

# Diplomacy and Treaty Governance by Indonesia as Norm-shaping Practices to Align National Interests of Indonesia

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## Abstract

Treaty governance in Indonesia is central to both the promotion of rule of law through diplomacy and the advancement of predictability in international relations, particularly those reflected through foreign policy conducted by Indonesia. By integrating domestic treaty governance with international legal standards, Indonesia enhances global legal stability and certainty. This approach highlights Indonesia's commitment to maintaining legal principles, reinforcing its role as a key player in global diplomacy and international governance. This article hopes to thoroughly research the practices considered norm-shaping as seen through Indonesia's diplomacy and treaty governance laws, with a particular focus on the Minister of Foreign Affairs Regulation No. 4 of 2023 on the Governance of International Treaty Documents and other related regulations. In addition, this article seeks to identify the key norms regulating treaty governance in Indonesia as further established through Indonesia's engagements in the international community. This article argues that treaty governance should not be seen merely as a monitoring mechanism but also as a tool for shaping norms. With treaty governance as a tool for shaping norms related to Indonesia's foreign policies that are based on treaties implementation, Indonesia will then be able to promote predictability in aligning its national interests within the implementation dynamics of treaties themselves. This article then proposes a takeaway for Indonesia in which Indonesia's treaty governance is able to ensure that all treaties undergo a thorough legal review to ensure alignment with domestic laws and constitutional principles. By providing such a mechanism, this article argues that Indonesian must identify its national laws in order to explicitly locate the treaty governance norms, in which Indonesia's diplomacy must refer to. This strategic approach of utilizing treaty governance as a means to align Indonesia's domestic laws allows Indonesia to promote consistency and legal certainty globally while aligning international norms with its domestic priorities.

**Keywords:** treaty governance, diplomacy, norm-shaping, Indonesia, national interest.

## INTRODUCTION

### Overview of Diplomacy and Treaty Governance in Indonesia

Treaty governance is a critical aspect of international diplomacy, functioning as the

framework through which states manage and uphold their commitments to one another on a wide range of global issues, such as trade, security, and environmental protection. By formalizing agreements into binding treaties,

countries create a legal structure that promotes cooperation and reduces uncertainty in international relations. Effective treaty governance not only requires successful negotiation and ratification of treaties but also ensures their proper implementation, monitoring, and, when necessary, adaptation to changing global circumstances. International treaties, much like national laws, bind states to specific obligations, reducing uncertainty in state behavior (Webster & Cheyne, 2017).

In the context of diplomacy, a treaty is often seen as an output, particularly its central role in global governance (Hoffman, *et al.*). Here, diplomacy serves as the process through which countries engage in dialogue, negotiations, and compromises to resolve disputes or align their interests, and the treaty becomes the product of these diplomatic efforts, although miscoordination among diplomatic efforts may result to what Jinnah (2007) refers to as 'treaty overlap'. Therefore, there needs to be a management effort, often governed by a secretariat responsible to oversee such treaties, to decrease duplication, increase synergy, and address conflicting rules among regimes (Jinnah, 2007).

However, once negotiations are concluded and treaties are signed, the real challenge arises in terms of the governance

of treaties themselves. A common issue that arises is when international treaties fail to produce their intended effects (Hoffman, *et al.*, 2022) How should a state monitor and evaluate its treaty? How does a particular action by one state in governing its treaties affect its relations with its counterparts in such treaties? How do norms play a role in mitigating any possible diplomatic risks?

As will be explained further in this research, a treaty plays a pivotal role in diplomatic relations. It may bind states legally or only politically, and whatever happens afterwards determines predictability in the relations of such states. Speaking about governance of treaties means regulating the institutional provisions of treaties. It may include treaty secretariats, as seen for instance in global environmental treaties (Bauer, Busch, and Siebenhüner, 2009).

One of the core functions of treaty governance is its capacity to establish a reliable and consistent legal framework. International treaties, akin to domestic laws, impose specific obligations on states, thereby minimizing unpredictability in their actions. In Indonesia, treaties are considered as an output for international cooperation and foreign relations (Republic of Indonesia. *Law No. 24 of 2000 on International Treaties*, 2000). Hence, one of the fundamental ideas

underpinning Indonesia's treaty governance is the importance of protecting national sovereignty. Article 4 of its Law No. 24 of 2000 on International Treaties emphasizes that the government of Indonesia must consider national interests in the negotiation and ratification of international treaties. Apart from it, the government must adhere to the principles of equality, mutual benefit, and consideration of both national and applicable international laws (Republic of Indonesia. *Law No. 24 of 2000 on International Treaties*, 2000).

