

CHAPTER I

INTRODUCTION

I.1. Context of Study

As the fundamental element, sovereignty cannot be separated from state. Sovereignty in relation to a portion of the surface of the globe is the legal requirement needed to be fulfilled for the inclusion of such portion in the territory of any particular state.¹ The concept of sovereignty was invented by the theory of state expert named Jean Bodin. According to Bodin, sovereignty is the power within the state. There are three characteristics within the concept of sovereignty: sole, authentic and eternal. Sole means there is only one authority which cannot be divided into several portions. Authentic means that the sovereignty comes from the people themselves not from other states. While eternal means that the sovereignty is continued without any falter.² Physically, sovereignty dealt with the territory.

As a sovereign nation, Indonesia, in principle, must be able to determine the form of state, the form of government, the organization of internal and external power, to manage the relationship amongst citizens, to regulate the use of public domain, to create a constitution and its enforcement regulations, to regulate the political relations abroad and within the country, including foreign nationals in its territory although those who are entitled to none of any citizenship (stateless),

¹ Shaw, Malcolm, *International Law*, 6th edn, London, 2008, p.489

² Abu Daud Busroh, *Ilmu Negara*, Bumi Aksara, Jakarta, 1993, p. 69

set the territory by land, sea or airspace for the interests of defense, security, aviation safety as well as others social activities³

According to Law No. 1 of 2009 on Aviation, Indonesia is an archipelagic country, and based on geography survey in 2010 it has over 17.508 islands. In line with the spirit of *Pancasila* as the ideology of Indonesia and the Indonesian Constitution of 1945, and to implement the Archipelagic Concept of Indonesia as well as maintaining the sovereignty of Indonesia, National transportation system is indeed necessarily and important within National development.⁴ Transportation as a vehicle to expedite economics wheel, open the better access to remote areas, to maintain the unity of the nation and to enforce the sovereignty of state. The Importance of transportation could be seen from the increasing needs of transportation services for people and goods mobility within the state or abroad. Realizing the vital role of transportation, the enforcement of aviation regulation has to be organized and managed in one national transportation system in to implement the transportation services which have high standards of safety, efficiency and effectiveness. The developments of aviation must be structuring in one unity system with integration to aviation infrastructure, method, procedure and regulation with the result that is able to succeed.

All of the islands are connected by air transportation and water transportation. Nowadays, air transportation has high demand and very popular in Indonesia because of its time efficiency. Air transportation is divided into airport

³ Preamble of Law Number 1 year 2009 on Aviation

⁴ Law Number 1 of 2009 about Aviation

services and air navigation services.⁵ In term of air navigation services, land's boundary is one of the important aspects for determining airspace's boundaries. The airspace boundary is known as Flight Information Region (FIR). Flight Information Region means that an airspace of defined dimensions within which Flight Information Service and Alerting Service are provided.⁶ Indonesia's FIR was established in November 1946 in which Indonesia had not gotten any international acknowledgment in aviation sector yet. Determination of FIR was based regional agreement discussed between the countries of Asia and the Pacific in Bangkok.⁷

In aviation sector, it will be dealing with the Flight Information Regions as the permission for airplane to pass or across the State territory. International Civil Aviation Organization has regulated about FIRs clearly and details. In Municipal Law, Law Number 1 of 2009 on Aviation also has regulated about the functions of FIRs which applied in Indonesia.⁸ The role of FIRs seems to be a vital thing in aviation sector as it will influence the sovereignty of a certain State. If it is not managed with good management it will cause domino effect to Indonesia. Indonesia has the largest and widest airspace in ASEAN.⁹ Historically, Indonesia managed to three FIRs above Indonesia Air Sovereignty namely Sector A, Sector

⁵ Paul Stephen Dempsey, *Liability for Air Navigation Services*, Papers be delivered in Institute Air and Space Law McGill University, 2011.P.4

⁶ Annex II Convention on International Civil Aviation, Dec. 7, 1944, 61 Stat. 1180, 15 U.N.T.S. 295

⁷ See Journal: *Indonesia Air Traffic Services Readiness and Strategic Plans for Taking over Airspace and Improving the service*, Ade Patra Mangko, 2013.

⁸ Law Number 1 of 2009 on Aviation. op.cit, article 279

⁹ Hakim, Chappy, *Believe It or Not Dunia Penerbangan Indonesia Terbang Aman dan Nyaman walau Banyak Masalah*, PT.Kompas Media Nusantara, Jakarta, 2014, p.99

B and Sector C of FIR. Jakarta's FIR which handle the west routes of aviation and Ujung Pandang's FIR which handle the east routes of aviation.

