

Construction of an Ideal Indonesian Foreign Policy in Response to the AUKUS Defense Pact

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Abstract

AUKUS is a trilateral defense pact between Australia, the United Kingdom, and the United States, with the initial goal of building nuclear-powered submarines and defense cooperation in the Indo-Pacific region. Indonesia's geographical location is close to Australia, as a result of AUKUS nuclear-powered submarines and other Australian defense equipment developed based on the AUKUS agreement have the potential to pass through ASEAN territorial waters that intersect with Indonesia thereby violating the Southeast Asia Nuclear Weapon Free Zone which is feared will have a significant impact on ASEAN member states, particularly Indonesia. This research will build an ideal and just Indonesian foreign policy to respond to AUKUS. The research was conducted using a normative juridical method with a statutory and conceptual approach. The collection of legal materials was carried out through a literature study and analyzed using a prescriptive method. The results of this research are that Indonesia's free and active political policy is to signify the direction and implementation of international interactions that uphold national sovereignty and interests in determining domestic and foreign policies. Indonesia's ideal foreign policy in response to the AUKUS defense pact is to arrange an international agreement that is legalized in the form of law under the provisions of Article 10 of the Republic of Indonesia Law Number 24 of 2000 concerning International Agreements. The substance of the international agreement arranged must contain the values of Pancasila as the foundation of the state and fulfill the elements of K.J Holsti's foreign policy theory in the form of elements of value, time, types of objective demands, and particular concatenation of assumptions and goals so that the resulting Indonesian foreign policy can respond to the problems faced according to the capacities and policies needed by Indonesia.

Keywords: AUKUS; International Agreement; Ideal Policy

Introduction

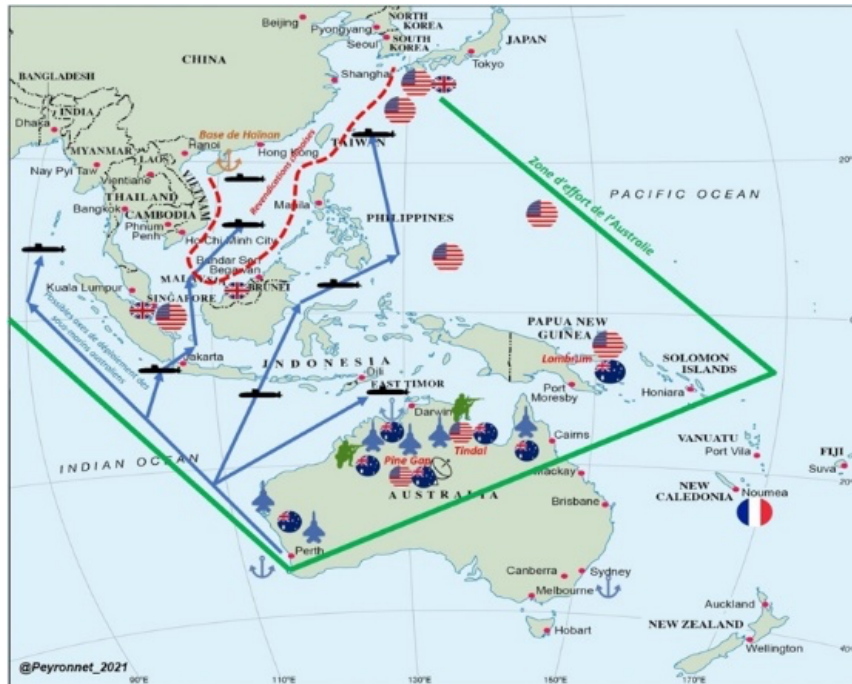
AUKUS is a trilateral defense pact between Australia, the United Kingdom, and the United States with the initial aim of building nuclear-powered submarines, and also aims to cooperate in the Indo-Pacific region, where the increasing Chinese hegemony is seen as a threat (Delanova 2021). Australia's signing of this defense pact marks the first time the US has shared nuclear propulsion technology with an ally other than the UK (Wintour 2021). The US and UK under the AUKUS defense pact will help Australia build at least eight nuclear-powered submarines. Naval officers and technical specialists from the three states as the first stride of the AUKUS will work together over the next eighteen months to equip Australia with the technology to deploy nuclear-powered submarines. There are currently only six states with nuclear-powered submarines namely the US, Russia, China, UK, France, and India with Australia is joining to become the seventh under the new defense pact (Zhu 2021).

