

“Digital Transformation for State Sovereignty in the Society 5.0 ERA”

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Abstract: This millennial era is called the digital era or digital age. In the digital era, there are no clear boundaries (borderless) that have an impact on the sovereignty of a country due to the development of information and communication technology. The case of wiretapping between countries conducted by The Five Eyes Alliance, shows the world that the development of technology and communication can also damage good relations between countries. Discussions related to state sovereignty in the field of information in the digital era in answering the problem of how state sovereignty in the field of information in the digital era in terms of theory and international law are needed today. The research method used in this study uses a normative juridical approach, This research also uses a statutory approach, a comparative approach, and a future legal approach (futuristic) to answer the problems studied in this study. Based on the results of the analysis, it has been obtained that from a theoretical point of view it is necessary to develop a theory of state sovereignty in the information sector.

Keywords: sovereignty, state, information, era, digital.

INTRODUCTION

Society5.0 or can be interpreted as society 5.0 is a concept that was initiated by the Japanese government. The concept of society 5.0 is not only limited to manufacturing factors but also solves social problems with the help of the integration of physical and virtual spaces¹ (Skobelev & Borovik, 2017). According to Rokhmah (2019) Society 5.0 carries the concept of big data technology collected by the Internet of Things (IoT) (Hayashi) transformed by Artificial Intelligence (AI) into something that can help people so that their lives are better. Society 5.0 will certainly have an impact on all aspects of life ranging from health, urban planning, transportation, agriculture, industry and also education² (Nastiti & Abdu, 2020). In the era of society 5.0, the implementation of the use of technology has begun to pay attention to aspects of the humanities in order to create various tools in

¹Skobelev, P., & Borovik, Y. (2017). On The Way From Industry 4.0 To Industry 5.0: From Digital Manufacturing To Digital Society. *International Scientific Research Journal Industry 4.0*, 307-311.

²Nastiti, FE, & Abdu, AN (2020). Indonesia's Education Readiness Facing the era of society 5.0. *Journal of Educational Technology Studies* Volume 5, No. 1, April 2020, 61-66.

the process of solving existing social problems. Of course this requires optimal management of human resources (HR) according to Rustandi in (Yasa, Suswanta, Rafi, Rahmanto, Setiawan, & Fadhlurrohman, 2021) this is done in order to boost the credibility of the organization by increasing the efficiency of each bureaucratic apparatus in the fields of information, communication, and technology (ICT), with the aim of facilitating the implementation of tasks in the future.³ Then, Mardawani & Relita (2019) explained that as part of efforts to realize good governance, the human resources of the bureaucratic apparatus must always be oriented to the use of technology in the administration of government services, simplifying various regulations and also in the process of bureaucratic reform.⁴ (Yasa, Suswanta, Rafi, Rahmanto, Setiawan, & Fadhlurrohman, 2021).

We are currently entering the digital era where all aspects of life are in direct contact with information and communication technology. Information and communication technology developed very rapidly in the first decade of the 21st century. The number of people connected to the internet worldwide shot from 350 million to more than 2 billion. In today's digital era, advances in technology and science have developed rapidly. Advances in technology and science have affected many aspects of human life that were never imagined before. The legal definition of telecommunications, multimedia content and informatics which is abbreviated as Telematics, and in various references known as cyber law, is the entirety of principles, norms or rules of institutions, institutions and processes that regulate virtual activities carried out using information technology, utilizing multimedia content and telecommunications infrastructure. The term telematics law is used as an abbreviation of the law of telecommunications, multimedia content and informatics to make it easier for readers to understand the three variables in the cyber world which include aspects of telecommunications, content in multimedia and communication. Thus telematics is identical with the convergence of information, communication and content technology which currently also includes community as a very important variable multimedia content and informatics to make it easier for readers to understand the three variables in the cyber world which includes aspects of telecommunications, content in multimedia and communication. Thus telematics is identical with the convergence of information, communication and content technology which currently also includes community as a very important variable⁵ (Ramli, et al., 2019).

