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ANALYSIS OF LEX SPECIALIS AND PROSPECTIVE INVESTIGATION OF CRIMINAL ACTS IN THE FIELD OF INDONESIAN AIRSPACE MANAGEMENT BY THE INDONESIAN AIR FORCE

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Abstract

The rapid advancement of commercial aviation technology and the widespread use of unmanned aerial vehicles have led to an increase in legal violations within Indonesian airspace, threatening national safety and sovereignty. The investigation of criminal offenses in airspace management previously encountered obstacles due to ambiguous divisions of authority and overlapping jurisdictions among various law enforcement agencies. This legal research aims to analyze the legal standing of Indonesian Air Force officers as investigators of criminal offenses in airspace management based on prevailing legal principles, as well as to formulate the necessary implementing regulations. The research method employed is normative or doctrinal legal research using a literature review approach, qualitatively and descriptively analyzing various primary and secondary legal materials. The findings indicate that Law Number 21 of 2025 concerning Airspace Management grants a specific mandate to Indonesian Air Force officers to independently investigate aerospace crimes in prohibited airspace, restricted airspace, flight operation safety zones of airbases, and the unauthorized entry of foreign civil aircraft. Based on the principle of lex specialis derogat legi generali and the application of the adjustment principle, this authority is independent; Thus, notifications and investigation results are submitted directly to the public prosecutor without police supervision. This establishes equal standing for the military in executing aerospace law enforcement functions. The study concludes by emphasizing the urgent need to enact implementing regulations in the form of a Regulation of the Commander of the Indonesian National Armed Forces to govern the appointment mechanism of investigators and to compile integrated standard operating procedures. Such implementing regulations are critical to avoid jurisdictional conflicts in practice and to ensure the provision of specialized investigative education for air force officers to maintain substantive legal certainty.

Keywords: Indonesian Airspace, Investigation, Indonesian Air Force, Airspace Management Criminal Offenses

INTRODUCTION

The development of aviation technology and the use of airspace for commercial purposes are currently triggering an increase in legal violations in Indonesian airspace. Cases of foreign aircraft entering without official permission, the illegal use of unmanned aircraft or *drones* in areas of national vital objects, and the use of airspace that violates regional spatial planning are common facts. This non-compliance clearly threatens the safety of domestic aviation, defense stability, and the sovereignty of the country's air jurisdiction. The process of investigating airspace management crimes is currently hampered by the unclear division of authority between various law enforcement agencies. Civil Servant Investigators of Civil Aviation, Civil Servant Investigators of Spatial Planning, the Indonesian National Police, and the Indonesian Air Force often experience overlapping authorizations in handling cases. Material regulations such as Law Number 1 of 2009 concerning Aviation and Law Number 26 of 2007 concerning Spatial Planning in conjunction with Law Number 1 of 2009 concerning Spatial Planning in conjunction with Law Number 1 of 2009 concerning Civil Servant Investigators of Spatial Planning, are inconsistent with the law. 6 of 2023 has also not been properly synchronized with Law Number 20 of 2025 concerning the Criminal Procedure Code, thus creating legal uncertainty at the investigation stage in the field.

The United Nations lists Indonesia as the world's largest archipelagic country, with a total of 16,056 islands. Of its total land area of approximately 8 million km², two-thirds is ocean. The country stretches 5,000 km from Sabang in the west to the east. With a coastline of 80,000 km, Indonesia has the second-longest coastline in the world after Canada. Furthermore, its geographical location along the *Ring of Fire* makes Indonesia rich in volcanoes and prone to natural disasters, including earthquakes, landslides, and floods (Supancana, 2017).

In this paper, the author describes the normative definition of airspace, airspace management, and airspace as regulated in Law No. 21 of 2025 concerning Airspace Management (UU PRU). Based on Article 1 Number 1 of the PRU Law, airspace is the space that surrounds and encompasses the entire surface of the earth that contains gaseous air. Based on Article 1 Number 2 of the PRU Law, Airspace Management is the activity of planning, utilizing, controlling, and supervising Airspace. Based on Article 1 Number 3 of the PRU Law, Airspace is the sovereign air territory above the land and waters of Indonesia as an archipelagic country.

Based on Article 1 of the 1919 Paris Convention, as amended by the 1944 Chicago Convention or *Convention on International Civil Aviation* and agreed to by *ICAO member states,* each state has exclusive sovereignty and full authority to control the airspace above its territory. Therefore, foreign civil or military aircraft have no right to cross airspace or make landings without permission from the country concerned.

Indonesia's vast and strategic airspace plays a crucial role in national aviation, directly protecting the entire Indonesian nation and its entire territory from all threats to sovereignty. Optimal and safe utilization of airspace also serves as a driving force for national economic connectivity, advancing public welfare and enhancing the nation's intellectual life through equitable development. Through sovereign airspace management and active participation in international aviation diplomacy, Indonesia contributes to the maintenance of world order based on freedom, lasting peace, and social justice (Widarto, Santiago, & Darwati, 2025) ; (Widarto, 2018).

A nation's exclusive and comprehensive sovereignty over its airspace is a long-established concept in international law. However, the development of globalization through various international agreements on the liberalization of aviation services has begun to obscure this concept. The implementation of a free aviation market policy that opens access for foreign airlines to operate without hindrance is considered to have reduced the absolute

nature of a nation's air sovereignty (Sulastri, 2022). The use of airspace and its resources is inseparable from jurisdictional issues. This legal rule is upheld through several principles, namely the principles of territoriality, nationality, passive personality, protection/security, universality, and the classification of crimes according to applicable law (Darwis, 2014).

