

**PERAN PERWAKILAN DIPLOMATIK  
DALAM PENYELESAIAN PERSELISIHAN  
ANTARA NEGARA PENERIMA DENGAN NEGARA PENGIRIM  
(Studi Kasus Penyadapan Australia terhadap Indonesia)**

**INTISARI**

**Arnanda Yusliwidaka<sup>1</sup> dan Harry Purwanto<sup>2</sup>**

Penelitian ini bertujuan untuk menganalisis tentang peran perwakilan diplomatik dalam penyelesaian perselisihan antar negara penerima dengan negara pengirim yang dihadapkan pada kasus penyadapan (*spionase*) Australia terhadap Indonesia. Penelitian ini juga bertujuan untuk membahas mengenai peran perwakilan diplomatik dalam menjaga hubungan baik antar negara dan membahas mengenai konsep *spionase* dalam ranah hubungan diplomatik antar negara, dimana *spionase* disini tidak terdapat dalam aturan khusus hukum internasional.

Penelitian ini merupakan bentuk penelitian hukum bersifat normatif yang hanya mencakup azas-azas hukum serta sistematika hukum. Bahan atau data yang digunakan dalam penelitian ini berupa bahan hukum primer, sekunder serta tersier. Bahan tersebut didapatkan dengan cara melakukan studi kepustakaan dan hasil wawancara dengan narasumber. Bahan atau data yang didapatkan kemudian diseleksi, diklasifikasikan, melakukan sistemisasi, kemudian dilakukan penguraian terhadap permasalahan atau *variable* yang penulis bahas, langkah terakhir yaitu melakukan preskripsi terhadap *variable* yang penulis bahas, merumuskan kejelasan ketentuan hukum internasional tentang *spionase*, peran perwakilan diplomatik dalam menjaga hubungan baik antar negara dan peran perwakilan diplomatik dalam penyelesaian permasalahan antar negara.

Peran perwakilan diplomatik pada dasarnya telah diatur dalam Konvensi Wina 1961, akan tetapi dalam implementasi terkait peran perwakilan diplomatik justru tidak sesuai dengan aturan yang dibenarkan. Contohnya adalah, perwakilan diplomatik terlibat dalam aksi penyelundupan, penyadapan (*spionase*) dan hal-hal yang dianggap tidak sesuai dengan kapasitas seorang perwakilan diplomatik. Terkait kasus penyadapan Australia terhadap Indonesia, Perwakilan Diplomatik Indonesia dalam penyelesaian kasus penyadapan tersebut telah sesuai dengan aturan yang terdapat dalam Konvensi Wina 1961. Perwakilan Diplomatik Indonesia disini berperan dalam melindungi (*protecting*) kepentingan nasional Pemerintah Indonesia di negara penerima dengan mendorong upaya penyelesaian isu penyadapan melalui komunikasi dengan Kementerian Luar Negeri Australia serta melakukan pelaporan (*reporting*) kepada Pemerintah Indonesia mengenai perkembangan politik di Australia dan selanjutnya untuk melakukan upaya penyelesaian permasalahan penyadapan.

**Kata kunci:** Hubungan Diplomatik, Perwakilan Diplomatik, Penyadapan.

<sup>1</sup> Mahasiswa Magister Ilmu Hukum Universitas Gadjah Mada, Yogyakarta, Indonesia.

<sup>2</sup> Dosen Fakultas Hukum Universitas Gadjah Mada, Yogyakarta, Indonesia.

**THE ROLE OF DIPLOMATIC REPRESENTATIVE  
IN DISPUTE RESOLUTION  
BETWEEN THE RECIPIENT STATE AND THE SENDING STATE  
(A Case Study on Wiretapping Perpetrated by Australia against Indonesia)**

**ABSTRACT**

**Arnanda Yusliwidaka<sup>3</sup> and Harry Purwanto<sup>4</sup>**

This research aimed to analyze the role of diplomatic representative in dispute resolution between the Recipient State and the Sending State that is studied through the case of espionage conducted by Australia against Indonesia. This research also aimed to discuss the role of diplomatic representative in maintaining good relations between states and discuss about the concept of espionage in diplomatic relations between states where the espionage in here is unregulated.

This research is a normative legal research that only comprehends legal principles and legal system. The materials or data that is used in this research are formed as primary, secondary and tertiary legal materials. The materials are gathered through literature study and interview result with the Interviewed. The materials that have been obtained are then selected, classified, systematized and subsequently explained in relation with the research problem and variables which are discussed by the Author, the last step is the prescription towards the variable that has been discussed by the Author, formulating clarity concerning international law on espionage, the role of diplomatic representative in maintaining good relations between states and the role of diplomatic representative in solving dispute between states.

The role of diplomatic representative is actually has been governed in the Vienna Convention 1961, however, in the current implementation concerning the role of diplomatic representative, it is not in conformity with the law. The example is, the diplomatic representative is involved in smuggling, espionage and behaviors which are not in conformity with the capacity of a diplomatic representative. With regard to the espionage conducted by Australia against Indonesia, the Indonesian diplomatic representative, in the case of espionage and dispute settlement, has conducted proper action in conformity with the rules within the Vienna Convention 1961. The Indonesian diplomatic representative in here, act in the form of protecting the national interest of Indonesian government in the recipient state and encourage the dispute settlement concerning the wiretapping case through communication with the Australian Foreign Minister and also reported to the Indonesian government concerning the development of politic in Australia and subsequently make the effort to solve the wiretapping problem.

**Keywords:** Diplomatic Relations, Diplomatic Representatives, Wiretapping.

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<sup>3</sup> Students in Master of Legal Studies at Gadjah Mada University, Yogyakarta, Indonesia.

<sup>4</sup> A Senior Lecturer in Law Faculty at Gadjah Mada University, Yogyakarta, Indonesia.