

INTERNATIONAL LAW IN THE PERSPECTIVE OF INTERNATIONAL RELATIONS

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ABSTRACT

Before discussing the meaning of international law, it is important to know that law is divided into two large groups, private law and public law. However, the terms these two large groups are better known as international law and international private law. The difference between the two is in the objects they regulate. International law is the law that regulates relations between countries and other legal subjects. International law can be defined as the law that regulates international scale entities. Initially, the definition of international law was only defined as law that regulates behavior and relations between countries. However, in its development, the meaning of international law has expanded to include the relationship between states and international organizations, the relationship between international organizations and other organizations, the relationship between states and individuals in special contexts, and so on. There are six subjects of international law, namely : states, international organizations, the international red cross, the vatican holy see, rebels and individuals. International Law includes a set of rules and principles established through international treaties, the practices of states, as well as legal decisions and interpretations by international institutions. Its aim is to regulate the behavior of states in maintaining peace, managing conflict, promoting cooperation, and protecting human rights. International Law covers various aspects, including the law of war (also known as international humanitarian law), refugee law, maritime law, environmental law, international trade law, international investment law, human rights law, diplomatic law.

INTRODUCTION

International law is the first term coined by Jeremy Bentham. International law is interpreted as public international law or *de droit international public*, which has a different meaning from international civil law (private international law) or also called the conflict of law (Chiam, 2021) (Aniche, 2016). Basically, what is meant by international law is the law of nations, the law of nations or the law of nations. The laws of the nations are used to show the customs and rules of law that apply in the relationship between the ancient kings. Interracial law or interstate law refers to a complex of methods and principles that govern relations between members of a community, nations or states (Hasim, 2019).

International law is a law that regulates all activities on an international scale (Parthiana, 1990). International law also aims to create order and justice within the international community. In addition to creating peace for every nation, international law is also used to regulate cooperative relations between countries in various parts of the world, this is necessary to meet the needs of life and the existence of the country in the governance of international relations. The role of international law is as an effort to maintain peace and ignore all forms of unnecessary regulations in various regulations related to high policy, such as those related to peace or war issues.

The purpose of establishing international relations is so that the country does not strife and cause major conflicts, but what if there is a country that does not establish international relations and instead causes disputes between countries which of course will cause various kinds of problems and if there are countries that have disputes, how to resolve them so that the country can establish cooperation and have international relations. The purpose of this writing is to answer the above problems and also provide information about the importance of international law so that countries in the world can cooperate and no country has disputes with each other.

On the other hand, the role of international law and the United Nations is very necessary if there are countries that experience problems so that these problems do not occur continuously and even continue in the long term (Palasari et al., 2022). But in fact, international law is not only used for countries in dispute, but another purpose of the establishment of international law is to establish relations between countries, better known as international relations (Qc, 2019). Every country in the world must have differences, be it from differences in philosophy, history, government structure, culture, education, economic strength, and differences in natural resources owned and produced by each country. This difference is the reason why every country in the world wants to cooperate in international relations. Because humans are social creatures that need others to interact with each other as well as a country that cannot by itself prosper its own people and will definitely need other countries to cooperate both in the fields of science, technology, health, and many more (Yustitiantingtyas, 2015).

METHODS

In this study, normative law research methods are used, where normative law research is research conducted by examining a law and regulation that applies or that is applied to a certain legal problem (Ariawan, 2013). Normative legal research consists of research on legal principles, research on legal systematics, research on the level of vertical and horizontal synchronization, as well as comparisons with law and legal history. The types of approaches used in this article are the statute approach, the case approach, the history approach, and the fact approach.

As for the theory of this research, this research uses the theory of constructivism. Constructivism seeks to show that the core aspects of international relations are socially constructed, contrary to the assumptions of neorealism and neoliberalism, meaning that these aspects are embodied by the process of practice and social interaction. Then the data used in this study is sourced from secondary data, where the data is obtained through literature studies in the form of primary legal materials, secondary legal materials, and non-legal materials. Secondary Legal Materials are all publications about law that are not official documents, namely literature books or readings that explain international disputes.

The technique of collecting legal materials is carried out by exploring a normative framework using legal materials that discuss legal theories, with literature studies. Literature studies are carried out by reading, studying, and recording various reviews of library materials related to international law and disputes between countries. The technique for processing legal materials is that after all legal materials are collected, they are then analyzed using a description technique, namely by explaining primary legal materials and secondary legal materials together.