The absolute and full sovereignty of the state in the air is an international provision that has been agreed upon by countries in the world, but in the absence of regulations regarding criminal acts, it will be difficult to enforce the law, as well as for law enforcers themselves, the Indonesian Air Force does not have the authority to investigate, while in the law regarding the Indonesian National Army, the Indonesian Air Force has the duty to enforce the law and sovereignty of the state in the air, which of course results in the Indonesian government certainly having difficulty enforcing the law in the air, of course this results in many violations committed by the use of foreign aircraft entering Indonesian airspace (Sujatmiko, Widarto, & Suprapto, 2022).

The investigation process generally begins when law enforcement officials detect or receive a report or complaint regarding an alleged crime. As the initial step in the criminal justice system, an investigation serves to thoroughly investigate a case. The scope of criminal procedure law governing this phase includes the identification of evidence, processing the crime, processing the crime scene (TKP), summoning and detaining suspects, conducting searches, seizures, interrogations, preparing minutes, and the mechanism for terminating the case or transferring the case file to the public prosecutor (Rohmad, Sjaifurrachman, & Suhartono, 2021).

Yahya Harahap is of the opinion that investigation and inquiry are two stages that are integrated and complement each other in the process of resolving a criminal case. Although they are interrelated, these two processes have fundamental differences in several aspects: a) Implementing Apparatus: The investigative function is carried out by "all members" of the Indonesian National Police, where in terms of hierarchy, rank and authority they are under the supervision of investigators. b) Limitations of Authority: The investigator's authority is very limited to efforts to search for and find initial indications of a crime. Further legal actions such as arrests, prohibitions on leaving the location, searches, and confiscations as regulated in Article 5 paragraph (1) letter b of Law 8/1981 can only be carried out after there is an official instruction from the investigating officer (Harahap, 2016).

In its development based on Article 1 Number 1 of Law No. 20 of 2025 concerning the Criminal Procedure Code (in this article will be called the National Criminal Procedure Code to distinguish it from the old Criminal Procedure Code), Investigators are investigators of the Republic of Indonesia National Police, civil servant investigators, or certain investigators who are authorized by law to conduct investigations. And the normative definition of a Certain Investigator based on Article 1 Number 4 of the National Criminal Procedure Code that a Certain Investigator is an official of an institution other than the National Police Investigator and PPNS who are authorized to conduct investigations based on the law that is the legal basis.

The Indonesian Air Force did not have the legitimacy to investigate before the enactment of Law Number 21 of 2025 concerning Airspace Management (UU PRU). In 2022, the Chief of Staff of the Indonesian Air Force (Kasau) , Air Marshal Ida Bagus Putu Dunia, emphasized that the Indonesian Air Force did not have the authority to investigate because the applicable regulations limited their duties to law enforcement in airspace. According to him, the investigative authority rests entirely with Civil Servant Investigators (PPNS) of the Air Transportation (Fadillah, 2022). The legal authority of the Indonesian Air Force in Indonesian airspace is very limited, covering only *shadowing* , *intervention* , *interception* , *force down* , and *destruction* . Based on the Aviation Law, the Indonesian Air Force is not equipped with the authority to conduct investigations. This lack of authority is considered ironic, considering

that the Indonesian Air Force is the front line in detecting and securing air sovereignty, so they are the ones who best understand the chronology and details of each violation that occurs (Ajita, Syamsunasir, & Setiawan, 2022).

One form of airspace violation is illegal flight (*black flight*), namely the operation of an aircraft without official permission from the authorized aviation authority (Ciptantri, Mangku, & Yuliartini, 2018). Based on the author's research, the following is an example of a foreign aircraft entering the Republic of Indonesia Airspace that does not comply with applicable regulations. First, on Monday, October 28, 2014 at 10:15 WIB, the Indonesian Air Force radar captured a signal from a foreign aircraft crossing Indonesian airspace from the South of Singapore towards Sibu Kinabalu, Malaysia. Due to these conditions, 2 (two) Indonesian Air Force SU-27/30 aircraft carried out a pursuit towards the target to carry out *force down* on a foreign civil aircraft *Beechcraft 9L* with registration VH-PKF at Supadio Air Force Base, Pontianak. Based on the results of the examination, it was obtained that the purpose of the foreign aircraft was to carry out student pilot training. The aircraft was manned by Singaporean citizens with the initials TCK (Captain Pilot), ZH (Student), XBH (Student). Foreign aircraft flew back to Singapore after fulfilling administrative requirements and paying the stipulated fines (Saptaning P, 2024).

Second, On January 14, 2019, an Ethiopian Airlines cargo plane (Boeing B.777F/ET-AVN) en route from Addis Ababa to Hong Kong was forced down *in* Batam by the Indonesian Air Force on the direct orders of the TNI Commander, Marshal Hadi Tjahjanto. This action was taken because the foreign aircraft was detected crossing Indonesian jurisdictional airspace illegally without flight clearance . Based on FlightRadar24 monitoring, the plane's route deviated southward across the Indian Ocean and entered over Sumatra Island, when it should have headed north or northeast to Hong Kong. Responding to this violation, the TNI Commander ordered the National Air Defense Command (Pangkohanudnas) to deploy two F-16 fighter jets from Air Squadron 16 of Roesmin Nurjadin Air Base, Pekanbaru. The two fighter jets conducted emergency frequency communication, visual identification, and interception *in* the air until they successfully led the cargo plane to land at Hang Nadim Airport, Batam. After landing, the airport authorities together with the Indonesian Air Force immediately secured and examined the six crew members of the aircraft to investigate this case of violation of air sovereignty further (Pearl, 2019).