US President Joe Biden, UK Prime Minister Boris Johnson, and Australian Prime Minister Scott Morrison, on September 15, 2021, announced the formation of their trilateral security cooperation called AUKUS with the main initiative to develop a nuclear-powered submarine fleet for Australia. During the announcement of the formation of AUKUS, Scott Morrison stated in his remarks during the announcement of the formation of AUKUS "This new partnership will help "protect" shared values and enhance security and prosperity in the Indo-Pacific region." Although AUKUS aims to deepen diplomatic, security, and defense cooperation among the three states, it will also focus specifically on deepening integration in defense-related science, technology, industrial base, and supply, with particular emphasis on the areas of cyber, artificial intelligence, quantum technologies, and new undersea capabilities (The White House 2021). With a particular emphasis on cyber, artificial intelligence, and new undersea capabilities, the AUKUS agreement will certainly expand cooperation in developing and sharing other military capabilities, such as long-range missiles and undersea military systems. Australia is currently seeking US support and technical know-how to develop weapons and explosives to manufacture long-range missiles in Australia. Both the UK and the US are cooperating to develop unmanned submarines to operate on intelligence acquiring and reconnaissance missions (Corben, Townshend, and Patton 2021).

Indonesia's geographical location is close to Australia which is involved in the South China Sea conflict. This places Indonesia in the potential vortex of conflict between AUKUS and China. This makes Indonesia very wary that AUKUS will significantly increase its power projection in the Indo-Pacific. Indonesia's foreign policy takes the position of emphasizing the obligation of all parties to maintain peace and security by respecting international law. The Director General for Asia-Pacific and Africa at the Indonesian Ministry of Foreign Affairs, A. K. Jailani, stated: "There are logical reasons for Indonesia to be concerned because the actions taken by Australia will change the geopolitical situation in the region. This

will be a destabilizing factor. Because there is no such thing as the acquisition of nuclear-powered submarines without igniting the possibility of a nuclear arms race” (Kennedy, Sutrasna, and Haetami 2022).

Figure: Possible Areas of Operation for Australian Submarines/Australian Key Strategic Effort Lines



Source: *The AUKUS Security Pact: Aligning Australia's Strategy with America's Geopolitical Vision*

Indonesia will be directly affected by the emergence of AUKUS because all Australian nuclear submarines and military assets will pass through Indonesian territory for patrol. The formation of the AUKUS alliance indicates a potential signal for the escalation of disputes in the South China Sea, according to the Indonesian Maritime Security Agency (Bakamla). The direct impact can be in the form of a large number of military forces from non-claimant states in the South China Sea. The high intention of territorial disputes at sea will encourage the states involved to increase their military capabilities thereby increasing the potential for an arms race to break out. Conflicts between states generally encourage nationalism, so it has the potential to cause horizontal conflicts between people (Prakoso 2021).

Indonesia as a state with a very strategic geographic location in the South China Sea conflict needs to look at and re-examine the geopolitical dynamics of the

region. Some parties view that efforts to settle the dispute by ASEAN countries are futile because the Chinese government does not recognize UNCLOS 1982. AUKUS in terms of alliances, Indonesia is trying its best to avoid affiliation with the alliance to consistently adhere to the principles of Indonesia's free and active foreign policy. It is difficult to realize shared outlooks and policies as ASEAN, Indonesia needs to be firm in responding to the situation in the Indo-Pacific region based on the principles of free and active foreign policy that Indonesia has so far adhered to. However, the principle of a free and active foreign policy cannot be interpreted as neutrality without a clear stance. Many parties claim that tensions between AUKUS and China can become an arms race that has the potential to continue to escalate to the second edition of the cold war, especially due to the possession of nuclear weapons by both sides. Indonesia needs to respond to this as a warning signal against security hazards in the Indo-Pacific region. Indonesia has close military ties with AUKUS states and is technically in conflict with China in the South China Sea (Putro 2021).

