

Choosing the Formula of Agreement between Indonesia and the Holy See in the Context of Pope Francis' Visit

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Abstract

There have been multiple occasions where Indonesian presidents, Soekarno, Soeharto, Abdulrahman Wahid, and Megawati, have met with popes. Neither party has signed written international agreements to describe the discussions and agreements between them. On September 2-5, 2024, Pope Francis is scheduled to visit Indonesia and meet with President Joko Widodo. This article examines the selection of an agreement model between Indonesia and the Holy See for the upcoming visit. Discussions were held on formal and informal international accords, with a focus on exploring informal agreements as a way to reach an understanding. The types and names of international agreements were studied using sources such as the United Nations Treaty Collection, Indonesian Act No. 24 the Year 2000 on International Agreement, and the Elucidation of the Act. Informal agreements were chosen for their speed and discretion. Agreed Minutes serve as a convenient document for informal agreement in bilateral collaboration on peace cooperation between Indonesia and the Holy See, aimed at promoting the values of truth, justice, and peace.

Keywords: Pope Francis, Agreed Minutes, Goal-16-SDGs

INTRODUCTION

There have been several instances of Indonesian presidents meeting popes. President Soekarno met with Pope Pius XII on June 13, 1956, with Pope John XXIII on May 14, 1959, and with Pope Paul VI on October 12, 1964 at the Vatican. Pope Paul VI met with President Soeharto on December 3, 1970, and Pope John Paul II on October 8, 1989, in Jakarta. President Abdulrahman Wahid met with Pope John Paul II at the Vatican on April 5, 2000. President Megawati met with Pope John Paul II on June 10, 2002, at the Vatican. Neither party has signed written international agreements to describe the discussions and agreements between them. Moreover, data in the Treaty Room of the Ministry of Foreign Affairs of the Republic of Indonesia also found no agreement between Indonesia and the Vatican.

Written agreements are the only form of agreement recognized by the Vienna Convention between states. Apart from written international agreements, there are also unwritten ones that are commonly known in practice. The term written international agreement can be compared to or is the opposite of oral international agreements. The term unwritten international agreement cannot be considered the same as an oral international contract. Unwritten international agreements have a wider range of content and scope than oral international contracts. This oral agreement is just one of the many unwritten international agreements. Unwritten international agreements encompass unilateral declarations and joint declaration from multiple countries that do not adhere to the procedures and rules outlined in treaties. Nonetheless, it is legally binding as a written contract.

To cover all other unwritten agreements mentioned previously, the 1969 Vienna Convention cannot legally apply because the Vienna Convention on the Law of Treaties only applies to written agreements (Shaw, 2017). In international relations, particularly between nations, countries adhere to and follow international law, national customs, and principles of international decency. From this behavior and interdependence, a new international habit or courtesy can emerge. International customary law can be established through habits or behaviors, provided that the necessary conditions for its formation are met.

In the execution of international relations and relationships, countries are backed by representatives who have both national and international law. Representatives representing their respective countries. Some act on

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behalf of their country with general authority, while others have special jurisdiction according to duty and domain elective office. When acting on behalf of their country, these representatives follow the laws of international law, including concluding agreements and engaging in negotiations and official visits.

After a visit to notwithstanding, it is common to issue joint statements, press statements or press conferences, as well as verbal and semi-official statements on international or specific issues. Actions and words of head of states as representatives of each country can be used to gauge the views and attitudes of the concerned country, even in an official or semi-official setting. His words and actions are indicative of the attitude and viewpoints of each country. If the words or behavior are repeated, this becomes even more increasingly authoritative, powerful and influential.

Meanwhile, on 2-5. In September 2024, Pope Francis is set to visit Indonesia and meet with President Joko Widodo. The purpose of this article is to examine the selection of an agreement model between Indonesia and the Holy See for Pope Francis' trip to Indonesia.

LITERATURE REVIEW

The actions and words of high-ranking government officials who are considered capable of acting on behalf of their country will be used as a guide to understand the policies implemented to address specific or general issues. High-level state officials, regardless of their level of authority, must exercise caution when making statements, particularly concerning matters that may have an impact on their country's connection with foreign nations. Sometimes, the parties fail to realize the emergence of this as words, statements, or notes can force the state to submit and be bound by a written agreement. Therefore, it is crucial for high-ranking state officials to coordinate and maintain language in relation to their problems.

