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Digital Diplomacy Regulations And Policies: The Middle Power Country's Approach As Indonesia's Multilateral Strategy

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Abstract. Countries in the Indo-Pacific region are increasingly actively using digital diplomacy to build relationships Countries use digital diplomacy by referring to foreign regulations and policies used for countries in conducting multilateral diplomacy, namely the 1964 Vienna Convention on Diplomatic Relations. Apart from the main guidelines that have arisen, the main problem arises, namely in the practice of international relations, is the lack of regulations and arrangements for digital diplomacy practices for middle power countries such as Indonesia who want to strengthen their role in supporting their country's defense and security. By using the type of normative legal research and the analysis approach, this study produces findings that the need for regulations and arrangements for digital diplomacy that can support Indonesia's role in strengthening the country's defense and security

Keywords: Regulations and Policies, Digital Diplomacy, Middle Power Countries

Abstrak. Negara-negara di kawasan Indo-Pasifik semakin aktif menggunakan diplomasi digital untuk membangun hubungan Negara-negara menggunakan diplomasi digital dengan mengacu kepada Regulasi dan kebijakan luar negeri yang digunakan bagi Negara-negara dalam melakukan diplomasi secara multilateral yakni Konvensi Wina 1964 tentang Hubungan Diplomatik (Vienna Convention on Diplomatic Relations). Terlepas dari pedoman utama yang duganakan muncul permasalahan utama yaitu dalam praktik hubungan internasional adalah minimnya regulasi dan pengaturan terhadap praktik-praktik diplomasi digital bagi Negara-negara middle power seperti Indonesia yang ingin memperkuat perannya dalam menunjang pertahanan dan keamanan negaranya. Dengan menggunakan jenis penelitian hukum normatif dan pendekatan analisis (analitys approach) maka dari penelitian ini dihasilkan temuan bahwa kebutuhan regulasi dan pengaturan diplomasi digital yang dapat mendukung peran Indonesia dalam memperkuat pertahanan dan keamanan Negara dan dapat dirumuskan melalui teori Dualisme hukum. Sehingga berlakunya hukum internasional dalam lingkungan hukum nasional memerlukan ratifikasi menjadi hukum nasional. Dengan melengkapi norma tersebut dalam bentuk hukum nasional berdasarkan yurisdiksinya..

Kata kunci: Regulasi dan Kebijakan, Diplomasi Digital, Negara Middle Power

BACKGROUND

Solving global problems can be done through multilateral and bilateral relations. However, in post-Covid-19 pandemic conditions for countries with medium powers, bilateral cooperation is generally avoided, due to maximizing bargaining power in negotiations, avoiding dominance and the nature of unilateral decisions from the great powers. Meanwhile, this action is very possible if carried out in multilateral activities if you pay attention to the

current situation and conditions that are in the post-Covid-19 pandemic conditions and Volatility, Uncertainty, Complexity, Ambiguity (VUCA) ¹.

Indonesia's middle power diplomacy is carried out based on the position of Indonesia as a developing country with middle power, namely Indonesia's strategic position in the world trade route as a maritime axis that receives a great influence from the two major geopolitics between China and the US, Japan, India, and Australia². Indonesia's strength as a middle power country can accommodate the geopolitical strategies of major countries by using the world's maritime axis policy. The world is currently faced with a variety of complex global challenges, such as the pandemic of the position of the economy as affected by COVID-19, the geopolitical crisis, and climate change³. These challenges have a significant impact on the global economy, including Indonesia. In order to face these challenges and encourage national economic recovery, Indonesia's diplomacy is required to be anticipatory, adaptive, and agile.

Indonesian diplomacy has an important role in the national economic recovery, namely by strengthening international cooperation, increasing market access for Indonesian products abroad, attracting foreign investment to Indonesia, strengthening Indonesia's economic competitiveness in the international arena⁴. However, in the current conditions, the existence of real space is not actually able to quickly carry out all the efforts that will be made. The acceleration of digital transformation has also changed the style of diplomacy. Such as the emergence of digital diplomacy as a new form and pattern for countries to conduct international cooperative relations (multilateral)⁵.