In addition, the benefits felt by the state with the development of information and communication technology are that the public can access the policies taken by the government, help the community's economy due to the smooth flow of information which is directly proportional to the increase in the economy of a country, and others. However, the development of information and communication technology also has a negative impact on a country. Like the wiretapping case carried out by *The Five Eyes Alliance* in 2014 for example, showed the world that the development of technology and communication can also damage good relations between countries. The case came to light after Edward Snowden gave a statement in *The Guardian*, that the United States National Security Agency

³Yasa, et al., (2021). Strengthening Bureaucratic Reform Towards Society 5.0 Era in Indonesia. Journal of Government Science Vol. 20 No. 01 of 2021, 27-42.

⁴ Ibid.

⁵Ramli, et al., (2019). Cyber Law Principles on Media Over The Top E-Commerce Based on Digital Transformation in Indonesia. INDONESIA LEGISLATION Journal Vol 16 No. 3 - September 2019, 392-398

(NSA) has wiretapped telephones belonging to 35 heads of state. This creates tension between the United States and countries that are tapped by one of the parties *agency* his government. International legal experts are divided into three in addressing this wiretapping problem. The first expert to say that espionage is not illegal (*Espionage is not illegal*), both espionage is illegal (*Espionage is illegal*), and thirdly espionage is neither legal nor illegal (*espionage is neither legal nor illegal*). This disagreement resulted in the absence of legal certainty in the face of wiretapping on a global scale. One of these cases shows that with the development of technology and communication, national boundaries are blurred (*borderless*), so that information held by a country that is confidential can be easily accessed through information and communication technology which is very dangerous for that country and also for international relations. This was confirmed by Frank La Rue, a UN Special Rapporteur. In his report, he said that developments in technology in the 20th century had an impact on changing the nature of communication surveillance. The more sophisticated a communication technology, the wider the surveillance distance of the communication will be. In addition to the sovereignty of a country, the surveillance carried out by the United States also has an impact on the violation of the privacy of the object of surveillance in which every individual is entitled to protection of his privacy.⁶ (Andika, 2016).

Formulation of the problem

1. How is the application of digital transformation in state sovereignty in the era of society 5.0?
2. What is the impact of digital transformation on state sovereignty in the era of society 5.0?
3. What is the strategy in dealing with the era of society 5.0?

LITERATURE REVIEW

Digital Transformation

The development of the internet is currently experiencing a very high acceleration and has an increasing number of customers or internet network users since 1990. One indicator that looks at how legal applications regarding the internet are needed in Indonesia is to look at the number of companies that are providers of internet user services. in Indonesia. Companies that use provider services in Indonesia are parties that play a very important role in advancing the development of cyber law in Indonesia. Based on this, there are various types of crimes in the cyber world, namely groups of crimes against privacy, obscenity, defamation, information security, and internet crime. Cyber Law in the world of digital transformation can also be said as a law that is built from information technology, in a company some aspects of productivity and business products needed by customers must also understand about empowerment, when the customer has been prepared, the company also needs to prepare business processes for Digital Transformation and the last aspect is the Transformative Product. In cyber law there is also a sovereignty, the state has jurisdiction over all issues and events within its territory. This principle is a principle related to cyber law. companies also need to prepare business processes for Digital Transformation and the last aspect is the Transformative Product. In cyber law there is also a sovereignty, the state has jurisdiction over all issues and events within its territory. This principle is a principle related to cyber law. companies also need to prepare business processes for Digital Transformation and the last aspect is the Transformative Product. In cyber law there is also a sovereignty, the state has jurisdiction over all issues and events within its territory. This principle is a principle related to cyber law.

⁶Andika, T. (2016). Sovereignty in the Field of Information in the Digital Age: An Overview of International Law and Theory. Journal of Bina Mulia Hukum, Volume 1, Number 1, September 2016, 44-52

According to Judge Lord Macmillan, a country has jurisdiction over all persons, objects, criminal or civil cases within its boundaries as a sign that the country is sovereign. His statement reads, "It is essential attribute of the sovereignty, of this realm, as of all sovereign independent states, that it should possess jurisdiction over all persons and things within its territorial limits and in all causes and criminal arising within these limits." The main feature of sovereignty within these boundaries, like all independent sovereign states, is that the state must have jurisdiction over all persons and objects within its territorial boundaries and in all civil and criminal cases arising within these territorial boundaries. This territorial principle is divided into two, namely, a crime that begins in one country and ends in another. For example, a person who shoots in the border area of country A injures another in the territory of country B. In this case, both countries have jurisdiction. The state, where the act was initiated (a), has jurisdiction according to the subjective territorial principle. The country where the action was completed (b), has jurisdiction based on the objective territorial principle. has jurisdiction according to the subjective territorial principle. The country where the action was completed (b), has jurisdiction based on the objective territorial principle. has jurisdiction according to the subjective territorial principle. The country where the action was completed (b), has jurisdiction based on the objective territorial principle.

