonesia-Australia Comprehensive Economic Partnership Agreement 2019". Second, the study conducted by Yovinus was titled "Quo Vadis bilateral relations Indonesia - Malaysia: Challenges and Obstacles to Building Political and Economic Cooperation". The two studies also discussed the bilateral relations of Indonesia with other states. The reformer in this research is the cooperation partner from Indonesia discussed in this research, namely the United Kingdom, which has collaborated for 70 years. Referring to the background, this study was structured with the aim of understanding how the Indonesian-British Strategic Partnership is related in the legal perspective of international treaties..

II. Research Problems

Based on the background described above, several problems are formulated as follows: *First*, what is the meaning of International Treaty Law? *Second*, what are the forms of international agreements? *Third*, how is the bilateral cooperation between Indonesia and Britain? *Fourth*, how is Bilateral Cooperation in the Perspective of International Treaty Law?

III. Research Methods

The method of this research is a normative law research method that has relativity in describing the law as a prescription which merely evaluates the law through the view of its various norms only that is already certain the prescription nature⁵, The method is used to illustrate how the law, specifically international treaty law, perceives the progress of the bilateral

⁵ Depri Liber Sonata, "Metode Penelitian Hukum Normatif Dan Empiris : Karakteristik Khas Dari Metode Meneliti Hukum," *Fiat Justitia Jurnal Ilmu Hukum* 8, no. 1 (2014): 15-35, file:///C:/Users/ASUS/Downloads/283-Article Text-1238-2-10-20151116.pdf.

partnership between Indonesia and UK. The chosen approach in this research is the "conceptual approach," which provides a perspective on the analysis of the strategic partnership between England and Indonesia. The study also analyzes various aspects and legal concepts that underlie the establishment of this partnership, particularly through Law Number 37 of 1999 concerning Foreign Relations and Law Number 24 of 2000 concerning International Agreements. The data used in this research are secondary data obtained indirectly, including primary, secondary, and tertiary legal sources. The primary legal materials involve examining various theories, concepts, and legal principles, as well as studying relevant regulations, such as Law Number 37 of 1999 concerning Foreign Relations and Law Number 24 of 2000 concerning International Agreements. Additionally, secondary legal materials such as legal opinions, doctrines, and various theories obtained from articles and legal journals are also included. The researcher also includes tertiary legal materials obtained from the Indonesian dictionary, English dictionary, and other relevant sources.

IV. Results and Discussion

1. International Treaty Law

Trade between legal entities cannot be detached from the maintenance of international relations. Mochtar Kusumaatmadja defines an international treaty as an agreement formed among members of a community of states, aiming to produce specific legal consequences that govern legal relationships, rights, and responsibilities according to international law. An agreement is a legally binding pact among states, as per Article 2 (1a) of the 1969 Vienna Convention; its structure, however, is determined by international law. Recognizing the increasing significance of treaties as sources of international law and as a means of fostering peaceful cooperation among states, regardless of their constitutional and socioeconomic systems⁶.

In the contemporary global landscape, cross-border cooperation facilitated by international agreements is vital for the effective management of everyday life and international interactions. There exists no country, including the Republic of Indonesia, that does not engage in agreements with other states, and there is no state exempt from the influence of international treaties in its international affairs. Each nation has established the groundwork for collaboration, pooling efforts to address a diverse array of issues in the interest of international public welfare and collective survival.

When sovereign states aim to establish agreements pertaining to their shared national and state interests, these accords usually adopt the form of international agreements. These norms are formalized based on mutual understanding, carrying explicit legal purposes and consequences. Consequently, the significance of international agreements extends to managing the diverse challenges encountered by the global community. As a result, international agreements hold relevance not only within the realm of public international law but also in the domain of private international law (HPI). Various international conferences, including those held in The Hague, have been convened since the late 19th century as part of a global endeavor to harmonize concepts.

In her book "International Law", Rebecca Wallace defines international law "*rules and norms which regulate the conduct of states and other entities which at any time are recognized as being endowed with international personality, for example international organizations and individuals, in their relations with each other*"⁷.