Indonesia is often categorized as a "middle power" country. This refers to Indonesia's position among great powers and small powers ⁶. As a middle power country, Indonesia has several characteristics such as the largest economic size in Southeast Asia and being included

¹ Nešković Slobodana, Đelić Anastazija Tanjab, and Duljević Birsenac, "Digitalization of Economic Diplomacy and Logistics with Reference to the COVID Pandemic-19," *Ekonomija: Teorija i Praksa* XVI, no. 1 (2023): 217–29.

² Laurent Didier, "Economic Diplomacy: The 'One–China Policy' Effect on Trade," *China Economic Review* 48 (2018), https://doi.org/https://doi.org/10.1016/j.chieco.2016.11.003.

³ Defbry Margiansyah, "Revisiting Indonesia's Economic Diplomacy in the Age of Disruption: Towards Digital Economy and Innovation Diplomacy," *Journal of ASEAN Studies* 8, no. 1 (August 27, 2020): 15–39, https://doi.org/10.21512/jas.v8i1.6433.

⁴ Wiwiek Rukmi Dwi Astuti and Laode Muhamad Fathun, "Diplomasi Ekonomi Indonesia Di Dalam Rezim Ekonomi G20 Pada Masa Pemerintahan Joko Widodo," *Intermestic: Journal of International Studies* 5, no. 1 (2020): 47–68, https://doi.org/http://dx.doi.org/10.24198/intermestic.v5n1.4.

⁵ Muhammad Zaki Mubarrak, Adi Sulistiyono, and I Gusti Ayu Ketut Rachmi H, "Revolusi Industri 4.0 Sebagai Momentum Revitalisasi Pariwisata Berbasis Budaya Sebagai Pengembalian Nilai- Nilai Adat Di Bali," *Seminar Nasional INOBALI Dalam Penelitian Sains, Teknologi Dan Humaniora*, 2019, 326–33, https://eproceeding.undwi.ac.id/index.php/inobali/article/view/213.

⁶ Dewi Fortuna Anwar, "Indonesia and the ASEAN Outlook on the Indo-Pacific," *International Affairs* 9, no. 1 (2020): 111–29, https://doi.org/https://doi.org/10.1093/ia/iiz223.

in the G20, Indonesia has the fourth largest population in the world, has a considerable military power in the Southeast Asian region, and Indonesia has significant diplomatic influence in the region and globally⁷.

Indonesia's opportunity as a "middle power" country to increase Indonesia's influence in the region and globally and to play a strategic role in the Indo-Pacific region provides opportunities to increase international cooperation and trade. The Indo-Pacific region has become a major focus in digital diplomacy and multilateral relations in recent years⁸. China has become a major economic power in the Indo-Pacific region and its influence is growing. There are growing geopolitical tensions between the United States and China in the Indo-Pacific region ⁹.

Digital diplomacy refers to the use of digital technology to achieve diplomatic goals. Countries in the Indo-Pacific region are increasingly actively using digital diplomacy to build relationships with countries using digital diplomacy and other stakeholders. So multilateral relations refer to relations between three or more countries. There are several important multilateral forums in the Indo-Pacific region that participate in the process of foreign political relations, namely ASEAN, APEC, and the East Asia Summit (EAS) ¹⁰. The forum strengthens regional cooperation, helps maintain peace and stability in the Indo-Pacific region, and helps build communities in the Indo-Pacific region ¹¹.

The foreign regulations and policies used for States in conducting multilateral diplomacy refer to the Vienna Convention on Diplomatic Relations signed on April 18, 1961 and entered into force on April 24, 1964¹². The Convention establishes the legal framework for diplomatic relations between countries and is one of the most important international legal instruments in the field of diplomacy. As stated in Article 3 of the 1961 Vienna Convention which regulates diplomatic missions¹³. However, it does not regulate how the concept of diplomacy is carried out digitally and various forms of crime that arise in cyberspace.

⁷ Anwar.

⁸ Haris Zuan, Darren Ellis, and Romano Pagliari, "Geopolitics and the ASEAN Single Aviation Market: Aspirations versus Realities," *Transportation Research Procedia* 59 (2022): 95–104, https://doi.org/10.1016/j.trpro.2021.11.101.

