Follow-up of Indonesian Legislation on the International Treaties

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Abstract
Development country is tends to put international law as the outer layer of legal certainty. For that country, the adoption of international law norms is important, so the international norms that have been agreed upon in international treaties can be internalized in each citizen. This paper seeks to map international treaties which followed by Indonesia from the law making treaty. The mapping was carried out on the ratification style by Indonesia against the law making treaty in the entire cargo or only part of it. Furthermore, the author seeks to examine the follow-up of legislation which made on international treaties as international law in the context of their adoption in national law. The research uses descriptive qualitative research methods by the socio legal approach. The results of this study show that during the 72 foreign relations that have been carried out by Indonesia, until 2019 the Indonesian Government has bound itself in 302 agreements. From the 302 treaties, only 61 international treaties were Law-Making Treaty and only UNCLOS 1982 followed up through Law No. 32 of 2014 concerning Marine.
Keywords: International Treaties, Indonesia, Legislation

A. Introduction

The international law source as the object of this research is an international treaties from the law making treaty. Although in the context of the definition are doubts regarding whether the agreement can produce law as said by Catherine Brolmann.[1] However, in her defense of the law-making terminology, Catherine Brolmann argues refers to the content of international treaties are more regulating character rather than seen as mere contractual legal acts.[2]

International law which sources by law making treaty has an impact in the establishment of a new legislation order as a response to the law making treaty itself. As stated by David Haljan described that law making treaty plays a role in:

> "*They intend to establish directly specific legal rights in national legal systems for private actors. Other types of treaty, addressing state actors explicitly and solely, may nevertheless aim to adjust government policy or conduct and require amending current rights by legislation ".*[3]

Whereas the law making treaty is intends to establish certain legal rights for private (non-state) or state actors, and even aims to harmonize government policies through the formation of new legislation. Law making treaty as a source of international law has a fundamental impact on the legislation development.

In fact, the national legislation program is currently the method of developing Indonesian legislation. It is put the ratification of international treaties as one objects included in the open cumulative list.[4] It is shows that Indonesia's involvement in international law is responsive manner by not taking the time to wait the involvement in an international treaties.

However, studies related to the development of legislation do not always take a side with international law. As one example, in a recent study conducted by Jean Michiel Otto related to the real legal certainty in developing countries. It turns out the placement of international law as a legal entity in the fifth layer / outermost layer of the legal order that has legal certainty for people or citizens in development countries.

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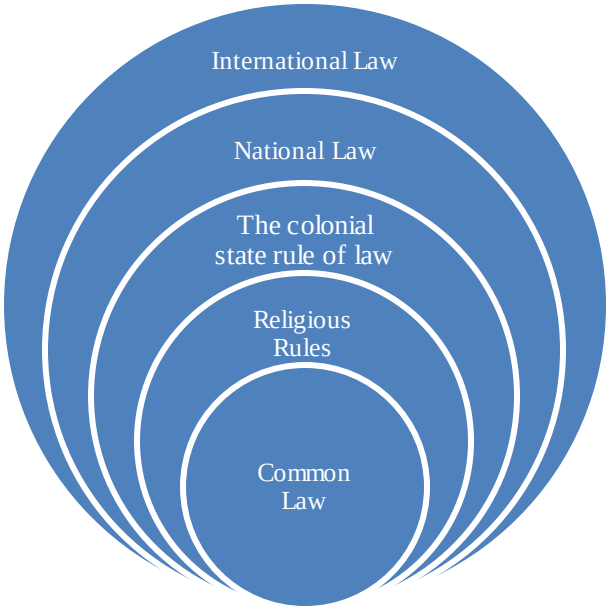
[1] Catherine Brolmann, "Law Making Treaties: Form and Function in International Law", *Nordic Journal of International Law*, vol 74, 2005: 383-404.