According to Glanville Williams, this close relationship can be explained by the following factors:

1. The country in which a criminal act is committed usually has the strongest interest in punishing it.
2. Usually the perpetrator of the crime is found in the country where he committed the crime.
3. Usually the local forum where the crime occurred is the most appropriate, because witnesses (and possibly evidence) can be found in that country.
4. There is a fact that with more than 1 (one) different legal system involved, it would be awkward if someone submits to 2 (two) legal systems.

In this era of convergence, technological change is developing rapidly enough so that the desired information can be obtained quickly. Cyber law is a legal aspect whose term comes from cyberspace law, the scope of which includes every aspect related to individuals or legal subjects who use and utilize internet technology starting when they start "online" and enter the cyber or cyber world. The paradigm of the convergence of the legal order can be done in a deeper understanding by examining the approaches to the conception of convergence and the conception of non-convergence in law. When a company or organization plans to transform to digital, they need to recognize the factors of cultural change that must be faced. This will involve all members of the company, from employees to company leaders. In this case it can also be said that cyber law can support economic progress. This transformation has created opportunities as well as challenges, digital transformation is part of the process of high technology, which is also a change related to its application to all aspects of life in society. In the end, digital transformation is a total or overall picture of the effects of digitization in society which is also a change related to its application to all aspects of life contained in society. In the end, digital transformation is a total or overall picture of the effects of digitization in society which is also a change related to its application to all aspects of life contained in society. In the end, digital transformation is a total or overall picture of the effects of digitization in society⁷ (Ramli, et al., 2019).

⁷Ramli, et al., (2019). Cyber Law Principles on Media Over The Top E-Commerce Based on Digital Transformation in Indonesia. *INDONESIAN LEGISLATION Journal* Vol 16 No. 3 - September 2019, 392-398

Society 5.0

Japan offers a new solution in the form of a society based on Society 5.0. In general, Society 5.0 emphasizes a concept in which a human-centered society is "human centered" and is based on information technology. Through Society 5.0. Artificial intelligence "artificial intelligence" will transform big data in all aspects of life and "the internet of things" will become a new wisdom, which will be dedicated to improving human capabilities to open up opportunities for humanity. By offering Society 5.0. is actually a Japanese way and effort to do a "The Japanese Twist". "The Japanese Twist" is a typical Japanese way of responding to something that is universal in nature and this has been done by Japan in the legal field to anticipate the role of "common law" and "civil law" which are quite massive in influence. The typical Japanese method contains a philosophical value that, even though what is being faced is an international or universal problem, local values also deserve attention and not infrequently actually become a solution and Japan is quite successful in carrying out "The Japanese Twist" namely in the legal world as a protest against growing domination and western ways and the idea of Society 5.0.

The practice of "The Japanese Twist" actually deserves to be a lesson for the Indonesian people in various fields, especially in the field of law. In the field of law, even though Indonesia has begun to discourse on laws that are unique and in accordance with the personality of the nation, the law in Indonesia cannot be separated from the existence of western domination, in this case the Netherlands. Apart from still being dominated by the concept of "civil law" and the principle of concordance, Indonesian law is also seen as too normative and formalistic. Such laws tend to be rigid and frozen and difficult to integrate with the development of society. As a result, many laws are contrary to morality, for example Article 284 of the Criminal Code concerning adultery which is contrary to morality and religious values in Indonesia. Therefore, in the face of industrial revolution 4. 0., Indonesia should follow the mindset of Society 5.0. by prioritizing "local minded" even in the face of international and universal problems. That way, the way of law in Indonesia can meet Society 5.0⁸ (Prasetio, 2020).