It is commonly asserted that international law constitutes a body of legal principles. In this context, international law meets the criteria of legal comprehension, defined as a compilation of regulations established by governing bodies. These rules possess an obligatory or binding nature, whether in written or unwritten form, and are designed to confine human conduct within the

⁶ Dag Hammarskjold, *International Law Handbook, United Nations*, vol. 3 (New York: United Nations, 2017), <http://legal.un.org/poa> and <http://legal.un.org/avl>.

⁷ Wullur, "Kekuatan Mengikat Perjanjian internasional Sebagai Salah Satu Sumber Hukum Internasional Berdasarkan Pasal 38 Piagam Mahkamah Internasional."

parameters of societal norms⁸. The international law under consideration is public international law. This encompasses the entirety of legal norms and standards governing transnational interactions outside the realm of civil affairs (known as international relations), as well as interactions involving both states and non-state legal entities⁹.

International agreements serve as legal instruments designed to accommodate the interests of involved parties with the aim of achieving shared objectives. The mutual consensus of the parties listed within the prospective international agreement forms the foundation of international law, governing relationships among the states, encompassing both the parties directly involved and third parties referenced within the agreement. The creation of an international agreement constitutes a legal action that binds the participating parties to the terms outlined within the agreement.

An international treaty is a formal agreement established by a subject of international law with the intent of yielding distinct legal outcomes. International treaties encompass agreements crafted between states, agreements forged between states and international organizations, agreements reached between different international organizations, as well as agreements concluded between the Holy See and governments.

An international agreement serves as a mechanism through which a country and its partnering states engage in cooperative endeavors¹⁰. International treaties, the primary source of international law, are legal instruments that facilitate the alignment of state or other international legal entity objectives, thus realizing common objectives¹¹.

The nature of the relationship between international and national law is a pivotal inquiry in international law. Monism and dualism (alongside transformation and incorporation) serve as pivotal theoretical frameworks that explore the interplay between a state as an internal entity and the same state as a member of the international legal community, shaping the dynamics of the international legal system¹².

A legal act carried out by two or more parties with the same intention to bind each other is called an agreement¹³. The only source of international law that allows international law subjects to participate formally as the parties from the agreement was created to be enforced by the international public is the international treaty. Certainly, this is different from the application of international customary law, in which various states adhere to their principles implicitly, contrary to the implementation of international treaties explicitly.

When various states ratify international treaties, they can serve as a reliable source of international law. An international treaty has a strict legal capacity in this situation, therefore its ratification by a state is based on the voluntary nature of that country as well as the responsibility assigned to the ratification refers to the agreement. However, not all international treaties have a clear interest and are required to be ratified by reference to national law. In the public order of the world, such international agreements are reduced to the principle of statelessness. Since written and contemporary international law is more focused on the prevention of interstate conflicts than on the resolution of conflicts, international agreements offer legal certainty¹⁴.

Kartasmita emphasizes that there are several elements that influence international cooperation, including: (1) Due to technological advances, various states are now dependent on

⁸ Made Chintya Sastri Udiani, Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliantini, "Hukum Internasional Sebagai Sumber Hukum Di Dalam Menyelesaikan Sengketa Internasional," *Ganesha Law Review* 4, no. 2 (2022): 73–83.

⁹ Setyo Widagdo, "Pengesahan Perjanjian Internasional Dalam Perspektif Hukum Nasional Indonesia," *Arena Hukum*, 2019.

¹⁰ Heni Novalisa Tabisu, Aartje Tehupeiry, and Diana R. W Napitupulu, "Analisis Perjanjian Internasional Dan Dampak Terhadap Hubungan Kerjasama Indonesia-Fiji," *Jurnal Syntax Admiration* 2, no. 11 (2021): 2083–2095.

