The Impact Of Cyber Espionage Issue On Maritime Security Cooperation Between Indonesian National Police And Australian Federal Police

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Abstract
In international law, espionage committed by one country against another in the form of wiretapping is a form of violation of international law and can disrupt relations between the two countries concerned. In this case, Australia had wiretapped Indonesian executive officials such as the President and his deputy in 2013. The action caused the intensity of the relationship between Indonesia and Australia to heat up. In this case, the geographical proximity between Indonesia and Australia causes the two countries to need each other, especially in dealing with cross-border crimes involving the two countries. This research intends to find out how the influence of Australia's wiretapping actions in Indonesia to the bilateral cooperation in handling transnational crimes. This research will use Butler's conflict management theory to examine the resolution of the conflict and how the resolution affects the cooperation between the two countries. From this research, it is known that the actions taken by Australia made the relationship between Indonesia and Australia tense. This was followed by the termination of bilateral cooperation projects between Indonesia and Australia. One of the areas of discontinued cooperation is cooperation in combating transnational crimes between the Indonesian National Police (Polri) and the AFP. This situation will create a loophole for perpetrators of cross-border crimes in carrying out their actions between the two countries, one of the most vulnerable transnational crimes is related to people smuggling. This affects the maritime security sector between the two which must be anticipated immediately.

Keywords: Bilateral Relations between Indonesia-Australia, Espionage, People Smuggling, Maritime Security.

INTRODUCTION

Relations between Indonesia and Australia have been established since Indonesia's independence in 1945 through the recognition of Indonesia's independence and began diplomatic relations in 1949 by appointing Dr Oesman Sastroamidjojo to occupy the national archive building in Canberra as Chargé d'Affaires ad Interim. The position was then replaced by Oetojo Ramelan as Full Ambassador of Indonesia. The Australian Government officially recognised Indonesia's sovereignty de facto in 1947 and de jure in 1949. Furthermore, the Australian Government also sponsored Indonesia to enter and become a member of the United Nations (UN). Support for Indonesia's independence was not only from the Australian government, but also from Australian citizens who boycotted 559 Dutch merchant and warships that were preparing to enter Indonesian territory. Since then, bilateral relations between Indonesia and Australia have continued to the present day, but despite this, the closeness of diplomatic relations between Indonesia and Australia is dynamic. One of the declines in diplomatic relations that occurred between Australia and Indonesia occurred in 2013. The decline in diplomatic relations between Indonesia and Australia was because in that year the relationship between Indonesia and Australia was shocked by the news that the Australian government had conducted espionage or wiretapping on the President of Indonesia, President Susilo Bambang Yudhoyono.

In international relations, such actions can be categorised as acts of violation of international law related to the privileges of state representatives who are abroad to carry out their duties. In this case, the geographical proximity of Indonesia and Australia affects bilateral
cooperation between the two countries. In this case, the issue of transnational crime is an issue that involves the two countries due to ease of access due to the proximity of the territory between the two. For this reason, cooperation in handling transnational crimes has been established since 2011 between the Indonesian Police and the Australian Federal Police (AFP). As a result of Australia's response, the Indonesian government, led by then President Susilo Bambang Yudhoyono, stopped some of the cooperation between Indonesia and Australia, including the cooperation between the Indonesian National Police (Polri) and the Australian National Police (AFP) in combatting transnational crimes, and one of the issues was cooperation in preventing and combating people smuggling. People smuggling is one of the issues that threaten the national security of both countries that often occurs and takes advantage of the proximity of the two countries to become a new transit or escaping location for illegal immigrants. This crime takes advantage of the two countries' borders making it a threat to the maritime security of the two countries.

Following the termination of the co-operation, Polri and AFP re-established security co-operation until the latest meeting in 2023 between Polri and AFP. This research is to discuss the process of resolving the conflict between the Governments of Indonesia and Australia due to Australia's wiretapping actions so that the cooperation between Polri and AFP in combating transnational crimes and capacity building can be re-established, especially cooperation on the issue of handling people smuggling that threaten the maritime security of the two countries.

