

REDEFINITION OF INTERNATIONAL PEACE IN THE USE OF OUTER SPACE BASED ON PEACEFULL PURPOSE PRINCIPLE IN OUTER SPACE TREATY 1967

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Abstract

The 1967 Outer Space Treaty was established as a basis for the peaceful exploration and use of outer space. However, since its inception, there has been no standard definition of the phrase "peaceful purpose" in the 1967 Outer Space Treaty. Differences in interpretation regarding the peaceful purpose of using outer space have given rise to differences in space exploration actions by several countries which could actually threaten international peace. The aim of this writing is to redefine the concept of international peace in 1967 Outer Space Treaty. This type of research is normative legal research by examining the Outer Space Treaty and various concepts in international law, particularly regarding the concept of international peace. The data used is secondary data in the form of primary legal materials and secondary legal materials. The primary legal material used is the provisions on the use of outer space in the 1967 Outer Space Treaty and the United Nations Charter, while the secondary legal material consists of various literature related to the topic under study. The data obtained was then analyzed qualitatively using deductive thinking methods. The research results show that international peace in the use of outer space is defined as eliminating all forms of threats that have the potential to cause conflict between countries, where outer space may not be used for any military purposes.

Keyword: *Exploration, International Peace, Outer Space, Peacefull Purposes, Redefinition.*

A. INTRODUCTION

Space exploration is carried out by countries that have the capability, both in terms of budget, technology and human resources. In this era and also in the future, the strategic environment is characterized by three very significant trends, namely space or outer space is becoming increasingly

crowded, becoming contested, and becoming competitive.¹ Countries have begun to build satellites, space stations and space vehicles to explore space, where this has been utilized to improve the quality and standard of human life in space exploration and scientific development. There are new developments that could change the legal landscape regarding space activities with many differences today compared to the early space era which only featured two major powers, the United States and the Soviet Union.²

The Competition between nations in space exploration can lead to unhealthy competition and even international conflict. One example is the use of Remote Sensing by Satellite (RSS) technology. This remote sensing technology can generate data on the Earth's surface for mapping regions, natural resources, forestry, agriculture, mining and energy, volcanic activity, sea level, and so on.³ One of the problems that can arise is that remote sensing technology is often used to detect the natural resources of other countries for the benefit of the country that has this technology. It can be said that there is a very large possibility that remote sensing technology will be used for activities with military intent and purposes. In the military space system, one of the systems that will radically become the military system of the future is the SMARTBus or six-day satellite, namely a military application system that uses imagery, communication and intelligence capabilities, which this system can be developed in military operations.⁴ The development of this technology could raise enormous concerns about the dangers of an arms race and armed conflict in space.

The Competition between nations in space, potentially leading to conflict, has been predicted since the Cold War began. The United Nations, through the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS), established the 1967 Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (Outer Space Treaty 1967). This agreement basically regulates the use and utilization of outer space for peaceful purposes only and includes the obligations of states regarding exploration activities in outer space which emphasize the interests of maintaining international peace

¹ Totok Sudjatmiko, "Keamanan Negara dalam Kegiatan Antariksa Nasional: Perspektif Realis Ofensif," *Jurnal Global Strategis* 9, no. 1 (2015): 208.

² Stephan Hobe, "The Impact of New Developments on International Space Law (New Actors, Commercialization, Privatization, Increase in Number of "Space-faring Nations")," *Uniform Law Review* 15, no. 2 (2010): 869.

³ Ruman Sudrajat Hidayat, "Pemetaan Wilayah dan Pengambilan Data Satelit Sumber Alam Bumi Dari Satelit Ditinjau Dari Hukum Dirgantara," *Jurnal Analisis dan Informasi Kedirgantaraan* 1, no.1 (2003): 39.

⁴ Mardianis, "Analisis Peristiwa Penembakan Satelit oleh China Dengan Menggunakan Teknologi Anti Satellite System (ASAT) Berdasarkan Hukum Internasional," *Jurnal Analisis dan Informasi Kedirgantaraan* 9, no. 1 (2012): 47.

and security and to promote international cooperation and mutual understanding. The primary objective behind the creation of the 1967 Outer Space Treaty was humanity's collective drive to explore and utilize outer space for the sake of world peace. The treaty emphasized that the exploration and use of outer space should be aimed at the welfare of all nations, regardless of their economic condition or level of technological advancement. Furthermore, the treaty affirmed that celestial bodies should only be used for peaceful purposes.

The 1967 Outer Space Treaty then became a guide and provided direction for all activities related to the use of outer space as well as the basis for all legal documents, both at the international and national levels, relating to space issues.⁵ The 1967 Outer Space Treaty was established as a basis for the peaceful exploitation and use of outer space. However, since its inception, there has been no standard definition of the phrase "peaceful purpose" in the 1967 Outer Space Treaty. For United States, peaceful means partial demilitarization, meaning non-aggressive. Meanwhile, other countries, such as Iran and Russia, believe that peaceful means non-military.⁶ These differences in views are of course inseparable from the competition between the two countries in the Cold War.