¹¹ Dewi Setyowati, Nurul Hudi, and Levina Yustitiningtyas, "Tinjauan Yuridis Peraturan Perundang-Undangan Sebagai Ratifikasi Perjanjian Internasional," *Perspektif Hukum* 16, no. 2 (2017): 202.

¹² Gideon Boas, *Public International Law*, Monash University (UK: Edward Elgar Publishing Limited, 2012).

¹³ Taufik Hidayat Lubis, "Hukum Perjanjian Di Indonesia," *SOSEK* 2, no. 3 (2022): 177–190.

¹⁴ Dina Sunyowati, "Hukum Internasional Sebagai Sumber Hukum Dalam Hukum Nasional (Dalam Perspektif Hubungan Hukum Internasional Dan Hukum Nasional Di Indonesia)," *Jurnal Hukum dan Peradilan* 2, no. 1 (2013): 67.

each other to implement their relationships; (2) The well-being of the country and the nation is influenced by economic growth and progress. The health of one nation can be influenced by the health of another nation; (3) A shift in the character of conflict where there is a shared desire to defend and protect each other through international cooperation; (4) Negotiation is one of the techniques of international cooperation that is based on the thought that it will be easier to solve problems when they are solved, and there is awareness and desire to implement them.

2. Forms of International Agreements

Unwritten agreements, often referred to as oral agreements, and written agreements constitute the two primary categories of international agreements. The following are examples of unwritten international agreements according to Wayan Parthiana: 'In general, these encompass joint or mutual declarations made by heads of state, heads of government, or foreign affairs ministers on behalf of their respective countries, concerning specific matters that pertain to the interests of the involved parties... Additionally, they may involve unilateral statements issued by state officials, which are then positively acknowledged by officials or governmental bodies of another state.'

The forms of international agreements can at least be distinguished from seven different perspectives¹⁵. The following are these forms;

- a. International agreements are based on the number of parties. there are two types of international agreements: bilateral (involving two states and/or parties) and multilateral (involving more than two states or parties);
- b. Special international treaties, are often known as closed international treaties and open international agreements. A special or closed international agreement is an agreement that only manages the interests of the various parties involved and prohibits the participation of third parties. On the other hand, the party or state that was initially not involved in the drafting of an open international treaty can then declare their willingness to be bound by it;
- c. International agreement based on its law. This division is closely linked to previous types of international agreements and divides international treaties into three other parts, i.e. international agreement which creates special legal rules applicable to the binding parties, applicable in special territories, and generally applicable;
- d. International agreements based on languages. An international treaty may be written in one language, two languages, three languages or more, only one valid and binding language of the parties, which is an entirely original, authentic script, and has the same bond;
- e. International agreements are based on the legal substance contained in them. In general, there are three types of international treaties referring to the legal basis they formulate, namely the international treaty whose whole form is the form of the basis of international customary law in the related sectors, the international agreement which is the foundational form of international law, and the international Treaty which creates the foundations of the international law which is very new and/or whose essence is a blend between the concept of international common law and the very new principles of international right;
- f. International agreements based on the Initiator. There must be various parties who take the initiative to enter into agreements with other states because international agreements arise from the interest of managing a problem faced jointly by various stakeholders. International treaties are divided into two categories referring to who initiated them: agreements whose establishment or birth is the result of a state or state and/or international organization; and
- g. International agreements based on scope. The enforceability of international agreements can be categorized as specific, regional, or regional, as well as general or universal, depending on their degree of enforceability.

3. Indonesian-United Kingdom Cooperation

¹⁵ Ninon Melatyugra, "Perjanjian Internasional Dalam Hukum Nasional: Perbandingan Praktik Negara Indonesia, Inggris, Dan Afrika Selatan," *Refleksi Hukum: Jurnal Ilmu Hukum* 2, no. 2 (2018): 193–206.

Fundamentally, a nation requires the collaboration of other nations to fulfill its domestic interests. Establishing cooperative relationships with other states, either bilaterally or multilaterally, represents one among various strategies that can be employed to realize these national objectives. This form of collaboration is commonly referred to as international cooperation. Solving local issues often drives a country's interaction with other states through international cooperation. The convergence of economic, social, cultural, and security elements is grounded in each country's foreign policy.