By offering legal certainty to parties who want or have been bound by international agreements, the Vienna Convention on the Law of Treaties aims to prevent or minimize disputes that arise due to unclear agreements. Conversely, one must also remember that agreements between nations regarding matters like the aforementioned ones are customary and cannot be abandoned, as they involve human rights. The same applies to international life, as well as national social life. Recognizing that the underlying global agreement has the same authority as written international agreements should be viewed as an obligation for high-ranking or top-level state officials to act in order not to harm their own nation (Hernández, 2019). International affairs are the focus of informal agreements and oral negotiations, which are sufficient. International cooperation takes on various forms, including exchange rates and nuclear weapons. This is the form in which it operates. Take monetary affairs, for instance. These policies are known as the "unwritten rules" of superpower diplomacy (Martin, 2005).

The importance of informal agreements as diplomatic precedents is diminished by the weak signaling function, which can still be used even if the agreements are public. This has another significant consequence. This limitation has two sources. Models are less easily available due to their lack of visibility and prominence. Diplomatic and international law considers treaties as a more convincing evidence of deliberate state implementation. Additionally, Diplomatic precedent is commonly associated with public, formal agreements. Non-formal agreements are less useful as examples and more valuable when states aim to restrict the broader negative consequences of specific treaties. A treaty is not as tightly bound as an agreement, as they present it. To avoid any implicit recognition of broader claims, discussions between long-time foes typically begin on an informal, low-level basis. Through the use of third-party intermediaries, informal trade relations can be maintained to prevent formal contract relationships between governments that are estranged.

Informal agreements, like those in this case and others, are advantageous because they allow for cooperation on specific issues while restricting their impact to other issues or third parties. They permit bounded cooperation (Lipson, 1991). Those that require urgent or informal resolution to security issues will opt for less formal methods to prevent serious conflict. A precautionary step will be taken. If certain conditions are particularly delicate, like causing one party to be humiliated or setting inappropriate precedents, the agreement may not be made public.

Informal negotiations are openly communicated, at least among the parties involved whether in writing or speaking, detailed and general, it is indicative of an explicit agreement (Deutsch *et al.*, 1962). They are not explicitly stated but implied, understood, or inferred. Such implicit rules expand the scope of informal collaboration. Beyond the confidentiality of oral agreements, they can be the only way to prevent significant conflicts on sensitive matters. Often, these deals are superficial and lack substance.

This is an unwritten international agreement in the context of treaty law. International relations do not treat every statement and action of legitimate state representatives as a promise to another party. The challenge lies in categorizing words, statements, or behaviors so that we can distinguish between promises and non-promises. But we don't have to live under strict and specific rules. We should examine this situation step by step and in a more appropriate way (Nešović *et al.*, 2018).

Despite the fact that unwritten international agreements may only have some written provisions, they can still result in legal consequences similar to those of written international treaties. Unwritten international agreements, also known as unwritten agreements or those that are not written down, have a much wider scope and significance than oral agreements. Unwritten international agreements can be expressed only in oral form (Nešović *et al.*, 2018).

Most tacit agreements are difficult to identify. The absence of evidence is a common feature of implicit agreements. Additionally, what may seem like unspoken accords is frequently elucidated as the outcome of more focused unilateral actions.' A useful way to uncover tacit bargains is to examine the reactions and discourse surrounding potential "violations" in response to these challenges. The possibility of speaking out against the terms of that conversation exists. Dishonesty and remorse will be discussed, along with regret for making generous concessions (Wright, 1936). In the same vein, it's utterly unacceptable for top-level state officials to simply speak or reveal anything without any legal accountability that pertains to their nation.

They are quite different in principle. When examining tacit bargains, the most critical concern is whether there is any actual agreement in place. In many cases, tacit bargains are actually policies that have been unilaterally and independently chosen in light of other unilateral policies. It is possible to have a knowledge of other parties' policies, but there are no implied agreements to modify them. Both groups are only using their individual values to their advantage, with other parties choosing and anticipating alternative choices (Deutsch *et al.*, 1962).

Among unwritten international agreements, there are also implied agreements and oral agreements that can be accompanied by written notes in official notes and private notes (Hernández, 2019). The presence of this jurisprudence indicates that unwritten international agreements hold a significant and crucial position in international law, comparable to those held by parties. Due to the absence of statements and state-level binding rights, a written agreement can only result in one-sided awareness among the parties. The family must be compelled to comply with and be bound by the attitude of top state officials and other relevant individuals regarding their connection with the outside world (Sunnyowati, 2013).

Apart from the essential of its function, we must also exercise caution in addressing matters linked to this informal international treaty. While the legal ramifications of such an approach may be similar to those of written international agreements, it may still involve a small written component, like merely writing if not following the usual protocol. However, both forms can result in very different legal consequences for parties (Szira *et al.*, 2020).

