

Jurisdiction Problems For The Indonesian National Aerospace

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Abstract: Aerospace including space of the moon and other celestial bodies may not be owned by a claim of state sovereignty following article 2 of the Outer Space Treaty of 1967. It is contrary to the statement of article 2 of the sea law experts stating the existence of state sovereignty to implement his jurisdiction on board his ship at sea because of that ship may be subject to state flag law. For airspace, according to article 1 of the 1944 Chicago Convention, every country has sovereignty in the airspace above its territory. Until now, not one country has determined the sovereignty altitude in the airspace, which is its national territory or full space, including geostationary orbits.

Keyword: state sovereignty, aerospace, jurisdiction, the geostationary orbit

I. INTRODUCTION

A. BACKGROUND

Indonesia is a unitary state that has sovereignty over the land, sea and air areas above it and has an area of interest and survival of the Indonesian people in the Geostationary Orbit in space as a place for Palapa Satellites and other Indonesian satellites such as the Garuda, Telkom, Horizon and TubSat LAPAN series. Indonesia's territory is vast when compared to neighboring countries such as the Philippines, Malaysia, Singapore, Brunei, and Thailand. The territory of Indonesia is in the equatorial field consisting of large and small islands known as one of the Archipelagic State and also known as an archipelago located between the Continent of Australia and Asia and between the Pacific Ocean and the Indian Ocean. Therefore, Indonesia is the largest country in Southeast Asia, and thus the Geostationary Orbit region, which is above Indonesia, is also quite extensive, namely 12.8% of all geostationary orbits around the Earth (Wahyuningsih, Adi, & Iksan, 2018).

Indonesia in international relations applies its free and active politics, with various countries in the world and actively participates in various international forums in dealing with various regional, multilateral and global issues and is a member of various international organizations. Thus Indonesia also needs to accommodate cooperation with other countries

that wish to enjoy Indonesia's natural resources with cooperation. Indonesia's natural wealth includes Indonesia's natural resources contained in the land, such as the utilization of forest products and mineral resources such as iron ore, gold, diamonds, aluminium, platinum, tin, coal, asphalt, uranium and titanium, oil and gas, and potential land sources such as marble, porcelain (Warbrick, 2000).

In the ocean, including the Exclusive Economic Zone with abundant biological resources such as manganese, sulfur, cobalt, tin, uranium, titanium, radium, gold, diamonds and platinum and other sources of seabed wealth such as petroleum and natural gas in addition to marine life sources such as fish and plankton, seaweed. Whereas in the Indonesian airspace, it is widely used as an area where activities related to the use of civil and military aircraft sports include cross domestic flights and flight permits for other countries and enjoy the freedom of flying at certain altitudes across Indonesian airspace for aircraft flights foreign. For example, it is used for aircraft flights by countries in the continent of Australia and New Zealand that have relations with countries that are on the Asian Continent, both East Asia, West Asia and Africa and Europe. Besides that, it is also used by the countries of the American continent for one reason or another to conduct flight activities with countries in the Asian, African and European Continent, through Indonesian airspace, besides of course for Indonesia's own needs and interests in relations between countries (Xiv et al., 1964).

In the aerospace region above the sovereignty of the Unitary State of the Republic of Indonesia, (NKRI), which is bordered by deep space (starting from thinning air space with no more air gas to the GSO and space orbits). Geostationary Orbit (GSO) is as a natural source of the gift of Allah Almighty to Indonesia because it is located in the equatorial region of Indonesia, not in place above other countries. After this GSO orbit, there is outer space containing planets (Space) that are to place objects artificial objects and various activities for various purposes. Likewise, with the activities of other countries in geostationary orbits over the territory of Indonesia which are occupied by satellites, for example by satellites belonging to several European countries, Japan, China, the United States, Australia, Russia and Indonesia (Craig, 2017).

The use of aerospace above Indonesia is also used and bypassed polar or elliptical orbiting satellites that surround the earth, for example Intelsat (International Telecommunication Satellite) telecommunication satellites. As a full sovereign country, Indonesia has authority over the ownership of sovereignty territories and sovereign rights over natural resources in terrestrial, marine areas including the Exclusive Economic Zone (EEZ). The air space and geostationary orbit have the authority to apply their jurisdiction, in order to regulate and manage it through cooperation with or without the assistance of external parties. That the sovereignty of the Indonesian state over its territory is equal to that of other sovereign states, it is necessary to pay more attention to this jurisdiction issue given Indonesia's geographical location. Where in the equatorial region it needs to be maintained from foreign elements that are not in good faith with the territorial integrity of the Unitary State of the Republic of Indonesia (Studiorum et al., 2018).