The Government of Indonesia has issued Law No. 24 of 2000 relating to international agreements to help implement international cooperation agreements more structured, directed, and based on stronger legal certainty. Both laws serve as a binding legal foundation for the Central Government and other members in foreign relations and cooperation, including regional components. The Government of Indonesia has issued Law Number 37 of 1999 on Foreign Relations and Law Number 24 of 2000 on International Agreements to support the organization of more structured, directed, and stronger legal certainty in foreign relations and cooperation.

Based on Law Number 37 of 1999 concerning Foreign Relations and Law Number 24 of 2000 concerning International Agreements, the State has regulated the course of cooperation accompanied by the implementation of international relations with other states because each country requires the assistance of other states to provide welfare and prosperity for its people. Cooperation agreements with other states can help states that have deficiencies in certain aspects by collaborating with states that have advantages in those aspects. Likewise, other states also need the collaboration of other nations to achieve the welfare and prosperity of their people.

It is the duty of a State to diligently pursue the welfare of its citizens as a means to achieve national objectives. A country's interests must be served through various avenues, often involving collaboration with other nations. Relying solely on its internal resources, without the support of other states, is insufficient for a state's sustenance. Mutual cooperation between parties is both efficient and mutually advantageous. As a sovereign state, Indonesia retains the right to engage in partnerships with other nations. As of April 2019, Indonesia maintains 162 bilateral relations with other states. These relationships span eight geographical regions: Africa, the Middle East, East Asia and the Asia Pacific, South Asia and Central Asia, North America and Central America, South America and the Caribbean, Western Europe and Central Europe, as well as Eastern Europe.

There are multiple compelling reasons for countries partnering with Indonesia to engage in bilateral cooperation. These encompass the pursuit of global peace, alignment of mutual economic interests, collaboration to address immigration concerns, joint resolutions of international challenges, and cultural advancement. Specifically, several factors drive the emergence of bilateral cooperative relations: The limitation of a country's ability to fully address its domestic public interests due to restricted natural resources, thereby necessitating cooperation or assistance from other states; A nation's challenges in satisfying its citizens' needs due to technical constraints and a scarcity of qualified human resources; The involvement in bilateral cooperation potentially hinders a country's capacity to independently resolve its disputes and internal matters; A country's aspiration to establish peace with other nations engaged in bilateral relations; The intent to enhance the well-being and prosperity of its citizenry; A nation's objective to expedite its ongoing growth rate. By recognizing and acting upon these motivations, bilateral cooperation becomes an avenue for achieving shared goals and fostering international relationships.

Since gaining independence on August 17, 1945, Indonesia has forged diplomatic ties with numerous nations. It has fostered relationships through various avenues, including bilateral, regional, and global forums, collaborating with diverse friendly states. Throughout the development of these relationships, Indonesia has consistently upheld a way of life that champions the principle of mutual respect, refrains from meddling in the internal affairs of other states, condemns the use of violence, and seeks to enhance shared decision-making and collaboration.

Britain has maintained close working relations with Indonesia for approximately 70 years, positioning itself as one among several nations partnering with Indonesia. Aligned with the Joint

Statement on Closer Cooperation in April 2012, Britain holds a strategic partnership status. The Indonesia-UK Partnership Roadmap 2022-2024 further solidifies this Strategic Partnership, enacted on April 19, 2022.

The scope of collaboration between Indonesia and the UK spans various extensive sectors, including trade, investment, creative industries, climate change and low-carbon development, education, research and innovation, as well as life and health sciences. Within the framework of bilateral cooperation between Indonesia and Britain, mechanisms such as the Partnership Forum at the Minister of Foreign Affairs level, the Joint Economic and Trade Committee (JETCO) involving Trade Ministers, and dialogue mechanisms and working groups in sectors like defense, cyber, counter-terrorism, education, and health, play a pivotal role.