RESEARCH METHOD

Firstly, a comparison of written and unwritten international agreements was carried out. Following that, a discourse was conducted on formal and informal international accords. Written agreements were evaluated based on their intentions. An analysis was done for both the Vienna Convention on Treaty Law and Law Number 24 of 2000 on International Agreements. Additionally, International agreements' types and names were explored in the United Nations Treaty Collection, Indonesian Act No.24 Year 2000 on International Agreement and Elucidation of the Act. The discussion was carried out with the aim of exploring informal

international agreements as a means of reaching agreement, considering that so far meetings between the Indonesian President and the Pope have never resulted in written international agreement.

RESULTS AND DISCUSSION

The International Law Commission has stated that the limitation of treaty provisions in written international agreements does not imply a weakening of the legal authority of oral agreements under international law (Hernández, 2019). According to the United Nations Treaty Collection, Indonesian Act No.24 Year 2000 on International Agreement and the Elucidation of the Act, the United Nations Treaty Collection, there are nomenclature parameters or document titles as a means of distinguishing between endorsed documents and international agreements. Among the terms used in international agreements are Treaty, Agreement, Convention, Charter, Protocol, Declaration, Memorandum of Understanding, Modus Vivendi, Exchange of Notes, Final Act, Record of Discussion, Summary of Record, Process Verbal, Agreed Minutes, and Letter of Intent.

In this discussion, two international agreement nomenclatures are highlighted: Agreed Minutes and Record of Discussion. In Indonesia, these documents are commonly used to express temporary agreements during negotiations or outline important elements in meetings. Agreed Minutes are often utilized to communicate negotiation or meeting outcomes between officials from different countries. On the other hand, Record of Discussion documents are used to convey meeting results, focusing on granting rights and obligations rather than discussing or conversing (Pratomo, 2016).

In practice, international collaboration involves informal methods, and it is essential to analyze their ratios, uses, and limitations. However, not all established terms should be viewed as mere informal agreements. Collaboration, whether within a country or across the globe, can be hindered by its informal nature. Treaties, on the other hand, are less rigid than informal agreements, acting more like willows than oaks. These informal devices are flexible and can adapt to uncertainty and unforeseen circumstances. One of the key benefits of informal arrangements is their ease of modification. While renegotiating treaties is a lengthy and challenging process, non-formal agreements offer a more subtle approach that does not involve demanding information from the parties involved. These informal arrangements do not rely on assumptions about future states and can be quickly implemented if needed, making them advantageous in complex environments. Global collaboration focuses on shared contractual arrangements that consider future outcomes and the potential for profitable defection. A tacit alliance involves one party taking risks for the benefit of the other, while both parties can exploit opportunities without assuming any risks. Referring to international cooperation as "cooperation" is not an exaggeration, as it aims to maximize all possible outcomes (Lipson, 1991). However, these restrictions in informal agreements are not always a disadvantage. Unless the agreement covers several key points, the parties comprehend its provisions, and there are no individual incentives to cheat or misrepresent them, tacit agreements have no significant flaws. This description encompasses certain coordination difficulties. These are based on informal agreements between several people who do not have direct communication with each other.

Informal contracts are often less public and visible, though not necessarily confidential. This reduced prominence can have a significant impact on democratic oversight, bureaucracy, and diplomatic precedent. Unlike formal agreements, informal contracts do not undergo public debate and are not subject to disclosure, unilateral changes, or amendments during the negotiation process. This allows them to potentially achieve their objectives without as much scrutiny. The lower profile of informal agreements also means they are more closely observed by government bureaucracies responsible for negotiating and implementing agreements. This reduces their vulnerability to interference from other agencies. Foreign governments may prefer informal agreements to avoid close monitoring and interference from other government agencies with conflicting interests, especially in cases involving sensitive international issues like environmental pollution or foreign intelligence. The lack of formal national commitment and the less restrictive nature of diplomatic precedents make informal agreements more flexible. These agreements may not be as widely accepted or inclusive in their policy language as treaties. As a result, certain aspects of the agreement may remain unclear,

unclassified, or hidden from view, potentially leading to sensitive or embarrassing situations (Lipson, 1991). It requires a unique recognition that reasonable assumptions and deductions, made during joint ventures have been deceived. Therefore, there's apprehension rather than unease. The challenging issues related to global politics are distinct. These involve complex questions that lack meaningful answers, and where national interests are not aligned. We must provide detailed explanations of any commitments to cooperate. The arrangements themselves are not so simple. For a collaborative effort to occur, the terms must be carefully constructed to minimize the risk of miscommunication.