Legal Development in the Era of Society 5.0

Legal development as one of the catalysts for national development needs to be supported by a solid national legal system based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Benny (2019) said that this needs to be supported by a legal education system and legal personnel to uphold law and justice, which are not only equipped with good knowledge, but also have integrity that is fair, honest, and humanist. This support is very important, especially in facing globalization and the era of industrial development 4.0 and the era of society 5.0. To respond to globalization and the development of information technology, legal education needs to be directed at developing individuals in the exploitation of knowledge, skills and attitudes based on social realities, and a very diverse culture (multicultural). Therefore, legal education must be directed so that students can solve legal problems, by thinking analytically, innovatively and creatively in interpreting the law to apply it to the cases they face.

Based on laws that have the character of Pancasila, Indonesia's national development will be based on values derived from Indonesian culture itself and must be carried out from within Indonesia itself, not necessarily accommodating values from abroad. For example, it is necessary to look at the development model in Japan, even though the currents of globalization are moving, Japan still

⁸Prasetio, DE (2020). Bifurcation of Law in Indonesia in Treading the Industrial Revolution 4.0 and Society 5.0. Journal of the State University of Surabaya, 2-8

applies the principles of voluminous, systematic, comprehensive and meticulously detailed. Its national legal values are still maintained, but it does not make Japan an inferiority in the eyes of the world, instead it becomes a developed country without being uprooted from its cultural roots. Efforts to produce legal scholars, who are imbued with the values of Pancasila, need to be equipped with the ability to utilize information technology in this 4.0 to 5.0 industrial era. Industry 4.0 is the name of the latest trend of automation and data exchange in factory technology. The term includes cyber-physical systems, internet of all, cloud computing, and cognitive computing. The popular understanding is development in the field of information technology. By observing these conditions, it is now a revival point for the development of national law that not only accommodates ideological and philosophical interests originating in the original culture of the Indonesian nation, namely Pancasila, but is also able to accommodate advances in information technology in adapting the era of society 5.0.⁹ (BPHN, 2019).

METHOD

The research carried out is a normative legal research method with a normative juridical approach which focuses on the use of research materials or secondary data supported by library data as the main source. In addition, this study also uses a statutory approach (*statute approach*), comparative approach (*comparative approach*), and future legal approaches (futuristic). Judging from the specifications, this research includes descriptive analysis, namely research that describes and analyzes problems related to state sovereignty in the field of internal information *digital age*. In this study, the process of obtaining data to support research results was carried out through the literature study stage (*library research*) by using secondary data, namely trying to find books, philosophies, concepts, theories and opinions of experts as well as findings that are closely related to the subject matter to be studied.

RESULTS AND DISCUSSION

Impact of the Development of Information and Communication Technology on the State

A. The impact of the development of communication and information technology on the right to privacy.

The current use of information technology, especially through the internet, has provided many benefits in various people's lives. One of the legal issues that arise is the issue of privacy. Based on *Black's Law Dictionary*, privacy is *The condition or state of being free from public access or intrusion into or interference with one's acts or decisions*. This understanding means that privacy is a condition or state of being free from attention or interference either by one's actions or by one's decisions. The right to privacy is simply defined by Westin as the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others.

Universal arrangements regarding the protection of the right to privacy are regulated by *Universal Declaration on Human Rights* (UDHR) in 1948. Article 12 stipulates that *No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation on. Everyone has the right to protect on of the law against such interference or attacks*. The protection of the right to privacy as regulated in Article 12 of the UDHR means that no one may be disturbed in his personal life arbitrarily (without a legal basis) and therefore everyone has the

⁹BPHN. (2019). Legal Development in Supporting the Era of Industrial Development 4.0 and Society 5.0. National Legal Development Agency, 1-2.

right to obtain legal protection against such interference. Protection of the right to privacy shows that the right to privacy is an important right to get protection. The reasons for the right to privacy must be protected, namely:

1. In building relationships with other people, a person must cover some of his personal life so that he can maintain his position at a certain level.
2. A person in his life needs time to be alone (*solitude*) so that privacy is needed by someone.
3. Privacy is a right that stands alone and does not depend on other rights, but this right will be lost if that person publishes private things to the public.
4. Privacy also includes a person's right to have domestic relations, including how someone builds a marriage, fosters his family and other people may not know about this personal relationship.
5. Violations of privacy incur losses that are difficult to assess. The loss is felt to be much greater than the physical loss, because it has interfered with his personal life, so that if there is a loss, the victim must receive compensation.

