

Course : International Law

Lecture : Erwin

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LECTURE NOTES

The state is the main and foremost subject of international law, because international law governs the rights and obligations of States, thus which must be regulated by international law, especially the State. As well as the agreement International law is the main source of international law where the State the most instrumental in creating it. The belligerenti (belligerent) is recognized as subject of international law. The belligerence originally appeared as a result from domestic problems of a sovereign State. Hence the completion entirely the affairs of the State concerned. But when the rebellion was armed and growing, like a civil war with consequences beyond humanity, even extending to other countries, then one of the attitudes that can be taken by the State is to recognize existence or acceptance of the rebels as an independent person, although this attitude will be seen as an act of unfriendly by government of the country where the rebellion occurred. With this acknowledgment, means that from the point of view of the State that recognizes it, the rebels occupy the status as a person or subject of international law. For example: PLO (before it became the State of Palestine); early 19th century, colonial the Spanish colonists rebelled by proclaiming independence. England and France recognized the rebels as belligerent; and the pinnacle of war applications brother of the United States (1861-1865).

The Vatican is recognized as a subject of international law based on the Treaty Lateran of February 11, 1929, between the Italian government and the Holy See of the Vatican regarding the surrender of land in Rome. The Lateran Agreement is on the sides another can be seen as Italy's recognition of the existence of the Holy See as independent international legal person, although the duties and its authority, is not as broad as the duties and authorities of the State, because it is

only limited in spiritual and humanitarian midwives, so that they only have moral strength just. Pope as supreme leader of the Holy See and Catholics worldwide, already widely recognized around the world. Therefore, many countries are opening up diplomatic relations with the Holy See, by way of placing embassies magnitude in the Vatican and vice versa the Holy See also places embassies in various countries. An example of which is the Holy See as a subject of international law is the 1933 Montevideo Convention which The Vatican is a party to and complies with the provisions of the Convention the. International Cooperation or international cooperation is recognized as a subject international law. International Cooperation is a collaborative relationship between entities to work towards a common goal through a shared division of labor agree together. At the State level, it means being involved under leadership government by acknowledging national interests and external partners in develop, implement and monitor the country's development strategy Alone. I agree with this because States have to work with other countries or with each other in a spirit of global partnership for preserve, protect, and restore the health and economic integrity of the earth.

State authority

- a. The authority of the State in the land area, territorial sea and airspace above land area and territorial sea is, to manage and make the most of for the welfare and prosperity of its inhabitants. Country Territory too is one of the elements of the State which is a unified land territory, waters, and the territorial sea along with the seabed and subsoil, as well as space air above it, including all the sources of wealth contained therein. And also as an arrangement for these areas to be safe and peaceful and protect everything in the area. Every State has the right take certain measures to maintain its security and safety.
- b. Authority of the coastal State in the Contiguous Zone and in the Zone Exclusive Economy (EEZ). In the Coastal State Additional Zone can take action and punish parties who violate customs laws, fiscal, immigration, and state order. And in EEZ of coastal countries can pick up marine natural resources and carry out certain economic activities. And authority Other countries are other countries that are free to sail or fly over the territory, laying pipes or cables under the sea, but not taking wealth sea nature.

Principles related to citizenship

- a. Principle of Jus Soli. The principle of birth (Ius Soli), there is a determination of citizenship status a person based on the place where he was born right. One is born in the State A then he becomes a citizen of Country A, even though his parents are citizens of Country B, then the person becomes a citizen of State B. Principle of Jus Sanguinis. The principle of descent is the determination of citizenship status a person based on the ancestry of which country a person comes from. Somebody who was born in Country A but whose parents are citizens of Country B, then that person become a citizen of B. Examples of countries adhering to one of the principles or a combination of the two principles is PRC.
- b. Bipatride (dual citizenship). For example, Adi and Ani are husband and wife have the status of citizens of Country A but they are domiciled in Country B. Country A adheres to the ius-sanguinis principle and Country B adheres to the ius-soli principle. Then was born their son Doni. According to Country A adhering to the ius-sanguinis principle, Doni is citizens because they follow the nationality of their parents. By Country B who adheres to ius-soli, Doni is also a citizen of his country, because of his place of birth is in Country B, so Doni has dual citizenship status or bipatride. Apartride (stateless). For example, Agus and Ira are husband and wife citizen status based on ius-soli principles. They live in Country A which based on ius-sanguinis. Then their son Adit was born, according to Country A Adit are not recognized as citizens, because their parents are not citizens. Likewise, according to State B Adit is not recognized as a citizen, because born in another country. thus Adit does not have citizenship or apatride.

State recognition

- a. In my opinion recognition of the State is important because if a State just received recognition from existing countries, meaning the new country in considered capable of conducting international relations with other countries. Without the existence of an acknowledgment of a State cannot become a legal subject international. The benefit is obtaining the right to bring cases up front state courts that recognize; can get confirmation legislative and executive actions both in the past and in the future future by state courts that recognize it. Can unlock diplomatic relations with the State or States that recognize it.

For example: May 19, 1983, the US recognized Rep. Angola followed by opening of diplomatic relations.

- b. State jurisdiction is an independent and sovereign country that does not have jurisdiction (authority) over other States that are equally independent and sovereign. Regarding this case, Malaysia's actions can be justified because according to the principle territorial determines that the State can exercise jurisdiction over its laws against every individual and legal entity in its territory regardless of the citizenship status of individuals or legal entities. Citizen who committed the crime / murder of Kim Jong Nam was carried out in Malaysia then arrested and tried in Malaysia.