Furthermore, in the utilization of Indonesia's natural resources that are on land, seas, including the Exclusive Economic Zone and in the aerospace. The existence of foreign involvement or involving a foreign country can be done precisely must be maximized for the benefit and welfare of the Indonesian people themselves at least through cooperation of the Indonesian people in a certain period, without the interference of other countries in managing their natural resources. Therefore, in this case, national law enforcement should also be maximized through the application of jurisdiction under the authority of the Indonesian State (Wahyuningsih, Samodra, & Wahyono, n.d.).

B. PROBLEM FORMULATION

The implementation of state jurisdiction is closely related to law enforcement by law enforcement authorities. The application of jurisdiction to activities in Indonesian aerospace is very important in order to maintain the integrity of national airspace and sovereign rights over the geostationary orbit. Until now there is still no clarity about how high the national airspace which is the sovereignty of the Indonesian state and the geostationary orbit arrangement separately. However, it can still apply state jurisdiction to activities contained in the airspace over the territory of Indonesia and apply state jurisdiction to the ownership of Indonesia's satellite satellites in geostationary orbit and to activities in orbit in order to

secure the territory and interests of Indonesia residing directly under the auspices of the geostationary orbit (Sharma, 1995).

The emergence of other problems, for example, the activities of countries above the Indonesian aerospace area in deep space and geostationary orbit where in this region many satellites have been occupied by satellites other than Indonesia's satellites. So, is there any government agency of Indonesia to apply the legal power of the Indonesian state to the satellites of other nations. Whereas national law enforcement in the airspace area also means law enforcement in the context of supervising the regions below. Namely, the land and sea areas that become the sovereign territory of Indonesia, including the territory of the Exclusive Economic Path or EEZ (Exclusive Economic Zone) although not the territory of Indonesia's territorial sovereignty. However, it is very potential for the survival of the nation in terms of economics in utilizing marine biological resources for the welfare of the nation.

The problem that the author puts forward relates to the issue of state jurisdiction in the sovereignty of Indonesia on land, sea and air in general. Particularly in the area of sovereign rights in the territory of the interests and survival of the Indonesian people in the geostationary orbit area as the satellite site of Indonesia in the geostationary orbit. The issue of this paper is intended as a shared thought about the importance of clarity in practice so far in Indonesia, in the enforcement of Indonesian national law relating to state jurisdiction in aerospace and space (space including the moon and other celestial bodies). What obstacles and obstacles will Indonesia face, if the jurisdiction of Indonesian national law enforcement in Aerospace cannot be maximally applied?

C. RESEARCH METHODS

The research method used in expressing the results of thought in this paper is descriptive-analytic. In addition to utilizing the literature study, the author also strengthens the facts and data that the authors consider related to the issuance of state jurisdiction that occurs in the pattern of the Indonesian state in the aerospace area (Air and Space) by analogy with the diligence of the existing legal power in the practice of the body politic of the body politic in the ocean.

II. JURISDICTION IN PRACTICE OF COUNTRIES

A. DEFINITION OF JURISDICTION IN GENERAL

Jurisdiction is the application of national law to persons, property, acts or events occurring in the sovereign territory of a country. And outside the territory of the country as far as not contrary to the laws of the local state, such as the representative building, individuals and events that are felt as a result by the country concerned. The jurisdiction in its application in each country is different as stated by J.G Starke because there are differences in the geographical location and historical differences of the country. International law gives authority to all countries in exercising jurisdiction over people, objects and actions and events that occur within their territory. This was stated by Lord Macmillan who said that:

"It is an important basic feature of true sovereignty as an independent and sovereign state, that the state must have jurisdiction over all persons and objects within its territorial boundaries and in all civil and criminal cases arising in the territory".

Differences run jurisdiction because the geographical location can be put forward, for example, the geographical location of the American continent, the Australian Continent will be different from the European and Asian Continents, including Indonesia. In Southeast Asia as an archipelago under the Equator. The application of jurisdiction in the Americas will certainly be more common among countries of Canada, the United States, and Latin America, which numbered several countries compared to countries on the European continent. For the Continent, Europe and Asia are close together, and borders between regions are close. The relationship between individual legal entities and legal actions can be carried out by various means of transportation in the sea, the strait and on land, even just by walking. Therefore, relations between countries will often be done, and this is not only between one or two countries, but many countries can make relations in just a few minutes or several hours. Furthermore, legal events will occur so much that if it involves more than one or two countries and legal disputes arise, then each country will exercise its jurisdiction (Ahmed, 2017).