Law Number 34 of 2004 concerning the Indonesian National Armed Forces as amended by Law Number 3 of 2025 (TNI Law), specifically Article 10, regulates the following tasks: a. carrying out the duties of the TNI air force in the field of defense; b. enforcing the law and maintaining security in the airspace of national jurisdiction in accordance with the provisions of national law and ratified international law; c. carrying out the duties of the TNI in the construction and development of air force strength; and d. carrying out the empowerment of air defense areas.

The Republic of Indonesia is a state based on the rule of law. The function of the rule of law is to guarantee legal certainty, justice, and the protection of human rights for every citizen from potential abuse of power. In the context of progressive law, this function is expanded so that law is not merely a rigid, procedural rule, but rather a dynamic instrument that actively serves human welfare and realizes substantive justice (Prasetyo, Ginting, & Karo, 2023) ; (Prasetyo & Karo, 2026) ; (Sujono, 2024).

The state is obliged to enforce laws regarding violations of Indonesian airspace to safeguard territorial sovereignty. Therefore, any violations committed by foreign aircraft within national jurisdiction must be dealt with firmly in accordance with applicable regulations to protect state sovereignty (Zaifa, 2024). Foreign aircraft violating Indonesian sovereignty may be subject to criminal and administrative sanctions (Saputri, Senewe, & Waha, 2023).

Based on Government Regulation (PP) Number 4 of 2018 concerning the Security of the Airspace of the Republic of Indonesia, the Indonesian Air Force (TNI AU) has structured legal authority to safeguard the sovereignty of national airspace. The operational limits of this law enforcement are implemented in stages through five main actions: surveillance (*shadowing*), intervention (*intervention*), interception (*interception*), forced down (*force down*), and destruction (*destruction*) of foreign aircraft that commit violations.

As the complexity of threats and violations of sovereignty in national airspace increases, strengthening legal instruments and clarifying judicial authority for law enforcers is crucial. In this context, the existence of absolute investigative authority held by the Indonesian Air Force requires legitimacy and rigid operational regulations to avoid overlapping jurisdictions. Departing from this urgency, this scientific paper will analyze the prospective investigators of the Indonesian Air Force by raising 2 (two) problem formulations: first, what is *the lex specialis* of the Investigation of Criminal Acts in the Field of Airspace Management by the Indonesian Air Force?; second, what are the prospective and substance of implementing regulations needed for the Investigation of Criminal Acts in the Field of Airspace Management by the Indonesian Air Force?

RESEARCH METHODS

This research uses a normative or doctrinal legal research method, which focuses on the analysis of written legal norms, legal principles, and the vertical and horizontal synchronization of applicable regulations. In this context, the research is directed at examining the validity, authority, and legal standing of investigators of Indonesian National Armed Forces (TNI) Air Force officers. The main legal materials used include primary legal materials such as related laws, secondary legal materials in the form of legal journals and literature, and tertiary legal materials such as legal dictionaries. All of these legal materials were collected through library research *and* then analyzed qualitatively normatively to answer the legal issues raised. The normative legal research approach functions to examine and analyze the harmony, systematics, and synchronization of written legal rules in order to find the appropriate legal principles and doctrines. In addition, this approach serves to provide objective legal solutions or arguments in overcoming legal vacuums, unclear norms, or conflicts between regulations (Karo, 2025); (Rahmat et al., 2024); (Karo & Prasetyo, 2025); (Sujono & Sudarto, 2024).

RESULT AND DISCUSSION

Lex Specialis Indonesian Air Force Investigative Authority

According to the Great Dictionary of the Indonesian Language, the word "authority" is synonymous with "authority," which is defined as the right and power to act, the power to make decisions, give orders, and delegate responsibility to other people or bodies. Authority is the legal right held by an official or agency to act based on applicable regulations. This right includes the competence to carry out legal actions that are valid according to formal rules. Therefore, authority can be defined as a form of official power inherent in a position or institution (Ridwan HR, 2013)The author argues that in law enforcement, the source of authority for law enforcement officers is absolutely derived from the law that provides legality for every action taken. This source of authority is divided into attribution, delegation, and mandate, all three of which determine the legitimacy of a law enforcement action. When associated with the principle of *Lex specialis derogat legi generali*, special law will override general law. This means that laws governing a specific sector automatically become the primary legal basis for investigators or law enforcement officials in that field. The authority for action no longer refers to general procedural rules such as the Criminal Procedure Code as a whole, but shifts to the special authority inherent in the sectoral law.

A. Criminal Investigator in the Field of Airspace Management

Article 47 paragraph (1) of the PRU Law explicitly stipulates that investigations of criminal acts in the field of Airspace Management are carried out by: a. investigators of the Republic of Indonesia National Police; b. civil servant investigators within agencies whose scope of duties and responsibilities are in the aviation sector; and/or c. investigators of Indonesian National Armed Forces Air Force officers. Based on Article 47 paragraph (2) of the PRU Law, investigators as referred to in paragraph (1) can coordinate in handling investigations. The PRU Law does not provide an explanation regarding coordination in handling investigations.