In addition, the protection of personal rights or private rights will increase human values, improve relations between individuals and their communities, increase independence or autonomy to exercise control and gain merit, increase tolerance and keep away from discriminatory treatment and limit government power. Bloustein said that the right to privacy shows the essence of a person as a human being, including the dignity and integrity of the individual as well as the independence and independence of a person.

Violations of the right to privacy have increased along with the development of information and communication technology. Bloustein noted that there were at least 4 cases of the right to privacy that were of concern to the international community. These violations included *dissemination of confidential information* (dissemination of confidential information), *eavesdropping* (tapping), *surveillance* (reconnaissance), and *wiretapping* (tapping of voice recordings). Even specifically Frank La Rue in *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* April 17, 2013 found that technological developments have further enhanced the country's ability to carry out *surveillance* and intervention in the private communication of the community.

B. The impact of the development of communication and information technology on the country

The development of communication technology also has a positive impact on countries that are currently undergoing the process of globalization. In the field of human rights, the communication revolution has also made it easier to monitor state violations of the human rights of their citizens, and even to monitor human rights violations by other countries. An example is the assistance provided by the international community for crimes against humanity that occurred in Bosnia, Somalia, Yugoslavia and other countries which were facilitated by the presence of information through photographs or pictures presented in print and electronic media. It unites the international community against crimes against humanity.

The development of communication and information technology also has a negative impact, especially on the sovereignty of a country. Currently, territorial boundaries are blurred due to the development of communication and information technology. The development of communication and information technology such as telephone, internet, remote sensing (*remote sensing*) by using satellites, radio communications, and so on can be used as a reconnaissance tool (*surveillance*) one

country against another. The surveillance is intended to obtain information owned by a country, both relating to things that are general to know and things that are confidential or only certain people have it.¹⁰ (Andika, 2016).

State Sovereignty in the Information Sector In The Theory

According to the theory of state sovereignty from Jean Bodin and Georg. Jellinek, that the highest power is in the state. Sovereignty is the highest power possessed by a country to freely carry out various activities according to its interests as long as these activities do not conflict with international law. The term "sovereignty" was first coined by Jean Bodin in his book *Six Livres de Republique* which mentions with the term "*soverainite*" (English: *sovereignty*). The term etymologically comes from the word "*superanus*" which means the highest. According to Jean Bodin, sovereignty is something absolute and indivisible (*invisible absolute*) and eternal power (*perpetual power*) to the entire territory of the republic. With the rapid development of technology, violation of the principles of state sovereignty is not only by entering its sovereign territory such as military aggression, invasion, and occupation of a country. Currently, reconnaissance can be carried out at a very long distance from the country of the perpetrator to the country of the victim. The perpetrator state only by utilizing sophisticated technology can spy on the activities of the victim state from the territory of the perpetrator country.

According to Hans Kelsen, the territory of a country does not have to consist of a single stretch of land (unified territory), but is a unitary unit of centralized areas, which has the same legal order for the entire territory. Hans Kelsen's opinion provides restrictions on the application of national law which is part of the sovereignty of a country. According to him, state sovereignty is the unity of land, sea and air areas or what Boer Mauna calls territorial sovereignty. However, with the current technological developments, sovereignty cannot be seen as merely a territorial area such as land, sea and air. The state must also be seen as sovereign over certain matters, such as in the field of information.

Today, there is a significant change in the political and economic map of the earth which affects the notion of territorial sovereignty. This change in the political map of the earth has influenced the conception of the territory of the state. Developments in the field of information and communication technology have also become a serious problem for the development of the international community. Currently, information has high economic value because not everyone can process raw data into valuable information for themselves. The principle of state sovereignty in international relations is very dominant. The state has full sovereignty over people, goods and actions in its territory. International law has regulated that in sovereignty is related to the obligation not to abuse that sovereignty. A country can be held accountable for its unlawful acts or omissions. Therefore, in theory, in using its sovereignty, each country must also pay attention to the sovereignty of other countries. Any negligence that causes harm to other countries can be held accountable.