B. COUNTRY PRACTICE OF THE UNITED STATES AND CANADA WITH ADIZ AND CADIZ

ADIZ or "Air Defense Identification Zone" is an idea from the United States of America in the field of applying its national legal jurisdiction, where with this ADIZ the United States has established lanes in the ocean including the airspace above it in the Pacific and Atlantic seas on the basis as a security lane for the American State. The union sometimes stretches across the west and east to 300 miles. The practice of the United States of America is also carried out by the Canadian state by establishing the same security channels as the United States under the name "Canadian Air Defense Identification Zone" or CADIZ. From the practice of the United States and Canada, it is clear that there are unilateral jurisdictions set by the two countries themselves in the ocean with airspace above, this is an expansion of state jurisdiction from what is actually as territorial sovereignty in the sea as wide as three nautical miles. Establishing the country's security lines in the sense of veiled widening the power of exercising state jurisdiction from 3 to 300 miles (Ramadhan, 2018).

According to Priyatna Abdurrasyid, as an expert in the field of Aerospace Law argues that the expansion of the security paths of the United States and Canada is an embodiment of Cooper's Control Theory related to the existence of state sovereignty in Airspace, Cooper stated that:

"The country's sovereignty is determined by the ability of the countries concerned to control the air space that is above its territory".

The practice of the United States and Canada until now seems to be still being implemented, although the United States of America can be said to be the strongest country in the field of defense and security of the country. If we realize that with the practice of the United States security lane, the

United States can exercise its jurisdiction up to 300 miles. If measured from the Hawaiian Islands that have become the states of the United States, the distance of 300 miles can be widened to the west will reach the Pacific Islands, and further the safety of the United States to the borders of the Pacific Ocean countries and also to the borders the country of Indonesia in the north of the island of Papua (Wahyuningsih, 2017).

Thus all legal events that occur in the United States security lane are the authority of the United States of America to participate in handling (expansion of the country's jurisdiction) because the consequences can be considered dangerous for the security and interests of the United States. Nevertheless, the practice of the United States cannot simply be followed by other countries whose military fleet capabilities are limited and underdeveloped, and with limited funds as well, except of course by collaborating with the United States itself for the security of its country in the Pacific region.

C. OTHER STATE PRACTICES

The above can be compared with the exercise of state jurisdiction outside the territory of the country such as in the collision of Turkish ships with French ship "The Lotus", although it happened on the high seas outside of Turkish territory and outside of French territory, but from the collision resulted in Turkish ships drowned and 8 Turkish citizens died. Turkey demands France to be responsible for the collision. Based on this demand, a case arose between Turkey and France in the 1926 Permanent Court of Justice. Each country felt right in carrying out its jurisdiction, namely that Turkey was considered by France only to be able to exercise the jurisdiction of its country within its territory. It is outside of Turkish territory on the high seas (Ahmed, 2017).

When the French Ship Lotus entered the port of Constantinople in Turkish territory, the French ship was detained, because Turkey thought that the incident was felt in its territory with the death of 8 Turkish citizens. Although France considers the incident to be outside the jurisdiction of Turkey and Turkey has no right to hold the ship "The Lotus" in Turkish ports, but in reality, Turkey's demands are justified and the Permanent International Court at that time by deciding that France was guilty. From this case, it is clear that Turkey has exercised its national legal jurisdiction over ships which resulted in the death of 8 Turkish citizens and the incident was an act of another country, even though the legal action was outside its territory (World & Order, 1968).

III. THE PROBLEM OF JURISDICTION OF COUNTRIES IN THE AREA OF THE AIRPORT FOR INDONESIA

A. AEROSPACE TERRITORY

In the use of the term, Aerospace can be interpreted as an area that covers the area of air space and space which starts from above sea level at low tide on earth until unlimited, which naturally stands like that. Aerospace is difficult to reach the limit because it covers a huge area in the universe with all

its contents. Paying attention to the contents of the national space law number 21 of 2013 concerning space. Definition of Aerospace covers understanding naturally, that is vast space that stretches without limits along with all the contents contained in and is a basic element of the universe and from the human point of view. Aerospace is the space around and encompassing the earth and all its contents, extending beyond limits from the surface of the earth which is divided into air space and space which is seen as territory, space, living media and natural resources for human life (Chancellor, 2013).