There are several aspects to note in the norms regulated in Law No. 24 of 2000 which become the foundational directions for Indonesia's treaty governance going forward. The law stresses the importance of legal certainty and the obligation to act in good faith when entering into international agreements. Article 4(1) outlines that treaties must be based on mutual consent, and parties are bound to implement them faithfully. This philosophical stance aligns with the broader principle of *pacta sunt servanda* (agreements must be kept), a cornerstone of international treaty law, which reinforces that treaties are legally binding instruments that create predictable and stable legal relations between states.

This principle reflects on the dimension of current global politics.

Dynamics of global politics make treaty-making increasingly more difficult, especially in a highly pluralist society (Kälin, 2000). If overall treaty-making steps are affected by such global politics, treaty governance itself will be affected. This article argues that national interests may, partially or comprehensively, affect how treaties are applied, interpreted, and/or observed by a country. Indonesia's treaty governance is built on the idea that international treaties should promote cooperation and be mutually beneficial. However, it should be noted that national interests are central in treaty-making. In the context of treaty governance, national interests influence the extent to which a state commits to international obligations, ensuring that any agreement aligns with the country's broader strategic goals.

#### **National Interests through Treaty Governance**

Minister of Foreign Affairs Regulation No. 4 of 2023 on the Governance of International Treaty Documents ("**FM Reg No. 4 of 2023**") was enacted on February 21st, 2023. The regulation came into force on the date it was promulgated, that is March 3rd, 2023. With almost 23 years apart, both Law No. 24 of 2000 on International Treaties and FM Reg No. 4 of 2023 provide a framework of guiding principles and procedural details that regulate how international treaties are

created, ratified, and managed. Both are designed to ensure that treaty governance is closely aligned with Indonesia's national interests. By integrating treaty-making processes with national objectives such as sovereignty, economic development, security, and environmental sustainability, these legal instruments allow Indonesia to participate in the international legal system while prioritizing its domestic goals.

The regulation emphasizes that Indonesia's engagement in international treaties must be consistent with its sovereignty and national priorities. This aligns with Indonesia's long-standing philosophy of maintaining strong national autonomy in its international relations. By establishing systematic governance for treaty documents, the regulation ensures that Indonesia's treaty obligations respect its sovereignty and safeguard its national interests. Observing from other state practices in terms of practicing their international legal personality through foreign affairs conducts, Australia may be a prominent example.

Australia enacts its Foreign Relations (State and Territory Arrangement) Act of 2020 or the Foreign Relations Act. In analyzing the consequences of this act for international law, Clough argues that diplomacy is fundamental to the law of

cooperation as it ensures order and stability in international relations (Clough, 2023). Australia's Foreign Relations (State and Territory Arrangements) Act 2020 regulates the Commonwealth's ability to manage and protect Australia's foreign relations at various governmental levels, aligning external agreements with national foreign policy priorities (Australia, *Foreign Relations Act*, 2020). The central argument of the Act is that State and Territory entities—which include governments, universities, and local councils—must not independently engage in foreign agreements without the oversight of the Commonwealth. This Act is a resemblance of national interests in play through treaty governance laws.

Australia's case also shows that a treaty governance may also set forth provisions on subsidiary arrangements. In addition to direct foreign agreements, the Act also covers subsidiary arrangements—agreements that are indirectly connected to a core foreign arrangement. For example, if a local government signs a deal under the broader framework of a national government-to-government treaty, this subsidiary arrangement is also subject to scrutiny. The idea here is to prevent any loopholes where minor or secondary agreements could undermine the intent of the overarching national agreement (Australia, *Foreign Relations Act*, 2020).

This Act also shows that all foreign agreements at the State and Territory level must be consistent with Australia's foreign policy. The Act gives a broad definition of foreign policy, which can include both formal, publicly available policies as well as internal, non-published positions. This wide scope allows the Minister flexibility in assessing whether an arrangement is consistent with Australia's broader strategic interests. As noted from Firth, foreign policy is what governments do in the international arena (Firth, 2020). Hence, the Foreign Relations Act is important for maintaining national coherence on economic diplomacy. It prevents state governments or institutions, such as universities, from engaging in foreign economic deals that may undermine federal trade agreements or affect Australia's overall economic strategy.