Long time ago, Indonesia delegated some of its airspace (above Natuna Islands) to Singapore as its neighbor country. Article 3 of the 1982 United Nations Convention on Law of the Sea (UNCLOS) asserts that every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.¹⁰ Furthermore, Article 4 asserts that the outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.¹¹ With this rule, actually Indonesia was able to determine its sea boundaries and determining its airspace boundary.

There are five Indonesia airports established under that airspace; Hang Nadim International Airport of Batam Airport, Raja Hj. Fisabilillah Airport of Tanjung Pinang, Airport of Natuna, Airport of Matak, and Airport of Tanjung Balai Karimun.¹² All of those airports have Air Traffic Service (ATS) with limited airspace boundary. Legally, there is no doubt for Indonesia to take over the Sector A, B, and C above the Natuna island from supervision of Singapore, although Indonesia has to provide all the navigation facilities, human resources, and services to compete with Singapore. As a sovereign state, Indonesia has an international obligation to provide adequate air navigation services in accordance

¹⁰ United Nations Convention on the Law of The Sea (UNCLOS) (1982). Ocean on the Law of the Sea. Montego Bay, Jamaica : Division of Ocean Affairs and the Law of the Sea, United Nations.

¹¹ *ibid*

¹² Ade Mangko,*op.cit*,p.7

with the provisions of Article 28 of the 1944 Chicago Convention on International civil aviation.¹³

FIR above Natuna Island was entitled to Singapore based on Regional Air Navigation (RAN) Meeting Decision in 1946.¹⁴ The determination of FIR was based on regional agreements discussed by the Asia-Pacific countries in Bangkok which must be based on flight safety considerations.¹⁵ Determination of FIR is different from the determination of sovereign territory which based on security considerations, because sometimes sovereign territory is not the same as FIR region. That is why Indonesian airspace can be controlled by Singapore. The delegation did not diminish the sovereignty of Indonesia. If Indonesia has considered to be able to manage its airspace, the delegation will be returned to Indonesia. Usually, if the state has not been able to manage or still in chaos condition as happened in Vietnam, FIR supervision was taken over by its neighbor countries. Like what happens at this present day, which Vietnam's airspace has been returned to the supervision of Vietnam.

Indonesia has tried to take over its airspace from Singapore since 1985 (three years after UNCLOS establishment). There were discussions between departments related to Exclusive Economic Zone (EEZ) to include Indonesian airspace.¹⁶ Since then, Indonesia planned and made study to take over FIR which was delegated to Singapore. In May 1993, Indonesia brought its FIR issue on

¹³ Chicago Convention on International Civil Aviation 1944

¹⁴ Ade Mangko.*loc.cit*

¹⁵ Air Traffic Management Enhancements Between Jakarta and Singapore FIRs, The Nineteenth Meeting of the Southeast Asia ATM Coordination Group (SEACG/19) , Bangkok, Thailand, 1 – 4 May 2012

¹⁶ *ibid*

Third RAN-Meeting in Bangkok.¹⁷ RAN-Meeting was attended by delegation countries around Asia and Pacific (ASPAC).¹⁸ Indonesia delegation consists of operation officers, whereas Singapore delegation consists of operation officers, Attorney General, Secretary General of Ministry of Transportation, and International Law of The Sea Advisor.¹⁹ That meeting decided that in order to take over airspace above the Natuna Island, Indonesia and Singapore must solve it bilaterally then report it to the next RAN-Meeting.²⁰ As follow up RAN-Meeting 1993, in operational level, Indonesia sent their delegation to Singapore and Singapore also sent their delegation to Indonesia.²¹

In juridical aspect, both 10 delegations have different perception about Indonesian territory.²² Indonesia claimed its territory based on Article 1 and 2 Chicago Convention and Article 2 and 3 UNCLOS which has been ratified into Law number 17 year 1985.²³ According to Singapore Director of Civil Aviation, Law number 17 year 1985 has not been implemented yet due to so they did not agree on that regulation.²⁴ Furthermore, Singapore delegation asked to Indonesia about the location of outer base point of Indonesia territory in relation with Article 2 and 3 of UNCLOS. Singapore brought Indonesia territory map based on Government Regulation in Lieu of Law (Perpu) number 4 year 1960 on Indonesia