State Sovereignty in the Field of Information in the Framework of International Law

The history of the regulation related to information sovereignty begins with its legalization *Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of*

¹⁰Andika, T. (2016). Sovereignty in the Field of Information in the Digital Age: An Overview of International Law and Theory. *Journal of Bina Mulia Hukum*, Volume 1, Number 1, September 2016, 44-52.

Information, the Spread of Education and Greater Cultural Exchange by UNESCO on November 15, 1972. This declaration emerged in response to the international community's concern over the launch of the satellite *Sputnik* by Russia in 1957 which signaled the globalization of the information revolution. There are several principles that give recognition of state sovereignty to the information in the declaration. Article II *Declaration of Guiding Principles on the Use of satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange* stipulates that broadcasting satellites must respect the sovereignty and equality of all countries. UN General Assembly through Resolution No. 41/65 on December 3, 1986 also adopted principles related to state sovereignty in the information sector, namely *Principles Relating to Remote Sensing of the Earth from Outer Space*. In the 4th principle it is regulated: *These activities shall be conducted on the basis of respect for the principle of full and permanent sovereignty of all States and peoples over their own wealth and natural resources, with due regard to the rights and interests, in accordance with international law, of other States and entities under their jurisdiction. Such activities shall not be conducted in a manner detrimental to the legislature's rights and interests of the sensed State.*

Activity *remote sensing* must be carried out on the basis of respect for the principle of full and permanent sovereignty of all states and peoples over their natural wealth and resources, with due regard to international law, other states and entities under their jurisdiction. These activities may not be carried out in a manner that is detrimental to the rights and legal interests of the affected country. The two arrangements above provide the principle of protecting state sovereignty in the information sector. Information is important for a country in particular. Information, especially relating to the location of potential areas that store natural resources such as natural gas, oil, and other natural resources, becomes a potential asset for a country. So information should be an inseparable part of the sovereignty of a country.

Protection of state sovereignty has been recognized in Article 2 paragraph (1) and Article 2 paragraph (4) of the UN *Charter* which contains the obligation of every member of the United Nations to respect the sovereignty of other countries and abstain from actions that threaten the sovereignty of a country. The principle of state sovereignty was emphasized and detailed again by *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations* 1970, which has been recognized as customary international law. The declaration was adopted in UN General Assembly Resolution Number A/Res/25/2625. This resolution regulates the principles of international law related to relations between countries that have been accepted and implemented by countries so far. In the United Nations General Assembly Resolution Number A/Res/25/2625, it contains the protection of state sovereignty in which countries are committed to implementing the principle of sovereign equality between countries. All countries enjoy sovereign equality. They have the same rights and obligations and are equal in the international community despite their differences in terms of economic, social and political or other differences.

- a. Equality of juridical sovereignty (*States are judicially equal*)
- b. Each state enjoys the rights inherent in its full sovereignty (*Each State enjoys the rights inherent in full sovereignty*)
- c. Every country has an obligation to respect the privacy of other countries (*Each State has the duty to respect the personality of other States*)
- d. The territorial integrity and political independence of the state cannot be contested. (*The territorial integrity and political independence of the State are inviolable*)

- e. Each country has the freedom to determine and develop a political, social, economic and cultural system (*Each State has the right freely to choose and develop its political, social, economic and cultural systems*)
- f. Every country has an obligation to comply fully and in good faith with all international obligations to live in peace with other countries. *Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States*)

All of the elements contained in the sovereign equation as regulated in the resolution, constitute a unified whole. In other words, all countries enjoy these six elements fully and completely. The state must abstain from violating the sovereignty of other countries. The principle of protecting state sovereignty can be set aside in 2 (two) conditions based on the United Nations Charter. First, the enforcement of sanctions imposed by the UN Security Council on a country based on Chapter VII of the UN Charter. Second, the actions taken to defend themselves (*self defense*) under Article 51 of the United Nations Charter. These two conditions are the last action that can be taken by countries in maintaining world peace and security. In the field of information, the principle of protecting state sovereignty is also contained in various rules of international law as described in the previous chapter. For example the protection of information regulated in UN General Assembly Resolution No. 41/65 on December 3, 1986 regarding *Principles Relating to Remote Sensing of the Earth from Outer Space*. Based on the resolution, the activities *remote sensing* must be carried out on the basis of respect for the principle of the full and permanent sovereignty of all states. The same protection is also provided by UNCLOS 1982 which stipulates that in carrying out transit passage, foreign ships are not allowed to carry out information gathering actions when crossing the territorial sea of the coastal state which is detrimental to the defense and security of the coastal state, which is an act that is considered to endanger the peace, order or security of the state.¹¹ (Andika, 2016).