According to Law number 20 of 1982 concerning the National Security and Fundamentals, the explanation of article 30 of this law means that the Aerospace covers airspace and space areas including geostationary orbits (GSO). Act No. 20/1982 was later refined with Act No. 1 of 1988 concerning the amendment to Act No. 20/1982. This Act strengthened the sovereign rights of the Republic of Indonesia in the air space. As well as providing encouragement to fight for international recognition of the GSO over the territory of Indonesia as the dominion of the pastimes of the State of Indonesia. Regarding this GSO, there are many contradictions among Aerospace law scholars and practitioners that is it possible for Indonesia to exercise its sovereignty in space including the GSO? In what sense can the Republic of Indonesia be able to exercise its jurisdiction in the space region where there is a GSO? because the GSO itself is far away at the equator above the Indonesian state (Ramadhan, 2018).

However, unfortunately, law number 20 of 1982 and Law number 1 of 1988 concerning the amendment to Law No.20 of 1982, are no longer valid, and Law Number 3 of 2002 concerning State Defense and Law Number 34 of 2004 were issued. About the Indonesian National Army (TNI). In these two laws, there is no mention at all about geostationary (GSO), but the term aerospace is mentioned in article 1 number 9 of law number 3 of 2002 concerning national defense:

"Natural resources are the potential contained in the earth, water and aerospace which in their original form can be utilized for the benefit of national defense".

Then in law number 34 of 2004 concerning the TNI is mentioned in article 1 number 5:

"National defense is all efforts to uphold national sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia, and protect the safety of all nations from threats and disturbances to the integrity of the nation and state, arranged with due regard to the geographical conditions of Indonesia as an archipelagic state". Then in article 10 the letter "b" Concerning the Air Force is said to have the duty to "uphold the law and maintain security in the airspace of national jurisdictions following the provisions of national law and international law which have been ratified".

Even though the two laws do not mention geostasy orbits, they also mention aerospace (space and space) and the existence of a clause that states national defense by taking into account the geographical conditions of Indonesia as an archipelago which means it has a special geographical situation in the equatorial region where the Indonesian state directly under the auspices of Geostationer's orbit. The jurisdiction of the Indonesian State in Aerospace is based on the territory of the State's Sovereignty (land, sea and air space

above the state territory) and the existence of sovereign rights over Geostationary orbit (Koenig, 2002).

On December 13, 1957 Indonesia issued a statement regarding the status of territorial waters in the sea known as the "Djuanda Declaration", which states: "That all waters around, between and connecting the islands that are part of the mainland of the Republic of Indonesia, with no consider the breadth and breadth of reasonable portions of the land area of the Republic of Indonesia. And thus is part of the national waters under absolute sovereignty of the Republic of Indonesia. Peaceful traffic in inland waters for foreign vessels is guaranteed as long as and is not contrary to the sovereignty and safety of the Republic of Indonesia. The withdrawal of the 12-mile wide territorial sea boundary measured from the line connecting the outermost points on the islands of the Republic of Indonesia will be determined by law" (Wahyuningsih, Atmoko, & Iksan, 2020).

That what prompted the Government of the Republic of Indonesia to issue the statement was:

- ✓ The geographical form of the Republic of Indonesia as an archipelago consisting of thousands of islands has its style that requires a regulated arrangement, that for the territorial integrity of the Republic of Indonesia, all islands and seas which lie between them must be considered as a single unit;
- ✓ Determination of territorial sea boundaries inherited by the Colonial Government as stated in "*Territoriale Zee en Maritieme Kringen Ordonantie* 1939 No. 22 "in article 1 paragraph 1 is no longer by the interests of the Safety and Security of the Republic of Indonesia;
- ✓ That every sovereign country has the right and obligation to take actions it deems necessary to protect the needs and safety of its country.
- ✓ The Djuanda Declaration above was confirmed by the issuance of Law Number 4, 1960 concerning Indonesian waters, L.N. 1960 No.22 Jo. Law Number 17 of 1985 concerning ratification of the "United Conventions on the Law of the Sea".

With the establishment of the Djuanda Declaration, Law Number 4 of 1960 and Law Number 17 of 1985, it is clear that Indonesia already has state jurisdiction over the territorial sea at 12 nautical miles as the sovereign territory of the Republic of Indonesia. The existence of the sovereign territory of the Republic of Indonesia in the sea area at the limit of 12 miles, then including sovereign land, inland water that connects each land to the islands that belong to the Republic of Indonesia sovereignty territory that is bounded around the boundary of the 12 nautical miles and air space above the sovereign territory and EEZ of Indonesia (Warbrick, 2000).