¹⁷ Airspace Safety Monitoring Activities/Requirements in the Asia/Pacific Region
Airspace Safety Implementation in the Indonesian FIRs , The Fifteenth Meeting of the Regional
Airspace Safety Monitoring Advisory Group (RASMAG/15), Bangkok, Thailand, 01 – 05 August
2011

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ *ibid*

²¹ *ibid*

²² *ibid*

²³ Law Number 17 of 1985 on The Ratification of UNCLOS

²⁴ Ade Mangko, *op.cit.* p.9

marine which was published by United Nations in 1989 and it was different with Indonesia sovereignty based on UNCLOS 1982.²⁵ Basically, Indonesia must determine its outer base point in order to determine its whole territory.²⁶

Other regulation, Indonesian Law No. 15 of 1992 explains that The Republic of Indonesia has total and exclusive sovereignty over the air space above its territory.²⁷ Indonesia has full authority over its boundary. From those regulations it can be understood that Indonesia should determine its territory and report it to United Nation, in order for Indonesia to have law enforcement regarding its land territory.²⁸

Indonesia needs to determine and report its airspace boundary to International Civil Aviation Organization (ICAO) in order to get recognition of legal airspace boundary regarding with air navigation service providing by Indonesia. In Law No. 1 of 2009 on Aviation, Indonesia is trying to take over airspace Sector A, B, and C from Singapore.²⁹ In article 458 of the Aviation Law states that “Any part of Republic of Indonesia’s airspace territory, which air navigation service has been delegated to another country based on agreement shall have to be evaluated and served by an air navigation service provider within a period of no later than 15 years since the effective date of this Law”.³⁰

²⁵ *ibid*,p.10

²⁶ *Ibid*,p.10

²⁷ Law Number 15 of 1992 on Aviation

²⁸ Indonesia and Singapore Bilateral Agreement on FIRs , September 21st 1995

²⁹ Law Number 1 of 2009 on Aviation, *loc.cit.*

³⁰ *ibid*

In regards of the taking over Singapore's FIR, it is an effort from Indonesian Government to maintain and secure its territory. The delegation of FIR to another state will cause consequences to the delegator state. The sovereignty can be said as the fundamental consequence that has to be faced by Indonesia. FIR in sector A, B and C which are delegated to Singaporean Government are meant to be as a tool for Singaporean Government to control and handle the Aviation activity on those Regions. It means that any aircraft which flight in or to Sector A, B and C should be subjected under Singapore Aviation Law. In other words, Singapore can conduct Military training in Indonesian Air Sovereignty or other activities dealing with Singapore's interests can take place within Indonesian Air Sovereignty. In order to prevent any further actions which can be done by Singapore, it is important for Indonesian Government to consider this consequence as a threat for Indonesia.

Furthermore, the FIR agreement between Indonesia and Singapore does not clearly mention the fee which governs about it. Within this agreement, both states only mention about transfer of responsibility regarding Air Navigation charges. Indonesian Government should put more attention regarding this concern, the transparency of fee distribution are needed in order to make a clearer state revenue from the Air Navigation fee aspect. Subsequently, in regards for the military exercise which can be conducted above Sector A, B and C airspace, it is mentioned in Article 5 of FIR Agreement between Indonesia and Singapore which explained that Indonesian Government shall inform to the Civil Aviation

Authority of Singapore before they intend to do the exercise.³¹ Furthermore, the Civil Aviation Authority of Singapore shall notify to International Civil Community regarding this exercise. The procedure that must be taken by our Military as it is already been complicated to do exercise, moreover to do it on their Air Sovereignty.

Therefore, under several considerations above, the author believed that Indonesian Government should take an proper effort and measure in order to maintain their sovereignty and prevent any further action which can be taken by Singapore in the Airspace above sector A, B and C.

I.2. Problems Formulations

1. Does the control of Flight Information Regions by Singapore violate Indonesian Air Sovereignty?
2. What are the consequences from the authorization of Flight Information Regions by Singapore?
3. What are the appropriate legal efforts that must be taken by Indonesian Government concerning this issue?

I.3. Research Objectives

³¹ Indonesia and Singapore Bilateral Agreement on FIRs, *loc.cit.*

- a. To determine whether or not Singapore violating Indonesian Air Sovereignty.
- b. To figure out the consequences of authorization of Flight Information Regions by Singapore.
- c. To measure the appropriate legal efforts that must be taken by Indonesian Government.