Information is an inseparable part of the sovereignty of a country. Violation of information sovereignty in the context of intelligence gathering by intelligence agencies of other countries without the knowledge of the victim country is a violation of the principle of protecting state sovereignty. Especially when it comes to the secrecy of a country's domestic policy. United Nations General Assembly Resolution A/Res/68/167 concerning the right to privacy in the digital era, which is a reaction from the international community to the surveillance of world communications carried out by the United States and its allies, is the only international legal instrument relating to the practice of surveillance and or wiretapping of communications. between countries. This resolution stipulates that all countries should review their procedures, practices, and national regulations relating to communication surveillance, interception and collection of personal data, including surveillance, eavesdropping and collection of communications globally with a view to upholding the right to privacy by ensuring the full and effective implementation of all obligations of states under international human rights law. In addition, this resolution requires the creation of a transparent, precise and accountable monitoring mechanism for surveillance of communications, wiretapping and collection of personal data carried out by the state.

Order (*order*) The ICJ panel of judges can also be used as a legal basis for inter-state intelligence gathering. The use of judges' decisions in determining legal norms that will be used as the basis for

¹¹Andika, T. (2016). Sovereignty in the Field of Information in the Digital Age: An Overview of International Law and Theory. Journal of Bina Mulia Hukum, Volume 1, Number 1, September 2016, 44-52.

international law is contained in Article 38 of the ICJ Statute. In the case of confiscation and detention of documents and data between Timor Leste and Australia. In one of its lawsuits, Timor Leste asked the ICJ to give a decision regarding the wiretapping of communications conducted by Australia against lawyers representing Timor Leste in the dispute resolution arbitration. *Timor Sea Treaty* between Australia and East Timor. In that case, the ICJ ordered the following *Australia shall not interfere in any way in communications between Timor-Leste and its legal advisers in connection with the pending Arbitra on under the Timor Sea Treaty of 20 May 2002 between Timor-Leste and Australia, with any future bilateral negotiations concerning maritime delimitation, or with any other related procedure between the two States, including the present case before the Court.*

In the decision, the ICJ asked Australia not to intercept communications between Timor Leste and its lawyers while the Arbitration dispute is pending. *Timor Sea Treaty* between Australia and Timor Leste, and on future bilateral negotiations relating to maritime boundaries, or relating to relations between the two countries, are included in this case. The ICJ based its decision on the principle of equality of state sovereignty which is one of the basic principles of international law as regulated in Article 2 paragraph (1) of the United Nations Charter. The state has the right to protect communications with its lawyers relating to the arbitration process and the negotiation process between the two. Although this ICJ decision is only addressed to the disputing parties, however the principles used by the ICJ or the principles discovered by the ICJ (in cases where the ICJ renders decisions with new principles discovered by the ICJ judges) can be used as the basis of international law in the same cases. Moreover, the use of the principle of equality of state sovereignty as used as the basis for decisions, emphasizes that the state may not take actions that are detrimental to other countries¹² (Andika, 2016).

CONCLUSION

Society 5.0. On the one hand, it is both a hope and a challenge for the Indonesian nation's legal system. Based on international law, the protection of state sovereignty in the field of information is regulated in several international legal regulations, including the UN Charter, UNCLOS 1982, UN General Assembly Resolution No. 41/65 about *Principles Relating to Remote Sensing of the Earth from Outer Space* 1986, UN General Assembly Resolution A/Res/68/167 on the right to privacy in the digital era, and finally the Order *International Court of Justice* (ICJ). In addition, the development of thinking and arrangements related to state sovereignty in the field of information is very important to be developed today in line with the very rapid development of information and communication technology, therefore the law should be able to answer the challenges of the development of information and communication technology so as not to cause problems in its use.

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