⁹ Evi Dwi Hastri and R. Aj. Nindya Rizky Utamie, "Kolaborasi Peran Diplomasi Politik Luar Negeri Indonesia Dengan Upaya Peningkatan Kompetensi Militer Indonesia," *Jurnal Jendela Hukum* 9, no. 2 (2022): 172–90, https://doi.org/10.24929/fh.v9i2.2298.

¹⁰ Anwar, "Indonesia and the ASEAN Outlook on the Indo-Pacific."

¹¹ Zuan, Ellis, and Pagliari, "Geopolitics and the ASEAN Single Aviation Market: Aspirations versus Realities."

¹² "Konvensi Wina Tahun 1961 Tentang Hubungan Diplomatik" (n.d.).

¹³ Konvensi Wina Tahun 1961 Tentang Hubungan Diplomatik.

Indonesia is known as a middle power country that is active in multilateral diplomacy. The era of digital transformation has brought significant changes in the way countries conduct diplomacy, including the use of digital technology and social media¹⁴. However, the problem that arises in the practice of international relations is the lack of regulations and regulations on digital diplomacy practices for middle power countries such as Indonesia that want to strengthen their role in supporting their country's defense and security.

Thus, an in-depth study of the need for regulations and arrangements for digital diplomacy that can support Indonesia's role in strengthening the country's defense and security can be formulated. And the development of a model or framework for the integration of digital technology in Indonesia's multilateral diplomacy strategy in the formulation of regulations is also always in line with the direction of Indonesia's foreign policy development as a middle power country.

RESEARCH METHODS

This research is a normative research type with an analytical approach that involves solving legal problems into basic components and analyzing them critically with the main legal material, namely the 1961 Vienna Convention on Diplomatic Relations. However, it is not limited to the 1969 Vienna Convention on the Law of International Agreements, Law No. 1 of 1982 concerning the Ratification of the Vienna Convention on Diplomatic Relations, Law No. 37 of 1999 on Foreign Relations, and Law No. 24 of 2000 on International Agreements. As well as conducting qualitative descriptive analysis with a deductive perspective.

RESULTS AND DISCUSSION

A. Indonesia's Geopolitics and Multilateral Relations at the Southeast Asian Level

Indonesia is in a strategic position in Southeast Asia, playing an important role in influencing countries in the world. This makes Indonesia a middle power country that has significant strength. The major geopolitics that occur in Southeast Asia are the Belt and Road Initiatives (BRI) from China and the Free-Open Indo Pacific (FOIP) from the US, Japan, India, and Australia¹⁵. This issue is fairly strategic that positions Indonesia as a country that is the

¹⁴ Amanda Piepponen et al., "Digital Transformation of the Value Proposition: A Single Case Study in the Media Industry," *Journal of Business Research* 150, no. May (2022): 311–25, https://doi.org/10.1016/j.jbusres.2022.05.017.

¹⁵ Zuan, Ellis, and Pagliari, "Geopolitics and the ASEAN Single Aviation Market: Aspirations versus Realities."

world's maritime axis. With this policy, it can be used as a tool to be able to accommodate these two geopolitical strategies to strengthen Indonesia.

Against this background, it is certain that Indonesia is not just an observer or a spectator. It is time for Indonesia to actively play a role in implementing this strategy, especially in the context of the post-COVID-19 pandemic, where Indonesia must take advantage of this opportunity to recover the national economy¹⁶.

Indonesia's strength as a middle power country has been in the spotlight of the world. Because Indonesia, which had been slumped due to the impact of Covid-19 and Indonesia, must show that despite a pandemic like this, Indonesia can rise and recover stronger¹⁷. This can be seen in the results of the signing of 23 MoUs with China to collaborate on infrastructure projects. Although this was done before the pandemic occurred in early 2020, after the Covid-19 Pandemic, namely in 2014, it still had to be carried out. Because this momentum is not only to continue, but also as a means of national economic recovery after the Covid-19 Pandemic¹⁸.