I.4. Definition of Terms

1. *National Airspace*: The territory of a sovereign State is three dimensional, including within such territory the airspace above its national lands and its internal and territorial waters.³²
2. *Sovereignty*: Every State has, to the exclusion of all other States, the unilateral and absolute right to permit or deny entry into the area recognized as its territory and similar right to control all movements within such territory.³³
3. *Air Sovereignty*: The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.³⁴
4. *Flight Information Region (FIR)*: an airspace of defined dimensions within which Flight Information Service and Alerting Service are provided.³⁵

³² Paul Stephen Dempsey, *The Chicago Convention as a source of International Law*, Institute of Air and Space Law, McGill University, Canada.

³³ *ibid*

³⁴ Article 1 Convention on International Civil Aviation, Dec. 7, 1944, 61 Stat. 1180, 15 U.N.T.S. 295.

³⁵ ICAO (2010). Annex 11 Air Traffic Services (13th edn.). Montreal, Canada: International Civil Aviation Organization.

5. *FIR Delegation*: a State may delegate to another State the responsibility for establishing and providing air traffic services in flight information regions, control areas or control zones extending over the territories of the former.³⁶

I.5. Theoretical Review

I.5.A. Air Sovereignty

State sovereignty is a fundamental principle of international law.³⁷ However, the term is very often used in a political sense, with differing interpretations depending on context and intention.³⁸ The notion of sovereignty is dynamic, evolving with the development of the global institutional environment.³⁹ In aviation, sovereignty refers to the ownership of airspace.⁴⁰ In other words, to the exclusive competence of a State to exercise its legislative, administrative and judicial powers within its national airspace.⁴¹ State sovereignty is closely connected to the definition of States' obligations under Article 28 of the 1944 Chicago Convention.⁴² The text and spirit of Article 28 do not oblige States to provide air navigation services over their territory themselves. Rather, Article 28 prescribes that when and where States elect to provide facilities and services to support international air navigation, these facilities and services must comply with

³⁶ *ibid*

³⁷ Shaw, *op.cit.* p.490

³⁸ *ibid*

³⁹ *ibid*

⁴⁰ Abeyratne, Ruwantissa, *Air Navigation Law*, Springer, London, 2012., p.15

⁴¹ *ibid*

⁴² Convention on International Civil Aviation, *op.cit.*, article 28

ICAO Standards and Recommended Practices.⁴³ In other words, States' responsibilities are of a regulatory and supervisory nature. States are required to take appropriate measures to ensure compliance in respect of safety and operational efficiency.

National sovereignty cannot be delegated. But the responsibility for the performance of functional responsibilities, such as the provision of air navigation services, can be delegated to third parties.⁴⁴ States retain complete freedom to designate a third party service provider, be it a national or foreign entity. Delegation to a foreign organization is not an abandonment of sovereignty; sovereign competences are not impacted. On the contrary, delegation of service provision is an act of sovereignty. The delegating State prescribes the conditions under which the delegation is agreed, and the delegation can be revoked at any time. These rights and obligations of a State to delegate its responsibilities for providing air traffic services over its territory, and that in doing so would not constitute a derogation of its sovereignty was recognized once again during the last ICAO Assembly in 2010 as contained in Resolution 37-15.⁴⁵

⁴³ *ibid*

⁴⁴ Nicholas Grief, "*The Legal Principles Governing The Control of National Airspace and Flight Information Regions and Their Application to The Eastern Mediterranean*", ERPIC, London, 2009, P.3

⁴⁵ *Airspace Sovereignty*, Worldwide Air Transport Conference (ATCONF), ATConf/6-WP/80, 6th Meeting, Civil Air Navigation Services Organization, Montréal, 18 -22 March 2013.

