

ABSTRACT

INTERNATIONAL DISPUTE SETTLEMENT IN THE FRAMEWORK OF ASEAN (CASE STUDY OF INVASION OF VIETNAM TO CAMBODIA)

by

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International disputes that arised must be resolved immediately so it will not interfere the security of the international community. According to the international law, international dispute resolution can be resolved through peaceful settlement, one of them is through the framework of regional organizations, this was done by ASEAN in resolving the case of the invasion of Vietnam to Cambodia, this case is motivated by the revolution of the government of Cambodia under Pol Pot's leadership that committed genocide against its people and the people of Vietnamese ancestry in Cambodia. The problems in this thesis were, first, how is the International dispute resolution mechanism within the framework of ASEAN. Second, how is the settlement of the invasion case of Vietnam to Cambodia by ASEAN.

The research method used was the normative legal research method with data collection procedures was the main source of law materials containing normative rules of law. Data acquired and processed in normative legal research were secondary data derived from primary legal materials and secondary legal materials. Methods of data collection and processing were done by studying the literature, articles, and other reading material related to this thesis and done through literature searches to the library of the University of Lampung, Lampung Regional Library and Internet sites related to the writing of this thesis.

The results of the research showed that, first, international dispute resolution mechanisms within the framework of ASEAN had several instruments of dispute resolution which aimed to keep the stability of Southeast Asia, through *Treaty of Amity and Cooperation in Southeast Asia (TAC)*, *Protocol on Dispute Settlement Mechanism 1996 (Protokol DSM 1996)*, *Declaration of ASEAN Concord II 2003*

(Bali Concord II), *The ASEAN Protocol on Enhanced Dispute Settlement Mechanism*, 2004 (Protocol Vientiane 2004) and *ASEAN Charter* 2007. The dispute resolution instruments held by ASEAN was to perform diplomatic dispute resolution, which emphasized dispute resolution through negotiation and consultation. Each instrument has a scope object of dispute and different procedures. Second, the settlement of Vietnamese invasion to Cambodia case by ASEAN was by implementing the dispute settlement provisions of TAC in 1976, ASEAN was taking a role by trying to reunite the disputed parties to find the middle ground in order to resolve the case by meeting called the Jakarta Informal Meetings (JIM I) and followed by JIM II which resulted in some agreement, however the agreement generated by JIM I and JIM II were not going well, then the dispute was brought to the United Nations. Therefore, it was needed the strong and firm regulation in the implementation of the agreements and decisions generated by the ASEAN dispute settlement.

Keywords: *Dispute Settlement, ASEAN*