RESEARCH METHODS

In this research, the only method used in this research is to use qualitative research methods with literature studies. While the analysis method used in this research is descriptive analytical, by providing an explanation and description of the problems. This research will try to provide analyses in the form of descriptions to explain the phenomena that have happened. This analysis is expected to provide an explanation of the stages of conflict dispute resolution between the Governments of Indonesia and Australia so that bilateral cooperation in handling transnational crimes carried out by the Indonesian National Police and the AFP can continue until 2023.

The data obtained from this research will be collected, sorted, and categorised to be interpreted descriptively to obtain a description of the facts in the form of stages of dispute resolution carried out by the Government of Indonesia to improve relations with Australia due to wiretapping actions that have led to a decline in diplomatic relations between the two countries so as to affect cooperation in several fields of cooperation, especially in the field of security.

The data collection technique used in this research is the library research technique or library research whose research data is obtained from books, journals, scientific articles, and news that contain information relevant to the problems being studied in this study.

RESULT AND DISCUSSION

Espionage or wiretapping comes from the word "tapping" which means taking secretly and unknown to the owner, which is in this case the owner is a country. In international law, the act of wiretapping is a form of crime that has been stated in article 3 of the 2001 Budapest Convention on Cybercrime which states that: "the interception without right, made by technical
means, of non-public transmissions of computer data to form, or within a computer system, including electromagnetic emissions from a computer system carrying such computer data". The article explains that wiretapping is a form of unauthorised interception made by a computer system to carry the information it wants.

Wiretapping is a form of crime that occurs in the digitalisation era. This digitalisation era is marked by changes in various sectors of human life by utilising technological developments that continue to grow rapidly, marked by the use of technology in various fields, the dissemination of information is getting faster. This era is indicated by the use of the internet which continues to be utilised and developed into various kinds of products that can facilitate human life. The use of technology and information that continues to be developed today is artificial intelligence, computerisation and technologies developed for industrial areas.

To get to the current phase, namely the digitalisation era or Industrial Revolution 4.0, there are at least several other revolutions that distinguish the current era from the previous era. The phases are as follows:

a) Industrial Revolution 1.0

The Industrial Revolution 1.0 began around 1750-1850, which was characterised by changes in agriculture, manufacturing. Mining, transport, and technology. This era began when people began to shift the use of animals and human labour to using machines. This transition gave rise to steam engine technology and continued to be developed for farming and other traditional activities.

b) Industrial Revolution 2.0

The next era of the industry revolution is the era of using technology after the discovery of a new source of power, namely electricity. The use of electricity continues to be developed to replace the use of steam engines. This era occurred around the 1870s.

c) Industrial Revolution 3.0

The era of the industrial revolution 3.0 is estimated to have started around the 1980s, marked by the emergence of digital technology and the internet. Electronic machines began to appear and the emergence of computers and automatic tools began to be developed. This era is the era when the internet began to be developed until the industrial revolution 4.0.

d) Industrial Revolution 4.0

The era of revolution 4.0 is marked by the use of the internet which is not only used as a search engine, but the use of the internet is much wider and is used to facilitate human activities. This is because technology in the era of digitalisation 4.0 is experiencing new patterns that are disruptive and threatening.

The evolution of information technology that continues to occur without knowing boundaries and creating a borderless or borderless network between communities around the world. these conveniences have impacts and positives. The use of technology for the convenience of mankind is a positive impact of technological developments that continue to grow rapidly. However, the negative impact of this era is when the development of technology is used for activities that harm other humans. There are many forms of misuse of technology and information in this era. The form of crime used by utilising technological developments is known as cybercrime. There are many forms of cybercrime, one of which is the crime committed by the Australian government against Indonesia through wiretapping and falls into the category of espionage.

Wiretapping is a form of cybercrime because it uses technology to intercept information and is categorised as cyber espionage. Cyber espionage is defined by NATO as follows: "any act undertaken clandestinely or under false pretences that uses cyber capabilities to gather (or attempt to gather) information with the intention of communicating it to the opposing party". 

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From this explanation, cyber espionage is a malicious act committed against another party to secretly gather information. If done by a state, this act can be very dangerous because it can cause conflict and become a threat to the aggrieved opponent.