The agreement of AUKUS with a commitment to maintaining security and stability in the Indo-Pacific raises more questions about its true intentions and how the stability of the Indo-Pacific region will be in the future. Most scholars and experts see AUKUS as a response to China's growing power. This condition will invite more developed states to get involved in the Indo-Pacific region to expand their state's hegemony for the sake of viability and their national interests.

Focus

This research will analyze how Indonesia as a non-aligned state with a free and active foreign policy, will take action regarding AUKUS. How is Indonesia's national interest defended since Indonesia has to face current problems while maintaining the title of a non-aligned state and considering a free and active foreign policy. Indonesia should put more emphasis on the 'active' part of the 'free and active' principle. Indonesia to be active requires more strategy. ASEAN member states have lost a lot of influence by taking refuge in a "neutral" attitude and a "cautious" response. What kind of strategy is planned by Indonesia to protect its national interests and sovereignty amid major power-state competition. This journal will also examine how Indonesia's diplomatic efforts to control potential threats in the Indo-Pacific region.

Research Method

The research method used is normative juridical with legal and conceptual approaches. The legal material used is primary legal material in the form of Pancasila, RI Law Number 37 of 1999 concerning Foreign Relations, and RI Law Number 24 of 2000 concerning International Agreements. The secondary legal materials used are foreign policy concepts from books and scientific journals. The collection of legal materials was carried out using a literature study and analyzed using a prescriptive method (Marzuki 2016).

Discussion

Indonesia is currently a non-aligned state with relatively good relationships with both major powers, the US and China, and their respective allies. As we know, these two powers are engaged in a fierce competition for influence and power, which has recently intensified with the formation of the AUKUS defense pact. AUKUS was created to counter China's aggression in the South China Sea, due to the involvement of the US. Australia which is geographically close to Indonesia, will be equipped with nuclear-powered submarines and other defense equipment developed under the AUKUS agreement. These submarines have the potential to pass through ASEAN territorial waters, which intersect with Indonesia, thus violating the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ). This violation is feared to have significant impacts on ASEAN member states, particularly Indonesia (Nindya dan Abiyya 2022).

Indonesia became the first ASEAN member state to give an official statement at a meeting with the Asia Society through the Minister of Foreign Affairs of the Republic of Indonesia, Retno Marsudi, that there were concerns that this alliance would increase the possibility of an arms race and power projection which would then result in shocks to regional security stability (Jailani 2021). Indonesia's attitude in responding to AUKUS can be said to be defensive to prevent the possibility of dividing into two blocks of ASEAN member states that side with AUKUS and those against AUKUS due to the possibility of an increasingly high arms race. Indonesia, in responding to AUKUS further, must of course return to the geographical fact that the center of AUKUS is Australia, which is a neighboring state to Indonesia. Seeing that currently, the dynamics of Indonesia's relations with the two parties are still quite good, the emergence of AUKUS will ultimately be a challenge for Indonesia. Indonesia's geographical position which is in the vortex of conflict locations, demands to become a neutral mediator to defuse tensions are also increasing. This then became a vital reason for Indonesia to take a firm stance.

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AUKUS became a turning point that complicated Indonesia's position and further questioned the principle of Indonesia's free and active foreign policy. The pressure is increasing for Indonesia to maintain its neutral attitude, one of which was stated by an Indonesian diplomat Arif Havas where Indonesia was advised to play the "mediator" card again by forming a new trilateral arrangement with the two parties (Kharisma 2021). Realistically, this is impossible to realize and Indonesia will be considered powerless because it is unable to project the future direction of regional security. In the end, Indonesia must determine priorities considering that the two parties, apart from their competition, also have conflicting orientations and impacts in the Indo-Pacific region (Nindya dan Abiyya 2022). With this, the urgency of reviewing the meaning of Indonesia's free and active foreign policy principles is increasing.