This relates to how governance networks shape international law. It allows norms development on several global issues from the bottom up. From here, it can be inferred that since treaties are negotiated and signed by the national government, any sub-national arrangement that conflicts with an existing treaty could undermine a country's international commitments. This article hopes to clarify Indonesia's context in which treaty governance sets forth rules governing norm-shaping practices in relation

to diplomacy and how it aligns, and consistently aligns, with Indonesia's national interests.

## **RESEARCH METHOD**

This article studies Indonesia's treaty governance and will center on a case study approach, supplemented by analyses from Indonesia's national laws governing treaties and treaties governance. Further, this article centers on arguments relating to the connection between diplomacy and treaty governance.

Practices considered norm-shaping in treaty governance of Indonesia will be examined, as it will present a detailed illustration of how treaty obligations are navigated and implemented across different contexts. This article will not examine overarching cases of varying diplomacy efforts of Indonesia, as it focuses only the normative nature of treaty governance in Indonesia. In particular, this article analyzes treaty governance in Indonesia in the context of understanding diplomacy as a fundamental aspect of treaty governance, facilitating negotiation, implementation, and compliance among states.

To gain a full understanding of this article's research objective, this article seeks to clarify Indonesia's stance in its treaty

governance and how it utilizes treaty governance through its diplomacy and negotiations to develop the terms of treaties, ensuring that the interests and concerns of all parties are adequately represented. In addition, this article highlights how treaties are governed in Indonesia and how it connects with diplomacy afterwards, as it is often understood that treaty monitoring schemes are seen as an evaluation method instead as a norm-shaping practice in aligning national interests with Indonesia's recent diplomacy.

In terms of monitoring treaties, ideational theories show, as pointed out by Simmons (2010), that there is a link between domestic governance to better international law compliance. This article observes that treaty governance involves efforts made after treaties are concluded as well. For instance, Sampaio (2022), through her Antarctic Treaty governance article, emphasized the role of diplomatic practices, such as the gradual introduction of issues, avoidance of contentious topics, and the use of ambiguous language to facilitate consensus among treaty parties. Sampaio also argued that such practices have enabled the Antarctic Treaty to adapt and maintain legitimacy while circumventing potential conflicts over sovereignty (Sampaio, 2022). This occurs after the Antarctic Treaty is concluded, which shows

the effective implementation of treaty governance to enforce the agreed norms inside the Antarctic Treaty. In addition, such effective implementation must also consider the limits of the law to settle any possible tensions surrounding the implementation. Hobbs & Young (2021) argue that, in the context of seeing treaties as mechanisms to settle tensions, relational characteristics must be embedded in modern treaty making rules in order to meet the parties' aspirations.

This article hopes to explain how Indonesia may advance and maximize its treaty governance laws to build a successful treaty governance which relies on cooperative diplomatic practices, such as consensus-building and strategic ambiguity, which have enabled a treaty to adapt over time, ensuring predictability and alignment in Indonesia's national interests. This article is divided into two main subsections in its discussion part.

First, this article analyzes the norm-shaping practices as regulated under treaty governance laws of Indonesia. It examines how these practices shape norms which relate to treaty governance, and how treaty governance sets forth rules regulating such dynamics. It will show the vital role of diplomacy in fostering effective governance frameworks within complex geopolitical context, and how this challenge arises from

a poorly managed treaty governance. For instance, this article explores how certain provisions of a treaty may affect how it is governed, thus implying possible varying political, scientific, and economic interests of the signatory states.

This idea will be further elaborated by examining provisions of FM Reg No. 4 of 2023 and how it may affect future implementation of treaties and their governance. This article further analyzes how this regulation can facilitate coordination between different governmental sectors to ensure a unified approach to foreign affairs, especially those related to treaty governance.

Second, this article examines the national interests of Indonesia and how they are portrayed in treaty governance mechanisms. The primary goal of FM Reg No. 4 of 2023 is to enhance the effectiveness and coherence of Indonesia's foreign affairs strategies. By providing a clear set of guidelines, the regulation ensures that all diplomatic initiatives align with national interests and are executed efficiently across various sectors. It also establishes guidelines for how treaties are negotiated, signed, and ratified within Indonesia. This includes the roles of different government bodies and the necessary procedures for ensuring compliance with international

obligations. Thus, the second idea of this article follows national interests of Indonesia as further translated into norm-shaping practices through treaty governance laws.