As a country that played a key role in the formation of the 1967 Outer Space Treaty, this difference of opinion has enormous consequences. In recent years, the phenomenon of space warfare has become increasingly visible, with the growing number of special forces and space commands. Countries strive to achieve military supremacy as part of their national ambitions. Investments in new military techniques and technologies are undertaken to strengthen their defense capabilities.⁷ One such effort is the development of military technologies in outer space. The United States became the first country to do so, establishing a special space force on December 20, 2019. A high-ranking United States officer, Lieutenant General David D. Thompson even stated that space has been an area of competition and potential human conflict since the beginning of the Space Age more than 60 years ago.⁸ The Australian Department of Defence has explicitly recognised space as a vital enabler of military operations and a domain of warfare itself.

These differing interpretations impact the different ways countries treat space and, of course, the implementation of the free access principle. Technological advancements have blurred the distinction between peaceful

⁵ Fabio Tronchetti, *Fundamentals of Space Law and Policy*, (New York: Springer, 2013), 8.

⁶ Mardianis, *Hukum Antariksa*, Jakarta, (Jakarta: Rajawali Pers, 2016), 122.

⁷ Saadia Zahoor, "Maintaining International Peace and Security by Regulating Military Use of Outer Space," *Policy Perspectives: The Journal of the Institute of Policy Studies* 14, no. 2 (2017): 114.

⁸ Stacey Henderson, "War and Peace in Outer Space: Law, Policy, And Ethics," *Adelaide Law Review* 42, no. 2 (2021): 640.

and military activities in outer space. This is further compounded by the emergence of new spacefaring nations, which has accelerated the use of outer space for military and defense purposes over the past decades.⁹ The biggest concern with the implementation of the free access principle is that space will be used for non-peaceful purposes, even for military purposes. This is quite reasonable, considering the large number of satellites launched into space. Most of them are used for military purposes, although none of them are formulated to have a military function.¹⁰

The complexity of satellite functions and roles has resulted in satellite launches into space no longer being limited to research purposes alone, but also for space control and, in particular, to support national defense and security by launching reconnaissance satellites capable of remote sensing and satellite imaging for illegal intelligence purposes, including espionage. The use of satellites for military purposes, such as intelligence activities and space weapons development, has triggered an arms race in space and increased geopolitical tensions. The use of satellites for reconnaissance, military communications, and even as platforms for space-based weapons has raised concerns about the potential for large-scale conflict.

The implementation of the principles of the 1967 Outer Space Treaty faces significant challenges in the context of increasingly complex modern technology and its vulnerability to exploitation for strategic interests. Several countries have signed the 1967 Outer Space Treaty, but law enforcement mechanisms and oversight of violations remain very weak. The current era of space warfare is so complex and increasingly threatens international peace. This is certainly inseparable from the various interpretations of the meaning of peaceful goals in the use of outer space amidst the increasingly advanced development of space technology when compared to the conditions at the time of the initial formation of the Outer Space Treaty in 1967.

The 1967 Outer Space Treaty stipulates that outer space may only be used for peaceful purposes. However, differing interpretations of peaceful purposes have resulted in the current use of outer space leading to conflict between nations. As the only international legal instrument currently in existence, of course the 1967 Outer Space Treaty must be able to answer the challenges of international peace in the use of outer space. A comprehensive understanding of the concept of international peace in the use of outer space is needed. Thus, the use of space can be a means to create international

⁹ Ismatov Azimjon, "Karikari Livingston, and Mansoor Hassan, Militarization of Outer Space and the Human Right to Peace: Challenges and Prospects in International Law," *European Journal of Law and Political Science* 5 no.1 (2026): 3.

¹⁰ I.D.G, Palguna, *Hukum Internasional Aspek-Aspek Teoritik dan Penerapannya*, (Jakarta: PT Rajagrafindo Persada, 2019), 212.

peace. Based on this explanation, this article attempts to define the concept of international peace in the use of outer space that is relevant to current developments in space technology.

B. RESEARCH METHODS

This legal writing is a type of normative legal writing that finds legal rules, legal principles, and legal doctrines to answer the legal issues faced. The approaches used are a regulatory approach conceptual approach and historical approach. The statute approach is carried out by analyzing the 1967 Outer Space Treaty, which is the legal basis for states in the use of outer space. The conceptual approach is carried out by studying the views and doctrines in legal science, so that researchers will find ideas that give rise to legal understandings, legal concepts and legal principles that are relevant to the issues faced. The historical approach is carried out by studying the background and development of the issue of the use of outer space being researched. The data used is secondary data consisting of primary legal materials and secondary legal materials. The primary legal materials are the 1967 Outer Space Treaty and the UN Charter. Secondary legal materials include books, journals and articles related to the topics discussed. Data collection techniques were carried out using literature study. The data obtained was then analyzed qualitatively using deductive thinking methods.

