

THE THREAT OF UNDERWATER DRONES IN INDONESIAN WATERS TERRITORY

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ABSTRACT

Along with the development of the strategic environment in the Indo-Pacific, conflict escalation has occurred at several points in this area. And Indonesia, as one of the countries in the Indo-Pacific Region, is also affected by this condition. One of the leading weapons currently used by regional countries today is underwater drones. As an increasingly popular advanced technology, undersea drones provide the potential for their use in various applications, including marine resource exploration, underwater environmental surveys, and military. However, these technological advances also threaten the security and sustainability of Indonesia's territorial waters. This research aims to identify potential threats arising from using underwater drones, both from national security and its impact on the marine environment. The results of this research show that the illegal use of underwater drones is very detrimental to coastal states, so coastal states must immediately take legal and diplomatic steps to prevent territorial violations carried out by using unmanned vehicles entering Indonesian waters. . Undersea drones also have the potential to be used in espionage, weapons smuggling, and sabotage of underwater infrastructure. Hopefully, this research can provide a deeper understanding of the threat of underwater drones and provide input for the authorities in developing policies and strategies to protect the security and sustainability of Indonesia's territorial waters from this potential threat.

Keywords: Threats, Undersea Drones, Indonesian Waters

1. INTRODUCTION

Nowadays, Indonesia's involvement in international relations has increased quite significantly. Indonesia's involvement in international relations is significant because it plays a direct and important role in several international agendas. As we know, Indonesia has just carried out its duties as the G20 Presidency. Apart from being the G20 Presidency, Indonesia has also been recorded as trying to become a mediator in the conflict between Ukraine and Russia.

Indonesia's large involvement in international relations certainly has two sides of the coin at once. On the positive side, Indonesia's involvement in world relations makes it a country to look up to. More than that, Indonesia's resounding name will also positively impact the world of investment and national tourism. However, on the other hand, Indonesia's involvement in several international activities also has the potential to hurt Indonesia. One of the potential bad impacts that might occur is Indonesia's involvement that is too far in international geopolitics. Nowadays, Indonesia's involvement in

international relations has increased quite significantly. Indonesia's involvement in international relations is significant because it plays an important role in several international agendas. As we know, Indonesia has just carried out its duties as the G20 Presidency. Apart from being the G20 Presidency, Indonesia has also been recorded as trying to become a mediator in the conflict between Ukraine and Russia.

Crimes in Indonesian maritime waters become increasingly urgent when the world of information and technology begins to influence the development of the military world. One problem that can potentially occur is foreign countries' use of underwater drones. It should be understood that underwater drones are a type of military technology currently being developed.

A problem related to the conflict between China and Indonesia has been discovered: China's unmanned underwater vehicle (Sea Wing DRONE) was discovered in January 2020 in East Java and December 2020 in South Sulawesi. The netting of seaglidens belonging to other countries by local fishermen is not the first time this has happened in

Indonesia. In 2019, a similar thing happened in the waters of Bintan Regency, Riau Islands. On the seaglider, Chinese characters that read the name China Shenyang Institute of Automation, Chinese Academy of Sciences were found. In facing the threat of Chinese underwater drones or underwater drones from any country, Indonesia and other countries can consider several concepts or approaches that can help improve their defense.

This research has an equally pressing urgency, with the legal vacuum regarding the regulation of underwater drones in the context of international maritime law (UNCLOS). In this context, the only international legal basis that can be used is international humanitarian law in Article 36 of Additional Protocol I to the 1977 Geneva Conventions. By carrying out this research, it is hoped that Indonesian military personnel will be able to prevent potential security disturbances due to underwater drones.