The ups and downs of the relationship between Indonesia and Australia have continued to occur since the start of the cooperation relationship between the two. There are several conflicts that have influenced the ups and downs of the relationship between the two, including the East Timor issue, the granting of temporary residence permits for Papuan immigrants and also issues related to terrorism in Indonesia. The ups and downs of relations between the Governments of Indonesia and Australia are due to several factors such as geographical proximity directly adjacent to each other, the level of progress and economy, and cultural differences that affect their respective national interests. As for more details, there are 4 main things that cause the ups and downs of Indonesia-Australia relations, namely as follows:

a) Democratic practices and political culture

Despite their geographical proximity to each other, the two countries have different histories. The influence of the British Empire heavily influenced Australia's politics and identity, so the values contained in its political system are very liberal compared to Indonesia.

b) Foreign policy

Indonesia and Australia both have their own foreign policy. The difference in focus in the political direction of Indonesia and Australia has been different since the beginning, causing differences in perception that can lead to conflict. This can be seen from the political direction of Indonesia's free and active foreign policy, which made Indonesia initiate the Non-Aligned Movement during the cold war period and Australia has a different policy direction from Indonesia.

c) Security concerns and threats

Geographical proximity and strategic positions make the two countries anticipate each other's threats. Indonesia's strategic geographical position poses a threat to Australia because it can be an opportunity for Indonesia to increase its power and become a threat of opportunity for Australia, and vice versa.

d) Weak economic co-operation

The economic co-operation relationship between Indonesia and Australia can be said to be quite weak. This can be seen from the small amount of foreign investment in Indonesia from Australia, which is only 2.1% of the total. With weak economic co-operation, it reduces the level of dependence on each other. Today, economics plays an important role in the international cooperation sector as it relates to a country's growth and income.

As a result of these differences, in 1950-1962, the relationship between the two countries experienced a decline due to the problems of Irian Jaya and Timor, which has now changed its name to Timor Leste. Furthermore, in 1970, namely precisely in 1975 when Indonesia did not allow the extension of Australian journalists namely Warwick Butler and Joe Comman who had covered Indonesia for 20 years.

The decline in relations occurred again in 1985 due to Australian Prime Minister Bob Hawke's statement on the de jure independence of Timor Leste and led to the cancellation of the visit of the Minister of Research and Technology (Menristek RI) B.J Habibie to Australia. Not only that, the response to the Australian PM's statement was followed by the refusal of visas for foreign tourists and banning the visit of Australian journalists to Indonesia who at that time wanted to cover the visit of US President Ronald Reagen to Bali.

The dynamic relationship between Indonesia and Australia continued until in 2013, there was another decline in diplomatic relations between Indonesia and Australia due to the revelation of news related to wiretapping conducted by Australia against Indonesian officials.
wiretapping was carried out by tapping on the personal electronics of the President and his officials who were in Australia. Such wiretapping can occur due to the development of technology and information in the increasingly advanced digitalisation era.

As a result of the conflict, some of the bilateral co-operation relations between Indonesia and Australia were stopped. One of them is the security cooperation between Indonesia and Australia conducted by the Indonesian National Police (Polri) and the Australian Federal Police (AFP). The security cooperation had to be temporarily suspended as a form of implementation of the President’s order.

Bilateral cooperation between Indonesia and Australia, particularly in the area of security, has been in existence for a while. Geographical proximity and the nature of the threat posed by transnational crime mean that countries today cannot act alone. This is also felt by Indonesia and Australia. Transnational crimes that continue to grow every year and are increasingly organised make countries in the world need to carry out bilateral and multilateral cooperation in overcoming and preventing transnational crimes. The close proximity of Indonesia and Australia makes both countries vulnerable to these cross-border crimes, due to the ease of access for perpetrators to travel to nearby countries to carry out their actions or seek refuge.

The cooperation between the Indonesian National Police (INP) and the Australian Federal Police (AFP) has been in place for some time. More precisely, the cooperation between the INP and the AFP has taken place since 2011 with the signing of a cooperation paper between the INP and the AFP in the field of security. The cooperation paper is The arrangement between Indonesian National Police and Australian Federal Police on cooperation in preventing and combating transnational crime. The text of the cooperation agreement was signed by General of Police Drs. Timur Pradopo and the Commissioner of the Australian Federal Police who act as the Chief of Police of each country. The signing took place in Bali in 2011. With the cooperation paper in place, it is mandated that annual meetings between the Police and AFP will be held annually to discuss the continuation of cooperation between the two, especially in handling cross-border or transnational crimes.