The definition of coordination according to the Big Indonesian Dictionary (KBBI) is 1. the matter of regulating an organization or activity so that the regulations and actions to be implemented do not conflict or confuse each other; 2. The combination of equal grammatical units with coordinating conjunctions. Researchers argue that Based on Law Number 21 of 2025 concerning Airspace Management, the implementation of coordination between investigators both Police Investigators, Civil Servant Investigators (PPNS) in the aviation sector, and Indonesian Air Force Officer Investigators is a crucial instrument to prevent overlapping authority (*Overlapping*) as well as speed up the legal process in clarifying an aerospace crime.

B. Indonesian Air Force Investigative Authority

Investigation according to Article 1 Number 5 of the National Criminal Procedure Code is a series of actions by investigators to search for and collect evidence to clarify criminal acts and find suspects. Based on research, the implementation of the definition of investigation according to Article 1 Number 5 of the National Criminal Procedure Code is specifically manifested in Article 46 of Law Number 21 of 2025 concerning Airspace Management, which emphasizes that investigations, prosecutions, and examinations in court for criminal acts in the field of airspace management are carried out based on national criminal procedure law. In order to realize a series of actions to search and collect evidence, this law provides a layered authority mandate to three elements of investigators, namely investigators of the Republic of Indonesia National Police (Polri), civil servant investigators (PPNS) in the aviation sector, and investigators of officers of the Indonesian National Air Force (TNI AU). Through this law enforcement authority, investigators are given special authority such as the right to examine, arrest, transport, and detain aircraft, air vehicles, or personnel suspected of committing criminal violations, in order to create clarity on legal events that occur and find suspects in Indonesian jurisdictional airspace.

The functional relationship between the Criminal Procedure Code (KUHAP) and the Airspace Management Law is evident in the strict division of investigative jurisdictions while still prioritizing inter-institutional coordination. Indonesian Air Force (TNI AU) officer investigators are given a specific mandate to investigate aerospace crimes occurring in strategic areas, such as prohibited airspace, restricted airspace for military installations, air base flight operation safety areas, and territorial violations by unauthorized foreign civil aircraft. Meanwhile, in order to collect evidence accountably, aviation PPNS continue to operate under the coordination and supervision of National Police investigators, where the results of their investigations must be submitted to the public prosecutor through National Police investigators. This procedural synergy ensures that every process of material evidence against crimes of national sovereignty, safety, and airspace security remains based on the corridor of legitimate and integrated criminal procedural law. The investigator's authority is regulated in Article 48 of the PRU Law, namely:

1. research, search for and collect information in connection with criminal acts in the field of Airspace Management;

2. receive reports and/or information regarding criminal acts in the field of Airspace Management;
3. summoning people to be heard and examined as witnesses and/or suspects in criminal acts in the field of Airspace Management;
4. inspect, arrest, transport and/or detain Aircraft, Air Vehicles and/or persons suspected of committing crimes in the field of Airspace Management;
5. request information and/or evidence from persons suspected of committing crimes in the field of Airspace Management;
6. photographing and/or recording via electronic media people, goods, aircraft, air vehicles and/or things that can be used as evidence of a criminal act in the field of Airspace Management;
7. examine documents related to criminal acts in the field of Airspace Management;
8. taking fingerprints and identifying persons involved in criminal acts in the field of Airspace Management;
9. search aircraft, air vehicles and certain places where criminal acts in the field of airspace management are suspected;
10. confiscate goods used to commit crimes and/or the proceeds of crimes in the field of Airspace Management;
11. isolate and secure goods and/or documents that can be used as evidence in connection with criminal acts in the field of Airspace Management;
12. bring in the necessary experts related to criminal acts in the field of Airspace Management;
13. stop the investigation process; and
14. carry out other actions in accordance with the provisions of laws and regulations.

C. Special Investigations by the Indonesian Air Force and Exceptions to Coordination and Supervision under Indonesian National Police Investigators

Article 6 paragraph (1) of the National Criminal Procedure Code clearly stipulates that investigators consist of: a. National Police Investigators; b. PPNS; and c. Specific Investigators. Article 6 paragraph (2) of the National Criminal Procedure Code stipulates that National Police Investigators as referred to in paragraph (l) letter a are the main investigators who are given the authority to conduct investigations into all criminal acts. And Article 6 paragraph (3) of the National Criminal Procedure Code stipulates that the requirements for rank, education and training, and certification for investigators as referred to in paragraph (1) are implemented in accordance with the provisions of laws and regulations.

The National Criminal Procedure Code emphasizes the importance of an Integrated Criminal Justice System *that* operates on the principle of functional differentiation. This principle mandates a clear and separate division of duties among Law Enforcement Officers (APH) in order to prevent abuse of power. The working relationship between these law enforcement agencies is emphasized as being horizontally coordinated or equal. This is reflected in the provisions of Article 2 paragraph (2) of the Criminal Procedure Code which separates the investigative function from the Police, prosecution from the Prosecutor, trial examination from the Judge, provision of legal services by Advocates and Community Guidance who carry out the function of guidance for prisoners and convicts (Hiariej et al., 2026).