I.5.B. Flight Information Regions

The world's airspace is divided into contiguous FIR within which air traffic services are provided.⁴⁶ The airspace in respect of which a State is responsible under the International Civil Aviation Organization (ICAO) for operational control is called a Flight Information Region (FIR).⁴⁷ The term 'FIR' is defined in Annex II to the Chicago Convention as: 'An airspace of defined dimensions within which flight information service and alerting services are provided'.⁴⁸ All aircraft fly in accordance with either instrument flight rules (IFR) or visual flight rules (VFR).⁴⁹ Under IFR, the aircraft fly from one radio aid to the next or by reference to self-contained airborne navigation equipment from which the pilot can determine the aircraft's position at all times.⁵⁰ IFR flight are conducted through all but the severest of weather conditions, while aircraft flying under VFR must remain clear of cloud and operate in visibility conditions which will permit the pilot to see and avoid other aircraft.⁵¹ Safety is the overriding concern of international civil aviation and air traffic management contributes substantially to safety in aviation.⁵²

Annex II of 1944 Chicago Convention on aviation contains an important requirement for States to implement systematic and appropriate Air Traffic Service (ATS) safety management program to ensure that safety is maintained in

⁴⁶ Annex 11 Air Traffic Services,*loc. Cit.*

⁴⁷ *ibid*

⁴⁸ Annex II Convention on International Civil Aviation,*loc.cit.*

⁴⁹ Annex 11 Convention on International Civil Aviation,*loc.cit.*

⁵⁰ *ibid*

⁵¹ *ibid*

⁵² Abeyratne,*op.cit*,p.9

the provision of ATS within airspaces and at aerodromes.⁵³ Safety management systems and programs will serve as an important contribution toward ensuring about safety in international civil aviation. Flight information service is provided to aircraft operating in controlled airspace and to others known to the air traffic service units. A flight information service is a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights. A fundamental requirement is that Contracting State are to determine, in accordance with the provisions of Annex II and for the territories over which they have jurisdiction, those portions of the airspace and those aerodromes where air traffic services will be provided.⁵⁴ They are then required to arrange for such services to be established and provided in accordance with the provisions of the Annex, except that, by mutual agreement, a State may delegate to another State the responsibility for establishing and providing air traffic services in flight information regions, control areas or control zones extending over the territories of the former.

Standard 2.5.2.1 of the Annex II 1944 Chicago Convention on Aviation stipulates that those portions of the airspace where it is determined that flight information services and alerting service will be provided shall be designated as flight information regions.⁵⁵ Where designated within a flight information region, control areas and control zones shall form part of that flight information regions.⁵⁶ The annex also requires that flight information service within flight information

⁵³ Annex II Convention on International Civil Aviation, *loc.cit.*

⁵⁴ *ibid*

⁵⁵ *ibid*, p.10

⁵⁶ *ibid.*

regions, unless the responsibility of providing such services within a flight information region is assigned to an air traffic control unit having adequate facilities for discharge of such responsibility.⁵⁷

For a landlocked country, the FIR consists only of the country's sovereign (territorial) airspace. The FIR of a large State may be divided up into a number of regional FIRs. For a coastal State, the FIR consists of the airspace above its land and sea territory plus any international airspace in respect of which ICAO has assigned responsibility to that State.⁵⁸ For example, the UK's FIRs or London and Scotland's UIRs consist of the airspace above UK land and sea territory plus the international airspace assigned to the UK by ICAO.⁵⁹ The UK FIRs or UIRs borders the Stavanger, Amsterdam, Paris, Brest, Shannon's FIRs and the Shanwick and Reykjavik Oceanic Control Areas (OCAs).⁶⁰ The North Atlantic Track (NAT) Region comprises seven FIRs/UIRs/OCAs including Reykjavik and Shanwick (based at Prestwick in Scotland but using radio facilities near Shannon in Ireland)⁶¹.

Together, they operate an upper airspace track structure and provide an air traffic separation and information service for all aircraft crossing the North Atlantic. Flights above the eastern half of the North Atlantic, up to longitude 30°

⁵⁷ *ibid*

⁵⁸ Convention on International Civil Aviation 1944, *loc.cit.*

⁵⁹ Francis Schubert, "An Introduction to Air Navigation Services: From Conventional Air Traffic Control to CNS/ATM", Papers be delivered in Institute of Air and Space Law McGill University, October 2015, P.151

⁶⁰ *ibid*

⁶¹ *ibid*

W, are controlled by Shanwick.⁶² West of that boundary they are controlled by Gander and New York.⁶³ The Organised Track System consists of several approximately parallel tracks from points off the west coasts of the UK and Ireland to points on the Canadian coasts, with a similar number of tracks designated for eastbound traffic. The tracks are selected by computer, the main consideration being the weather. They also take account of preferred routes, danger areas and military airspace reservations. Although the freedom of aviation applies over the high seas, it is not absolute.