[2] *Ibid.*

[3] David Haljan, *Separating Powers: International Law Before National Courts*, The Hague: TMC ASSER PRESS, 2013, p. 30

[4] Article 23 of Law Number 12 on 2011 concerning the Formation of Legislation.

In his research, Jean Michiel Otto stated in the general, law in development countries was historically formed by four layers.[5] The innermost layer is consists of customary law recognized (as law by the local society), the above are the layers of religious rules, then the colonial state legal rules and the next layer is the modern national law which continues to develop and the outer layer is international law.[6] In order to make it easier to understand Jean Michiel Otto's opinion, it can be understood through the illustration of legal certainty in development countries as follows:



Referring by the demonstration as above, it can be understood that to make international law have an implementative power in developing countries. At least, beside ratified international law is also needs to be adopted in national law. Of course, it is carried out by follow-up legislation. Then, it becomes the focus of the research. Namely, to map the follow-up of legislation which carried out by Indonesia to the international law.

Indonesia as an independent country has made the spirit of internationalism in one of Indonesian goals. It has been clear by the flashback session of Investigating Committee for Preparatory Efforts of Indonesian Independence (BPUPKI), which at

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[5] Jean Michiel Otto, *Kepastian Hukum yang Nyata di Negara Berkembang, dalam Kajian Sosio Legal,* ed. Adriaan W. Bedner et. al. Denpasar: Pustaka Larasan, p. 119.

[6] *Ibid.*

that time wanted to formulate the basis of an independent Indonesian state. Soekarno proposed to put internationalism or humanity as one of the foundations in the Indonesian state.

When referring to the Pancasila formulation as the ideology agreed upon in the 1945 Constitution Preamble of the f Indonesia, the notion of internationalism is not written in the Pancasila text. However, the spirit of internationalism is still connection to the Indonesia goals.

The spirit of internationalism as one of the independent Republic of Indonesia goals is evidence by the formulation in the fourth paragraph of the 1945 Indonesian Constitution which reads "... and participate in implementing world order based on independence, eternal peace and social justice ..." . It is valid evidence that the Indonesia Republic views the spirit of internationalism based on independence, eternal peace and social justice. In addition, this is one of the goals in the establishment of an independent Indonesia Republic.

Concrete steps are needed in order to realize the Indonesia goals. One of them is Indonesia's involvement in the international law development by Indonesia participation in international relations based on lawmaking treaty in international treaties. United Nations Conventions on the Law of the Sea (UNCLOS), International Convention on Civil and Politic Rights (ICCPR) and the Convention on the Elimination All Form of Discrimination against Women (CEDAW) are several forms of the Indonesia is involvement in international law.

Furthermore, by returning to the spirit of internationalism as contained in the 1945 Constitution Preamble of the Indonesia Republic. Whereas Indonesia participates in implementing world order based on independence, eternal peace and social justice. Thus, the international law followed by Indonesia certainly does not become a supra-national order which results in Indonesian national law being under or lower in the that international instrument.

The development of Indonesian legislation related to the follow-up of Indonesian legislation on international law is something that needs to be answered. The follow-up is related to Indonesia's ability to follow up on international law through other legal instruments such as organinal law as an effort of the implementation. By this step, so it can be mapped from Indonesia involvement in the

international law and how much Indonesia ability to follow up in the legal framework of legislation to implement international law.

The socio legal approach is carried out by descriptive qualitative methods. In addition to literature study, focus group discussion (FGD) is also one of the methods used by the author. Meuwissen's theoretical approach[7] used by the author, he argues that the formation of legislation distinguishes two central moments in the formation of law, namely political-ideal moments and technical moments. Political-ideal moments is relate to the desired legislation content, namely relating to articulating or cultivating political objectives, while technical moments are related to the technical legal drafting process.

These two moments create conditions for the complexity of legislation. The complexity of developing legislation is in line with what D'Anjou said as quoted by Satjipto Rahardjo[8]that the development of legislation is a complex process. This complexity[9] becomes an important spotlight in the context to follow-up a legislation and to simplify the viability. The research stages can be seen in the diagram below.