The theory of foreign policy by K.J. Holsti (Holsti 1970) states that foreign policy is an idea and idea in forming a formulation to solve a problem or aim to make changes in an area. This theory provides how a state forms and conducts foreign policy:

1. Value, in the goals of a state, is one of the important factors in the existence of encouragement to formulate foreign policy. This is because foreign policy is formulated and implemented based on the goals of a state.
2. The element of time, in carrying out foreign policy there is an element of time whose targets must be met in achieving the goals.
3. The type of goal demand is one of the demands that must be carried out by member states within a certain time according to the agreement that has been made.
4. In its capability to plan and carry out any foreign policy, the state has a basis and particular concatenations of assumptions and goals by considering national-scale security. While the components used in foreign policy are the outlooks, and attitudes that are carried out or owned by other states, decisions and actions must be taken based on appropriate considerations.

Indonesia's foreign policy which has the principle of being free and active is a basic doctrine in the outlook of Indonesian foreign policy. Indonesia's foreign policy must be active, not a policy with passive attitudes and actions. Indonesia must be able to become a subject that can determine the direction of its foreign policy and assert its position. Active here means what efforts that taken by Indonesia to participate in international activities that lead to the realization of a world order that has three basic elements, namely independence, eternal peace, and social justice. While freedom is the freedom to establish relations with any state to be free to determine attitudes and decisions on global issues according to the value of national interests and the benefits of each without being tied to one bloc. The

free and active policy at that time was chosen to reject the demands of the Soviet Union and vice versa of the US (Pangestu, Hikmawan, dan Fathun 2021). Under current conditions, a free and actively implemented foreign policy with Indonesia will not take sides in any competition between the major power states, including the United States and China in the Indo-Pacific.

Regarding the principle of a free and active foreign policy, Indonesia needs to have an attitude that conforms to these principles but is oriented towards national interests. Indonesia's position as involved in the South China Sea conflict and located amid a vortex of tension and potential military conflict between AUKUS and the South China Sea means that in the future Indonesia cannot avoid the impact of tensions that could be caused by both parties. Thus, Indonesia must not be neutral by taking a shield using its free-active principle without acting but must be careful in making foreign policy which of course can fulfill Indonesia's interests. Viewed through national interests, Indonesia's proximity to AUKUS member states in the military field will help fulfill Indonesia's national interests in modernizing the Indonesian National Armed Forces (TNI) defense equipment. Although this closeness makes it seem that Indonesia tends to side with the AUKUS alliance and does not implement a free and active foreign policy, this choice is a rational choice for Indonesia. Reckon that now Indonesia is still involved in a dispute in the North Natuna Sea with China as part of the South China Sea conflict (Kennedy, Sutrasna, dan Haetami 2022). Hence the modernization of defense equipment and other elements of defense is an important matter that needs to be of concern to Indonesia. A free and active foreign policy cannot be interpreted as neutrality without a clear stance. Hence closeness with AUKUS can be interpreted as a political stance that is oriented towards national interests in the field of defense, not as open alignments with one another. Indonesia's closeness to AUKUS in the field of defense can go hand in hand with the current closeness in the economic field between Indonesia and China. Indonesia will continue to maintain profitable bargaining power for economic cooperation with China in the future, bearing in mind that national economic growth and development are one of Indonesia's main programs (Putro 2021).

Linked with the theory of foreign policy by K.J Holsti, to achieve an ideal foreign policy, based on elements of values, Indonesia's free and active political policy is to indicate the direction and implementation of international interactions that uphold national sovereignty and interests in determining Indonesia's domestic and foreign policy. Indonesia must be able to play its role and position in the competition for influence between the US and China in the Indo-Pacific region by not taking sides or entering the bloc of the two states. With a free and active foreign policy, Indonesia should be able to increase economic benefits that encourage increased investment and trade from China as well as improve relations in the defense sector with the US and its allies for the benefit of modernizing the TNI's main weapon system. The increasing competition for influence in the Indo-Pacific between the US and China should not turn Indonesia's free and active foreign policy

into a shield of defensive neutrality stance. With this principle of being free and active, it must prove that Indonesia is not trapped under the control of China or the US without compromising Indonesia's integrity and sovereignty to avoid the tug-of-war of interests. With the principle of being free and active, Indonesia must be able to maintain the same attitude and distance, without placing Indonesia under the block or control of the US or China. Cooperation in the fields of defense, trade, investment, and the economy that continues to increase between Indonesia and the US as well as China must also be a major consideration for Indonesia to maintain good relations with the two states that are competing for hegemony in the Indo-Pacific region.