2. LITERATURE REVIEW

2.1 Maritime Countries

Maritime can be understood as a concept that discusses everything related to the sea. As explained in the Big Indonesian Dictionary (KBBI), maritime is everything related to the sea and can take the form of shipping or sea trade. The concept of a maritime state is a state system that owns sea territory and/or makes the sea an inseparable part of the implementation of national and state life. This conception is generally always associated with countries that have vast ocean areas. From the perspective of the history of Indonesian civilization, the concept of a maritime state is a system that has been around for a long time. History records, Ir. Djuanda, on December 13, 1957, explained the concept of an Indonesian maritime state as follows:

"All water areas surrounding and connecting islands or parts of islands which are included in Indonesian territory, are an inseparable part of the Indonesian mainland and are absolutely under Indonesian control. In this case, other countries may use it as a means of traffic, and its security will be guaranteed as long as it does not conflict with and/or be dangerous to the sovereignty of the country."

In connection with the geography of the Indonesian region, which has the sea as a means of connecting islands and has many areas in the form of islands, this has a different relevance. As explained by Hasyim Djalal, maritime countries and island countries have significant differences. The significance of the concept of an archipelagic state and a maritime state occurs because an archipelagic state is better understood as a concept of political power in several island territories and the concept of a maritime state is understood as a system for maximum utilization of maritime areas by a country.

2.2. International Geopolitics

The term geopolitics appeared in 1899, but is only considered to have appeared in 1920 in the foundation for a system of politics. Terminologically, geopolitics can be understood as a mechanism carried out by a country to control and compete in its political territory. In other literature, it can be understood as a political aspect in a particular region or geography that is related between countries. Thus, it can be understood that geopolitics is a political condition that occurs in a region and is closely related to various countries in that region. So in simple terms, geopolitics is closely related to international relations.

International relations have become an important issue in recent times. The increase in political tension between countries is an aspect that needs to be looked at comprehensively from time to time. The tensions between Ukraine and Russia have become one of the hot topics of discussion regarding the international geopolitical situation that has been taking place in recent times. Apart from being a hot topic of discussion regarding international geopolitics, the tension between Russia and Ukraine is evidence of the failure to manage conflicts over interests between countries that have failed to be managed. As a new point in terms of international geopolitics, the conflict between Russia and Ukraine has even involved many parties involved in resolving it.

The South China Sea dispute is essentially a dispute relating to territorial areas and maritime areas, to which the Indonesian government specifically responds with great caution. In other words, this problem is actually only about territorial boundaries and claims between countries around the South China Sea, which have not been able to find a middle point. The problem of the South China Sea dispute that occurred between the People's Republic of China and other countries around it, actually began when China stated that they had the right to sovereignty over the South China Sea based on evidence from a historical map released in 1947 and known as the nine dashline. Based on this personally drawn historical map, China often carries out aggressive and assertive provocative actions in its efforts to control the South China Sea.

2.3. State Sovereignty

State sovereignty is one thing that is important and must be fulfilled for a country. Such conditions are essentially a necessity so that a country can be recognized for its existence in international relations. As explained in the Montevideo Convention of 1933, which states that the state must be composed of the following elements:

- a. The existence of the occupied territory and its boundaries.
- b. Some people live in the area permanently.

c. The existence of a leader or government who has a strong position and has legal legitimacy from the community.

These three elements are the main elements in the formation of a country. By fulfilling the three main elements above, along the way a country will gain legitimacy for that country's sovereignty. In the context of international relations, recognition of state sovereignty is closely related to recognition as part of international law. As we all know, states are part of the subjects of international law. Legal subjects themselves can be interpreted as anything that has the right and obligation to proceed before the law.

Apart from that, legal subjects are also seen as something that has legitimacy, authority, and the ability to exercise legal rights and obligations. What is meant by authority is a condition where something can exercise rights and obligations. In the context of the state, legal subjects are understood as everything that is associated with humans through the granting of rights and obligations.

2.4. Defense and security

Discussion of defense and security aspects from the perspective of a country, of course, cannot be separated from the provisions in the constitution. Such understanding is of course an important aspect that needs to be considered by a legal country like Indonesia. The role of the constitution is an important aspect whose existence cannot be ignored, because the constitution is essentially a fundamental value that has been collectively agreed upon by the social community in a country. As a fundamental value that has been agreed upon, the constitution is essentially a concrete form of sovereign state government. So, in this case, the constitution consists of the formation, drafting, and statement or confirmation of the founding of a state.