Indonesia's very strategic geographical condition attracts China to invest in creating a trade route with sea toll through the Belt and Road Initiatives (BRI). With the maritime axis policy, Indonesia accepts investment made by China. However, the relationship built with the US, Japan, India, and Australia through the Free-Open Indo Pacific (FOIP) is not very strong. This is because the Free-Open Indo Pacific (FOIP) at the time of its initial discussion in 2014 was still in the realization stage. However, another problem that is also considered for Indonesia in continuing this policy is the conflict between China or China or the Dispute in the South China Sea (LCS) with the United States¹⁹. This condition will make it difficult for Indonesia to develop the national economy. "Considering the complexity of the conflict problem in the South China Sea, it is not impossible that in the future, Indonesia will be in a difficult position to continue to mediate with any relevant countries." 20

This polemic also adds to the challenges faced by Indonesia in its efforts to recover the economy. To support the national economic recovery program after the COVID-19 pandemic,

¹⁶ Farina Gandryani and Fikri Hadi, "Kedudukan Diplomasi Parlemen Dalam Rangka Pemulihan Ekonomi Nasional Pasca Covid-19 Di Indonesia," *Jurnal Ilmiah Dunia Hukum* 6, no. 1 (2021): 38–51, https://doi.org/http://dx.doi.org/10.35973/jidh.v6i1.2593.

¹⁷ Nešković Slobodana, Đelić Anastazija Tanjab, and Duljević Birsenac, "Digitalization of Economic Diplomacy and Logistics with Reference to the COVID Pandemic-19."

¹⁸ Anne Charina et al., "Sustainable Education and Open Innovation for Small Industry Sustainability Post COVID-19 Pandemic in Indonesia," *Journal of Open Innovation: Technology, Market, and Complexity* 8, no. 4 (2022): 215, https://doi.org/10.3390/joitmc8040215.

¹⁹ Anwar, "Indonesia and the ASEAN Outlook on the Indo-Pacific."

²⁰ Rodon Pedrason, 2020, Analisis Kebijakan Keamanan Indonesia di Tengah Persaingan China dan Amerika Serikat di Laut Cina Selatan, Jurnal Sains Sosio Humaniora, Volume 4 Nomor 2 Desember 2020, hal. 998

Indonesia needs to be willing to commit to greater efforts. It cannot rely on just one resource. As a middle power country, Indonesia needs to adopt policies that involve the global maritime axis.

Foreign relations can be carried out as one of the strategies to revive the national economy after the Covid-19 Pandemic. Foreign relations that can be carried out are through diplomacy. As stated in Article 1 number 1 of Law Number 37 of 1999 concerning Foreign Relations, namely "any activity related to regional and international aspects carried out by the Government at the central and regional levels, or its institutions, state institutions, business entities, political organizations, community organizations, non-governmental organizations, or Indonesian citizens²¹." These rules are the basis for Indonesia in carrying out diplomatic missions to carry out foreign relations.

B. Indonesia as a Middle Power Country in the Formulation of Foreign Policy Based on Digital Diplomacy

The issue that Indonesia with its position as a middle power country has been expressly stated by Jokowi in the campaign carried out in 2014. That Indonesia can choose to be involved or not involved in international relations involving at the regional and global levels. This is in line with three things related to the middle power approach. The first is a hierarchical approach that focuses on the material capacity of a country whose capacity is different from that of great power and small power countries. Then the second thing is functional, where in the international area the material capabilities of a country are involved. And the third thing is behavioral, if there is a dispute, it can become an international mediator and middle power countries that tend to behave as international actors can support international relations in multilateralism²². So that this middle power approach from these three things makes it even clearer that middle power countries, including Indonesia, do not just move alone without anyone supporting them²³.

Digital diplomacy can contribute better to foreign policy strategies, both at the bilateral and multilateral levels, and how traditional diplomacy can be complemented by new tools. With the many conveniences offered by social media, it not only contributes to international politics and social activities, but also includes international efforts in resolving global

²¹ "Undang-Undang Nomor 37 Tahun 1999 Tentang Hubungan Luar Negeri" (1999).

²² Joni Jupesta et al., "Managing the Transition to Sustainability in an Emerging Economy: Evaluating Green Growth Policies in Indonesia," *Environmental Innovation and Societal Transitions* 1, no. 2 (2011): 187–91, https://doi.org/10.1016/j.eist.2011.08.001.