Freedom must be regulated in the interests of all who are entitled to enjoy it. In this regard, Article 12 of the 1944 Chicago Convention on Aviation reflects the special legal regime of the airspace over the high seas.⁶⁴ It requires each contracting State to ensure that all aircraft bearing its nationality mark, wherever they may be, comply with the rules of the air there in force (i.e. the rules of the air applicable to the particular airspace). Since the regulation of flight over the high seas is a matter of international competence, Article 12 provides that 'over the high seas, the rules in force shall be those established under this Convention'.⁶⁵

Thus, compliance with ICAO's rules of the air is mandatory in the airspace of the high seas. Those rules are found mainly in Annex 2 to the Chicago Convention. They include the rule that a flight plan must be submitted to the appropriate ATS unit prior to operating any flight across international borders (

⁶² *ibid*

⁶³ *ibid*

⁶⁴ Convention on International Civil Aviation, *op.cit.* article 12.

⁶⁵ *ibid*

FIR borders). As the Convention applies only to civil aircraft and is not applicable to State aircraft, including ‘aircraft used in military services’, however, the rules of the air established under it apply only to civil aircraft. Nevertheless, the parties to the Convention have undertaken, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft. In practice, most States ensure that their military aircraft comply with the rules of the air but, as discussed below, there have been many instances of non-compliance in the Nicosia FIR. An aircraft in flight follows en route air traffic control instructions as it flies through successive FIRs. Upon approaching an airport at which a landing is to be made, the aircraft passes into the terminal control area (TCA).⁶⁶

I.6. Research Method

This type of research is normative legal research. Research objects are the things that will be examined are the Impact of Flight Information Regions over *Natuna* Island by Singapore to Indonesia Air Sovereignty.

I.6.A. Research Legal Materials

Within this research, the legal materials which use are Primary Legal Materials, Secondary Legal Materials and Tertiary Legal Materials.

a. Primary Legal Materials

⁶⁶ Paul Stephen Dempsey, “Air Navigation”, Papers be delivered in Institute of Air and Space Law McGill University, 2014, p.2

Primary Legal Materials means that legally binding in juridical manners⁶⁷ that relate to the object of research, including:

- 1) Chicago Convention on International Civil Aviation 1944
- 2) United Nations Convention Law of the Sea 1982
- 3) International Civil Aviation Organization Regulation
- 4) Indonesia and Singapore Bilateral Agreement on FIRs , September 21st 1995
- 5) Indonesia Constitution of 1945
- 6) Law Number 17 of 1985 on the Ratification of UNCLOS
- 7) Law Number 1 of 1992 on Aviation
- 8) Law Number 1 of 2009 on Aviation
- 9) Decree of Minister Transportation

b. Secondary Legal Materials

Secondary Legal Materials means that the legal materials which using the rules used to support and provide an explanation for the primary legal materials.⁶⁸ Within this research the secondary legal materials which use are:

- 1) Books and Literature which comprises of the perspective from legal expert which dealing with the research.

⁶⁷ Soerjono Soekanto, *Penelitian Hukum Normatif : Suatu Tinjauan Singkat*, Rajawali, Jakarta, 1998,p.10.

⁶⁸ *ibid*

- 2) Law Journal, Article and the previous research which dealing with this research.
 - 3) Internet Sites in domestic or international scope whereby the sources are valid and dealing with this research.
- a. Tertiary Legal Materials

Tertiary legal materials in this research are using a material that can support the primary legal materials and secondary legal materials,⁶⁹ within this research the tertiary legal materials which use are:

- 1) Oxford Dictionary
- 2) Encyclopedias and lexicons that can help understand and analyze the issues examined in this study.

I.6.B. Methods of Data Collection

The methods to collect legal materials by literature study and with examine and review of existing legal materials which related to the research focus⁷⁰ on the Impact of FIR over *Natuna* Island by Singapore to Indonesia Air Sovereignty.

I.6.C. Methods of Approach

The approach methods which use are:

- a. Regulation Approach, which means that the approach which use law or regulation.⁷¹
- b. Historical Approach, which means that to approach through the historical background from the issue which concerned upon this thesis.

⁶⁹ *ibid*,p.16

⁷⁰ *ibid*

⁷¹ *ibid*,p.97

- c. Concept Approach, is to examine law concepts and legal expert perspective which relevant with this research.

I.6.D. Research Analysis

In the process of analyzing data during the process of this research, it is applied the qualitative method of analysis. This is done by describing the already gained data, knowledge and information through description or explanation which is assessed by the opinions of the experts, by laws, and also by the researcher's own arguments