In reviewing security and defense according to the Indonesian constitution, this is discussed in CHAPTER XII Concerning National Defense and State Security. The explanation of state defense and security in the 1945 Constitution of the Republic of Indonesia only consists of 1 article containing the following 5 paragraphs:

a. Every citizen has the right and obligation to participate in national defense and security efforts

b. State defense and security efforts are carried out through a universal people's defense and security system by the Indonesian National Army and the National Police of the Republic of Indonesia, as the main force, and the people, as the supporting force.

c. The Indonesian National Army consists of the Army, Navy and Air Force as state instruments tasked with defending, protecting and maintaining the integrity and sovereignty of the country.

d. The National Police of the Republic of Indonesia as a state instrument that maintains

security and public order is tasked with protecting, protecting, serving the community and enforcing the law.

e. The composition and position of the Indonesian National Army, the Indonesian National Police, the relationship and authority of the Indonesian National Army and the Indonesian National Police in carrying out their duties, the conditions for citizen participation in defense and security efforts are regulated by law.

Based on this legal basis, it can be understood that the defense and security of the Indonesian state is carried out simultaneously by all components of the nation. However, in the article above, it is also explained that the main components are the Indonesian National Police (POLRI) and the Indonesian National Army (TNI). Meanwhile, the people or civilians are a supporting component in efforts for national defense and security. Discussion of national security and defense at a more comprehensive level can be called Indonesian national resilience. Literally, Indonesian national resilience can be understood as a form of regulating and administering welfare and security in a balanced, harmonious and harmonious manner in all aspects of life.

National resilience consists of the following concepts:

a. In the conditional aspect, national resilience is another condition which is a consequence of the development of dynamic aspects of life in line with safe development. In a simple understanding, a country's resilience mechanism has close relevance to the country's national resilience situation at the same time.

b. In the doctrinal understanding, national resilience is the basis or guideline for welfare and security through the style of national resilience which functions to achieve state goals in the 1945 Constitution of the Republic of Indonesia.

c. In understanding the method, national resilience is understood as a geostrategy or operational doctrine as the implementation of the geopolitics of the Indonesian nation, namely Archipelago Insight which is a national aspiration.

2.5 Drones in the Context of Foreign Defense Equipment

This aspect will specifically discuss drones, as one of the main weapons system tools (alutsista). Drones themselves have begun to be officially used in the military world, since the British Royal Navy succeeded in developing a number of unmanned aircraft called the "DH.82B Queen Bee". Technically, a drone or Unmanned Aerial Vehicle (UAV) is an aircraft that is not controlled directly (on board) by the pilot. In a simple understanding, it can be understood that what is meant by a drone is a tool that can be operated systemically remotely by a person and is

specifically designed not to be operated by humans. Meanwhile, legally, the use of drones or Unmanned Aerial Vehicles (UAV) has been regulated in Ministry of Transportation Regulation Number 37 of 2020 concerning the Operation of Unmanned Aircraft in the space served by Indonesia.

As a form of modernization in the main military weapons system (alutsista), the use of drones or Unmanned Aerial Vehicles (UAV) has received a lot of harsh criticism from various parties. This criticism was given based on the low costs required to operate drones and the large negative impact that could be caused by the use of drones by military units. The large negative impact of the use of unmanned aircraft, or what is also commonly called drones, is, of course, in line with the instructions from the Lieber document, which forces each party or country in conflict to continue to provide protection measures for civilians, injured soldiers, prisoners of war, hors de combat, and franchisors. Such use of drones also violates the Saint Petersburg Declaration, which states that the use of explosive weapons has the potential to cause excessive suffering and injury. At least the Saint Petersburg Declaration in this case, mandates the following four aspects:

- a. The massive damage caused by the war that occurred should be able to be minimized as a consequence of the development of human civilization
- b. Military attacks in war may only target armed forces and military objects
- c. It is prohibited to use flammable and explosive weapons because this is contrary to humanitarian principles
- d. Warfare must still pay attention to aspects of the application and differentiation of the principles of military and humanitarian interests

2.6 International Law and National Law

International Law is the part of law that regulates activities on an international scale. Initially, international law was only defined as behavior and relations between countries, but in the development of increasingly complex patterns of international relations, this understanding then expanded so that international law also concerned the structure and behavior of international organizations and, to a certain extent, multinational companies and individuals.