In 2021, Britain introduced the Indo-Pacific Alignment Policy, creating opportunities to elevate the intensity of regional and bilateral collaborations. Over 70 years have elapsed since the establishment of diplomatic relations between Indonesia and Britain. Britain holds significant stature as a trader within Europe and a substantial investor in Indonesia. Both nations have embarked on an expansive economic cooperation venture spanning sectors such as trade, investment, creative industries, digital technologies in the financial sector (fintech), renewable energy, education, human resource development, marine affairs, and more.

British Chamber of Commerce in Indonesia, often referred to as BritCham Indonesia, is one of the forms of cooperation between Indonesia and the UK. BritCham Indonesia, which has represented the company for 40 years and refers to the British commercial presence that has lasted for more than 100 years, is one of the most active chambers in Indonesia. BritCham Indonesia is dedicated to creating a service infrastructure that supports the entire phase of business development from the beginning of the establishment of the British company in Indonesia, partnering with the British Embassy and the British Council, whose senior representatives sit in the Management Board¹⁶. BritCham Indonesia, BritCham Business Center, and BritCham Education Center are the three components of BritCHAM Indonesia. Through a series of services called “Business Support Services”, BritCham Business Center is committed to helping British seeking market access in Indonesia. This includes services such as market data, marketing webinars, virtual roadshow administration, trading mission management, visiting programs, and other services.

According to records from the Ministry of Commerce of the Republic of Indonesia, the trade value between Indonesia and the UK reached \$2.2 billion in 2020. Between January and February 2021, this value amounted to \$335.70 million. Based on data from the Capital Plantation Coordination Agency (BKPM) as of March 2021, UK investment realization in Indonesia totaled USD 17.6 million, spanning across 303 projects. It is anticipated that this figure will continue to grow. Considering the number of investments originating from the UK in Indonesia, it can be stated that the UK ranks as the 15th largest investor in Indonesia, trailing behind countries such as Singapore, Japan, the United States, South Korea, and the Netherlands. British investments span across various sectors of the economy, encompassing energy, pharmaceuticals, and affordable consumer goods.

Cybersecurity collaboration serves as another instance of cooperative efforts. The UK permits ethical hackers to assess British business enterprises, given the pervasive reliance of these businesses on online operations. To safeguard British corporate interests and broader national security aspects, the British government allocates significant resources to defense, security, and cyber resilience. This strategic allocation aims to mitigate the effects of cybercrimes on the British economy.

Cybersecurity collaboration between Indonesia and the British Government has been established as a form of cooperation. The inception of this collaboration dates back to August 2018 when the UK Government directly initiated engagement with the Indonesian State and the Siber Password Agency. To further formalize and enhance this cooperation in the cybersecurity

¹⁶ Yeni Wijayanti, “Dinamika Hubungan Bilateral Indonesia-Australia,” *Universitas Gadjah Mada VII*, no. 09 (2015): 6.

domain, a significant step was taken on August 14, 2018, with the signing of a Memorandum of Understanding between the Government of the Republic of Indonesia and the United Kingdom Kingdom in the realm of cybersecurity¹⁷.

In other perspectives, it is known that the tight cooperation between Indonesia and the UK is also consistent with the theory presented by Kartasasmita, where international cooperation is driven by several factors:

- a. The rapid advancement of technology has eased relationships that states can establish to increase mutual dependence. In today's fast-paced technological landscape, this progress holds the potential to facilitate enhanced cooperation between major states such as Indonesia and the United Kingdom. Yet, when considering the implementation of cooperation between Indonesia and the UK, particularly in the context of technological advancement, a notable complexity arises within Indonesia's technology sector. This complexity stems from the insufficient adoption of financial technology services by larger corporations. For instance, instances of unauthorized dissemination and misuse of customers' personal data by lending institutions, leading to unaccounted online crimes, have surfaced due to the lack of regulatory measures. Consequently, the unanticipated emergence of online crime from fintech transactions can significantly influence the predictive trajectory of development¹⁸. In response to this issue, Indonesia and the UK have collaborated to tackle the challenges posed by technological advancements, primarily focusing on cybersecurity. The collaboration in the cybersecurity sector was initiated directly by the UK Government and the Indonesian Password and Cyber State Agency in August 2018. To formalize and reinforce this collaboration, the Government of the Republic of Indonesia and the UK Government signed a Memorandum of Understanding in the cybersecurity sector on August 14, 2018.
- b. Economic progress and development significantly influence the welfare of a nation and its citizens. A nation's prosperity can have far-reaching effects on the well-being of other nations as well. To enhance the well-being of both Indonesia and the UK, cooperative efforts have been implemented in the trade sector. Notably, the BritCham Business Centre serves as a platform to assist British companies seeking market access in Indonesia. This center provides various services, commonly referred to as Business Support Services, to aid these companies in realizing their objectives. Furthermore, the UK offers support aimed at strengthening the governance of Indonesia's forest sector. This deeper integration is exemplified through the Forestry Cooperation Program, wherein the UK has collaborated with Indonesia, focusing on the Multistakeholder Forestry Programme (MFP) since 2000¹⁹. Initiated in 2000, the program continued until 2007. However, the UK's support for Indonesia's sustainable production forest management efforts persisted beyond this initial phase. This ongoing collaboration transitioned into its second phase, concentrating on the establishment of a Legality Verification System. This system aimed to bolster forest management by ensuring that the wood industry sourced its raw materials through legal means. Such an approach not only promotes transparency and accountability within government administration but also upholds a concept of responsible and lawful practices²⁰.
- c. An awareness and desire to negotiate stand as fundamental methods of international cooperation, rooted in the understanding that negotiation can effectively address challenges. Within the context of Indonesia and Britain, diplomatic relations between the two nations have been fortified over a span of more than 70 years. Britain holds a significant position as

¹⁷ Monica Romaully Weu, "Kerjasama Pemerintah Indonesia Dan Pemerintah Kerajaan Inggris Dalam Bidang Keamanan Siber," *Global Political Studies Journal* 4, no. 2 (2020): 154-169.

¹⁸ Winnie Stevani and Lu Sudirman, "Urgensi Perlindungan Data Pengguna Financial Technology Terhadap Aksi Kejahatan Online Di Indonesia," *Journal of Judicial Review* 23, no. 2 (2021): 197.

¹⁹ Salsabilla Amanda et al., "Kepentingan Inggris Dalam Memerangi Illegal Logging Melalui Program Multistakeholder Forestry Programme Di Indonesia," *Journal of International Relations* 8 (2022): 438-447, <http://ejournal-s1.undip.ac.id/index.php/jihiWebsite:http://www.fisip.undip.ac.id>.

²⁰ Antoko Ridho, Laode Muhamad Fathun, And Mansur Juned, "Implementasi Kerjasama- Inggris Dalam Kerangka Terhadap Peningkatan Produk Kayu Indonesia 2014 - 2016," *Jurnal Asia Pasific Studies* 3, no. 1 (2019): 75-84.

one of Europe's pivotal trading partners and a substantial investor in Indonesia. Notably, Britain has emerged as a central priority in the strengthening of Indonesia's economic diplomacy within the European region. Both countries have embraced a commitment to augment economic cooperation across promising sectors including trade, investment, creative industries encompassing digital technology such as fintech, renewable energy, education, human resource development, maritime affairs, and more.

4. Bilateral Cooperation in the Perspective of International Treaty Law

Since the early 20th century, the significance of international treaties in the management of international relations has grown substantially. This significance was underscored by the League of Nations-organized international conference in 1924, where the Committee of Experts worked toward codifying international legal norms into treaties, in alignment with the Resolution of the League Assembly dated September 22, 1924. Further evidence of the pivotal role of international treaties in international relations emerged through the collapse of the League of Nations and the subsequent establishment of the United Nations on October 24, 1945²¹.