By the provisions of the 1944 Chicago Convention on International Civil Aviation ("Convention on International Civil Aviation") in article 1 states that:

"The Contracting State recognizes that every State has complete and exclusive coverage over the air space above its territory."

Therefore, based on Article 1, the Republic of Indonesia also has full and exclusive sovereignty in the air space above the land and sea areas of Indonesia, including its inland waters, as mentioned above. If it returns to the definition of Aerospace, then with the stipulation of the Chicago

convention, it means that the State of the Republic of Indonesia has 3 (three) dimensions of the State, namely land, sea and airspace above it. Then, with the apprehension of the Aerospace covers air and space, disregarding of the pros and cons of experts in this field both nationally and internationally. It also means that the Republic of Indonesia has sovereignty in space, or at least has the right to exercise sovereignty and state jurisdiction in space including geostationary orbit (Geo Stationary Orbit = GSO) which is directly above the Indonesian equatorial region (Armando, 1997).

IV. ANALYSIS

International regulations regarding the existence of state sovereignty in airspace, which recognized by all nations, namely 1944 Chicago Convention. So in applying state sovereignty in the airspace over the territory of the Republic of Indonesia, Indonesia has the right to apply legal jurisdiction in three-dimensional territories. Namely the land area, air space and oceans, including the Exclusive Economic Zone area as an area of economic interest in marine natural and biological resources for the welfare and survival of the Indonesian people. Regarding the authority to apply jurisdiction in the EEZ region, it does not apply sovereignty but implements sovereign right ("*Sovereign* right") as stipulated in the 1982 Law of the Sea Law article 57. Article 57 of the 1982 Law of the Sea Law is used as a reference for Indonesia to regulate EEZ by issuing Law number 5 of 1983. Government regulation number 15 of 1984 concerning Management of Marine Biological Natural Resources in EEZ, Law number 9 of 1985 concerning Fisheries. Then Indonesia strengthened the legal basis for the use, management, preservation and extraction of Marine Biological Resources in the territory of the Republic of Indonesia, namely ratifying the convention with Law number 7 of 1985 concerning Ratification of the 1982 Law of the Sea Law Convention (Sharma, 1995).

In 1992, Law number 15 of 1992 governing aircraft flight in airspace and Law number 21 of 1992 concerning shipping were issued. Based on the 1944 Chicago Convention, Law number 5 of 1983, Government regulation number 15 of 1984, Law number 17 of 1985 and Law issued in 1992, as well as other related laws and regulations, form the basis for Indonesia in the context of national law enforcement. Thus it is complete for Indonesia to implement its jurisdiction in 3-dimensional areas in order to secure the territories in air space, land, sea including the Exclusive Economic Zone (EEZ) (Kusumaningrum, 2017).

The trouble is that until today it has not been planted where the boundary in the airspace area which is the autonomous soil of the Republic of Indonesia in a sensation, at what distance to the airspace of the Republic of Indonesia has sovereignty. It is closely related to the extent of state jurisdiction, in the sense of national law enforcement in the airspace at what height limits. Based on Cooper's theory, the extent to which the ability of the state to carry out activities in space above the earth's surface is unlimited. Due to the absence of this limit, Indonesia may apply its jurisdiction in the aerospace not only in air space but also in deep space and

sovereign rights over Geostationary orbits which are chirping orbits around the earth and only in the equatorial region. Above the territory of the country, the equator and orbit are not space but are located in space as are the rings of the planet Saturn (Chancellor, 2013).

It is recognized that with the ratification of the Outer Space Treaty 1967 Space Treaty in 2002, the Republic of Indonesia has been bound by the provisions contained in all the principles contained in the agreement. "Outer Space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by the mean of use or occupation, by other means". However, in this article, there is no clarity about what is meant by "outer space" and does not regulate GSO located in space because GSO is not space. From the preceding, it means that one Indonesian party recognizes that aerospace consists of air space and space (space including the moon and other celestial bodies) and above the inner space lies the GSO Orbit. On the other hand, Indonesia has also ratified "Outer Space The 1967 Treaty" which forbids possession of space considered by the makers of this Treaty includes Geostationary Orbit (GSO).