One of the issues discussed in the cooperation between the INP and the AFP was related to handling people smuggling. However, cooperation in handling people smuggling has stopped. This was conveyed by the National Police Chief General Pol Sutarman who stated that the National Police stopped some cooperation that had been built with the AFP in order to respond to the issue of wiretapping by the Australian government to Indonesia.

Cooperation in handling this issue is needed because the two countries have close proximity and the border between them is an ocean. This crime takes advantage of the environment to bring illegal immigrants to enter the sovereign territory of each country to serve as a transit location or destination location for illegal immigrants. People smuggling is an act of violating human rights and a form of slavery in the current era. The perpetrators are an international syndicate network that has spread to various countries to connect countries that are used as targets for the perpetrators to smuggle people to nearby countries.

The investigation of this crime cannot be done independently and needs the role and cooperation of multiple countries, institutions, state agencies and communities to exchange information, coordinate and take direct action against this crime. Therefore, the investigation of this crime needs to be carried out by the Indonesia National Police and the AFP because this crime poses a threat to national security, especially threats to maritime security because other crimes can occur on boats or ships carrying illegal immigrants.

People smuggling crimes implicating to Indonesia and Australia have made Australia the destination country and Indonesia one of the transit locations for these immigrants. The illegal
immigrants generally come from countries in conflict such as the Middle East and South Asia. Immigrants who use Australia as a destination country come to the islands of Christmas and Darwin, and other islands within Australia's sovereign territory to seek asylum. For this reason, cooperation in this area is needed by both countries in order to prevent crimes that involve the two countries, one of which is people smuggling and other crimes committed over the water areas of the two countries.

The cessation of cooperation did not last long due to improved relations by the governments of Indonesia and Australia. The underestimation statement issued as a response to the tapping case conducted by Australia by Prime Minister Tony Abbot has caused disappointment for Indonesia. Therefore, by seeing Australia's position that does not want good cooperation on the case, President SBY has made several policy decisions to respond to the actions taken by Australia toward Indonesia. In response to Australia's wiretapping of a number of Indonesian government officials, President Susilo Bambang Yudhoyono took firm steps by issuing a number of policies towards Australia. These policies are:

a) Withdrawing the Indonesian Ambassador to Australia;
b) Reviewing the Australia-Indonesia Cooperation;
c) Sending an official letter to Australia as a form of protest over the wiretapping case that occurred.

The 3 foreign policies issued by Indonesia at the beginning of the conflict made Australia's position as a strategic cooperation partner turn into an enemy country, or a country that threatens the country's security. Australia, which had noticed President SBY's firm action, immediately sent a reply letter to restore relations between the two countries, Considering that some cooperation between the two countries had to be stopped due to the President's order.

Australia's wish to restore relations between the two of them is observed from the efforts made by Australia to restore Indonesia's trust by discussing with Indonesia to find joint solutions. In this case, the Indonesian and Australian governments continued to negotiate and mediate to reach an agreement that made the two countries stop their dispute due to the Australian wiretapping case.

One of the products produced in order to restore relations between the two is the Code of Conduct (CoC) on framework for security cooperation which was signed on 28 August 2014 after a year of decline in diplomatic relations occurred. Negotiations between Indonesia and Australia forced Australia to agree to an agreement that intends to maintain mutual security from wiretapping or other harmful acts of espionage. This agreement is known as the Joint understanding on a code of conduct between the Republic of Indonesia and Australia in the implementation of the agreement between the Republic of Indonesia and Australia on the Framework of security cooperation (The Lombok treaty).

There are 2 highlights of this agreement, these are:

a) The parties will not use any intelligence, including wiretapping capacity and other means of obtaining information, to the detriment of the other party's interests.
b) This agreement will encourage intelligence co-operation between the relevant agencies.

The establishment of the Code of Conduct (CoC) is a form of resolution of the tapping problem committed by Australia against Indonesia. with this result, it is known that the negotiations and mediation carried out by Indonesia and Australia succeeded in suppressing the conflict of disputes that occurred between the two countries did not expand and found a joint resolution.