International law is based on the idea of an international community consisting of a number of sovereign and independent countries in the sense that each of them is independent, one is not under the authority of another, so that it constitutes a legal order of coordination between equal members of the international community. Meanwhile, in the relationship between international law and national law, two currents are developing, namely dualism

and monism. The first is the dualist school, which explains that the binding force of international law originates from the will of the state. In this school, international law and national law are two legal systems or instruments that are separate from each other. As a result, the rules of one legal instrument cannot possibly be sourced or based on another legal instrument, or it can be concluded that in the dualism theory, there is no issue of hierarchy between national law and international law because, basically, these two legal instruments are different and stand-alone. Not only that, the further consequence is that if international law is to become national law, it requires transformation into national law before it can apply in the national legal environment. It can be concluded that international law will only apply and be obeyed if it has become national law.

The second is the flow of monism, which develops with the understanding that international law and national law are two parts of one larger unity, namely the law that regulates human life. In the flow of monism, two new ideologies developed, namely the flow of monism with an international priority and the flow of monism with a national priority. According to the flow of monism with international primacy, national law is based on international law, which in his view is a set of legal provisions that are hierarchically higher. According to this understanding, national law is subject to international law and in essence its binding force is based on a delegation of authority from international law. This sentence adheres to the view that international law must take precedence when there is a conflict between international law and national law.

Law making is absolutely necessary, which is then followed by law enforcement. The Indonesian state must also prepare all the tools, whether through statutory regulations or hardware, in the form of infrastructure capabilities that support law enforcement, which will be carried out, namely increasing the quality and quantity of defense equipment, especially defense equipment at sea. This is very necessary considering that Indonesia's ability to protect its maritime territory is very minimal compared to the area that must be guarded by all stakeholders who have the authority to supervise and prosecute and enforce laws at sea.

3. RESEARCH METHODS

The research method used in this research is normative legal research. In some literature, normative legal research is also called normative legal research (English), normative juridical research (Dutch), and dogmatic legal research. This research uses a conceptual approach.

The sources of this research are statutory regulations, principles, theories and legal doctrine in the form of documents that have relevance to the Indonesian Navy's underwater drone authority in carrying out law enforcement against ships that have underwater drone landing sites in the territory of the Republic of Indonesia. As normative legal research, this research uses qualitative methods as its analytical method. The data analysis technique used in this research refers to the Miles & Huberman concept.

4. DISCUSSION AND RESULTS

4.1. Operational regulation of underwater drones in maritime law)

Maritime law is a set of rules and principles that regulate activities in international waters and the national waters of a country. In the context of underwater drones, here are some aspects to consider:

- a. Authority and Jurisdiction
- b. Granting Permission
- c. Environmental Protection
- d. Navigation and Safety
- e. Protection of National Interests
- f. Search and Rescue
- g. Right of Peaceful Passage
- h. Use in Scientific Research

4.2 Things Indonesia Can Do

Undersea is a very open gateway to the risk of violations. First, the media aspect is very broad. Such a large column of sea water requires extra care, because it is not only related to its length but also the height of the water column from the bottom to the surface. Second, the nature of water over visibility makes optimal detection difficult. When foreign objects penetrate beneath the surface, they tend to be invisible, in contrast to objects above the surface that can easily be detected even with the naked eye. Third, underwater defense has several obstacles with Indonesia still lacking defense equipment in defending underwater areas.