## RESULT AND DISCUSSION

### **Norm-Shaping Practices in Treaty Governance of Indonesia**

Treaty governance in Indonesia discusses the process and approach conducted by Indonesia on international agreements, establishing clear protocols for the negotiation, signing, ratification, and implementation of treaties. Both Law No. 24 of 2000 on International Treaties and FM Reg No. 4 of 2023 provide a way to understand treaty governance in Indonesia, alongside other related laws as may be considered relevant. Lantis argues that, for a treaty ratification to be successful, there are certain factors to consider. These include factors like executive strategies, regime type, interest group pressure, and public opinion influence the success or failure of treaty ratifications (Lantis, 2006).

The simple illustration of treaty governance in Indonesia can be observed from the status of a treaty: does it require the parties (Indonesia and the counterpart(s)) to monitor and evaluate the implementation of that treaty? Although this may be a solution in and on itself, the case of treaty governance

is not as simple as putting a monitoring/evaluation clause in a treaty. A comprehensive and on-target treaty governance requires more than just normative corridors.

This article invites its readers to learn from ASEAN the governance and evaluation of the ASEAN legal framework for addressing transboundary haze pollution as a case study. Here, ASEAN maximizes its 'ASEAN Way' method (a consensus-building approach) with its declarations and resolutions in order to harmonize environmental policies which then result in monitoring and reporting mechanisms towards the ASEAN legal framework for addressing transboundary haze pollution (Nurhidayah, Lipman & Alam, 2014). For Indonesia, the obstacles at the time were unreadiness and lack of coordination among Indonesian government institutions in implementing the ASEAN Agreement on Transboundary Haze Pollution. From here, this article concludes that treaty governance cannot rely only on regulatory norms specifically dealing with treaty governance. These norms must be complemented with robust coordination schemes, participation of all relevant institutions, as well as roadmap on treaty governance that is tailor-made to each respective sector-specific treaty.

It goes without saying that, since a treaty is negotiated by national governments, certain considerations are in place. Poulsen and Aisbett provided an example of this aspect in an economic diplomacy setting. They argue that strategic foreign policy considerations have affected several investment treaty negotiations (Poulsen & Aisbett, 2016). It also shows that diplomats play a crucial role in shaping the international investment regime, driven among others by national interests.

Norm-shaping practices of Indonesia in terms of treaty governance include regulations on necessary robustness and protections for Indonesia in entering into certain treaties. Guidelines, for example Presidential Regulation No. 71 of 2020 on the Procedures for Ratification of International Trade Treaties, create clear directions for the ratification process of international trade treaties to ensure compliance with national laws and interests. This regulation applies to all international trade treaties that Indonesia intends to enter into, which may impact national policies, economic conditions, or the legal framework (Republic of Indonesia, *Presidential Regulation No. 71 of 2020 on the Procedures for Ratification of International Trade Treaties*, 2020).

Presidential Regulation No. 71 of 2020 serves as a critical framework for the ratification of international trade treaties in Indonesia, establishing clear procedures that guide the country in navigating its commitments to international trade while ensuring alignment with national interests. As Indonesia increasingly engages in global trade dynamics, this regulation is paramount in ensuring that the process of entering into international agreements is both systematic and reflective of the democratic principles underpinning the nation's governance.

The regulation specifies its application to all international trade treaties that Indonesia seeks to enter, covering a wide range of trade-related commitments. This includes bilateral and multilateral agreements, investment treaties, and related arrangements that could affect Indonesia's economic landscape and policy directions. By delineating the scope, the regulation ensures that all pertinent agreements undergo the same rigorous ratification process, promoting consistency and transparency.

In its Article 2, the regulation provides robust foundational procedures on the actors and documents necessary to ratify international trade treaties. The primary focus of Presidential Regulation No. 71 of 2020 is to provide a structured methodology

for the ratification of international trade agreements. By doing so, the regulation facilitates Indonesia's participation in global trade while ensuring that national interests are adequately protected. The regulation acknowledges the significance of international agreements in promoting economic growth and enhancing competitiveness but emphasizes the need for thorough scrutiny before entering binding commitments.