RESULTS

A. The Role of International Law

Diplomatic relations can be carried out through the perspective of modern international relations between countries both bilaterally in order to maintain and improve the development of the nation and state in order to achieve national goals (Karamay, 2018). The state is the main pillar in formal international relations. The condition for the existence of a country and can be recognized internationally is the existence of a permanent population which includes: a) a certain area, b) a government; and c) the ability to relate to other countries. The ability to relate to other countries has a very important meaning in the international community because the relationship between one country and another is a strong proof of the country's ability to maintain its territorial integrity. With this ability, it can foster an equality of position or equality between countries, as well as independence and sovereignty owned by a country.

In order to maintain security and order between countries and increase cooperation in conducting international relations, each country sends their delegation in the form of diplomatic envoys to each country. The main function of this diplomatic decision is to improve and establish friendly relations between countries (Persada, 2021). This diplomatic envoy also has the role of a representative of the protection of citizens in a country receiving diplomatic envoys. Of course, as the receiving country of diplomatic envoys and sending countries, they must be subject to the rules of diplomatic law in the receiving country. With the improvement of international cooperation relations in the form of diplomatic relations, an agreement on diplomatic activities is made.

International Relations is a relationship between nations in all aspects carried out by a country. International relations can be seen as a social phenomenon as well as a disciplinary relationship between sciences or fields of study and as a social phenomenon. International relations can cover a very wide range of aspects, namely the nature of social life between human beings which is international and complex. Where to follow (Life, 1942), states that; The phenomenon of international relations can involve international conferences, which regulate the arrival and departure of diplomats, the signing of agreements, the development of military power, and as a trade flow on an international scale. In the international legal system, there is a legal system called an autonomous system, and it is also independent of international politics (INDONESIA, n.d.). The main function of international law is to serve the needs of the international community that belongs to an authentic system of states. And in particular the function of international law is to affirm that the task of international law is a relatively autonomous formal technique, as well as an instrument for enhancing specific demands and agendas with political struggles. International law and its institutions also have a purpose, purpose, and function in maintaining the realization of the idea of a balance of interests between countries. Therefore, to prevent disputes in international law, there are several roles of international law that have the goal of achieving peace and prosperity of the country (Adolf, 2020). International law has a role in maintaining international relations, which include the following:

1. First, international law can be used as an effort to maintain peace and ignore all forms of unnecessary regulations in various regulations related to high policy, such as those related to peace or war issues. Problems that occur between one country and another or between one country and many other countries will be able to cause conflicts both related to the rights of a country or with many countries, as well as with the customs of a head of state, diplomacy, or ambassador. All of them have their own rights and obligations, which in their implementation must follow the rules in international relations and follow all the rules that have been mutually or internationally agreed. A country that has developed cooperative relations with other countries must have diplomatic relations in that country, because a diplomat must comply with all diplomatic laws that have been established internationally in that country.
2. Second, the function of international law for offices abroad and the practice of lawyers on an international scale who in daily life implement, improve, and consider all problem solving by applying international legal rules related to various related matters and cases. Cases, for example, are about the issue of claims for compensation between foreigners involved in an accident, or extra-territorial actions in a country.
3. Third, international law has the purpose of evaluating some violations of international law, as a result of war or conflict due to a military aggression and the inability of a country to prevent problems within the country.

International law is necessary in regulating national borders, regulating diplomatic relations, creating and implementing, and deleting treaties. In addition, international law also regulates the existence of issues of common interest in the fields of economy, social, culture, law, as well as defense and security. The causes of international disputes are also very likely to occur between one country and individuals or one country and institutions or bodies that are the subject of law on an international scale.

CONCLUSION

International law regulates relations between countries and is different from national law that applies exclusively within the territory of a sovereign state. There are two main theories regarding the relationship between international law and national law: Dualism and Monism. According to Dualism theory, international law and national law are two separate systems and have no relationship of superiority or subordination. International law requires ratification to apply in national law and in case of conflict, national law takes precedence. In contrast, the Monism theory states that international law and national law are interrelated and that national law is subject to international law, considered as an extension of national law for foreign affairs. The settlement of international disputes can be carried out through legal methods such as arbitration and courts, or diplomatically through negotiations, mediation, conciliation, and investigation. Arbitration involves submitting the dispute to an arbitrator chosen by the disputing party, while negotiation is an effort of direct discussion without a third party to reach an agreement. Mediation involves a third party as a mediator to help with communication and find solutions, while conciliation involves a commission or committee that provides non-binding proposals. The inquiry method is used to seek relevant facts through international commissions in order to achieve a peaceful settlement of disputes.

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