Based on the explanation at the background above, there are two problems to be answered in this paper, namely how is the mapping of international treaties with law making treaty character that have been followed by Indonesia so far? And how is the legislation classification as the result of the follow-up to the international law ratification?

B. Result and Discussion

a. The Characteristics of International Treaties

According to the Vienna Convention on the Law of Treaties 1969 in Article 2 paragraph (1) sub a, what is meant of the treaties is an international agreement made between countries in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and any special designation.[10] Meanwhile, according to Law Number 24 of 2000 concerning International Treaties, the international treaties is defined as an

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[7] B Arief Sidharta, *Meuwissen Tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum dan Filsafat Hukum*, Bandung: Refika Aditama, 2007, p. 10.

[8] Satjipto Rahardjo, "Merumuskan Peraturan Hukum", *Papers in PDIH Undip Student Reading Materials,* Semarang: PDIH, 5 January 2007.

[9] Robert B. Seidmann et.all., *Legislative Drafting for Democratic Social Change: A Manual for Drafters, First Published,* London: The Hague Boston, Kluwer Law International Ltd., 2001, p. 15.

[10] Vienna Convention on the Law of Treaties 1969.

agreement, in a specific form and name, which is in written and regulated in international law, and raises the rights and obligations in the field of public law.[11]

International treaties are one of the sources of international law as confirmed in Article 38 paragraph (1) of the International Court of Justice Statute. The Statute mentioned international treaties as one of the main sources of international law which has an important and very rapid role in its development

In Indonesia, it is known by one term for various types of international treaties, whereas each treaty term has its own characteristics. Some terms commonly used are treaty, convention, declaration, charter, protocol, pact, agreement, statute, covenant,[12] and others. According to Myers, there are approximately thirty-nine names used for international treaties, among them the terms is treaty, pact, constitution, charter, convention, agreement, exchange of notes, memoranda of agt., Protocol, act / final / general , declaration, notes verbales, arrangement, accord, additional articles, aide-memoire, code, communique, compact, contract, instrument, lease, mandates, measaures, minute / agreed, modification, modus vivendi, optional clause, plan, process-verbal, provisions, recommendation, resolution, regulations, rules, scheme, statutes, understandings, and undertakings.[13]

The difference in the naming of international treaties does not diminish the rights and obligations contained in the contents of the treaties. They are only state that the substance of the treaties has a different hierarchy cooperation type or to state the link between the other previous international treaties.[14]

Regarding the types of international treaties which widely used by many countries today, it is known by the types as follows:[15]

1. Treaties

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[11] Law Number 24 Year 2000 Concerning International Treaties.

[12] B. Maryati, "Aspek–Aspek Hukum Perjanjian Internasional Dan Kaitannya Dengan MoU Helsinki", *Jurnal Humaniora: Jurnal Ilmu Sosial, Ekonomi dan Hukum*, Vol. 1 Num. 1, 2017: 30-39.

[13] DP Myers, "The Names and Scope of Treaties", *American Journal of International Law,* Vol. 51 Num. 3, 1957: 574-605.

[14] H. Hilda, "Kedudukan dan Daya Mengikat Konvensi Denhaag 1954 Tentang Perlindungan Obyek Budaya Dalam Sengketa Bersenjata Terhadap Pihak-Pihak Yang Bersengketa (Amerika Serikat-Irak) Menurut Konvensi Wina 1969 Tentang Perjanjian Internasional", *Jurnal Cita Hukum*, Vol. 1 Num. 1, 2013.

[15] Departemen Luar Negeri, "Pelatihan Pembuatan Kontrak Internasional", *Surabaya. (Makalah),* 2002.

The treaties includes the notion of an international treaty in generally but it is specifically defined as a very formal and essential international agreement and generally used for multilateral agreements. However, in the application has no similirity and apply in the bilateral agreements.