The high cost of diplomatic advantages does not diminish their value. It is easier to maintain informal agreements as they are more adaptable. However, the level of national support needed for an agreement without public discussion is unclear. Mobilizing interested constituencies during discussions can help in ratifying the agreement. Policy networks, formed by public officials and private actors, play a crucial role in implementing agreements. Joint communiques and executive agreements bypass basic democratic processes, making final contracts uncertain for all parties involved. Informal agreements have both advantages and disadvantages. They allow for flexibility in commitments and the ability to modify terms, but they also avoid the need for formal ratification. The diplomatic need for speed, simplicity, and privacy flexibility may lead to an increase in non-formal agreements. The fluctuating costs and benefits of informal agreements may result in a mix of formal and informal arrangements to meet specific needs (Lipson, 1991). The cost of concealing agreements is yet another one. It is possible that a signatory's government does not comprehend them fully. This low profile can serve as a beneficial tool for bureaucratic or executive control, disenfranchising other agencies involved in the creation or implementation of international agreements. Nevertheless, the inadequacy of the excluded actors may result in significant expenses if their actions must be coordinated as part of an agreement. If this happens, hidden agreements will be made into a comedy of errors.

This examination delves into the overlooked institutional barriers that hinder international cooperation and explores strategies to overcome them. It also considers the key decisions that can foster unity among nations through treaties and informal arrangements, which have not been previously discussed. By utilizing various forms of cooperation, we can gain insights into the common challenges faced in reaching global agreements. The chosen terminology is used to analyze specific issues related to rational collaboration in global affairs, particularly within the context of institutions. National obligations are often communicated through written forms that are more precise and open-minded than tacit or oral agreements, but may lack full support from countries. Formal arrangements, such as executive contracts, binding treaties, joint declarations, draft communiques, and memorandum of understanding, are commonly used. However, many treaties are not formalized and do not require international publication or registration. There is a misconception that international agreements are similar to domestic contracts in terms of legal binding. This portrayal is flawed and fails to explain why states may opt for treaties or informal communication to express their agreement (Lipson, 1991). On the other hand, tacit agreements do not always involve the danger of misunderstandings. Regardless of the level of detail or terms used in any contract, they are still present. Through the negotiation of written agreements, it is possible to clarify understandings and consensus on shared interpretations, create specific restrictive language, and facilitate ongoing consultation. Tacit agreements are defined as having no such procedures, neither this nor that level of detail.

The comparison between treaties and informal agreements considers factors like surveillance, self-involvement, and betrayal. International agreements face similar challenges due to imperfect information and incentives for defection, leading to varying classifications as treaties or joint declarations. It is essential to analyze the specific attributes and benefits of both formal and informal contracts. The rarity of tacit agreements has made states hesitant to rely on them for significant projects, preferring clear, written agreements with specific conditions. When external decisions impact a country's policies, clarity and information sharing become crucial. Whether formal treaties or informal agreements, both have advantages and disadvantages in handling international bargaining dilemmas. Informal arrangements range from verbal commitments to complex letters of intent, like the 1997 "Accord on stabilization" between Indonesia and the International Monetary Fund. While these documents may resemble treaties in detail, they lack the same diplomatic clarity and formal ratification processes. They also lack the full authority of the state's

endorsement, limiting their reputation but maintaining credibility (Lipson, 1991). The uncertainty among states regarding adherence to informal agreements is a common issue. While these agreements are not legally binding, they serve as a warning to other parties about the serious consequences of not following through. These agreements can damage a country's reputation and increase the costs of not honoring them. It can be challenging to come to informal agreements, especially when it comes to human rights. The Helsinki Final Act, for example, is similar to a treaty but explicitly states that it is not legally binding. Oral agreements are even more complex and unpredictable, yet they still hold moral and legal weight.

The quick and easy nature of oral communication makes it ideal for handling confidential matters and emergencies. However, there are clear advantages to using written agreements instead of oral ones, as they can provide more detailed obligations and are generally more reliable. Official approval or government support for oral agreements is often uncertain, making it necessary to translate them into written directives for implementation in bureaucratic states. This translation process can be prone to errors and misunderstandings, leading to potential conflicts. It is important to be able to refuse verbal treaties and question their conditions. Despite the virtues of oral agreements, it is often better to have agreements in writing to avoid these issues and ensure a deeper commitment. Maintaining policy flexibility may come at a higher cost, but it is worth it in the long run (Qin, 2005).