A country's efforts to face various threats that come from outside and within its country in order to protect and safeguard its nation's national interests by using political, economic and military power is an understanding of the concept of national security. National security is also defined as the need to maintain and defend the existence of the country through economic, military and political strength as well as diplomatic development. This concept emphasizes the government's ability to protect the country's territorial integrity from threats coming from outside and within the country.

Broadly speaking, maritime security is defined as a condition where there are no maritime "threats"

(absence of threats) such as disputes between countries; acts of terrorism at sea; piracy; trafficking in narcotics, humans and contraband goods; weapons proliferation; IUU fishing (illegal, unreported, and unregulated fishing); environmental crime; as well as maritime disasters and accidents. Another definition completes the meaning of maritime security, which is more than just the absence of threats; it also includes conditions that are accompanied by the creation of stability in the maritime area. The following are several actions that Indonesia can take:

- a. Increased Maritime Area Surveillance and Security:
 - 1) Indonesia can increase surveillance of its maritime areas by strengthening its military or security presence in waters that are vulnerable to the threat of underwater drones.
 - 2) It uses advanced monitoring technology such as sonars, hydrophones, and other detection devices to detect and identify suspicious underwater drones.
- b. Anti-Drone Technology Development:
 - 1) Indonesia could invest in research and development of underwater anti-drone technology, such as anti-strike systems, detection software, or jamming devices to deter unauthorized underwater drones.
 - 2) Collaboration with local research institutions and universities to develop this technology.
- c. Personnel Training:
 - 1) Train security and military personnel in recognizing, handling, and responding to undersea drone threats.
 - 2) Ensure personnel have a solid understanding of undersea drone technology and how to counter the threat.
- d. International Cooperation:
 - 1) Join international cooperation with neighboring countries and security partners to share intelligence and experience in dealing with similar threats.
 - 2) Become a member of international organizations related to maritime security issues to strengthen cross-border cooperation.
- e. Regulations and Laws:
 - 1) Establish clear regulations and laws related to the use of underwater drones, including regulations regarding permits and licenses for the use of underwater drones.
 - 2) Imposing strict sanctions against law violators who use underwater drones for illegal or detrimental purposes.
- f. Public Awareness:
 - 1) Increase public and industry awareness about the potential threat of underwater drones.

- 2) Encourage private parties and maritime area owners to involve appropriate security technology.

4.3 The Role of the Indonesian Navy in Maritime Defense in Indonesia

The key component of maritime defense is the Indonesian Navy. In responding to existing threats, to create national stability and security, the TNI, as the main stakeholder in maritime defense, needs to create a new, updated strategy that takes into account the expanse of Indonesia's land surface relief. The strategy of utilizing a country's geographical conditions or constellations to determine policy objectives and means to realize the ideals of a nation is the general definition of geostrategy.

The concept of Indonesian geostrategy is essentially not developing power for control of territories outside Indonesia or for expansion towards other countries, but a strategic concept based on conditions, methods, or ways to develop potential national power aimed at securing and maintaining the integrity of the sovereignty of the Indonesian State and development. national level from possible disturbances coming from within and outside the country. Indonesia's national defense system is structured based on the geostrategic concept of being an archipelagic country. Considering the geographical conditions of Indonesia as an archipelagic country. Responding to possible maritime threats coming from below the sea surface, the strategy that the Indonesian Navy should implement is to build subsurface forces. Early detection capability of foreign and unlawful objects subsurface activities must be improved. In general, increasing the capabilities of personnel and defense equipment that can be optimized in securing Indonesia's underwater areas is a logical urgency that must be a concern of Indonesia's geostrategy.

In defense policy there are three interrelated components, namely defense programs, defense budgets and weapons procurement. Concentrating these three components to build subsurface defense forces is a strategic step considering that threats that may come from beneath the surface could be a serious disturbance to sovereignty. The function of subsurface defense is to create and defend all aspects of the country's territory as a single defense unit capable of protecting the sovereignty of the Republic of Indonesia, territorial integrity and the safety of the entire Indonesian nation from every threat, both coming from outside and arising within the country.