2. Convention

   Conventions are also generally defined as all forms of international treaties, so their meaning can be interpreted the same as the meaning of treaty. Conventions are used in multilateral international treaties, which involve many parties.

3. Agreement

   Agreement is a form of treaties that has a position under the treaty and convention. Generally used for bilateral international agreements which regulate in the basics of a global cooperation. However, it can be used in a limited way in multilateral agreements.

4. Charter

   Naming international treaties with a charter is usually contains in the international organization constitution. The examples are include in the Charter of the United Nations as a charter from the United Nations or African Unity Organization which the charter named is the Charter of the African Unity, and Charter of the American States, 1948.

5. Protocol

   Unlike treaties and conventions, protocols are unformal international agreement. Generally protocols are used to add the clauses of the convention. Starke is further explains the use of the term protocol in several categories, namely:

   a. Protocol as an additional instrument of a convention was made by the negotiating party, which has the same degree as the convention itself. The protocol is known as protocol of signature which contains the interpretations or clauses of the convention or as additional provisions of a lower degree, or as formal clauses that are not included in the convention.
   b. Protocol is an auxiliary instrument to a convention that has an independent status and entry into force and subject to the ratification of the convention itself. Generally, it was not made in the same time as the formulation of the convention text.

c. Protocol as an agreement which has the same characteristic and position as a convention.
d. Protocol as a mutual of understanding record between the parties regarding certain matters which is better known as "verbal process".

6. Declaration

   Declaration is also defined as an agreement which contain a general resolutions. The parties of the declaration is commit to carry out these policies in the future. The Declaration has little and concise content, and set aside a formal provisions such as the need for a “Power of Attorney”, or qualification requirements.

7. Memorandum of Understanding (MoU)

   The term of MoU is refers to the unformal agreement with a strong technical element. However, in its further development, the MoU is also often used in formal international agreements.

In practice, the treaties was made through the signing of MoU is preferable use because it is considered a simple agreement, and can be made as an umbrella agreement or as an implementing agreement which regulating technical matters. Because it is simple, the MoU is generally not ratified.

b. The Concept of Law Making Treaty

According to Mochtar Kusumaatmadja, international agreements as a source of international law are classified into two groups, namely:[16]

1. Classification between bilateral agreements and multilateral agreements.
2. Classification of agreements in treaty-contracts and law-making treaty.

Treaty-contracts is an agreement such as an agreement in civil law, namely a contract or agreement that only creates the rights and obligations for the parties who involve to the agreement. It was carried out by Indonesia in making an agreement with the Slovak Republic regarding the exchange of information and cooperation in nuclear safety (Agreement between the Nuclear energy Regulatory Agency of the Republic of Indonesia and the Nuclear Regulatory Authority of the Slovak Republic for the Exchange of Technical Information and Cooperation in

[16] U. Usmawadi, “Status Indonesia dalam Space Treaty 1967”, *Jurnal Hukum & Pembangunan* Vol. 16 Num. 6, 2017: 630-637.

Nuclear Safety, Jakarta, 11th October 2011).[17] Another agreements had been made between Indonesia and the People's Republic of China regarding dual citizenship in 1955-1969.

Meanwhile, the concept of Law-Making Treaties itself is a view as an output of law in the agreement product. It is different from legal products in general, for example, such as the laws which require an academic draft in the process before it becomes law. Law-Making Treaties are made from multilateral agreements. It is policy regulates the characteristic Indonesia law.

Another characteristic of *Law-Making Treaties* is in the agreement involve many countries as participants. Although not all articles have benefit for every participant, Law-Making Treaties is considered the fairest decision and one of the rule-making devices in international relations.

Because of their character as 'treaties', the articles in the Law-Making Treaties agreement are transformed into positive legal provisions with tend to must fulfilled obligations, in contrast to coercive laws.

