



# **INTRODUCTION TO INTERNATIONAL LAW**

**Dr. Takdir Ali Mukti**

**International Program of International Relations (IPIREL)**

**Universitas Muhammadiyah Yogyakarta**

**Department of International Relations**

Faculty of Social and Political Sciences  
Universitas Muhammadiyah Yogyakarta

E4 Building Ground Floor

Jalan Brawijaya, Kasihan, Bantul, Yogyakarta 55183

Telephone: +62 274 387656

Email: [hi@umy.ac.id](mailto:hi@umy.ac.id)

## **INTRODUCTION TO INTERNATIONAL LAW**

### **COURSE DESCRIPTION**

This course is intended to provide an introduction to basic questions of international law as one of important elements for international relations students, such as an understanding of how international law is made and applied, the relationship as well as difference between diplomatic and consular laws, law of the sea and many more.

### **CREDIT**

3 credit units

### **LECTURER**



Dr. Takdir Ali Mukti

## SESSION THEMES

Session	Discussion	Sub-Discussion	Learning Strategy
1.	Chapter I Introduction	1. Introduction (History of the development of International Law) 2. The term International Law a. The term used b. The origin of the term c. Similarities and differences between the International Law and Law of Nations, Inter-Nation and Inter-State Law 3. Definition of International Law 4. Differences between International Law and International Morals 5. Differences between Public International Law and Civil International Law 6. Embodiment of International Law 7. Relations between International Law and National Law a. Different sources of law b. Differences on the subject c. Differences on the legal force	Lecture, presentation, question and answer, discussion, pre-test and post-test
2.	Chapter II Sources of International Law	1. Understanding sources of International Law 2. Various sources of International Law a. International treaty b. International customary law c. General Legal Principles	Lecture, presentation, question and answer, discussion and post-test

		d. Judicial decisions	
3.	Chapter III Subject of International Law	<ol style="list-style-type: none"> <li>1. The state as the main subject of International Law <ol style="list-style-type: none"> <li>a. The constitutive elements of the state</li> <li>b. Various forms of state</li> </ol> </li> <li>2. Other International Law subjects <ol style="list-style-type: none"> <li>a. International Organizations</li> <li>b. Non-Governmental Organizations</li> <li>c. Multinational Companies</li> <li>d. Individuals</li> </ol> </li> </ol>	Lecture, presentation, question and answer, discussion
4.	Chapter IV Recognition in International Law	<ol style="list-style-type: none"> <li>1. The birth of a state <ol style="list-style-type: none"> <li>a. Constitutive Theory</li> <li>b. Declarative Theory</li> </ol> </li> <li>2. State Recognition</li> <li>3. Forms of State Recognition <ol style="list-style-type: none"> <li>a. Open and individual recognition</li> <li>b. Secret recognition</li> <li>c. Collective Recognition</li> <li>d. Premature recognition</li> </ol> </li> <li>4. Government recognition <ol style="list-style-type: none"> <li>a. The difference between state recognition and government</li> <li>b. As a result of recognition of the new Government</li> <li>c. The occurrence of a government recognition</li> <li>d. De Facto and De Jure Recognitions</li> </ol> </li> <li>5. Recognition upon rebels</li> <li>6. Recognition of National Liberation Movements</li> </ol>	Lecture, students' presentations and group discussions, question and answer by students and lecturer

5.	Chapter V Sovereignty and Jurisdiction	<ol style="list-style-type: none"> <li>1. Territorial Sovereignty of the State <ol style="list-style-type: none"> <li>a. Territorial Sovereignty of the State</li> <li>b. Borders and rivers</li> <li>c. Servitut and Territorial Facilities</li> </ol> </li> <li>2. Jurisdiction <ol style="list-style-type: none"> <li>a. General review</li> <li>b. Territorial Jurisdiction</li> <li>c. Jurisdiction Over Individuals</li> <li>d. Jurisdiction according to the Principle of Protection</li> <li>e. Jurisdiction according to Universal Principles</li> <li>f. Jurisdiction with respect to Aircraft</li> </ol> </li> </ol>	Group discussion along with evaluation
6.	Chapter VI State Responsibility	<ol style="list-style-type: none"> <li>1. The Nature of State Accountability</li> <li>2. Nature and Types of State Responsibilities</li> <li>3. State Accountability for Treaty Violations</li> <li>4. State liability for international violations that are not related to contractual obligations</li> <li>5. Claims</li> </ol>	Lecture, question and answer by students and the lecturer
7.	Chapter VII Succession of the state and the government	<ol style="list-style-type: none"> <li>1. State Succession <ol style="list-style-type: none"> <li>a. State Succession and Status of Individuals</li> <li>b. State Succession, Archives, Public Goods and Debt</li> <li>c. State Succession and the Juridical Order</li> </ol> </li> </ol>	Lecture and individual assignment sent through e-mail