Informal agreements are not as widely recognized as treaties for two main reasons. Firstly, their credibility is diminished when states do not view them as clear, independent commitments that uphold established state norms. Secondly, the significance of informal agreements does not hold the same weight as formal treaties or precedents. However, these limitations can actually make it easier to confine informal agreements to specific areas, with fewer external factors or third parties involved. This allows for a more focused approach to cooperation and, if necessary, the ability to keep agreements discreet. Informal agreements do not require registration with international organizations and can be implemented without the need for formal ratification or incorporation into national law. They are often used in highly confidential situations, such as in guerrilla warfare tactics involving non-military areas. The diverse applications of informal agreements demonstrate their potential for global cooperation, as well as their unique limitations. These agreements are often designed to be precise and narrow in scope, rather than broad and far-reaching. This is because they are typically limited in their ability to address larger issues, involve multiple parties, extend over long periods, or require formal commitments. While informal agreements serve an important purpose in fostering cooperation, they are not always the starting point for more substantial and enduring transformations (Lipson, 1991). It's worth taking into account the costs involved. The revelation of a covert agreement could indicate dishonesty to the public, allies, and other government agencies. Although the agreement is kept confidential, its confidentiality undermines trustworthiness. Whereas hidden agreements lack sufficient information about the signatories' commitments, do not effectively bind successor governments, and fail to communicate intentions to third parties.

Concerning to limitations determine the scope of the arrangements, interstate agreements are often kept confidential from local audiences, not approved by lawmakers, or overlooked by other states, leading to potential renegotiation. They may lack a long-term perspective and serve as temporary structures that could be discarded or transformed in the future. Informal agreements, rather than formal treaties, can mitigate diplomatic and reputational consequences, proving to be a successful strategy. In urgent situations, informal arrangements may be necessary to quickly finalize a deal without extensive paperwork. These informal treaties are commonly used for international cooperation and offer effective solutions to various constraints. They are flexible and represent a significant aspect of intergovernmental documents, reflecting ongoing efforts to promote global harmony and diversity within institutional structures. Their appearance highlights their limitations (Lipson, 1991). Whereas the outcome of a technical meeting that resulted in an agreement between government representatives regarding the final or interim outcomes can be classified as an international accord. During official or unofficial visits, this form is commonly employed to record conversations and make temporary agreements as part of a series of negotiations on an issue. This is not the only occasion.

Implicit rules and tacit understandings pose a greater challenge in terms of interpretation. After considering their independent choices, they then involve themselves independently to delve into the best possible

strategic decision made by each actor. Order and predictability are produced (regular behavior and stable expectations) without cooperation. True tacit cooperation involves something more. The expectation that each party can enhance its own outcome by altering their strategic decisions in anticipation of reciprocal changes is established. In either scenario, shared "concepts" may be formed. Cooperative agreements are not characterized by them as an exceptional feature. Mutual reliance and eventual betrayal are distinguishing features that make cooperation, whether tacit or explicit, unique (Kinne, 2013). The main focus here is not on taxonomic matters, but rather on defining tacit arrangements and other informal agreements to classify them. The objective is to comprehend how different types of agreements can be used to order international relationships. The methods of international cooperation are often informal, and it's essential to examine their ratios, uses, or limitations. Nevertheless, we mustn't interpret all agreed upon terms as mere informal agreements (Kinne, 2013).

Apart from the debate above, however, it is still recognized that the charisma of a pope has sway over its presence. The meeting and conversation between Pope Francis and President Joko Widodo had three strengths. Firstly, the ability to wield considerable influence on the global platform. Secondly, gaining substantial authority over nations and other entities by representing significant numbers of individuals. Thirdly, utilizing a range of resources to attain their objectives in global politics. Following the current needs of the world, activities need to be linked to a number of demands contained in the Sustainable Development Goals (SDGs) program. A Goal 16 of the SDGs concerns peace, justice, and strong institutions. The results of the talks between the Pope and the President strongly support one of the goals of the SDGs.

CONCLUSION

The presence of a Pope is an event that requires good moral standards to be followed. It could be that the agreement between Indonesia and the Holy See is in the form of an unwritten or oral agreement. In this case, the agreed agreement means a tacit agreement or hidden agreement. Unwritten international agreements have the potential to create tension between good faith and legal certainty. Uncertainty can arise from discussions that are not explicitly stated in written language. Meanwhile, the choice of informal international agreements has its own reasons for being chosen, namely speed and obscurity. In terms of practicality and their informal nature, Agreed Minutes can be the form of document chosen as unofficial pacts for bilateral collaboration in the field of peace cooperation which will then be developed and fought for together with various parties as a global one. In essence, the process and results of talks between Indonesian President Joko Widodo and Pope Francis contain a joint mandate to multiply the seeds of truth, justice and peace. The utilization of Agreed Minutes as informal international agreements for bilateral collaboration in peace cooperation signifies a strategic choice made for the expediency and discretion it offers.

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