The concept of Law-Making Treaties is closely related to the 'international regime'. The international regime is an international organization that influences the behavior of states and other international actors. So the Law-Making Treaties is the result of an international regime. Like the law of the sea is in that regime. Namely, UNCLOS 1982 is an international agreement in the form of Law-Making Treaties and followed by many countries in the world, so it is multilateral treaty.

However, international law itself is a unique law with its own way, its own scope, or its own frame for making society in a legal order. Law-Making Treaties is an ideal way of creating provisions in the international community. In international relations, the subject of a Law-Making Treaties is a state, so there is no need to doubt the validity of a Law-Making Treaties.

The most fundamental difference between treaty-contracts and Law-Making Treaties is the involvement of third parties who do not participate in negotiations. In a treaty, a third party cannot participate in the agreement without the consent of the contract maker. Whereas in the Law-Making Treaties, because what is regulated is a general problem regarding all members of the international community, a third

[17] Accessed from https://kemlu.go.id/b-02/id/pages/hubung_bilateral_indonesia_dan_slovakia/1283/etc-menu on April 13, 2020 at 19.00 WIB.

party or other party can be bound by the agreement even though they do not participate in the negotiations.

c. Transformation of Law-Making Treaty into National Law

The transformation of international treaties categorized as Law-Making Treaty into national law raises pros and cons. There are those who think that it is necessary to transform international treaties into statutory regulations and there are opposite opinion that they do not need this.

Referring to Mochtar Kusumaatmadja's opinion, Indonesia does not adhere to the theory of transformation, so that an international agreement will be immediately bound without the transformation first. It is because Indonesia is more inclined with the Continental European system, namely considers directly bound to the obligation of the implementation and obey with all agreements and conventions provisions that have been ratified without the entry into legislation anymore. However, it is necessary to enact a national law if a change in the national law is needed which directly concerns the rights of citizens as individuals.

The fundamental reason for the transformation needed is because international treaties are categorized as law-making which aimed in the changing the provisions that apply in a country. The obligation to carry out the transformation in international agreements is categorized as law making is often mandated in written. For example, Article XVI paragraph (4) of the WTO Agreement states:

> *"Each Member shall ensure the conformity of its laws, regulations and administrative procedures with its obligations as provided in the annexed agreements".*

Likewise, Article 4 paragraph (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, states that, "Each State Party shall ensure that all acts of torture are offenses under its criminal law".[18]

The reason of the ratification provisions cannot be used as the basis for the entry into force of an international agreement in a legal process at the national level. Ratification is a form of binding an agreement, therefore it is become the basis for

[18] H. Juwana, "Kewajiban Negara dalam Proses Ratifikasi Perjanjian Internasional: Memastikan Keselarasan dengan Konstitusi dan Mentransformasikan ke Hukum Nasional", *Undang: Jurnal Hukum,* Vol. 2 No. 1, 2019: 1-32.

the obligation to transform the contents of the international agreement into national law. However, there are still different opinions regarding the implementation issues whether it requires implementing regulations or not.[19]

In ratifying the Law-Making Treaty, there are two obligations that must be carried out by the state, namely ensuring the harmony of international agreements with the constitution. In this case, Indonesia must ensure conformity with the 1945 Constitution and transform international agreements into national law. This harmony is intended by the 1945 Constitution as a basis, because it is the highest norm in the hierarchy of Indonesian legislation. In addition, it must ensure the common perception of the government with people's perceptions and ensure the avoidance of veiled intervention by other countries on the country's sovereignty, considering that international agreements are often used as political instruments by one country against another.[20]

d. Indonesia's Participation in Various International Agreements

Based on the results of research conducted by the author. Since its independence on 17 August 1945, Indonesia has followed various international agreements, both bilateral and multilateral. Of the 302 (three hundred and two) international agreements that have been ratified by Indonesia from 1947 to 2019, there are at least 61 international agreements, which are Law-Making Treaty in nature.