		2. Government Succession	
8.	Chapter VIII International Dispute Resolution	<p>1. General Principles</p> <p>a. Principles of International Law that apply</p> <p>b. Freedom to Choose Settlement Procedures</p> <p>c. Difference in Political and Legal Settlement</p> <p>2. Political Settlement (Non-judicial)</p> <p>a. Settlement within the framework of Inter-State</p> <ul style="list-style-type: none"> <li>• Diplomatic Negotiations</li> <li>• Questionnaire</li> <li>• International Conciliation</li> </ul> <p>b. Settlement Within the Framework of the UN Organization</p> <ul style="list-style-type: none"> <li>• League of Nations Pact System</li> <li>• Key Role of the Security Council</li> <li>• General Assembly intervention</li> <li>• The powers of the Secretary General</li> </ul> <p>c. Settlement within the framework of Regional organizations and bodies</p> <ul style="list-style-type: none"> <li>• Arab League</li> <li>• Organization of American States</li> <li>• European Council</li> <li>• EEC</li> </ul> <p>3. Legal settlement</p> <p>a. Main Features of the Function of International Justice</p> <p>b. Difference Between Arbitration</p>	Group discussion, explanation as well as evaluation on presentation

		<p>and International Court of Justice</p> <p>c. Other International Justice under the framework of the United Nations</p> <ul style="list-style-type: none"> <li>• The International Criminal Court</li> <li>• International Criminal Court</li> <li>• The International Court of Justice for Rwanda</li> </ul>	
9.	Chapter IX International Law on Human Rights	<ol style="list-style-type: none"> <li>1. Individual position in International Law</li> <li>2. International classification of protected rights</li> <li>3. Protection of Human Rights in the Universal Framework <ol style="list-style-type: none"> <li>a. Role of the United Nations and Special Agencies</li> <li>b. Universal Declaration of Human Rights</li> <li>c. Human Rights juridical instrument</li> <li>d. Other conventions</li> </ol> </li> </ol>	Lecture, discussion, articles, assignment by e-mail and internet
10.	Chapter X International Relations by local governments in Indonesia	<ol style="list-style-type: none"> <li>1. Fundamentals law of International Relations by the local government</li> <li>2. Theoretical Basis of International Relations conducted by the local government</li> <li>3. The practice of implementing the right to collaborate with International Relations by the local government</li> <li>4. Several conflicts and irregularities in the implementation</li> </ol>	

		of International Relations by the local government	
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## REFERENCES

**Istanto**, 1994, *Hukum Internasional*. Universitas Admajaya. Yogyakarta.

**Kusumaadmadja**, 1991. *Pengantar Hukum Internasional*. Cetakan keempat. Buku I .  
(**BAB I hal 1 s/d 4**)

**Mauna**, 2000. *Hukum Internasional, Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global*. Penerbit Alumni. Bandung. (**BAB I hal 1 s/d 7**).

**Openheim**, 1974, *The International Law*, Volume I. Logman. London.

**Starke**, 1989. *Introduction To International Law*. Butterworth. London.

-----, 1990. *Pengantar Hukum Internasional*. Edisi Kesepuluh. Terjemahan. Penerbit Sinar Grafika. Jakarta. (**BAB I Hal 3 s/d 37**)

**Brownlie**, 1979. *Principle Of Public Law*, Third Edition. Oxford. University Press. (**PART I page 1 s/d 31**)

**Istanto**, 1994, *Hukum Internasional*. Universitas Admajaya. Yogyakarta. (**BAB II Hal 10 s/d 15**)

**Kusumaadmadja**, 1991. *Pengantar Hukum Internasional*. Cetakan keempat. Buku I .  
(**BAB VII Hal. 81 s/d 109**)

**Mauna**, 2000. *Hukum Internasional, Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global*. Penerbit Alumni. Bandung. (**BAB I Hal.7 s/d 11**)

**Openheim**, 1974, *The International Law*, Volume I. Logman. London.

**Starke**, 1989. *Introduction To International Law*. Butterworth. London.

-----, 1990. *Pengantar Hukum Internasional*. Edisi Kesepuluh. Terjemahan. Penerbit Sinar Grafika. Jakarta. (**BAB II Hal 42 s/d 77**)

**Brownlie**, 1979. *Principle Of Public Law*, Third Edition. Oxford. University Press. (**PART II, page 60 s/d 72**).

**Istanto**, 1994, *Hukum Internasional*. Universitas Admajaya. Yogyakarta. (**BAB III hal 15 s/d 16**)

**Kusumaadmadja**, 1991. *Pengantar Hukum Internasional*. Cetakan keempat. Buku I .  
(**BAB VI hal 68 s/d 80**)

**Mauna**, 2000. *Hukum Internasional, Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global*. Penerbit Alumni. Bandung. (**BAB I hal 17s/d 23; hal 49 s/d 57**)