C. RESULTS AND DISCUSSION

1. The General Concept of International Peace

In generally, peace has a meaning that has an element of gap to do and carry out something, namely making it peaceful, not conflicting, not hostile, and so on. Etymologically, the word peace comes from the English word Peace which was discovered around the 12th century and was taken from the word Pees which is Anglo-French. The word Pees is adopted from Latin, namely Pax, which means peace, silence or harmony.¹¹ The Oxford Learner's Dictionary defines peace as a situation or period of time, in which there is no war or violence in a country or region.¹² Meanwhile, peace is a state free from war, chaos, quarrels, violence and worry.

Besides that, several peace figures also provide several meanings regarding peace. According to de Rival, the word peace can be viewed from two perspectives: first, negative peace, where peace is defined as a situation without war, rape, murder, or violence. Second, positive peace, namely the

¹¹ Thiya Tono Taufiq, "Kontribusi Filsafat Perdamaian Eric Weil Bagi Resolusi Konflik Dalam Bingkai Masyarakat Majemuk," *Living Islam: Journal of Islamic Discourses* 4, no.1 (2021): 83.

¹² Ulfah Ridhwan Dirham, and Arif Triyono, "A review on the Oxford Advanced Dictionary Online intended for learners of English," *Journal of Learning and Instructional Studies* 3, no. 1 (2023): 33.

occurrence of equal rights, long life expectancy, and various indicators of justice.¹³ Various forms of war and murder are forms of direct violence, while indirect violence can occur when there is no equality of rights and justice, such as poverty, deprivation of rights, and so on.

Johan Galtung explains two meanings of peace. First, peace is a condition characterized by the absence, or minimal presence, of violence in any form; Second, peace is the creative and nonviolent transformation of conflict.¹⁴ From these two definitions, peacebuilding is work that reduces violence through peaceful means. Through this peacebuilding, peace studies can be formulated as the study of the conditions under which peacebuilding works.¹⁵ Peace has been a fundamental need throughout the history of human development. To achieve peace, both within individuals, society, and the state, intelligence is needed to manage conflict and peace.

Another understanding of peace was expressed by Eric Weil, who views peace from a philosophical perspective. Peace is not merely a political stance but an intellectual one, where each scholarly tradition contains important and fundamental values that can be used to achieve peace.¹⁶ Peace begins with an intellectual strategy, because within it there is rational thought that will introduce humans to the truth as an absolute condition for achieving peace.

The development of countries in the world, which is marked by the presence of international cooperation and relations, has brought negative consequences, namely the emergence of conflict and can threaten world peace. International peace is the idea of freedom, peace, and happiness aspired to by all nations as key actors in international relations. The study of international relations serves as a tool to help understand the international system through its assumptions and perspectives on international peace and security.

In international relations, various views and understandings are known regarding the maintenance and creation of international peace, namely the perspectives of realism, constructivism and liberalism. Based on the realist perspective, the state is a form of reflection and institutionalization that is not good for the violent nature of humans, so that the state tends to prioritize its own interests and will do anything to fulfill those interests.¹⁷

¹³ Joseph de Rivera, *Assessing the Peacefulness of Cultures*, Handbook on Building Cultures of Peace, (New York: Springer, 2009), 89.

¹⁴ Johan Galtung, *Studi Perdamaian: Perdamaian dan Konflik Pembangunan dan Peradaban*, (Surabaya: Pustaka Eureka, 2003), 21.

¹⁵ Johan Galtung, *Studi Perdamaian: Perdamaian dan Konflik Pembangunan dan Peradaban*, (Surabaya: Pustaka Eureka, 2003), 21.

¹⁶ Thiyas Tono Taufiq, "Kontribusi Filsafat Perdamaian Eric Weil Bagi Resolusi Konflik Dalam Bingkai Masyarakat Majemuk," *Living Islam: Journal of Islamic Discourses* 4, no.1 (2021): 85

¹⁷ Oliver P. Richmond, *Peace in International Relations Theory*, (New York: The Palgrave Handbook of Disciplinary and Regional Approaches to Peace, 2016), 58.

From a constructivist perspective, world peace is related to the role of the state as a center for moderating anarchy and the process of socialization. The behavior of states is determined by their identities and interests, so the construction of peace is determined by the interests and identities of those states. From a liberal perspective, peace is depicted as closely linked to human rights and human potential. Peace is a manifestation of the increasing level of interdependence between nations. Peace can be achieved through international institutions and organizations as a means of representing universal agreements and norms between nations. International organizations, as a form of cooperation based on interdependence between nations, are necessary to prevent conflict and maintain peace.

The United Nations is an international organization whose aim is to maintain international peace and to encourage international cooperation. In the Preamble to the United Nations Charter, it is stated that the formation of the UN was motivated by humanity's concern for international peace and security based on the experiences of World War I and World War II. For this reason, the formation of the UN was the second attempt to form a universal international organization whose main objective was to maintain peace under a collective security system.¹⁸ The United Nations (UN) Charter, specifically Article 1, Paragraphs 1 and 4, explicitly defines the organization's primary purpose as maintaining international peace and security. To achieve this purpose, the UN is committed to taking effective collective action in various forms, from conflict prevention to peaceful dispute resolution.