In terms of treaty governance, the regulation adds layers which were previously primarily regulated under Law No. 24 of 2000 and FM Reg No. 4 of 2023. The consultation process mandated by Article 3(2) of Presidential Regulation No. 71 of 2020 allows for the inclusion of diverse perspectives from various stakeholders, including civil society, the private sector, and other relevant entities. This emphasis on public consultation enhances transparency and fosters trust in the treaty-making process. By incorporating stakeholder input, the regulation acknowledges the importance of considering the broader societal impacts of international agreements, thereby aligning treaty governance with democratic principles.

Further, Article 6 of the regulation highlights the government's responsibility for implementing ratified agreements in

accordance with national laws and regulations. This provision ensures that international commitments are integrated into Indonesia's domestic legal framework, which is a critical aspect of effective treaty governance. A coherent implementation strategy helps ensure that the benefits of treaties are realized and that commitments made at the international level are honored (Republic of Indonesia, *Presidential Regulation No. 71 of 2020 on the Procedures for Ratification of International Trade Treaties, 2020*).

While the Presidential Regulation No. 71 of 2020 establishes a robust framework for the ratification of international trade agreements, challenges remain in the practical implementation of these procedures. One potential challenge is the need for timely consultations and legislative approval, which can be affected by political dynamics within the House of Representatives or DPR. Delays in the ratification process can hinder Indonesia's ability to respond to emerging trade opportunities or to renegotiate existing commitments in light of changing economic conditions. Furthermore, the effectiveness of the consultation process hinges on the extent to which stakeholders are engaged and their feedback is incorporated into decision-making. Ensuring meaningful participation from various sectors of society,

including marginalized groups, is essential for fostering a more equitable approach to international trade policy.

Treaty governance in the Presidential Regulation No. 71 of 2020 context focuses specifically on international trade treaties during the ratification process. Other implementing regulations also help shape treaty governance norms, such as the Regulation of the Minister of Trade Number 7 of 2021 on the Stages and Procedures for the Formation of International Trade Agreements. This Regulation of the Minister of Trade Number 7 of 2021 outlines the stages and procedures for creating international trade agreements. This regulation is aimed at establishing clear guidelines to ensure that trade agreements made by Indonesia with other countries or international organizations are consistent, transparent, and follow the correct legal framework Republic of Indonesia (Republic of Indonesia, *Regulation of the Minister of Trade Number 7 of 2021 Stages and Procedures for the Formation of International Trade Agreements, 2021*).

Treaty governance in this sense sets forth rules governing sector-specific contexts. As seen from the duty and responsibility, the Ministry of Foreign Affairs of Indonesia holds the responsibility to govern international law depository, as

regulated under Article 17 of Law No. 24 of 2000. The law applies to all agreements made between the Government of Indonesia and other countries or international organizations that have binding legal implications. These agreements can cover a wide range of areas, including political, security, trade, environmental, cultural, and scientific matters. Law No. 24/2000 also makes it clear that agreements at both bilateral and multilateral levels are subject to its provisions.

Law No. 24/2000 provides a comprehensive legal framework for the governance of treaties in Indonesia. By outlining the procedures for negotiation, signing, ratification, implementation, and termination, the law ensures that Indonesia's involvement in international agreements is conducted in a manner that upholds the principles of sovereignty, transparency, and national interest. The law also empowers various institutions, including the President, the Ministry of Foreign Affairs, and the DPR, to take active roles in treaty governance, ensuring that the process is inclusive and accountable. This is essential especially since rules and practices governing treaties may evolve over time (Aust, 2013).

### **Indonesia's National Interests by Promoting Predictability through Treaty Governance**

National interests evolve over time, similar to rules and practices governing treaties. They may include, or not include, factors related to treaty governance, and vice versa. This article focuses on how treaty governance promotes predictability in alignment with Indonesia's national interests, and how FM Reg No. 4 of 2023 plays its role in this matter. The regulation specifies the procedural stages involved in the creation, ratification, and implementation of international treaties. This framework ensures a methodical approach and adherence to established legal and administrative practices, thus relating heavily on national interests of Indonesia in terms of how Indonesia's commitments are interpreted and implemented in such treaties.