**Openheim**, 1974, *The International Law*, Volume I. Logman. London.

**Starke**, 1989. *Introduction To International Law*. Butterworth. London.

-----, 1990. *Pengantar Hukum Internasional*. Edisi Kesepuluh. Terjemahan. Penerbit Sinar Grafika. Jakarta. **(BAB III Hal 77 s/d 94)**

**Brownlie**, 1979. *Principle Of Public Law*, Third Edition. Oxford. University Press. **(PART II, page 89 s/d 101)**.

**Mauna**, 2000. *Hukum Internasional, Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global*. Penerbit Alumni. Bandung. **(BAB II hal 59 s/d 81)**

**Openheim**, 1974, *The International Law*, Volume I. Logman. London.

**Starke**, 1989. *Introduction To International Law*. Butterworth. London.

-----, 1990. *Pengantar Hukum Internasional*. Edisi Kesepuluh. Terjemahan. Penerbit Sinar Grafika. Jakarta. **(BAB VI Hal 173 s/d 199)**

**Tasrif**, 1966, *Pengakuan Internasional Dalam Teori Dan Praktek*. Media Raya. Jakarta.

**Brownlie**, 1979. *Principle Of Public Law*, Third Edition. Oxford. University Press. **(PART II, page 89 s/d 101)**.

**Starke**, 1989. *Introduction To International Law*. Butterworth. London.

-----, 1990. *Pengantar Hukum Internasional*. Edisi Kesepuluh. Terjemahan. Penerbit Sinar Grafika. Jakarta. **(BAB VII Hal 210 s/d 253 dan BAB VIII Hal 267 s/d 306)**

**Brownlie**, 1979. *Principle Of Public Law*, Third Edition. Oxford. University Press. **(PART VIII, page 431 s/d 476)**.

**Istanto**, 1994, *Hukum Internasional*. Universitas Admajaya. Yogyakarta. **(BAB VII hal 77 s/d 82)**

**Starke**, 1989. *Introduction To International Law*. Butterworth. London.

-----, 1990. *Pengantar Hukum Internasional*. Edisi Kesepuluh. Terjemahan. Penerbit Sinar Grafika. Jakarta. **(BAB X Hal 391 s/d 416)**.

**Brownlie**, 1979. *Principle Of Public Law*, Third Edition. Oxford. University Press. **(PART XI, page 651- 672)**.

**Openheim**, 1974, *The International Law*, Volume I. Logman. London.

**Istanto**, 1994, *Hukum Internasional*. Universitas Admajaya. Yogyakarta. **(BAB VIII, hal. 83 s/d 87)**.

**Mauna**, 2000. *Hukum Internasional, Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global*. Penerbit Alumni. Bandung. **(BAB I, bagian C, hal. 38 s/d 46)**

**Starke**, 1989. *Introduction To International Law*. Butterworth. London.

**Istanto**, 1994, *Hukum Internasional*. Universitas Admajaya. Yogyakarta. (**BAB IX hal 88 s/d 103**)

**Brownlie**, 1979. *Principle Of Public Law*, Third Edition. Oxford. University Press. (**PART XII page 677-698**).

**Mauna**, 2000. *Hukum Internasional, Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global*. Penerbit Alumni. Bandung. (**BAB IV Hal 186 s/d 265**)

**Istanto**, 1994, *Hukum Internasional*. Universitas Admajaya. Yogyakarta. (**BAB XII hal. 145-148**)

**Mauna**, 2000. *Hukum Internasional, Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global*. Penerbit Alumni. Bandung. (**BAB X hal. 591-628**).

**Notes of The United Nation High Commissioner For Human Rights** \_ No 1, *The Hight Commissioner For Human Rights: An Introduction*, Making Human Rights a Reality, United Nations.

**Fact Sheet**, no 2 (rev.1), The International Bill Of Rights, Worls Campaign For Human Rights. UU Nomor 39 tahun 1999 tentang HAM

**UU tentang HAM Nomor 39 Tahun 1999.**

**UU Pengadilan HAM.**

<sup>1</sup>1. Undang-Undang No. 32 Tahun 2004 tentang Pemerintahan Daerah, SETNEG, Tahun 2004

<sup>1</sup>2. Undang-Undang No. 37 Tahun 1999 tentang Hubungan Luar Negeri, SETNEG, 14 Sept. 1999

<sup>1</sup>3. Undang-Undang No. 24 Tahun 2000 tentang Perjanjian Internasional, SETNEG, 2001

<sup>1</sup>4. R.O. Keohane dan J.S. Nye dalam *Transnational Relations and World Politic* sebagaimana disebutkan dalam buku *Ilmu Hubungan Internasional, Disiplin dan Metodologi*, karya DR. Mohtar Mas'ood, hal. 271-274, LP3ES, Jakarta, Tahun 1990.

5. Huntington, Samuel, *Transnational Organizations and World Politics*, WP Vol.25 (1973), sebagaimana disebut dalam buku *Ilmu Hubungan Internasional, Disiplin dan Metodologi*, karya DR. Mohtar Mas'ood, hal. 270, LP3ES, Jakarta, Tahun 1990