As a maritime country, with the dominant area of sea compared to land, the source of national defense power should rely on the maritime sector. Several

reasons for the urgency of developing underwater defense forces put forward are:

- a. Undersea can be used as a defense center that is difficult to detect. Its position and mobility can be more secretive without the need to prepare and look for disguises, as is the case on land.

- b. Undersea defense technology will be difficult to destroy. While all forms of technology built on land or in the air can be destroyed instantly, underwater forces are relatively difficult to destroy because they are hidden and difficult for the enemy to reach.

- c. The dominant area, position, and mobility of subsurface forces will be more freely regulated to protect objects on the surface.

- d. Undersea power can be projected to attack various targets. Undersea forces are capable of attacking surface ships, aircraft in the air, or even targets on land.

- e. Undersea defense can be the last defense, when the enemy has destroyed all land objects. Undersea defense can be a hope in turning the tide of war, and a determinant of war victory. The development of subsurface forces as the center of gravity for Indonesia's defense will enable the accelerated achievement of the vision of the world maritime axis that the Indonesian people aspire to. The most open entrance for Indonesia's enemies is the sea. The vastness of the sea would be difficult to monitor and it would be illogical to fence it off. However, building underwater defense forces can be a strategy to optimize maritime control, especially preventing threats that disturb the sovereignty of the Republic of Indonesia.

5. CONCLUSION AND SUGGESTIONS

5.1 Conclusions

Based on the results of data presentation and discussion, several conclusions can be drawn, including:

- a. The very rapid development of science and technology must also be accompanied by developments in law and legislation so that they are in line with societal developments. The illegal use of underwater drones is very detrimental to coastal states, so coastal states must immediately take legal and diplomatic steps to prevent territorial violations by using unmanned vehicles entering their territorial waters.

- b. The chapter maritime affairs, which continues to develop, includes developments in technology used to carry out research, such as the use of underwater drones; apart from its development, underwater drones are also used by developed countries for activities other than marine scientific research (military/espionage activities). So, the

Indonesian state must take diplomatic and legal steps to maintain state sovereignty. The Indonesian state as a sovereign country certainly has full authority over all forms of violations in areas in "Indonesian waters" so that strategic steps are needed to prevent violations of these areas with law enforcement efforts and other efforts so that underwater drone operators get "deterrent effect". In Indonesian legal regulations, violations of state territory are included in criminal offenses which should be subject to law enforcement, whatever the form of territorial violation, even if it is carried out with an underwater drone, however, in the process, the problem of determining the operator of an underwater drone is a challenge for our authorities to be able to know this, so infrastructure is needed that can support this task.

c. The operational regulation of underwater drones in maritime law involves many aspects that need to be considered, including jurisdiction, permits, environmental protection, navigation, protection of national interests, search and rescue, rights of innocent passage, and use in scientific research. Indonesia, as an archipelagic country with dominant sea area, faces the risk of violations from below the sea surface. These threats include geographical aspects, low visibility underwater, as well as obstacles in maritime defense.

5.2 Suggestions

Based on the conclusions presented above, the author can provide the following suggestions:

a. Indonesia, as a coastal country, must be able to encourage diplomatic and legal steps to resolve this problem so that the handling of underwater drones can be immediately accommodated in a legal framework that specifically regulates underwater drone activities internationally. The Indonesian government, in this case, law enforcement officials must have the courage to make breakthroughs in law enforcement in handling underwater drones that enter Indonesian waters so that the country's sovereignty is maintained.

b. Regarding legal steps and/or the formation of statutory regulations, a Working Group should be formed involving all existing stakeholders, both from the government and academics, so that they can immediately formulate regulations that can be used to support law enforcement in accordance with the authority of the Indonesian state. The Indonesian government should make a policy regarding this matter carry out in-depth investigations, and register drones underwater. There is a need to strengthen the TNI in the field of underwater surveillance.

c. It is important to continuously monitor threat developments, adapt defense strategies according to changing dynamics in the maritime environment, and ensure that maritime defense efforts and

operational arrangements for undersea drones are responsive and effective.

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