The National Criminal Procedure Code legally maps the classification of investigators in Indonesia through the provisions of Articles 6 and 7. Within the constellation of the national criminal procedure law system, investigators of the Indonesian National Police are positioned as the main investigators *who* hold general sovereign authority for pure criminal acts. Meanwhile, the legal system also recognizes the existence of Civil Servant Investigators

and Certain Investigators such as investigators of the Financial Services Authority (OJK) under Law Number 4 of 2023 who occupy the role of supporting investigators . Based on the basic norms of the procedural law, the operationalization of investigations carried out by this group of supporting investigators must be attributively placed under the Coordination and Supervision mechanism by investigators of the Indonesian National Police to maintain harmony in the administration of justice. Although the Coordination and Supervision patterns of the Indonesian National Police apply as a general principle, lawmakers provide constitutional exceptions to several specific law enforcement agencies to ensure the effectiveness and specialization of case handling. Exceptions to the police's supervisory jurisdiction apply to prosecutorial investigators, the Corruption Eradication Commission, and Indonesian Navy officer investigators, who hold the mandate to exercise full independence in investigating maritime crimes. The institutional autonomy of these specialized institutions is rigidly guaranteed through sectoral laws that adopt the legal principle of *lex specialis derogat legi generali* , so that their existence is legally independent and not tied to the police's supervisory chain of command (Sujono, 2026).

The construction of this exception raises crucial questions that spark further discussion regarding the status of Indonesian Air Force Investigators following the enactment of the Airspace Management Law. Through a historical analogy approach, if the Indonesian Navy is granted exclusive rights in the form of exemption from police oversight mechanisms to uphold sovereignty at sea, then ideally, Indonesian Air Force Officer Investigators should receive equal recognition of independence in overseeing law enforcement in national airspace. This legal discourse critically examines whether Law Number 21 of 2025 has provided a clear clause of independence for law enforcement for the Indonesian Air Force, or whether its multi-interpretable formulation still contains the potential for overlapping horizontal coordination procedures with the Indonesian National Police in the field (Sujono, 2026).

Prospective Investigation of Criminal Acts in the Field of Airspace Management by the Indonesian Air Force

Law enforcement and security in the airspace are carried out through detection, shadowing, expulsion, forced landing (force down), and other actions in accordance with the provisions of laws and regulations. Law enforcement and security in international airspace are carried out through security and law enforcement activities related to national vital objects located in the jurisdiction of Indonesia. The arrangement of the national air defense system in the airspace is carried out, among other things, by determining certain air areas according to needs, threat categories, and the deployment of the main weapons system. Types of air areas in airspace control include state security air areas, air areas for civil aviation activities, air areas for military aviation activities, air defense identification zones, air areas above national vital objects, and Indonesian sub-space. In order to secure Indonesian airspace, every violation will certainly be subject to action, aircraft that violate the sovereign territory of the Unitary State of the Republic of Indonesia will be warned and ordered to leave the area by air traffic control personnel. Aircraft that will and have entered prohibited air areas and restricted air areas will be warned and ordered to leave the area by air traffic control personnel. Air traffic control personnel are required to inform the officers whose duties and responsibilities are in the field of national defense regarding aircraft violating sovereign territory and prohibited airspace and restricted airspace. In the event that warnings and orders are not complied with, coercive action will be taken by Indonesian state aircraft to leave the territory of the Unitary State of the Republic of Indonesia or prohibited airspace and restricted airspace or to land at a specific airbase or airport within the territory of the Unitary State of the Republic of Indonesia (Karo et al., 2026).

A. Criminal Provisions in the PRU Law

Criminal acts regulated in the PRU Law are regulated in Articles 53 to 58 of the PRU Law, namely:

1) Article 53 of the PRU Law: Any person who operates an Aircraft or Air Vehicle as referred to in Article 29 paragraph (21) and enters and/or uses a prohibited air area shall be punished with imprisonment of up to 15 (fifteen) years and a maximum fine of IDR 7,000,000,000.00 (seven billion rupiah).
2) Article 54 of the PRU Law: Any person who operates an Aircraft or Air Vehicle as referred to in Article 30 paragraph (3) and enters and/or uses a restricted airspace without a permit shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 2,000,000,000.00 (two billion rupiah).
3) Article 55 of the PRU Law: Any person who creates an obstruction or carries out other activities that endanger the flight operations safety area at an air base as referred to in Article 36 paragraph (4) shall be punished with a maximum prison sentence of 5 (five) years and a maximum fine of IDR 2,000,000,000.00 (two billion rupiah).
4) Article 56 of the PRU Law: Any person who operates an unscheduled Foreign Civil Aircraft or Foreign Civil Air Vehicle as referred to in Article 41 paragraph (1) letter b and letter c entering Airspace without having a Government permit shall be punished with imprisonment of up to 12 (twelve) years and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah).
5) Article 57 of the PRU Law: Any person who carries out activities in Airspace without a permit or not in accordance with the designated permit as referred to in Article 43 paragraph (3) shall be subject to a maximum prison sentence of 8 (eight) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah).
6) Article 58 of the PRU Law: In the event that a criminal act as referred to in Article 53 to Article 57 is committed by a corporation, the criminal charges and sanctions shall be imposed on the corporation, corporate administrators who have functional positions, those who give orders, those who hold control, and/or beneficial owners of the corporation, in the form of a fine with an additional increase of I/3 (one third) of the fine imposed.

B. Typology of Criminal Investigations in the Airspace of the Republic of Indonesia by the Indonesian Air Force

Article 49 paragraph (2) of the PRU Law stipulates that investigators of Indonesian National Air Force officers as referred to in Article 47 paragraph (1) letter c conduct investigations into criminal acts in:

1. restricted airspace;
2. restricted airspace designated for military installations and areas for military activities;
3. flight operations safety area at the air base; And
4. entering the Airspace for unscheduled Foreign Civil Aircraft or Foreign Civil Air Vehicles without permission which can be coordinated with the Indonesian National Police and civil servant investigators.