Is it because the height of the country's sovereignty limit has not been determined in the airspace, then the Republic of Indonesia can apply state jurisdiction in the Aerospace (air space and space) including Geostationary Orbit (GSO). Geostationer is an orbit which is a ring that surrounds the earth that is fixed in its position, meaning that it follows the earth's rotation for 24 hours around the sun. Naturally, this orbit is only above the tropical countries, including the Republic of Indonesia. In this orbit, there are satelllites as mentioned above. If we examine the existence of a principle in legal science that states "*Cujus et Solum eyus est useque ad coleum*", this principle is interpreted as a principle that says whoever owns a piece of land, then he also has what is in the land and above the soil. This principle is contained in article 571 of the Indonesian Civil Code. With the acceptance of this rule, it means that the Republic of Indonesia also has everything taken on land including airspace up to space (*Air and Space Law*, 2009).

The same holds for article 1 of the 1944 Chicago Convention. This convention and the principle never mention the distance from the land to the airspace. Thus, both the principles above, and the provisions of the Civil Code, as well as in the 1944 Chicago Convention article 1, also the principle of article II "Outer Space Treaty 1967, there are no conditions or do not require where or to what height the ownership is above. land, until the air space. Furthermore, at what height limit the start of space, including the moon and other celestial bodies. Means that if somebody has a slice of land also owns everything on the estate including the air space up to the place. Means that the State of Indonesia, which has land and sea territory, as well as air space to space, also has Geostationer (GSO) natural property rights. Which is above the territory of Indonesia as a gift from God Almighty to the people of Indonesia.

When we look at the "Outer Space Treaty 1967", it is not recognized in the "Outer Space Treaty 1967" that space is also included as the moon and other celestial bodies as areas of mutual interest in humankind. For this, how is the implementation of the embodiment of the realm of human

interest, which is now only for the benefit of the commercial profits of developed countries, especially the makers of the 1967 Outer Space Treaty? It means that the realization of the GSO can become an area of interest for the Indonesian people. Because GSO is only above the equator, it is not above the territory of the country, not the equator. Because it just so happens naturally to be in the Equatorial region including over Indonesian territory, isn't that God's gift to the equatorial states (Tibaka & Rosdian, 2018).

According to the author, this does not contradict principle II of "Outer Space Treaty 1967". Because Indonesia does not apply the claim of sovereignty but can adhere to the GSO as the territory of Indonesia's economic interests and have sovereign rights as well as the EEZ. Not looking far away, but looking at the economic benefits obtained from the GSO and because it is above Indonesia, it has an interest in and has jurisdiction over the GSO region specifically on satellites that are Indonesian-owned as well as on ships under the jurisdiction of the flag state. Besides that, what is meant in Article 2 of the 1967 outer space treaty, the sentence "through use or occupation, or by other means" is not clear?

With due respect to "The Lotus" as the case of Turkey and France and the practice of the United States and Canada with ADIZ and CADIZ. Where both of them can be taken, examples have occurred in the practice of the existence or permissibility of the application of state jurisdiction outside the territorial area. Then the practice of the United States and Canada which sets its path for security purposes. Furthermore, in the 1982 Law on the Law of the Sea, it is permissible to apply sovereign rights in the EEZ path based on economic interests that are also outside the country's sovereign territory. Seeing this does not mean that Indonesia can apply the path of interest for order in the implementation of state activities in the air space to space including the GSO, regardless of whether Indonesia is able or unable. However, the same rights can still be enforced as a country on an equal footing with other countries including developed countries in international relations (Van Der Borgh, 2007).

Besides that, in the practice of sea law, there is also a rule of "Floating Island" that a ship from a flag state is distinguished as the dominion of that state. Against these basic ships recognized as "Floating Island". Therefore, the applicable law is the flag state law which means the state's jurisdiction of the flag is applied. It is the same as satellite satellites that are above the equatorial region and because the GSO region is an area of economic importance as a continuation of the life of the nation as EEZ in the law of the sea so that over the GSO region that is above the equatorial region, only the equatorial state has sovereign rights over GSO (Wahyuningsih, Indah, & Iksan, 2020).