Due to the lack of laws, doctrines, and practices developed in Indonesia, it is often difficult to implement international agreements within the framework of national legal systems. This challenge stems from the fact that Indonesian law, doctrines, and practices, which dictate the status of international treaties within the national legal framework, are not fully evolved²². This uncertainty is because the Indonesian legal system does not have theories or laws governing how international law and domestic law interact²³.

Since it does not exclude the possibility of legislative regulations created by the DPR containing provisions that are inconsistent or contrary to the substance of international treaties in which Indonesia is a party, international law plays a profoundly significant role in the evolution and advancement of legal principles within Indonesia²⁴.

In the implementation of international agreements, there are several principles of agreements, one of which is *pacta sunt servanda*. According to Zhifeng in his article, states that *pacta sunt servanda* in public international law is the fundamental principle that international agreements bind the parties that enter into the agreement and must be upheld. It is the basic concept that international agreements should be preserved and continuously enforced as a legal basis and used as an argumentative method for the formation and maintenance of states, regardless of its conceptual evolution over time²⁵. Based on this viewpoint, there must be a higher law behind the agreement to judge it. It is a law without a legislator and executor. It is also a law that holds rulers accountable²⁶. Contractual obligations must be respected, and its main component is the concept of good faith. In the Vienna Convention on the Law of Treaties (VCLT), Article 27 establishes this principle by stating that a party to a treaty "may not invoke the provisions of its internal law as justification for its failure to perform." In other words, international obligations generally take precedence over domestic law²⁷.

²¹ Hendra Kurnia Putra, "Konsekuensi Yuridis Terhadap Ratifikasi Perjanjian Internasional Dalam Sistem Hukum Nasional Indonesia" (Universitas Indonesia, 2014).

²² Damos Dumoli Agusman, "Status Hukum Perjanjian Internasional Dalam Hukum Nasional RI Tinjauan Dari Perspektif Praktek Indonesia," *Indonesian Journal of International Law* 5, no. 3 (2008): 488-504.

²³ Gede Arya Eka Candra, Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliantini, "Perspektif Hukum Internasional Mengenai Kerja Sama Bilateral," *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 3 (2022): 269-276, <https://ejournal.undiksha.ac.id/index.php/JJPP>.

²⁴ Wisnu Aryo Dewanto, "Problematisa Keberlakuan Dan Status Hukum Perjanjian Internasional Kajian Putusan Mahkamah Konstitusi Nomor 33/Puu-Ix/2011," *Jurnal Yudisial* 6, no. 2 (2013): 107-122.

²⁵ Jiang Zhifeng, "Pacta Sunt Servanda and Empire: A Critical Examination of the Evolution, Invocation, and Application of an International Law Axiom," *Michigan Journal of International Law* 43, no. 3 (2022): 745.

²⁶ Talya Uçaryılmaz, "The Principle Of Good Faith In Public El Principio de Buena Fe En El Derecho Internacional Público" 68 (2019): 43-60.

²⁷ Charlotte Sieber-Gasser, "Flexibility in International Economic Law vs. Pacta Sunt Servanda: Maintaining Legitimacy Over Time," *SSRN Electronic Journal*, no. January (2021).

International law has undergone at least three distinct periods, each leaving its mark on its evolution. In its nascent stage, international law governed interactions between nations. The second phase emerged after World War I, during which international law progressively influenced public discourse, emphasizing the enforcement and protection of human rights. The third phase, thanks to the presence of international law, has brought forth a more intricate interplay between international and national legal realms²⁸.

National security and safety are of paramount importance for every state. This concern serves as a foundational pillar upon which a nation formulates its foreign policy with regard to other states²⁹. Naturally, Indonesia is associated with the outside world as a member of the community. In addition, the state of Indonesia as a fully independent and sovereign state in the maintenance of foreign relations is based on the basis of equality of degrees, mutual respect, mutually beneficial, and mutual non-interference. This was confirmed by the opening of 1945 Constitution. One of the goals of the Government of the Republic of Indonesia is to participate in the implementation of the world order that refers to independence, eternal peace, and social justice.