The United Nations Charter distinguishes between two definitions of actions that threaten international peace and security. The first definition concerns ongoing interstate conflict that may threaten the peace and will not be subject to sanctions. The second definition concerns actions by a state that violate UN principles and directly threaten international peace and security, which may be subject to sanctions.¹⁹ In addition to having the authority to determine steps to prevent actions that threaten international peace and security, the United Nations can establish subsidiary organs that are deemed necessary to carry out these responsibilities.

2. Normative Basis of the Principle of Peace in the 1967 Outer Space Treaty

The 1967 Outer Space Treaty (OST) is the main foundation for establishing international law regarding the peaceful uses of outer space. This treaty emerged as a response from the international community to the

¹⁸ Ade Maman Suherman, *Organisasi Internasional dan Integritas Ekonomi Regional Dalam Perspektif Hukum dan Globalisasi*, (Jakarta: Ghalia Indonesia, 2003), 103.

¹⁹ Sefriani, "Peran Dewan Keamanan Dalam Mewujudkan Perdamaian dan Keamanan Internasional (Studi Kasus Perang di Bekas Wilayah Yugoslavia), *Jurnal Hukum IUS QUIA IUSTUM* 7, no. 15 (2000): 66.

increasing exploration of outer space amidst Cold War tensions, where the potential militarization of outer space posed a serious threat to global stability. Therefore, the 1967 Outer Space Treaty contains fundamental principles that emphasize the exploration and use of outer space solely for peaceful purposes and for the benefit of all humanity, regardless of a country's economic or technological status.

The 1967 Outer Space Treaty can be said to contain elements that are substantially universal. The universality of the Outer Space Treaty of 1967, related to the element of interest in and maintaining international peace and security, is essentially contained in Paragraphs 2 and 3 of the Preamble to the Outer Space Treaty of 1967. Paragraph 2 states:

"Recognizing the common interests of all mankind in the progress of the exploration and use of outer space for peaceful purposes"

Furthermore, the element of maintaining world peace and international security is stated more firmly in Paragraph 8,

"Taking in to account of United Nations General Assembly Resolution 110/11 of 3rd November, 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space"

The normative basis for the principle of peace in the 1967 Outer Space Treaty is explicitly stated in Article I, which states that the exploration and use of outer space, including the Moon and other celestial bodies, must be carried out "in the interest of all nations" and constitutes the common heritage of mankind. This article contains two main principles: the principle of equal access (non-discrimination) and the principle of use for the common good (benefit of all countries).²⁰ These two principles embody the international moral principle that outer space should not be an arena for unilateral domination or exploitation by superpowers.

Article III of the 1967 Outer Space Treaty binds all space activities to the principles of international law, particularly the UN Charter. As mentioned, that States parties to the treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the maintaining of international peace and security and promoting international co-operation and understanding. This indicates that the peaceful principle in the 1967 Outer Space Treaty does not stand alone but is closely connected to other international legal regimes, particularly the principles of

²⁰ Eligar Sadeh, *Space Strategy in the 21st Century: Theory and Policy*, (London: Routledge, 2015), 102.

non-aggression and the peaceful settlement of disputes, which are the main foundations of the UN Charter.

Furthermore, Article 4 of the 1967 Outer Space Treaty explicitly prohibits the deployment of weapons of mass destruction in Earth orbit, on the Moon, or on other celestial bodies. This article also stipulates that military activities on the Moon and other celestial bodies are prohibited, including the establishment of military bases, weapons testing, and military maneuvers. This provision provides a strong legal basis that the use of outer space for militarization purposes is inconsistent with the spirit of peace upheld by the 1967 Outer Space Treaty.

The principle of the peaceful use of outer space in the 1967 Outer Space Treaty cannot be separated from two other important principles: the principle of non-appropriation and the principle of state responsibility. These three forms a unified international legal structure that supports each other to create a peaceful, just, and sustainable space exploration order. Non-appropriation principle asserts that no single country may claim any part of outer space as its own. This principle implies that all state activities in outer space must prioritize collective interests, not unilateral or hegemonic interests. The principle of non-appropriation not only limits formal legal action on territorial claims, but also prevents forms of de facto control through the occupation of satellites or military installations.²¹

The principle of state responsibility, as stipulated in Article VI of the 1967 Outer Space Treaty, states that states parties to the treaty are internationally responsible for all national activities in outer space, whether carried out by governmental or non-governmental entities. This means that the state remains legally responsible for the actions of private individuals or organizations under its jurisdiction. This affirms the principle of peace through its active responsibility to supervise, regulate, and ensure that all activities do not conflict with the provisions of the 1967 Outer Space Treaty. From these two principles, it is clear that the principle of peaceful use does not stand alone. It is the integrative result of a corpus juris spatialis that requires states not only to be passive in maintaining peace in outer space, but also to be active in creating, maintaining, and enforcing a just and peaceful space legal regime.