The element of time taken by Indonesia to take a stance on AUKUS is as soon as possible after the value of being free and active in foreign policy to respond to AUKUS based on the previous explanation is appropriate. Indonesia must have a time frame for carrying out the free and active policies it carries out. If within the agreed timeframe, Indonesia has not provided real implementation of the free and active policies it is implementing, then Indonesia can take two actions: a) take action that changes the direction of free and active policies that are carried out. This change in action is in the form of changing the substance of the policy with a new substance that can be carried out after the previous policy action has not been implemented optimally; b) carrying out Indonesian diplomacy actions towards AUKUS member states. This action is in the form of "pressure" on the state concerned because Indonesia has strictly stated that Indonesia has been affected by the AUKUS's activities. This action was certainly carried out by not intimidating any of the AUKUS member states so that Indonesia would continue to carry out its free and active principle.

The element of goal demands is a crucial element of how Indonesia makes and implements its foreign policy. Goal demands are policy boundaries that Indonesia needs to have in dealing with the impact of AUKUS. These boundaries are needed so that the policies arranged by Indonesia have a problem focus so that with this policy focus control and evaluation can be carried out. Policy boundaries which are elements in the demands of goals are a form of direct action that Indonesia must have so that the foreign policy arranged by Indonesia in response to the AUKUS does not interfere with the interests of other AUKUS state allies and from foreign policies arranged by Indonesia will not intervening the meaning of AUKUS itself.

Elements of particular concatenations of assumptions and goals by considering national-scale security are elements that must be an important consideration in the arrangement of foreign policies. Foreign policies that are not ideal will potentially pose a threat to the state itself. An ideal policy means that the policy is appropriate to what should be regulated, does not impartial to anyone, and remains based on Indonesia's free and active principle, so that it can fulfill international and national needs. International needs are needs related to policy objectives, while national needs are the background for making a policy, including

national security. National security is carried out to achieve Indonesia's national goals, namely protecting the entire nation and all of Indonesia's bloodshed, promoting public welfare, educating the nation's life, and participating in carrying out world order based on freedom, eternal peace, and social justice.

The arrangement of Indonesia's foreign policy in terms of responding to the AUKUS cannot be separated from Indonesia's legal basis, namely Pancasila (Zabda 2016). Pancasila as the philosophy of the nation, in the context of foreign policy, Pancasila must be used as a source of thought from the demands of the goal so that it can create an ideal and just Indonesian foreign policy construction in response to the AUKUS. The role of the ideology of Pancasila as the basis for Indonesia's foreign policy determines the personality of the Indonesian nation as explained in the explanation of the Pancasila Principles. The first principle rejects communism, hence that Indonesia does not invent radical policies and threaten other states, the second principle teaches compassion for others and protects human rights, the third principle adheres to the ideology of unity and rejects the notion of federalism so that the policies arranged do not create divisions and bias in partiality, the fourth principle teaches democracy and decision-making based on deliberation to create a sense of tolerance and a sense of justice, and the fifth principle teaches a balance of obligations and rights in which humans create policies that respect each other and reflect humanity in these policies (Lukum 2011).

The implementation of Indonesia's foreign policy which is based on Pancasila ideology regulates the life of the nation and state by providing broad outlines for aiming its foreign policy. Pancasila as the constitutional basis of Indonesian foreign policy is one of the variables that shape Indonesian foreign policy. The five principles of Pancasila are the initial guidelines for the implementation of the ideal state and national life. So that foreign policy is at least a reflection of Pancasila. Mohammad Hatta strengthened the position of Pancasila as the ideological foundation of foreign policy. The five principles contained in Pancasila contain initial guidelines for the implementation of ideal national and state life covering all aspects of people's lives (Indrawati dan Nugroho 2019).

The implementation of Indonesia's foreign policy including the formation of its policies based on Article 2 of the Republic of Indonesia Law Number 37 of 1999 (UU 37/1999) concerning Foreign Relations is based on Pancasila, the 1945 Constitution, and the Broad Outlines of Nation's Direction. The elucidation of Article 2 in the implementation of Indonesia's foreign policy cannot be separated from the conception of National Resilience. National Resilience is the living condition of the Indonesian nation based on the Archipelagic Concept to realize deterrence and endurance to be able to interact with the environment at one time in such a way as to guarantee the viability and development of the life of the Indonesian nation to achieve national goals which are a just and prosperous society within the Unitary State of the Republic of Indonesia based on Pancasila.