Law Number 1 of 2009 concerning Aviation as amended by Law Number 6 of 2023 concerning Job Creation (hereinafter referred to as the Aviation Law) provides regulations regarding prohibited airspace and restricted airspace. First, what is meant by "prohibited airspace ″ is an airspace with permanent and comprehensive restrictions for all aircraft. Restrictions can only be established within Indonesian airspace, for example, nuclear installations or the Presidential Palace. Second, what is meant by “restricted airspace” is an airspace with temporary restrictions and can only be used for certain flight operations (TNI aircraft). When not in use (inactive), this area can be used for civil aviation. Restrictions can

be in the form of altitude restrictions and can only be established within Indonesian airspace, for example, military installations or areas.

Flight operation safety areas are regulated in Articles 206 to 211 of the Aviation Law in conjunction with Government Regulation (PP) No. 32 of 2021 concerning the Implementation of the Aviation Sector. Based on Article 406 of the Aviation Law, it is regulated that the flight operations safety area as intended in Article 202 letter h consists of: a. landing and take-off area; b. areas of possible accident danger; c. the area below the transition surface; d. deep-horizontal subsurface area; e. the area below the surface of the cone; and f. the area below the outer-horizontal surface.

Researchers provide an illustration of entering the Airspace for unscheduled Foreign Civil Aircraft or Foreign Civil Air Vehicles without permission that can coordinate with the Indonesian National Police and civil servant investigators, for example, an unscheduled foreign civil *light aircraft Cessna type* was detected by the National Air Operations Command (Komopsudnas) radar entering the Indonesian jurisdictional airspace over the Natuna Islands without having a valid *Flight Clearance* document. In response to the violation of sovereign territory, the Indonesian Air Force immediately deployed two Sukhoi fighter jets to intercept and force the foreign aircraft to descend (*force down*) at the nearest air base.

C. Implementation of the Mutandis Principle and Independence of Authority held by Indonesian Air Force Officer Investigators

The independence of the Indonesian Air Force Officer Investigators' authority is supported by three strong legal foundations and juridical arguments. First, this legitimacy stems from Article 7, paragraph 5 of the National Criminal Procedure Code, which equates the Indonesian Air Force with other independent law enforcement agencies such as the Attorney General's Office, the Corruption Eradication Commission, and the Indonesian Navy. Second, this exclusive authority is reinforced sectorally through the substance of Article 50, paragraph 3 of the Airspace Management Law, which specifically regulates the bureaucratic chain of handing over aerospace criminal case files directly to the public prosecutor without intervention from the principal investigator.

Article 50 paragraph (3) of the PRU Law "Investigators of Indonesian National Air Force officers as referred to in Article 47 paragraph (1) letter c notify the commencement of the investigation and submit the results of the investigation to the public prosecutor."

A crucial factor perfecting this positional analysis is the application of the *mutatis mutandis principle* , which refers to legal adjustments based on existing regulations for Indonesian Navy investigators. Through this legal doctrine, all procedures, rights, and legal obligations inherent in Indonesian Navy officers investigating cases in maritime areas are adopted linearly for application by Indonesian Air Force officers in airspace jurisdiction. This approach not only fills the gap in specific procedural law but also creates equality between the military branches in carrying out law enforcement functions to safeguard the sovereignty and security of national airspace jurisdiction.

D. Prospective and Substantial Implementing Regulations What are Needed for Criminal Investigations in the Field of Airspace Management by the Indonesian Air Force?

Agusetiawan, Head of the Investigation Training and Education Sub-Division, delivered in the National Seminar organized by the 8th Batch of Master of Law Students of Marshal Suryadarma Aerospace University on Wednesday, June 24, 2026, that the importance of establishing Standard Operating Procedures (SOPs) for investigations regulated through Commander-in-Chief Regulations to create a solid coordination and synergy mechanism

within the Integrated Criminal Justice System . This urgency arises because it is to avoid potential overlapping *of* authority between the three main investigative agencies in the airspace area, namely the National Police Investigators, Civil Servant Investigators (PPNS) of Air Transportation, and Air Force Officer Investigators (TNI AU). Through clear and integrated SOPs, jurisdictional conflicts and procedural obstacles in the field when handling legal violations in airspace such as the illegal operation of aircraft in prohibited or restricted areas can be eliminated for the effectiveness of enforcing national sovereignty and air security (Agusetiawan, 2026).

The researcher is of the opinion that the substance of the implementing regulations needed for the investigation of criminal acts in the field of airspace management by the Indonesian Air Force refers to Article 50 paragraph (5) of the PRU Law. Article 50 paragraph (5) of the PRU Law "Further provisions regarding the appointment of investigators of Indonesian Air Force officers as referred to in Article 47 paragraph (1) letter c are regulated by the Regulation of the Commander of the Indonesian National Armed Forces".