3. Interpretation of Peaceful Purposes in the 1967 Outer Space Treaty

The principle of peaceful purposes in the 1967 Outer Space Treaty (OST) is a key pillar limiting the use of outer space to prevent military conflict or aggression. However, the term "peaceful" in this context has raised legal

²¹ Fabio Tronchetti, *The Exploitation of Natural Resources of the Moon and Other Celestial Bodies*, (Leiden: Martinus Nijhoff Publishers, 2009), 75.

debate because it is not explicitly defined in the treaty text. This has led to differences in interpretation among the participating States regarding the scope and implementation of these principles.²² The original intention of this declaration of principles was that the peaceful use of outer space should be for the benefit and interest of all mankind. It was an effort by the international community to include outer space in the arms control regime from the beginning.²³

There is concern in the international community regarding the use of outer space which could potentially be exploited for war purposes and even space could be used as a weapon if there are no international regulations on the use of outer space. Several countries in Committee on the Peaceful Uses of Outer Space (COPUOS), such as Brazil, India, Japan and Lebanon, also proposed that the outer space treaty be derived from the declaration of principles, including a clear provision that outer space can only be used for peaceful purposes. The establishment of COPUOS by the United Nations is one form of realization of an international peace mission in space.

However, because it was based on the competitive situation between the United States and the Soviet Union in the Cold War, the phrase peaceful purposes in the 1967 Outer Space Treaty also experienced different interpretations. Historically, differences in understanding the term "peaceful" emerged between the United States and the Soviet Union. The United States interpreted peaceful purposes as non-aggressive uses, meaning that military activity in outer space was permissible as long as it did not involve hostile acts or violate the principles of the United Nations Charter.²⁴ This is different from the Soviet Union's view of peaceful purpose, which is interpreted as non-military. In this case, the phrase peaceful purpose refers to a comprehensive prohibition on the use of outer space for military purposes, including intelligence activities and the use of military technology in orbit.

It cannot be denied that these differing interpretations are also due to the lack of a common understanding of demilitarization in outer space. In fact, there is no international treaty that comprehensively regulates demilitarization. According to Robert Rochon, the main weakness of current international law is the lack of a precise, multilaterally agreed-upon definition or understanding of militarization and peaceful purposes in the use of outer space.²⁵

²² Fabio Tronchetti, *The Exploitation of Natural Resources of the Moon and Other Celestial Bodies*, (Leiden: Martinus Nijhoff Publishers, 2009), 77.

²³ Detlev Wolter, *Common Security in Outer Space and International Law*, (Geneva: United Nations Institute for Disarmament Research, 2005), 13.

²⁴ Nandasiri Jasenthuliyana, *Space Law: Development and Scope*. (Westport: Praeger Publishers, 1999), 74.

²⁵ Robert Rochon, *A New International Legal Regime Required for Arms Control in Space*, (Canada: Montreal-Quebec, Winter, 1993), 35.

Basically, the meaning of peaceful purpose cannot be separated from the meaning of military activities in space. Therefore, any form of space activity that has military uses or purposes, regardless of the process, form, or implementation, can be considered the militarization of space. According to the Conference on Disarmament, there are two views on demilitarization in outer space. The first view is demilitarization in the broad sense, which requires space to be freed from all activities with military objectives or purposes. The second view, demilitarization in the narrow sense, views space demilitarization as de-weaponization, where space is freed from all forms of weaponry. The second opinion cannot be separated from the historical reality of demilitarization, where demilitarization is intended as an effort to limit, reduce, or eliminate certain types of weapons, or to limit or reduce armed forces.²⁶ Thus, the concept of demilitarization of outer space is no different from the concept of disarmament.

Essentially, the demilitarization of outer space is based on the idea of preventing outer space from becoming a battlefield and to use it solely and exclusively for peaceful purposes. The demilitarization of outer space took place when the UN General Assembly held a special session devoted entirely to disarmament from May 23 to June 30, 1978. Through this session, for the first time in the history of disarmament negotiations, the international community reached a consensus on a comprehensive disarmament strategy. However, there has not yet been a unified view on the meaning of demilitarization of outer space and its scope. In fact, there is still an overlap in understanding between the demilitarization of outer space and disarmament in outer space. Therefore, a multilateral international agreement on the demilitarization of outer space is required to explicitly and in detail explain the meaning of these peaceful purposes.

Differences in interpretation regarding Article 4 of the 1967 Outer Space Treaty have given rise two views, namely non-aggressive and non-military. Adherents of the non-aggressive view argue that as long as military activity in space is not aggressive, it falls under the category of peaceful purposes. Meanwhile, those with the non-military view argue that all forms of military activity in space violate the principle of peaceful purposes. The principle of peaceful objectives is fundamentally inseparable from the history of the establishment of the Outer Space Convention in 1967, which was based on the unanimous adoption of three UN General Assembly Resolutions: Resolution 1962 (XVIII) of December 13, 1963, on the "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space"; Resolution 1963 (XVIII) of December 13, 1963, on "International Cooperation

²⁶ I.D.G. Palguna, *Hukum Internasional Ruang Angkasa*, (Jakarta: RajaGrafindo Persada, 2019), 43.

in the Peaceful Uses of Outer Space"; and Resolution 1884 (XVIII) of October 17, 1963, on the "Question of General and Complete Disarmament."²⁷ The 1967 Outer Space Treaty can be said to refer to Resolution 1884 (XVIII) of 17 October 1963 on the Question of General and Complete Disarmament, which calls for general and complete disarmament. If military equipment were allowed in outer space, the essence of the 1967 Outer Space Treaty would change and create a way to circumvent one of its fundamental provisions.²⁸