As the definition stated above, Law-Making Treaty is different from Treaty-contracts. Law-Making Treaties is required through the affirmation of legal products as the output product of this agreement. It does not need to be based on a special study in the form of an academic text, but Law-Making Treaties are made from multilateral agreements. It is a policy that regulates the nature of the law in Indonesia.

In addition, Law-Making Treaties involves many countries as participants in it. Although not all articles benefit every participant, Law-Making Treaties is considered the fairest decision and one of the rule-making devices in international relations. The articles in the Law-Making Treaties agreement are transformed into

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[19] Accessed from https://www.hukumonline.com/klinik/detail/ulasan/lt4c69b1cbd0492/status-hukum-uu-rasiikasi/ on April 13, 2020 at 19.00 WIB.

[20] *Ibid.*

positive legal provisions, tend to be "obligations" or obligations that must be fulfilled, in contrast to compelling laws.

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In the following table, the authors present the 61 international treaties that have been ratified by Indonesia which are Law-Making Treaty:

No	Treaty	Year	Indonesia Legislasi	Concentration
1.	Membership of Indonesia to the International Monetary Fund (IMF) and International Bank for Reconstruction and Development, (IBRD)	1966	None	Economic
2.	Agreement Establishing the Southeast Asian Fisheries Development Centre with Protocol	1967	None	Natural Resouces
3.	Approval of the Government of the Republic of Indonesia to the Articles of Agreement of the International Monetary Fund is Updated	1968	None	Economic
4.	Special Drawing Rights to the International Monetary Fund	1969	None	Economic
5.	Agreement for the Facilitation of Search for Aircraps in Distress and Rescue of Survivors of Aircraft Accident	1972	None	Disaster Management
6.	Multilateral Agreement on Commercial Rights on Non-Scheduled Air Services among the Association of South East Asian Nations	1973	None	Politic
7.	Agreement on the Establishment of the ASEAN Secretariat	1976	None	Politic
8.	Treaty of Amity and Cooperation in South East Asia (TAC)	1976	None	Politic
9.	Agreement on the ASEAN Food Security	1980	None	Disaster Management
10.	Supplementary Agreement to the	1981	None	Economic

	Basic Agreement on ASEAN Industrial Projects, ASEAN Urea Project (Indonesia)			
11.	Reserve Basic Agreement on ASEAN Industrial Projects	1981	None	Economic
12.	ASEAN Agreement on the Conservation of Nature and Natural Resources	1985	None	Natural Resouces
13.	United Nations Convention On The Law Of The Sea	1985	UU No. 32 Tahun 2014	Natural Resouces
14.	Agreement on ASEAN Energy Cooperation	1987	None	Energy
15.	Agreement on the Preferential Shortlisting of ASEAN Contractors	1988	None	Economic
16.	Protocol for Implementing the Fourth Package of Commitments in the Field of Financial Services in the Approval of the ASEAN Framework on Services	2008	None	Economic
17.	Amendments to the Agreement regarding the Establishment of an ASEAN Promotion Center in the Field of Trade, Investment and Tourism	2008	None	Economic
18.	Charter of the Association of Southeast Asian Nations	2008	None	Politic
19.	Protocol for Implementing the Sixth Package Commitment in the Asean Framework Agreement in Services	2008	None	Economic
20.	Protocol to Amend Article 3 (Amendment) of the ASEAN Framework Agreement on Integration of Priority Sectors	2008	None	Economic
21.	Protokol Integrasi Sektor-Sektor ASEAN untuk Sektor Jasa Logistik	2008	None	Economic
22.	Protocol 2 on Freedom of the Right of Transport, Third, Fourth and Fifth Indefinitely at All Points via International Airports in ASEAN	2009	None	Economic
23.	ASEAN Multilateral Agreement on Complete Freedom of Air Transport Services	2009	None	Economic
24.	Protocol 3 on Freedom of the Third and Fourth Unrestricted Transport Rights in the ASEAN Sub-Region	2009	None	Economic
25.	ASEAN Multilateral Agreement on Air Transport Services	2009	None	Economic
26.	Protocol 4 on the Fifth Unrestricted Freedom of the Right to Transport in the ASEAN Sub-Region	2009	None	Economic
27.	Protocol 5 on Freedom of the Third	2009	None	Economic