The author suggests several substances in the Draft Regulation of the TNI Commander-in-Chief, which include: 1. The regulation must mandate the existence of Specialized Education (Diklat) for Investigators for TNI AU officers (through Diskumau) before they are given full authority, in order to ensure legal certainty and avoid procedural flaws during investigations (*due process of law*); 2. The Commander-in-Chief Regulation must include a special chapter on external coordination. TNI AU officer investigators must have comprehensive guidance on how to synergize with PPNS (Civil Servant Investigators) of the Ministry of Transportation (Directorate General of Air Transportation), AirNav, Polri, and KNKT (National Transportation Safety Committee), especially when handling cases of airspace violations involving civilian aircraft or non-military components; 3. a hierarchical appointment mechanism in the Draft Regulation:

1) Administrative/competency identification and screening by the Air Force Legal Service (Diskumau).
2) Official proposal by the Chief of Staff of the Air Force (KASAU) to the Commander of the Indonesian National Armed Forces.
3) Issuance of Appointment Decree/Regulation by the TNI Commander.

CONCLUSIONS

Lex specialises in the Investigation of Criminal Acts in the Field of Airspace Management by the Indonesian Air Force. Based on the principle of lex specialis derogat legi generali, special laws override general laws. The authority to investigate aerospace crimes is now specifically regulated in Article 47 paragraph (1) letter c of Law Number 21 of 2025 concerning Airspace Management (UU PRU), so that this regulation becomes the main legal basis for Indonesian Air Force officers in the field. The specificities in this lex specialis include:

a. Independence and Exemption from Supervision by the Police Corps: Unlike Civil Servant Investigators (PPNS) for aviation who are under the coordination and supervision (Korwas) of the Indonesian National Police (Polri), Indonesian Air Force officer investigators have full independence. Based on Article 50 paragraph (3) of the PRU Law, Indonesian Air Force officers have the direct authority to initiate investigations and submit the results of their case files to the public prosecutor without intervention from the main investigator (Polri).
b. Implementation of the Mutatis Mutandis Principle : Through this legal doctrine, the judicial position of the Indonesian Air Force is aligned with the long-standing independence of law enforcement enjoyed by the Indonesian Navy in maritime areas.

This creates equality between the military branches in safeguarding national jurisdictional sovereignty.

c. Specific Jurisdiction Typology: The Indonesian Air Force's investigative authority is strictly limited to the strategic aerospace domain, namely criminal acts occurring in prohibited areas , restricted areas for military installations/activities, air base flight operation safety areas, and the entry of unscheduled foreign civil aircraft or aircraft without official permission.

What are the prospective and substantial implementing regulations needed for the Investigation of Criminal Acts in the Field of Airspace Management by the Indonesian Air Force. The principle of legal certainty demands the strengthening of clear and firm judicial legal instruments for the Indonesian Air Force amidst the increasing complexity of air security threats, so that the potential for conflict of authority in the field can be eliminated. Prospectively, the mandate of Article 50 paragraph (5) of the PRU Law requires the establishment of a Regulation of the Commander of the Indonesian National Armed Forces (Perpang TNI) as an operational regulation with the following main substance:

a. Specialized Training for Investigators: The Commander-in-Chief's Regulation mandates the implementation of Investigator Training for Indonesian Air Force officers (through the Air Force Legal Service/Diskumau) before they are granted full authority. This is crucial to ensure legal certainty and compliance with the principle of due process of law to avoid procedural flaws.
b. External Synergy Standard Operating Procedures (SOP): Implementing regulations must include a specific chapter on comprehensive guidelines for horizontal coordination with external agencies such as the Ministry of Transportation's PPNS (Directorate General of Civil Aviation), AirNav, the Indonesian National Police (Polri), and the National Transportation Safety Committee (KNKT). This integrated SOP is needed to eliminate the potential for overlapping authority when handling violation cases involving civilian or non-military components.
c. Hierarchical Appointment Mechanism: Regulations must regulate the administrative procedures for the appointment of investigators in a sequential manner, starting from the competency selection and recruitment stage by the Air Force Information and Communications Office, the official proposal by the Chief of Staff of the Air Force (KASAU) to the TNI Commander, to the issuance of the official Appointment Decree/Regulation by the TNI Commander.

REFERENCES

Agusetiawan. (2026). *Prospective investigation of aviation crimes related to national defense and security in Law No. 21 of 2025 concerning airspace management*. Jakarta: [np].

Ajita, S. T., Syamsunasir, & Setiawan, B. (2022). The role of the Indonesian Air Force in upholding law and sovereignty in Indonesian national airspace. *Journal of Education and Development*, 10(1), 363–364.

Ciptantri, S. B., Mangku, D. G. S., & Yuliartini, N. P. R. (2018). Soviet Union's responsibility for the shooting down of a Korean Air Lines plane reviewed from the perspective of international air law. *E-Journal of the Yustisia Community, Ganesha University of Education, Department of Law*, 1(2). https://ejournal.undiksha.ac.id/index.php/JATAYU/article/view/28732/16210

Darwis, N. (2014). The authority of the Unitary State of the Republic of Indonesia over the sovereignty of the state's airspace. *Scientific Journal of Aerospace Law–Faculty of Law, Marshal Suryadarma Aerospace University*, 5(1).

Fadillah, R. (2022). *Indonesian Air Force disappointed with PPNS performance, foreign aircraft fine only IDR 60 million*. Merdeka.com. Retrieved June 30, 2026, from

https://www.merdeka.com/kejadian/tni-au-kecewa-kinerja-ppns-denda-pesawat-asing-cuma-rp-60-juta.html

Government Regulation Number 4 of 2018 concerning Security of the Airspace of the Republic of Indonesia. State Gazette of the Republic of Indonesia Year 2018 Number 12, Supplement to the State Gazette of the Republic of Indonesia Number 6181.

Harahap, Y. (2016). *Discussion of problems and application of the criminal procedure code on investigation and prosecution*. Sinar Grafika.