The idea of the CoC was initiated by the President of Indonesia, Susilo Bambang Yudhoyono, who tasked the Minister of Foreign Affairs, Marty Natalegawa, to have in-depth discussions with Australia to address the sensitive issues that have been occurring in recent years.
The results achieved from the discussions that have been carried out by the Indonesian Ministry of Foreign Affairs, resulted in mutual understanding and mutual agreement between Indonesia and Australia. So that it can be followed up with discussions to create a draft protocol and code of ethics governing the behaviour of the two countries. The desire to create a draft protocol and code of conduct is accommodated by both countries, so that it can be forwarded to be approved and signed together in the presence of each head of government. The draft protocol and code of conduct is the CoC that was signed in 2014.

The conflict resolution carried out by Indonesia and Australia is in accordance with what Johan Galtung explained regarding conflict management, which is a process to manage a conflict so that the escalation of the conflict does not get worse and reach a resolution. Given that Australia is Indonesia's closest partner due to geographical proximity and long-standing cooperation, the conflict resolution between Indonesia and Australia uses diplomacy and negotiation techniques. This is because Indonesia sees Australia as a profitable partner or ally image. with this perspective, Indonesia sees that the relationship between the two will be equally beneficial because of the proximity of the distance between the two countries.

The caution taken by the Government of Indonesia is necessary because it remembers that Australia is a large and developed country whose geographical location is close to Indonesia. for this reason, the Indonesian government in responding to the wiretapping actions taken requires caution so that the conflict does not widen.

With the agreement of CoC between Indonesia and Australia, the relationship between the two can be restored, so that cooperation that was previously stopped can be continued. With this agreement, the trust between the two can be restored, and can be re-established so that cooperation can be maximised again. This is also happening in the cooperation between the National Police and the AFP, which was stopped in combating transnational crimes, one of which is the issue of human smuggling crimes that take advantage of the proximity of the two countries.

The return of good relations between Indonesia and Australia has implications for the security co-operation relationship between Polri and the AFP. A new co-operation agreement was signed in 2015 between Polri and the AFP to reinforce ongoing co-operation. The new co-operation agreement covers a wide range of areas of co-operation to combat transnational crime (Indonesia.embassy.Gov.au, 2015), so that the national security of both countries can be achieved, especially in the area of maritime security. This co-operation agreement was signed by the National Police Chief General Badrodin Haiti and AFP Commissioner Andrew Colvin to enable the relationship between the National Police and the AFP to work together and take advantage of each other’s presence in combating transnational crimes, especially in areas of crime that take advantage of the proximity of the country's territory to commit crimes on the territorial sea. so that maritime security can provide mutual benefits to each other in the process of handling it. With the participation of the active role of the two Institutions, it can maximise the national security of each country.

**CONCLUSION**

The impact of foreign policy decision-making can affect the relationship of a country, especially when there is a conflict between two countries or more. Cooperation between the Indonesian National Police and the AFP on combating transnational crime has been stopped. Especially in the area of cooperation in combating people smuggling crimes. The crime, which utilises the geographical closeness of the two countries, made it easy for criminals to carry out activities after the cooperation in combating people smuggling stopped for a while. The cessation
of cooperation occurred because it was a response to the implementation of President SBY’s order to temporarily suspend cooperation with Australia as a form of firm action for Australia, which had wiretapped Indonesian government officials.

However, the termination of cooperation can be continued after a joint problem-solving effort to end the dispute or conflict that occurs between the two countries. Negotiation efforts and natural conflict mediation are the right steps so that the escalation of the conflict that occurs is not widespread.

With the achievement of conflict resolution between Indonesia and Australia symbolised by the signing of the Code of Conduct between Indonesia and Australia, the relationship between the two countries can be restored. With the signing of code of the conduct (CoC) between Indonesia and Australia governments, the cooperation between the National Police and the AFP, which had been in place for some time and had been stopped as a result of the dispute, was re-established. The cooperation between the Police and the AFP in the form of international agreements and annual meetings between the Indonesian National Police and the AFP can be continued until now, especially in maritime security who need each others for maritime and border law enforcement. By optimizing the cooperation between Polri and AFP, transnational crime enforcement, especially in border areas related to national security, can be established, one of those is in maritime security which is very vulnerable in the border area between Indonesia and Australia.

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