	and Fourth Unrestricted Transport Rights among ASEAN Capitals			
28.	Protocol 6 on the Fifth Unrestricted Freedom of the Right to Transport among ASEAN Capitals	2009	None	Economic
29.	Protocol 1 on Freedom of the Right to Transport, Third, Fourth and Fifth Indefinitely in Designated Points in ASEAN	2009	None	Economic
30.	Protocol for Implementing the Seventh Package of Commitments in the ASEAN Framework Agreement on Services	2009	None	Economic
31.	Memorandum of Understanding between Governments of Member States of the Association of Southeast Asian Nations (ASEAN) Participants in the Second Pilot Project for the Implementation of the Regional Self-Certification System	2010	None	Economic
32.	ASEAN Trade in Goods Agreement	2010	None	Economic
33.	Protocol for the Implementation of the Fifth Package of Commitments on Financial Services under the ASEAN Framework Agreement on Services	2011	None	Economic
34.	Protocol 2 on Fifth Unrestricted Freedom of the Right to Transport in All ASEAN Cities	2011	None	Economic
35.	Protocol 1 on Third and Fourth Unrestricted Freedom of Transport Rights among All ASEAN Cities	2011	None	Economic
36.	ASEAN Multilateral Agreement on Full Freedom of Air Transport Passengers	2011	None	Economic
37.	Second Protocol to Amend the Agreement on Trade in Goods in the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the People's Republic of China	2011	None	Economic
38.	Protocol on Implementation of the Eighth Package Commitments to the Framework Agreement on Services	2011	None	Economic
39.	Protocol 2 on the Fifth Unrestricted Freedom of the Right to Transport in the ASEAN Sub-Region	2011	None	Economic
40.	Protocol 1 on Third and Fourth Unrestricted Freedom of Transport	2011	None	Economic

	Rights in the ASEAN Sub-Region			
41.	Protocol 1 concerning Third and Fourth Unrestricted Freedom of Transport Rights between All Points in the Contracting Parties	2012	None	Economic
42.	Third Protocol to Amend the Treaty of Friendship and Cooperation in Southeast Asia	2012	None	Politic
43.	Protocol for Implementing the Sixth Package of Air Transport Services Commitments in the ASEAN Framework Agreement on Services	2012	None	Economic
44.	ASEAN Comprehensive Investment Agreement	2012	None	Economic
45.	Memorandum of Understanding between the Member Governments of the Association of Southeast Asian Nations (ASEAN) on the Second Pilot Project for the Implementation of a Self-Regional Certification System	2013	None	Economic
46.	Approval of the Establishment of the ASEAN + 3 Macro Economic Research Office (AMRO)	2014	None	Economic
47.	ASEAN Approval in the Customs sector	2014	None	Economic
48.	Agreement on the Establishment of an ASEAN Coordinating Center for Humanitarian Assistance in Disaster Management	2014	None	Disaster Management
49.	The Framework of Agreement on Partnership and Comprehensive Cooperation between the European Community and its Member States, on the One Party, and the Republic of Indonesia on the Other	2014	None	Politic
50.	Protocol for the Implementation of the Sixth Package of Commitments on Financial Services within the framework of the ASEAN Framework Agreement on Services	2015	None	Economic
51.	Protocol 7 Customs Transit System	2015	None	Economic
52.	ASEAN Agreement on Medical Device Directive	2015	None	Health
53.	Protocol to Amend the ASEAN Comprehensive Investment Agreement	2016	None	Economic
54.	Protocol for Implementing the Eighth Package of Commitments to Air Transport Services in the ASEAN	2016	None	Economic