²³ Jorge Fernandez-Vidal et al., "Managing Digital Transformation: The View from the Top," *Journal of Business Research* 152, no. July (2022): 29–41, https://doi.org/10.1016/j.jbusres.2022.07.020.

governance issues²⁴. Diplomacy through digital transformation is not without reason, in economic diplomacy because the main goal to be achieved is not only the traditional market but also many countries that have been partners for Indonesia, namely non-traditional. Cyberspace, commonly known as cyberspace, can be used as a very effective medium in penetrating trade formalities that are often difficult to do. Geopolitics in foreign policy efforts used to carry out multilateral diplomacy based on digital transformation for national economic recovery.

Belt and Road Initiatives (BRI) in relation to the middle power strategy of the Indonesian state use its capabilities, namely Natural Resources (SDA) and Human Resources (HR) to be able to cooperate with China, especially in the field of infrastructure. Indonesia in its cooperation with China does not cover all aspects only in the field of infrastructure. So that to support the problems of the national economy after the Covid-19 pandemic, it cannot rely on cooperation with China even though Indonesia uses Belt and Road Initiatives (BRI) in the middle power strategy.

Maximizing risks and minimizing risks posed by cooperation between Indonesia and China which is only limited to Business to Business (B2B). Then secondly, by making efforts to implement the diplomacy niche, this makes Indonesia unite the values that exist in the world's maritime axis with the Belt and Road Initiatives (BRI). Belt and Road Initiatives (BRI) investments will later be used to finance infrastructure projects such as toll road projects, gas pipelines, power grids, and maritime infrastructure. China here is also willing to finance all port construction in Tanjung Priok, Jakarta and China participates in the construction of a sea bridge between Batam and Bintan.

What Indonesia is doing with China is only limited to cooperation in the field of infrastructure, so what is expected from the cooperation from these two countries cannot be maximized if it only supports the middle power Belt and Road Initiatives (BRI) strategy carried out between Indonesia and China²⁵. In building a constructive role in a sustainable manner to increase the intensity of cooperation between Indonesia and China. Then as a good multilateral, Indonesia seeks to connect the Belt and Road Initiatives (BRI) with ASEAN so that the benefits

²⁴ Elisa Calliari et al., "Building Climate Resilience through Nature-Based Solutions in Europe: A Review of Enabling Knowledge, Finance and Governance Frameworks," *Climate Risk Management* 37, no. August 2021 (2022): 100450, https://doi.org/10.1016/j.crm.2022.100450.

²⁵ Thuy Dung Pham Thi et al., "Sustainable Economic Performance and Natural Resource Price Volatility in the Post-Covid-Pandemic: Evidence Using GARCH Models in Chinese Context," *Resources Policy* 86, no. A (2023), https://doi.org/https://doi.org/10.1016/j.resourpol.2023.104138.

of the Belt and Road Initiatives (BRI) are not only limited to Indonesia but also the region in Southeast Asia.

Geopolitics that Indonesia is no less than China in this case is the Belt and Road Initiatives (BRI). There is another geopolitics that is also carried out, namely the Free-Open Indo Pacific (FOIP) with the US, Japan, India, and Australia. What can be analyzed using the 5Cs are: capacity, concentration, creativity, coalition building and the last is credibility²⁶.

Free-Open Indo Pacific (FOIP) as a geopolitics carried out by Indonesia with the US, Japan, India, and Australia refers to the quality of diplomacy compared to the quality of the military in a country. For example, Indonesia is trying to connect the Free-Open Indo Pacific (FOIP) with centralization in ASEAN and other ASEAN countries. The next thing is to concentrate on focusing the Free-Open Indo Pacific (FOIP) on the world's maritime axis policy that aims at peace, stability and development in the ASEAN regions. The geopolitics is the result of Indonesia's foreign policy in the aspect of international law. "The distinction between international law and national law according to Anzilotti can be drawn from two fundamental principles.-National law is based on the principle that state legislation must be obeyed, while international law is based on the principle that agreements between states must be respected on the basis of the principle of pact."²⁷

According to Dualism's theory, international law and national law, are two completely different legal systems. International law and national law are two separate legal systems, not having a relationship of superiority or subordination to each other. The enactment of international law in the national legal environment requires ratification into national law. If there is a conflict between the two, then what takes precedence is the national law of a country.²⁸