FM Reg No. 4 of 2023 is deeply intertwined with Indonesia's national interests. National interests, which include security, sovereignty, economic development, and welfare of the Indonesian people, form the core considerations in the management of international treaties. The regulation ensures that the process of treaty-making, implementation, and termination aligns with these fundamental national objectives. As studied by Fitzmaurice, sovereignty is a critical element in the governance of treaties, which aligns directly with Indonesia's focus on protecting its

sovereignty and territorial integrity. It is shown that treaty law often needs to balance international commitments with domestic constitutional safeguards—a key issue for states wishing to retain control over their internal affairs while engaging in global cooperation (Fitzmaurice, 2005).

In this sense, FM Reg No. 4 of 2023 places significant emphasis on ensuring that no international agreement compromises Indonesia's sovereignty. The Vienna Convention on the Law of Treaties provides guidelines on treaty interpretation, particularly Article 31, which mandates that treaties be interpreted in good faith according to their ordinary meaning (Vienna Convention, 1969). In the Indonesian context, FM Reg No. 4 of 2023 ensures that treaties are examined and aligned with national laws and interests before ratification. This reflects the broader principle that treaties must be interpreted and implemented in a manner consistent with a state's domestic priorities, an approach that is especially crucial when balancing international obligations with national sovereignty.

Additionally, Indonesia's commitment to transparency and accountability, as outlined in the regulation, supports the interpretive principle of good faith. By requiring public dissemination of treaty

information and parliamentary approval for critical treaties, Indonesia ensures that international obligations do not obscure or contradict domestic legal and political frameworks—as regulated in FM Reg No. 4 of 2023 through its Article 15 on education, transparency, accountability, and public information accessibility of treaties—and that international treaties are implemented in a manner consistent with a state's domestic priorities, an approach that is especially crucial when balancing international obligations with national sovereignty.

Indonesia's approach to treaty termination recognizes that national interests may change over time, requiring states to reassess their international commitments. The ability to terminate or amend treaties, as allowed under the regulation, is essential for Indonesia to adapt to shifting global or regional circumstances, such as changes in the geopolitical landscape, economic crises, or new security threats. This relates as well to justifying principles in the context of treaty interpretation, in which rights and obligations are set out in treaties (Christie, 2000).

Indonesia's primary national interest is the protection of its sovereignty and territorial integrity. This is a critical consideration in treaty governance, as Indonesia aims to ensure that no international agreement compromises its

independence or threatens its borders. A core national interest for Indonesia is the protection of its sovereignty and territorial integrity. This is a foundational concern addressed in Law No. 24 of 2000, which mandates that treaties concerning sensitive matters such as national defense, security, and territorial boundaries must undergo careful consideration. The law explicitly requires that any treaty impacting national sovereignty, such as defense alliances or territorial agreements, must be ratified by legislation, which involves the approval of the House of Representatives (DPR).

Further, diplomacy in the context of treaty governance in FM Reg No. 4 of 2023 further reinforces this by outlining detailed procedures for negotiating, drafting, and ratifying treaties that could affect Indonesia's sovereignty. The regulation mandates extensive inter-ministerial consultation, ensuring that treaties related to territorial or defense issues do not undermine national autonomy. This process aligns with Indonesia's commitment to maintaining its independence while engaging in international cooperation.

In terms of economic growth, Law No. 24 of 2000 specifies that treaties affecting economic policies, trade relations, and financial commitments must also be carefully scrutinized and, in some cases,

ratified through legislation to ensure they align with Indonesia's national economic goals. Indonesia's treaty framework requires that international financial agreements, including those related to loans or development aid, are structured to support sustainable development. This ensures that international cooperation contributes to infrastructure growth, technological advancement, and the overall economic prosperity of Indonesia. Treaty governance ensures this through its reporting mechanism, thus aligning national interests with recent diplomacy developments.

Indonesia's interest in enhancing its diplomatic influence and playing a leading role in global governance is an important consideration in its treaty governance. Law No. 24 of 2000 and FM Reg No. 4 of 2023 provide mechanisms for Indonesia to actively engage in multilateral treaties that enhance its global standing and influence.

Indonesia participates in numerous multilateral treaties, especially through regional organizations like ASEAN and global institutions like the United Nations. These treaties allow Indonesia to project its influence on global issues such as trade, climate change, and security. The regulation ensures that Indonesia's participation in these treaties aligns with its foreign policy goals of promoting peace, cooperation, and

equitable development. The status of a treaty, in this sense, also affects how Indonesia projects its influence on global issues, as almost all documents signed by the government of Indonesia are treated as a treaty (Pratomo & Riyanti, 2018).