4. Redefining International Peace in the Use of Outer Space

The peaceful purpose principle contained in the 1967 Outer Space Treaty served as the foundation for the legal framework that serves as the normative basis for the peaceful use of outer space. In fact, the peaceful principles in the use of outer space were later derived from several other legal frameworks, known as the *Corpus Juris Spatialis*, where the peaceful principle is evident in regulations regarding transparency, international cooperation, and international responsibility. Several international agreements in the *Corpus Juris Spatialis* show that the principle of peace is a recurring and binding norm in various aspects of space exploration, from safety and responsibility to transparency.

Although the principle of peaceful purposes is stipulated in the 1967 Outer Space Treaty, there are still varying interpretations of this principle. These differing interpretations have had a significant impact on the practical implementation of the 1967 Outer Space Treaty. The United States, for example, openly uses satellites for military purposes such as communications, navigation, and surveillance, while maintaining that these uses are non-aggressive. Russia has done something similar by launching dual-purpose satellites that can be used for both civilian and military purposes. In practice, peaceful purposes are often interpreted as non-hostile, rather than non-military, thus opening up legitimacy for the existence of passive military assets in outer space.²⁹

Many argue that allowing the use of space for passive military purposes creates a loophole that could escalate into a space arms race. This is because, in conditions of international political tension, military or surveillance satellites could be perceived as a threat by other countries, triggering a chain reaction that could endanger global stability.³⁰ By looking at the potential threats that

²⁷ Marietta Benko, Willem de Graff dan Gijsbertha C. M. Reijnen, *Space Law in the United Nations*, (Dordrecht: Martinus Nijthoff Publishers, 1985), 162.

²⁸ Nandasiri Jasentuliyana, Article I of the Space Treaty Revisited, *Journal of Space Law* 17, no. 2 (1989): 132.

²⁹ Diederiks-Verschoor, I.H.Ph. and Kopal V., *An Introduction to Space Law*, 3rd ed, (The Hague: Kluwer Law International, 2008), 49.

³⁰ Stephan Hobe, The Need for a Legal Regime for Military Uses of Outer Space, *Zeitschrift für Luft- und Weltraumrecht* 59, no. 1 (2010): 10.

can occur due to the use of outer space, it is not enough to only look at it from the perspective of using outer space in a non-aggressive framework. Military interests are not only pursued through aggressive actions or the use of weapons in space, but also non-aggressive actions, such as remote sensing, espionage, and data collection from other countries. For example, the non-aggressive use of space is used to support warfare on Earth. During the 1991 Persian Gulf War, numerous satellites were used to support warfare. Space has subsequently been utilized as an asset for defense forces by various countries. In fact, civilian and private satellites are also used by the armed forces of several countries.

To comply with the UN Charter, it must be acknowledged that the notion of peaceful purposes, interpreted as non-aggressive, constitutes a valid interpretation of the term as a minimum threshold. However, fundamentally, legal interpretations can evolve over time and in response to changing circumstances.³¹ The impact of non-aggressive space warfare is not limited to outer space. It will undoubtedly affect outer space, cyberspace, airspace, land, and oceans. Space warfare will be global in scope and threaten international peace in a real sense. The militarization of outer space is carried out through the launch and deployment of communications satellites by the military and the use of these satellites for command and control, communications, surveillance, early warning, and navigation using the Global Positioning System (GPS). These satellites are used in enemy surveillance programs to counter and defeat adversaries. This means that space is used for military purposes without placing any weapons in orbit. Non-aggressive actions like this can be said to be actions that pose a potential threat to international peace.

Therefore, various international legal and policy communities have called for a reaffirmation or reinterpretation of the principle of peaceful purposes. Quoting the views of the constructivist school, in order to achieve international peace, there must be a social identity based on shared norms which are part of the contemporary international system which also plays a role in minimizing conflict between countries. It is important to ensure a precise definition of military use and peaceful use of outer space. Furthermore, it is also necessary to provide a broad understanding that encompasses all phases of military utilization of space.³² This is essential to guarantee the peaceful use of outer space itself.

Some proposals point to the adoption of the principle of positive peace, as developed by Johan Galtung, which not only eliminates direct violence but

³¹ P. J. Blount, The Shifting Sands of Space Security: The Politics and Law of the Peaceful Uses of Outer Space, *Indonesian Journal of International Law* 17 no. 1 (2019): 5.

³² Mohammad Saiful Islam, The Sustainable Use of Outer Space: Complications and Legal Challenges to the Peaceful Uses and Benefit of Humankind, *Beijing Law Review* 9 (2018): 250.

also eliminates potential structural threats and creates a just and inclusive space. Although there are differing perspectives regarding the methods and means of utilizing outer space for peaceful purposes, there is an undeniable consensus that the international legal framework established by UN space treaties and resolutions must serve as the foundation for all national efforts in space activities, regardless of whether such activities are civilian in nature or involve military or security aspects.³³ The principle of peaceful purposes must be interpreted holistically within the context of international law and the United Nations Charter. This means that any activity that has the potential to trigger conflict or increase geopolitical tensions should be considered inconsistent with the principle of the peaceful use of outer space.