Likewise, the application of legal jurisdiction to foreign representative offices, and foreign nationals, then to offices of Foreign Representatives such as the Embassy of a country in another country. Then the state jurisdiction of the Foreign Representative Office applies, not the local country where the Foreign Representative office is located. For foreign nationals, likewise, as long as the foreign national does not violate local law, then the applicable jurisdiction of the country of origin from which the foreign national comes and becomes a citizen. Concerning foreign country embassies, can the Republic of

Indonesia apply its jurisdiction at the office of the foreign country embassy, including foreigners as employees from other countries? or at what time can the State of Indonesia apply its jurisdiction to the Foreign Embassy that is recognized by international law? In the territory of the Republic of Indonesia itself, can the jurisdiction of the Republic of Indonesia be applied to ships of the Foreign Flag State that are in ports within its territory? except for certain country practices based on customary international law. For foreign-flagged vessels, because a certain thing and interests are Indonesian ports, don't violate, then there are anchored, sailing sea area close to Indonesian Republic territory. Nor does it disrupt the order and security of the Republic of Indonesia, for this matter Indonesia can apply its national legal jurisdiction (Ahmed, 2017).

Concerning the abovementioned matters clearly, it could not be the case, as in the case of The Lotus which has obtained the force of law with the decision of the Permanent International Court of Justice (1926) Turkey is justified in applying its jurisdiction because a Turkish citizen has died. However, in practice, ADIZ and CADIZ are unilateral actions to apply their jurisdiction over reasons for security, and this is recognized under customary international law. Namely by setting the path over the ocean to a distance of 300 miles, which eventually approached other countries, one party with this practice can be beneficial for countries that do not have the military capability, so come secure and can work together. However, on the other hand, it would be very unprofitable if this practice was carried out for non-peaceful purposes. Thus any reason, both for the benefit of security, and commercial purposes. A country can carry out its will in the interests of its country based on state practices and international customary law, even though it is outside its sovereign territory (Gates, 2016).

Here is evidence, that each country can apply its jurisdiction over property, people and legal events, meaning that a country is considered to be the Ruler and Ship Owner proven by the flag of the State fluttering, then it is clear that the Bender State has jurisdiction. Likewise, if Indonesian citizens work abroad in a foreign country, then the jurisdiction of the Republic of Indonesia is applied. Next, we look at the practice of developed countries in carrying out their activities in placing satellites in the GSO and placing artificial objects in space such as satellites, space laboratories, space installations, space platforms, satellite satellites and placing equipment in laboratories. Moreover, on that point is a mark of ownership both the enrollment number or logo or a national flag stamp on the satellite, on the installation and on the platform space as a sign of the flag state of the owner whether it goes to a land or a combination of countries or international or regional organizations, obviously the flag state has its jurisdiction (Armando, 1997).

In the sense that the United States of America satellites with the flag of the United States, then the Republic of Indonesia which has jurisdiction over the United States satellites. Of course, in this case, the United States is not Indonesia or other countries. Thus the Indonesian state should be able to apply state jurisdiction in the GSO Orbit even though it is outside the airspace area because the GSO is located in space but above the Indonesian equator. Namely the

jurisdiction of satellites owned by Indonesia, Indonesia can implement that jurisdiction by following the practices of other countries. In this case, Indonesia is prohibited from applying the path of national interest in the GSO Orbit over the ban according to the "Outer Space Treaty 1967"? GSO is above the country of Indonesia because it is natural? Because this nature has a special nature, regardless of being able or unable, but it is clear for Indonesia to be able to implement its jurisdiction. Therefore, if the GSO is above the territory of the United States or European countries that have advanced technology, whether the GSO will not apply as well as ADIZ practices. Not only horizontally in land and sea areas but vertically into the air space to space into the GSO orbit (Kingsbury et al., 2004).

Since 1976 Indonesia, through the Bogota Declaration, has hoped that the GSO Orbit as an area of interest and obtain sovereign rights as in the Indonesian EEZ. However, this has been challenged by developed countries as happened at the sessions of the United Nations Space Committee ("United Nations Committee on the Peaceful Uses of Outer Space = UNCOPUOS") and is considered contrary to international law in this case "contrary to principle II of the "Outer Space Treaty 1967" which has been ratified by Indonesia. Then, under the jurisdiction of the jurisdiction, are there satellites with markings that belong to Indonesia and further satellites from other countries that are placed in the GSO? Then even though the GSO is right above Indonesia. The United States also cannot exercise its jurisdiction over its satellites in GSO above Indonesia. Because it also means that the United States of America and its group of developed countries also do not have or cannot apply their country's jurisdiction, both satellites, space stations, space laboratories and installations built in space and space vehicles. What is open is that each country marks the state flag and registration mark as the possessor and the stigma of the institution such as NASA, Nasda, and thus along (Ahmed, 2017).