With five FPDA members (Britain, Australia, New Zealand, Malaysia, and Singapore), who have longed diplomatic relations and cooperation with Indonesia, there is still distrust in the relationship due to alleged settlements and recent diplomatic tensions. One of the difficulties is the existence of the FPDA itself because the original purpose of "following Indonesia" has not changed. This creates a barrier to more effective collaboration³⁰.

The Republic of Indonesia requires an agreement in the form of international agreements, either multilateral or bilateral, to implement trade cooperation relations with other states by the regulations of the laws and regulations in force, among other things the Law No. 7 of 2014 on Trade, the Act No. 24 of 2014 2000 on International Agreements, and the Law no. 37 of 1999 on Foreign Relations as well as the provisions of international law such as the Vienna Convention of 1969.

V. Conclusion

International treaty law forms the legal framework governing and safeguarding agreements established by subjects of international law with the intent of producing specific legal consequences. International agreements come in various forms, categorized based on factors including the number of participating states, admission opportunities, legal norms, language, legal substance, initiators, and scope. Over a span of more than 70 years, Indonesia and England have cultivated bilateral agreements, resulting in a diverse array of established cooperation. The principal areas of collaboration between these two nations encompass trade, investment, creative industries, climate change and low-carbon development, education, research, innovation, life sciences, and health. In light of these considerations, both countries have endorsed the implementation of cooperative ventures between Indonesia and England. This endorsement acknowledges the pivotal nature of the collaborative sectors for each nation's respective interests. The accelerating pace of technological advancement is widely recognized as a catalyst for international cooperation, particularly within the context of Indonesia and England.

In the pursuit of collaborative efforts concerning technological advancement, the two states have joined forces to address the risks associated with such progress. A notable instance is the cooperation in the field of cybersecurity, which was initially proposed by the United Kingdom to the Indonesian National Encryption Agency in August 2018. This collaboration culminated in the signing of a Memorandum of Understanding between the government of the Republic of Indonesia and the United Kingdom on August 14, 2018, solidifying their commitment to

²⁸ Kama Sukarno, "Penerapan Perjanjian Internasional Di Pengadilan Nasional Indonesia: Studi Terhadap Putusan-Putusan Mahkamah Konstitusi," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 3, no. 3 (2017): 587-608.

²⁹ Bobby Firadus Usman, "Faktor-Faktor Yang Melatar Belakangi Kerjasama Indonesia Dengan Inggris Dibidang Keamanan Siber Tahun 2018," *Moestopo Journal of International Relations* 1, no. 2 (2021): 107-114, <https://journal.moestopo.ac.id/index.php/mjir/article/view/1484>.

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bolstering cybersecurity efforts. Recognizing the shared prosperity of both Indonesia and England, trade relations are facilitated through the establishment of the BritCham Business Center. This center offers an array of services commonly referred to as "business support services," catering to British enterprises aiming to enter the Indonesian market. Diplomatic relations between Indonesia and England span over 70 years. England holds a significant position as a key trading partner within Europe and a notable investor in Indonesia. Strengthening Indonesia's economic diplomacy within the European region stands as a primary objective. The two nations have resolved to expand economic collaboration across a diverse range of sectors, including trade, investment, creative industries, digital technology within the financial sector (fintech), renewable energy, education and human resource development, maritime affairs, and more.

Nonetheless, the implementation of international agreements within Indonesia's national legal framework often faces challenges due to the insufficient development of laws, doctrines, and practices. This limitation arises from the fact that Indonesian law, doctrines, and practices governing the integration of international agreements within the national legal system are not yet fully matured. This uncertainty is primarily rooted in the absence of a theory or legislation within the Indonesian legal system that comprehensively governs the interaction between international law and domestic law. Despite this, it is generally acknowledged that international obligations, including those arising from such cooperative agreements, take precedence over domestic law.

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