

**ABSTRACT**

**STUDY ON THE INTERNATIONAL COURT OF JUSTICE JUDGEMENT  
IN RESOLVING PREAH VIHEAR TEMPLE DISPUTES BETWEEN  
THAILAND AND CAMBODIA UNDER INTERNATIONAL LAW**

by

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Preah Vihear temple territorial dispute between Thailand and Cambodia has been going on since a long time. However, the conflict which led to casualties occurred again since the temple was named as a world heritage site by UNESCO. Various of problem-resolving both bilaterally and regionally has been done, however, the relations between the two countries were not being improved. The conflict actually extended from a point disputed as the result of differences in the interpretation of the Court's Judgement 1962, so that Cambodia applied interpretation of the 1962 Judgement back to the International Court of Justice (ICJ) in 2011. The research was to investigate the process of the Preah Vihear temple dispute between Cambodia and Thailand, then the reason that became the legal basis of the International Court in deciding the dispute.

This research was a normative law through data collection procedures derived from primary legal materials. Data obtained then processed were secondary data from literature studies. Materials were from the sources of International law related to International Court of Justice Regulation, International conventions and other relevant sources of law. The data were then used to explain the problem by looking at the facts associated with the rule of law and applicable legal theory.

This study resulted in the conclusion that in the dispute settlement process of Preah Vihear temple, ICJ based on the article 60 Statute of ICJ and article 98 rules of Court. The Court has jurisdiction to interpret the 1962 Judgement. Trial processes were conducted through 5 stages started from the Application by Cambodia based on request on 28 April 2011 No. 151 then Provisional Measure to conduct cease-fire, Written Pleading about the difference of interpretation in 1962 Judgement delivered in the trial, Oral Pleading through presentation by both parties until Judgement 11 November 2013 No. 151. The legal basis in the settlement process consisted of United Nations Charter, the Statute of the Court,

Court Rules, 1978, Rules of Practice. The legal basis for the Court to resolve the dispute consisted of evidences of prior agreements by France and Siam, general principles of International Law such as the principle of Estoppel, supporting evidences such as Annex I map and other supporting documents, and the arguments of both sides in the trial, decision of 1962 Judgement that re-affirmed through interpretation of the ICJ's Judgement 11 November 2013. In the process of interpretation, ICJ adjudged that Cambodia's request for interpretation could be accepted, and the term of 'surrounding area' and 'area' had the same meaning, as well as the obligation of Thailand to withdraw troops from Cambodia's sovereign territory. It is expected that the implementation effort can be done effectively and minimize the conflict in the future and create peace between countries

Keywords : *International Court Judgement, Disputes, Temple of Preah Vihear, Thailand and Cambodia*