Development targets in the field of foreign policy have been included in the Trisakti and Nawa Cita which are the main themes of the Vision and Mission of

Jokowi's reign. In terms of the arrangement of foreign policy, several things need to be considered so that Indonesia is not trapped in policy issues that have the potential to cause negative impacts, including: a) the use of jargon that creates an overly nationalistic and assertive image; b) the ambiguity of foreign policy policies that can create suspicion or threat perception among friendly states; c) domestically policies oriented rather than externally oriented policies (Direktorat Politik dan Komunikasi 2015).

The elements of foreign policy theory by K.J Holsti which have been adjusted based on the explanation above, need to be outlined in an international treaty. International agreements based on Article 1 number 1 of RI Law Number 24 of 2000 (UU 24/2000) Regarding International Agreements that international agreements are agreements, in certain forms and names, which are regulated in international law which are made in writing and created to rights and obligations in the field of public law. The ratification of international agreements related to Indonesia's response to the AUKUS, international agreements made were ratified through law because the substance of the agreement in this matter was related to matters of politics, peace, defense, and state security.

Arrangements regarding the ratification of international agreements in the form of laws are regulated in Article 10 of the Republic of Indonesia Law number 24 of 2000 which states that ratification of international agreements is carried out by law when it relates to: a) political, peace, defense, and state security issues; b) changes in territory or determination of the boundaries of the territory of the Republic of Indonesia; c) sovereignty or sovereign rights of the state; d) human rights and the environment; e) the formation of new legal norms; f) foreign loans and/or grants. Elucidation of Article 10 states that ratification of international agreements through laws is carried out based on the substance of the agreement and not based on the form and name (nomenclature) of the agreement. Classification according to the substance of the agreement is intended to create legal certainty and uniformity in the form of ratification of international agreements with laws.

International agreements in response to AUKUS in the form of laws can be revoked if conditions occur according to Article 18 of RI Law number 24 of 2000 which states that international agreements end when: a) there is an agreement of the parties through the procedures set out in the agreement; b) the purpose of the agreement has been achieved; c) there are fundamental changes affecting the implementation of the agreement; d) either party does not implement or violates the terms of the agreement; e) a new agreement is made to replace the old agreement; f) new norms emerge in international law; g) the object of the agreement is lost; h) some things are detrimental to the national interest. The elucidation of Article 18 states that an international agreement can end if one of the points in this article has occurred. The rights and obligations of the parties to an international agreement will end when the international agreement ends. "Loss of the object of the agreement" can occur if the object of the agreement is no longer there and "national interest" is defined as the public interest, the protection of legal subjects of the

Republic of Indonesia, and the sovereign jurisdiction of the Republic of Indonesia.

The establishment of an international agreement ratified in law is a strategic step for the Indonesian government to respond to the AUKUS so that Indonesia's free and active foreign policy can be carried out optimally without interfering with AUKUS agreement policies or any of the AUKUS member state and can provide protection and prevention of possible impacts on Indonesia caused by AUKUS.

Conclusion

Indonesia's foreign policy which has the principle of being free and active is to indicate the direction and implementation of international interactions that uphold national sovereignty and interests in determining domestic and foreign policies. Indonesia must be able to play its role and position in the competition for influence between the US and China in the Indo-Pacific region by not taking sides with the two states. Indonesia's ideal foreign policy in response to the AUKUS defense pact is to form an international agreement that is legalized in the form of a law following the provisions of Article 10 of the Republic of Indonesia Law Number 24 of 2000 concerning International Agreements. The substance of the international agreement that was arranged must contain the values of Pancasila as the foundation of the state and fulfill the elements of K.J Holsti's foreign policy theory in the form of elements of value, time, types of objective demands, and particular concatenations of assumptions and goals so that the resulting Indonesian foreign policy can respond to the problems faced according to the capacities and policies needed and owned by Indonesia.***

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