

**LEGALITY OF CATALONIA UNILATERAL DECLARATION OF  
INDEPENDENCE ON 27 OCTOBER 2017 BASED ON GENERAL  
INTERNATIONAL LAW AS STIPULATED IN INTERNATIONAL COURT  
OF JUSTICE ADVISORY OPINION ON THE UNILATERAL  
DECLARATION OF INDEPENDENCE IN RESPECT OF KOSOVO**

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**ABSTRACT**

This research aims to analyze the legality of Catalonia unilateral declaration of independence on 27 October 2017 based on general international law stipulated in International Court of Justice Advisory Opinion on the Unilateral Declaration of Independence in Respect of Kosovo.

The research conducted is a qualitative legal research with normative-legal approach. The materials gathered for the research include primary, secondary and tertiary legal material. The data for the research was collected through literature study on secondary data that is relevant to the aim of the research. The data collected was analyzed according to the nature of the data.

The result of the research concluded that, according to general international law stipulated in International Court of Justice Advisory Opinion on the Unilateral Declaration of Independence in Respect of Kosovo, unilateral declaration of independence is not prohibited since the obligation to respect sovereign states' territorial integrity only bound fellow States and as long as the unilateral declaration was not or would have not been connected with unlawful use of force and other violations of peremptory norms (*jus cogens*). The research indicated that Catalonia unilateral declaration of independence on 27 October 2017 does not contravene general international law ruled in International Court of Justice Advisory Opinion on the Unilateral Declaration of Independence in Respect of Kosovo since the unilateral declaration of independence fulfilled the prerequisite laid out in the advisory opinion.

**Keywords:** Catalonia, unilateral declaration of independence, International Court of Justice, Advisory Opinion, Kosovo

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## LEGALITAS DEKLARASI KEMERDEKAAN SEPIHAK CATALUNYA PADA 27 OKTOBER 2017 BERDASARKAN HUKUM INTERNASIONAL DALAM *ADVISORY OPINION* MAHKAMAH INTERNASIONAL TENTANG PENDAPAT TERHADAP DEKLARASI KEMERDEKAAN SEPIHAK KOSOVO

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### ABSTRAK

Penulisan hukum ini bertujuan untuk menganalisis legalitas deklarasi kemerdekaan sepihak oleh Catalunya pada 27 Oktober 2017 berdasarkan hukum internasional dalam *Advisory Opinion* Mahkamah Internasional tentang Pendapat terhadap Deklarasi Kemerdekaan Sepihak oleh Kosovo.

Penelitian yang dilakukan merupakan penelitian hukum kualitatif dengan pendekatan legal-normatif. Jenis data yang dikumpulkan untuk penelitian ini adalah data sekunder yang meliputi bahan hukum primer, sekunder, dan tersier. Data penelitian dikumpulkan melalui studi kepustakaan dan dianalisis berdasarkan sifat dan karakter dari data tersebut.

Hasil penelitian menyimpulkan bahwa, berdasarkan hukum internasional dalam *Advisory Opinion* Mahkamah Internasional tentang Pendapat terhadap Deklarasi Kemerdekaan Sepihak oleh Kosovo deklarasi kemerdekaan sepihak tidak dilarang karena kewajiban untuk menghormati integritas teritori sebuah negara hanya mengikat negara sebagai subjek hukum internasional dan selama deklarasi kemerdekaan sepihak tersebut tidak berhubungan dengan penggunaan kekerasan dan pelanggaran norma hukum internasional yang telah diakui dan diterima oleh masyarakat internasional (*jus cogens*). Hasil penelitian menunjukkan bahwa deklarasi kemerdekaan sepihak Catalunya tidak bertentangan dengan hukum internasional yang diatur dalam *Advisory Opinion* Mahkamah Internasional tentang Pendapat terhadap Deklarasi Kemerdekaan Sepihak oleh Kosovo karena telah memenuhi persyaratan yang dijabarkan dalam *Advisory Opinion* tersebut.

**Kata kunci:** Catalunya, deklarasi kemerdekaan sepihak, Mahkamah Internasional, *Advisory Opinion*, Kosovo

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