Hiariej, E. O., Manthovani, R., Akbar, M. F., & Rachman, T. (2026). *Annotation of the Criminal Procedure Code of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code* (1st ed.). Raja Grafindo Persada.

HR, R. (2013). *State administrative law*. Raja Grafindo Persada.

Karo, R. (2025). *Introduction to legal research methodology in the digital era* (1st ed.). [Unidentified Publisher].

Karo, R. K., Bambang Widarto, Sujono, Sudarto, & Novi Sujatmiko. (2026). *Fundamental research report: Legal analysis of law enforcement of Indonesian air space violations related to national defense and sovereignty in prospective*. [np].

Karo, R. K., & Prasetyo, T. (2025). The provision of licensed financial technology lending from the perspective of cyber law and criminal law in Indonesia. *Pena Justisia Media Communication and Legal Studies*, 24(2), 7263–7280. https://jurnal.unikal.ac.id/index.php/hk/article/view/6559

Law Number 1 of 2009 concerning Aviation. State Gazette of the Republic of Indonesia Year 2009 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 4956.

Law Number 26 of 2007 concerning Spatial Planning. State Gazette of the Republic of Indonesia Year 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4725.

Law Number 34 of 2004 concerning the Indonesian National Armed Forces. State Gazette of the Republic of Indonesia Year 2004 Number 127, Supplement to the State Gazette of the Republic of Indonesia Number 4439.

Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law. State Gazette of the Republic of Indonesia Year 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856.

Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 concerning the Indonesian National Armed Forces. State Gazette of the Republic of Indonesia Year 2025 Number 35, Supplement to the State Gazette of the Republic of Indonesia Number 7104.

Law Number 20 of 2025 concerning the Criminal Procedure Code. State Gazette of the Republic of Indonesia Year 2025 Number 188, Supplement to the State Gazette of the Republic of Indonesia Number 7149.

Mutiara, I. (2019). *Traces of the Ethiopian plane forced down by the TNI Commander*. DetikNews. Retrieved July 1, 2026, from https://news.detik.com/berita/d-4385067/jejak-pesawat-ethiopia-yang-dipaksa-turun-panglima-tni

P, P. S. (2024). *Investigative authority for Indonesian Air Force officers regarding airspace violations to support the duties of the Indonesian Air Force*. Dinamika Staf Ahli Kasau.

Prasetyo, T., Ginting, Y., & Karo, R. K. (2023). *Criminal law* (Rev. ed. 1st). Rajagrafindo Persada. https://www.rajagrafindo.co.id/produk/hukum-pidana-prof-dr-teguh-prasetyo-shm-si-dr-yuni-priskila-ginting-shmh-rizky-karo-karo-shmh/

Prasetyo, T., & Karo, R. K. (2026). *Legal politics in Indonesia: Orientation of the theory of dignified justice* (1st ed.). Terbit Raja Buku.

Rahmat, D., Sudarto, Sarip, Sujono, & Aziz, M. F. (2024). The urgency of administrative law in light of ius constituendum regarding the role of village heads. *Volksgeist: Journal of Law and Constitutional Studies*, 7(1), 53–67.

Rohmad, J. F., Sjaifurrachman, & Suhartono, S. (2021). Problems in criminal investigations in issuing a letter of intent to name a person as a suspect. *Adil: Jurnal Hukum*, 12(2), 1–20.

Saputri, J. R., Senewe, E. V. T., & Waha, C. J. J. (2023). Law enforcement against violations of sovereignty in Indonesian airspace by foreign aircraft. *Lex Administratum*, 11(1), 1–13. https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/45451

Sujatmiko, N., Widarto, B., & Suprapto, A. (2022). Legal aspects of airspace regulation above the capital of the Indonesian archipelago for the interests of national defense and security. *Journal of Legal Studies "The Juris"*, 6(2), 128–142.

Sujono. (2024a). *Progressive law* (1st ed.). Cv Intelektual Writer.

Sujono. (2024b). *Legal research methodology* (1st ed.). Cendekia Press. (Co-authored with Sudarto).

Sujono. (2026). *Harmonization of criminal procedure provisions for Indonesian Air Force officer investigators in Law Number 21 of 2025 Concerning Airspace Management*. Paper presented at the National Seminar on Law Enforcement Mechanisms for Aviation Crimes in the Airspace of the Republic of Indonesia in Prospect (State Defense and Security Perspective), Jakarta.

Sulastri, L. (2022). Analysis of investigative authority in violations of Indonesian airspace (Review of the role of civil servant investigators from the Ministry of Transportation and the Indonesian Air Force). *Krtha Bhayangkara*, 16(2), 267–286.

Supancana, I. B. R. (2017). *Space law — Vision, formulation, and implementation challenges*. Atma Jaya Studies on Aviation, Outer Space, and Cyber Law Publication Series (1st ed.). Atma Jaya Catholic University of Indonesia Publisher.

Widarto, B. (2018). *Air law review: An introduction* (3rd ed.). Center for Military Law Studies.

Widarto, B., Santiago, F., & Darwati. (2025). *Ideal legal policy for regulating Indonesian airspace for national defense and national welfare* (1st ed.). Raja Grafindo Persada.

Zaifa, G. A. (2024). The existence of the Indonesian Air Force's authority in resolving violations of Indonesian air law. *Forschungsforum Law Journal*, 1(1), 1–13. https://ejournal.upnvj.ac.id/flj/article/view/7220/2733