Law No. 24 of 2000 and FM Reg No. 4 of 2023 provide a robust legal framework for ensuring that Indonesia's national interests are protected in its treaty governance. Whether through protecting sovereignty, promoting economic prosperity, enhancing security, safeguarding environmental resources, or advancing human rights, these legal frameworks ensure that Indonesia's participation in international treaties aligns with its broader national goals. By following structured procedures for negotiation, ratification, and implementation, Indonesia ensures that its engagement in international agreements is both beneficial and consistent with its domestic priorities.

Further, as stated in the previous background section of this article, national interests influence how a treaty is governed, thus affecting the treaty governance itself. To address this probability, this article is of the view that treaty governance norms must develop flexible frameworks that allow for varying degrees of commitment and compliance. This includes creating "opt-in" clauses or phased implementation

schedules that allows states to adjust to treaties gradually, accommodating their individual circumstances while still promoting collective progress.

In addition, it can be noted from the study cases above that treaty governance may lack effective implementation if it is not complemented with robust coordination from all relevant institutions. Numerous treaties depend on voluntary compliance without binding enforcement mechanisms, which may result in selective observance by states, particularly when treaty obligations conflict with national interests.

To address this, the establishment of independent monitoring and reporting mechanisms in a treaty governance framework is recommended to promote transparency and accountability. Additionally, instituting a system of peer review, whereby states assess each other's adherence, can foster a collective responsibility and exert constructive influence to uphold the treaty's commitments. This article believes that collective responsibility and constructive influence in this peer review system must also be based on institutional frameworks that are either related or connected to the treaty's oversight mechanism, for example utilizing ASEAN's existing reporting mechanisms to help monitor treaties

between Member States of ASEAN, thus strengthening collective influence among all Member States of ASEAN, including those not directly involved in the treaty-making process.

As such, existing institutional bodies may help leverage the monitoring and enforcement arms of established organizations to oversee treaty governance, including treaty compliance eventually. These mechanisms are believed to be more accurate and effective since they combine expertise, established protocols, and resources in the respective institutions which can provide consistent, impartial assessment of treaty adherence.

## **CONCLUSION**

### **Key Takeaways**

FM Reg No. 4 of 2023 outlines the procedures for these negotiations, requiring extensive consultation with relevant domestic institutions. These legal frameworks ensure that treaties align with Indonesia's national interests while supporting its broader diplomatic goals of protecting sovereignty, promoting economic growth, enhancing security, and advancing global cooperation. Through a structured, transparent, and accountable process, Indonesia uses treaties as a key diplomatic tool to strengthen its international

relationships and enhance its leadership in global governance.

This article concludes that national interests may, partially or comprehensively, affect how treaties are applied, interpreted, and/or observed by a country. This is shown in treaty governance mechanisms in which treaties are properly deposited, monitored, and evaluated, as regulated under FM Reg No. 4 of 2023. Related to diplomacy, treaty governance also aligns national interests of Indonesia with its diplomacy and current international trends. Indonesia's security diplomacy focuses on building strategic partnerships while maintaining a policy of non-alignment. Through treaty governance, Indonesia engages in cooperation agreements by ensuring that they strengthen diplomatic relations without compromising sovereignty. Through careful treaty governance, Indonesia advances its diplomatic goals while safeguarding national interests, reinforcing its position as a responsible and influential actor on the global stage.

### **Recommendation**

As treaty governance cannot depend only on one institution, Indonesia must carry out collaborative treaty governance that is critical for ensuring that international agreements align with its national interests, legal frameworks, and diplomatic goals. The

effective treaty governance shall be conducted through a thorough legal review to ensure alignment with domestic laws and constitutional principles, involving all relevant ministries and institutions in the treaty-making process.

FM Reg No. 4 of 2023 is a significant step forward in strengthening Indonesia's foundational treaty governance. Therefore, it must be further regulated in implementing regulations of sector-specific areas as guided by Law No. 24 of 2000 since FM Reg No. 4 of 2023 regulates procedural treaty governance steps, and as such must be further complemented with supporting regulations from sector-specific institutions. The combination of both FM Reg No. 4 of 2023 and such supporting regulations must ensure that no treaty is concluded without considering its potential impacts on other areas of governance. Through treaty governance that is robust and meets its national interests, Indonesia can enhance its diplomatic effectiveness and better protect its sovereignty and development goals in the international arena.

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