	Framework Agreement on Services			
55.	ASEAN Agreement on the Natural Movement of People	2016	None	Human Rights
56.	Second Protocol to Amend the ASEAN Comprehensive Investment Agreement	2017	None	Economic
57.	ASEAN Convention Against Trafficking in Persons, Especially Women and Children	2017	None	Human Rights
58.	Legal Framework Protocol to Implement ASEAN Single Window	2017	None	Economic
59.	Protocol to the ASEAN Charter on Dispute Resolution Mechanisms	2017	None	Law
60.	Agreement on Immunity and Immunity from the Association of Southeast Asian Nations	2017	None	Law
61.	Agreement on the Establishment of a Regional Secretariat for the Implementation of ASEAN Mutual Recognition Arrangements for Tourism Experts	2018	None	Politic

Based on the tracing results on the development of national legislation, since 1947-2019, so it was found that out of 61 (sixty one) international agreements, *Law-Making Treaty* ratified by Indonesia. There is only one Law as the result of a follow-up to national legislation, upon ratification that *Law-Making Treaty*. The product of this legislation is Law Number 32 of 2014 concerning Maritime which essentially from the 1982 UNCLOS which was ratified by Indonesia in 1985.

The rest 60 (sixty) international agreements are *Law-Making Treaty* characteristic which not followed up with an organic law. It is means that the implementation of the international agreement provisions carried out based on the provisions of the agreement and binding since the ratification was carried out by Indonesia.

In addition, based on data in *Law-Making Treaty* multilateral agreements which have been followed by Indonesia, it was found that these covenants could be classified as follows:

- 42 treaties regulated economic cluster.
- 3 treaties regulated natural resource management cluster.
- 7 treaties regulated political cluster.
- 2 treaties regulated law cluster.

- 2 treaties regulated human rights cluster.
- 3 treaties regulated disaster management cluster.
- 1 treaties regulated health cluster.
- 1 treaties regulated energy cluster.

C. Concluding Remarks

From 1947 to 2019 Indonesia was actively involved in international relations. It is proof by Indonesia's involvement in 302 international agreements. From 302 international agreements were followed by Indonesia, it can be seen that 61 of them were international agreements that were Law-Making Treaty characteristic. However, from the 61 Law-Making Treaty, Indonesia only followed up on its application only in the 1982 UNCLOS agreement through Law No. 32 of 2014 concerning Marine. Meanwhile, Indonesia in other international agreements is only refers to the provisions of its ratification.

It can also be concluded that by the large number of international treaties in the form of the Law-Making Treaty is the author can categorize them in a cluster of regulation, which massively Indonesia is more involved in economic field international treaties. Meanwhile, for other issues, there are still big gaps. In the future, Indonesia is expected to become an initiator in non-economic issues, especially in the fields of human development such as education, health, human rights, and others. It is because the goals of the Indonesian rule of law are not only economic prosperity, but include social welfare and world peace. It also should be admitted that the process of internalizing international agreements has been minimal. Supposedly, the process of internalizing the values of international law can be implemented and internalized through national law. Especially in the form of organic laws such as Law no. 32 of 2014 concerning Marine which is an effort to internalize UNCLOS 1982.

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Attachment to the Letter of Acceptance

INDONESIAN NATIONAL LEGISLATION RESPONSE ON INTERNATIONAL LAW DEVELOPMENT

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Abstract

International law development meant here was referred to Indonesian involvement in international treaty. Where Indonesia become one of the party who ratified those international treaties, and try to implement it into its own legal system. This research will try to figure out, how does Indonesian National Legislation response those international law development. Whether it will transplanted it into Law / Bill or not, however we assume that Indonesia does not transplanted those international treaties. Then, merely rely its implementation on its ratification bill. This research will mapped all of international treaty that had been followed by Indonesia, since its independent up to the present time, response.