Although the United Nations Charter does not provide an explanation of actions that are considered violations of international peace and security, the UN Charter still explains actions that threaten international peace and security. The first definition applies to ongoing interstate conflict that could threaten peace and will not be followed by sanctions. Second, concerns actions taken by a state that violate United Nations principles and directly threaten international peace and security, which may be subject to sanctions. Thus, the United Nations can take steps and actions against state activities that have the potential to threaten international peace.

In order to define international peace in the Outer Space Treaty 1967, we must first be able to define the understanding of the principle of peaceful purpose. There are still different views on the meaning of the peaceful purpose principle in the Outer Space Treaty 1967. For this reason, a comparative study can be conducted with the meaning of the peaceful purpose principle in several other international agreements. One of the international agreements that can be used as a comparison in understanding the principle of peaceful purpose is the 1959 Antarctic Treaty, which was drafted almost simultaneously with the formation of the Outer Space Treaty.

The legal status of the Antarctic region is basically similar to outer space, where there is no claim of ownership over the region. The Antarctic Treaty aims to maintain Antarctica as a region used solely for peaceful purposes and not to be used as a site or object of international dispute. Article 1 states that:

"Antarctic shall be used for peaceful purposes only. There shall be prohibited interalia, any measure of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapons"

The Antarctic Treaty in essence called for complete demilitarization and

³³ Chen, David Kuan-Wei., New Ways and Means to Strengthen the Responsible and Peaceful Use of Outer Space, *Georgia Journal of International and Comparative Law* 48 no. 3 (2020): 673.

de-weaponization.³⁴ In Article 1, the definition of the term "peaceful purposes" is clearly defined by the phrase "any measures of a military nature," followed by examples of prohibited measures. Therefore, the principle of peaceful purposes in this agreement means non-military measures. To ensure that these peaceful goals can be realized, Parties are obliged to inform each other of their activities in Antarctica and facilitate inspections by other Parties of their facilities.

Given the similar characteristics between outer space and Antarctica, it can be argued that the principle of peaceful purposes can also be interpreted as non-military. Furthermore, the potential threats to peace in outer space are far more complex and substantial. Without a principled definition of "peaceful purposes" as "non-military," nations will continue to deploy weapons in outer space under the pretext of defense, or even more dangerously, anticipatory self-defense. Any activity with military objectives, whether aggressive or non-aggressive, can certainly open up potential threats to the use of outer space.

Therefore, to create international peace in the use of outer space, all potential structural threats must be eliminated. The meaning of the use of space for peaceful purposes is no longer limited to preventing space from becoming an arena for war, but rather preventing space from being used as a means of supporting war anywhere. Thus, the meaning of the principle of peaceful purposes in outer space is no longer limited to disarmament in outer space.

D. CONCLUSION

Divergent interpretations of the principle of peaceful purposes have influenced the use of outer space, thereby giving rise to potential threats to international peace. In order to ensure international peace in the exploration and use of outer space, a clear interpretation of the principle of peaceful purposes is required. Consistent with the general concept of international peace, international peace in outer space should be understood not merely as the absence of direct acts of violence, but also as the elimination of all forms of potential structural and holistic threats to a peaceful order in the use of outer space. From a structural perspective, threats to international peace arise from the use of outer space for military purposes in any form. Accordingly, debates concerning the principle of peaceful purposes are no longer confined to the distinction between aggressive and non-aggressive military activities, but rather focus on the obligation to exclude all military purposes from the use of outer space. In order to achieve international peace in outer space, the

³⁴ Ram S. Jakhu, Kuan-Wei Chen & Bayar Goswami., Threats to Peaceful Purposes of Outer Space: Politics and Law, *Astropolitics: The International Journal of Space Politics & Policy* 18, no. 1 (2020): 27.

principle of peaceful purposes must be defined to mean that the use of outer space shall not be for military purposes in any form.

BIBLIOGRAPHY

Books:

- Benko, Marietta. Graff, Willem de and Reijinen Gijsbertha C, M. *Space Law in the United Nations*. Dordrecht: Martinus Nijthoff Publishers, 1985.
- Galtung, Johan. *Studi Perdamaian: Perdamaian dan Konflik Pembangunan dan Peradaban*. Surabaya: Pustaka Eureke, 2003.
- Jasenthuliyana, Nandasiri. *Space Law: Development and Scope*. Westport: Praeger Publishers, 1999.
- Mardianis. *Hukum Antariksa*. Jakarta: Rajawali Pers, Jakarta, 2016.
- Palguna, I.D.G. *Hukum Internasional Aspek-Aspek Teoritik dan Penerapannya*. Jakarta: PT Rajagrafindo Persada, 2019.
- Palguna, I.D.G. *Hukum Internasional Ruang Angkasa*. Jakarta: RajaGrafindo Persada, 2019.
- Richmond, Oliver P. *Peace in International Relations Theory*, The Palgrave Handbook of Disciplinary and Regional Approaches to Peace, New York, 2016.
- Rivera, Joseph de. *Assessing the Peacefullnes of Cultures*. Handbook on Building Cultures of Peace, New York: Springer, 2009.
- Rochon, Robert. *A New International Legal Regime Required for Arms Control in Space*. Canada: Montreal-Quebec Winter, 1993.
- Sadeh, Eligar. *Space Strategy in the 21st Century: Theory and Policy*. London: Routledge, 2015.
- Suherman, Ade Maman. *Organisasi Internasional dan Integritas Ekonomi Regional Dalam Perspektif Hukum dan Globalisasi*, Jakarta: Ghalia Indonesia, 2003.
- Tronchetti, Fabio. *The Exploitation of Natural Resources of the Moon and Other Celestial Bodies*. Leiden: Martinus Nijhoff Publishers, 2009.
- Tronchetti, Fabio. *Fundamentals of Space Law and Policy*. New York: Springer, 2013.
- Verschoor, Diederiks, I.H.Ph. and Kopal V. *An Introduction to Space Law*, 3rd ed. The Hague: Kluwer Law International, 2008.
- Wolter, Detlev. *Common Security in Outer Space and International Law*. Geneva: United Nation Institute for Disarmamnet Research, 2005.

Journal:

- Azimjon, Ismatov. Livingston, Karikari and Hassan, Mansoor. Militarization of Outer Space and the Human Right to Peace: Challenges and Prospects in

- International Law, *European Journal of Law and Political Science* 5 no.1 (2026): 1-6.
- Blount, P. J. The Shifting Sands of Space Security: The Politics and law of the Peaceful Uses of Outer Space, *Indonesian Journal of International Law* 17 no. 1 (2019): 1-17.
- Chen, David Kuan-Wei., New Ways and Means to Strengthen the Responsible and Peaceful Use of Outer Space, *Georgia Journal of International and Comparative Law* 48 no. 3 (2020): 661-682.
- Dirham, Ulfah Ridhwan, and Arif Triyuono. "A review on the Oxford Advanced Dictionary Online intended for learners of English." *Journal of Learning and Instructional Studies* 3, no. 1 (2023): 30-38.
- Henderson, Stacey., War and Peace in Outer Space: Law, Policy, And Ethics, *Adelaide Law Review* 42, no. 2 (2021): 639-644
- Hidayat, Ruman Sudrajat. Pemetaan Wilayah dan Pengambilan Data Satelit Sumber Alam Bumi Dari Satelit Ditinjau Dari Hukum Dirgantara, *Jurnal Analisis dan Informasi Kedirgantaraan* 1, no.1 (2003) : 28-42.
- Hobe, Stephan. The Impact of New Developments on International Space Law (New Actors, Commercialization, Privatization, Increase in Number of "Space-faring Nations"). *Uniform Law Review* 15, no. 2 (2010): 869-881.
- Hobe, Stephan. The Military Use of Outer Space and the International Law Framework, *Zeitschrift für Luft- und Weltraumrecht*, 59, no. 1 (2010): 32-41.
- Islam, Mohammad Saiful. The Sustainable Use of Outer Space: Complications and Legal Challenges to the Peaceful Uses and Benefit of Humankind, *Beijing Law Review* 9 (2018): 235-254
- Jakhu, Ram S. Chen, Kuan-Wei & Goswami, Bayar. Threats to Peaceful Purposes of Outer Space: Politics and Law, *Astropolitics: The International Journal of Space Politics & Policy* 18, no. 1 (2020): 22-50.
- Jasentuliyana, Nandasiri. Article I of the Space Treaty Revisited, *Journal of Space Law* 17, no. 2 (1989): 129-144.
- Mardianis., Analisis Peristiwa Penembakan Satelit oleh China Dengan Menggunakan Teknologi Anti Satellite System (ASAT) Berdasarkan Hukum Internasional, *Jurnal Analisis dan Informasi Kedirgantaraan* 9, no. 1 (2012): 47-59.
- Sefriani, Peran Dewan Keamanan Dalam Mewujudkan Perdamaian dan Keamanan Internasional (Studi Kasus Perang di Bekas Wilayah Yugoslavia), *Jurnal Hukum IUS QUIA IUSTUM* 7 no. 15 (2000): 65-72.
- Sudjatmiko, Totok. Keamanan Negara dalam Kegiatan Antariksa Nasional: Perspektif Realis Ofensif. *Jurnal Global Strategis* 9, no. 1 (2015): 207-226.

- Taufiq, Thiyas Tono. Kontribusi Filsafat Perdamaian Eric Weil Bagi Resolusi Konflik Dalam Bingkai Masyarakat Majemuk, *Living Islam: Journal of Islamic Discourses* 4, no.1 (2021): 77-93.
- Zahoor, Saadia., Maintaining International Peace and Security by Regulating Military Use of Outer Space, *Policy Perspectives: The Journal of the Institute of Policy Studies* 14, no. 2 (2017): 113-135.