Next to the Palapa satellite is there an Indonesian flag sign and the Lapan or Telkom Horizon, Garuda sign? If there is an Indonesian satellite that was hit or hit by a satellite belonging to another country or another country's spacecraft and damaged does not work whether Indonesian legal jurisdiction cannot be applied and sue the crashing country? If this happens, can the Indonesian state prove that it does not have the technology? Conversely, if an Indonesian satellite crashes into a satellite of the United States or another country, will Indonesia be sued? Where is the jurisdiction of Indonesian jurisdiction over state activities in the aerospace and towards the generation of Indonesia's satellite satellites in the future and to what extent has the ownership of Indonesian space technology for law enforcement?

Until now, space research that the United States has offered to Indonesia, such as Pratiwi and Taufik Akbar, a prospective Indonesian astronaut, has never been included, including if there is a successor generation. Does Indonesia have astronaut technology experts in this field? That the issue of the jurisdiction of the Indonesian state or countries that are in the equatorial crossing according to the author is significant, not only based on a moment of the fall of human-made objects in space placed by foreign countries located above in the GSO above Indonesian territory. However, where

is the authority to apply Indonesia's national legal jurisdiction over human-made objects that are in the GSO over Indonesian territory, including Indonesia's satellite satellites, even though it is a sale and purchase contract?

Thus taking into account the practices of the state in the field of the Law of the Sea can be implemented, for example in the law of the sea no matter the ship was purchased from which country, but when sailing at sea then the jurisdiction of the state flag law applies. Can the satellites, space laboratories, space installations, space stations not be referred to as floating areas in space? Moreover, what is placed in the GSO remains stationary ("Stationer"), this is clearly under the jurisdiction of the owner's country. It has happened until now, and it can be said that new developments in international law will continue. That for human-made objects placed in space and other celestial bodies, the object is the national jurisdiction of the owner. Likewise, if there are colonies built in space that are permanent in their orbits and moon objects and other celestial bodies are marked with the owner's state with the flag of the country concerned, then clearly in the future, there will be state sovereignty in space (Kingsbury et al., 2004).

V. CONCLUSION

The issue of state jurisdiction over land, sea and air in the practice of countries varies, among others, this difference due to geographical and historical factors. Under article 1 of the 1944 Chicago Convention, "every country has full and exclusive sovereignty over airspace over the territory of the state". It can be arranged vertically up from the state sovereignty boundary over its territory. For Indonesia, for example, 12 nautical miles. However, the 1944 Chicago Convention never explained what the height of the country's sovereignty was. Based on the 1944 Chicago Convention and because of its geographical location, the United States of America made an area security route in the air space above the ocean that was limited to 300 nautical miles horizontally with the name of the Defense Identification Zone (ADIZ) area followed by Canada with CADIZ. With the 300-mile security lane, the United States can expect its national legal jurisdiction in state security, even though the United States adheres to state sovereignty over its territory limited to 3 nautical miles.

The emergence of the problem is whether under international law state jurisdiction can be applied outside the territorial sea, which is not a sovereign territory to a certain extent of the country? There was recognition of the case of "The Lotus" Then recognition of the existence of jurisdiction could be applied to ships that were sailing because the ship was using a particular country's flag. Because the state's jurisdiction is the prevailing flag. Likewise, jurisdiction can be applied to representative buildings of the country concerned. The above conditions, bring the possibility of recognition of the applicability of state jurisdiction to objects made in human-made objects placed in the GSO and artificial objects placed in deep space (the boundary that begins after thinning of the airspace) such as space stations, space laboratories and space installation. Where the object is contained, there is a registration sign and the owner's flag. Then with the existence of space in space in space after the GSO by spacecraft to the

moon and other planets after planet Earth. Jurisdiction also applies to satellites owned by Indonesia.

With the recognition based on customary international law regarding state jurisdiction outside its territory, Indonesia can also view deep space above its country to the geostationary orbit as an area of national interest. Although this is considered contrary to the 1967 Outer Space Treaty which prohibits ownership of space for which Indonesia does not claim sovereignty over space. However, claiming the existence of sovereign rights over the GSO as an area of interest and survival of the nation by applying the jurisdiction of national aerospace law. The same thing applies to EEZ regulated by sea law in 1982. Indonesia does not impose jurisdiction over peaceful cross-sea vessels but applies the jurisdiction over the natural resources of the EEZ for the survival of the nation. Thus Indonesia can apply jurisdiction over deep space and GSO which are directly above the equator over Indonesian territory.

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