Coalition development through Free-Open Indo Pacific (FOIP) as geopolitics makes Indonesia more confident to strengthen its strength with a middle power strategy. This position leads to how Indonesia cooperates with other countries within the framework of the Free-Open Indo Pacific (FOIP) with other countries to maintain peace and stability in the Indian Ocean

²⁶ Ilma Nurul Rachmania, Merlyn Rakhmaniar, and Santi Setyaningsih, "Influencing Factors of Entrepreneurial Development in Indonesia," *Procedia Economics and Finance* 4, no. Icsmed (2012): 234–43, https://doi.org/10.1016/s2212-5671(12)00338-3.

²⁷ John O'Brien, 2001, *International Law*, Cavendih Publishing Limited, London, hlm. 109

²⁸ Hasanuddin Hasim, 2019, *Hubungan Hukum Internasional Dan Hukum Nasional Perspektif Teori Monisme Dan Teori Dualisme*, Jurnal Perbandingan Mazhab, Mazahibuna, Volume 1, Nomor 2, Desember 2019

and the Pacific Ocean. The main credibility in maintaining Indonesia's centrality is using the middle power strategy through the world's maritime axis policy²⁹.

Policies and regulations that Indonesia can later use are urgently needed. It is used as a foundation in the regional and international order to make more specific policies, especially in the economic sector, to recover the national economy after the Covid-19 pandemic. The prominent role in leadership in ASEAN strongly supports Indonesia with its position on the world's maritime axis and also in relation to the Belt and Road Initiatives (BRI) and Free-Open Indo Pacific (FOIP) as Indonesia's geopolitics carried out in conducting multilateral international relations.

Indonesia's strength as a middle power country in conducting multilateral diplomacy lies in the position of Indonesia's geographers, namely in Southeast Asia, which is very strategic to become the world's maritime axis³⁰. The world's maritime axis is used as an international trade route. This position places Indonesia as a middle-power country or referred to as a middle power. So that as a middle-power country, it also has a great influence on the development of the global economy. And Indonesia can use this position to develop a geopolitical strategy to conduct multilateral diplomacy.

CONCLUSION

Based on the results and discussions above, it can be concluded that the need for regulations and arrangements for digital diplomacy that can support Indonesia's role in strengthening national defense and security can be formulated through the theory of legal dualism. Where international law and national law are two legal systems that are completely different. International law and national law are two separate legal systems, not having a relationship of superiority or subordination to each other. The enactment of international law in the national legal environment requires ratification into national law. Therefore, Indonesia, which has ratified the Vienna Convention On Diplomatic Relations And Optional Protocol To The Vienna Convention On Diplomatic Relations Concerning Acquisition Of Nationality, 1961 in Law Number 1 of 1982 concerning the Ratification of the Vienna Convention on

²⁹ Zora Kovacic and Louisa Jane Di Felice, "Complexity, Uncertainty and Ambiguity: Implications for European Union Energy Governance," *Energy Research and Social Science* 53, no. October 2018 (2019): 159–69, https://doi.org/10.1016/j.erss.2019.03.005.

Natsha Nabilla, "Strategi Diplomasi Ekonomi Indonesia Dalam Menjaga Stabilitas Neraca Perdagangan Di Tengah Pandemi Covid-19," *Sospol: Jurnal Sosial Politik* 7, no. 2 (2021): 227–39, https://doi.org/10.22219/sospol.v7i2.15925.

Diplomatic Relations can formulate policies related to foreign policy, namely the Vienna Convention on Diplomatic Relations and the Vienna Convention on Diplomatic Relations.

SUGGESTION

Suggestions are addressed to the organizers of the government of a State and State actors such as Diplomats and their representatives in conducting international relations to carry out diplomatic missions. As a subject of international law as well as an actor in the complexity of foreign relations, it should use and refer to the legal system that has been created and mutually agreed. Therefore, every legal subject who wants to enter into legal relations between States does not necessarily do so outside the provisions that have been listed. And with the new modeling, namely digital diplomacy, it adds complexity in the diplomatic world to be more aware in determining every policy step and a choice in political strategy.

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