

TABLE OF CONTENT

Title Page	i
Abstract	x
Intisari	xi
Chapter I: Background	1
A. Background.....	1
B. Problem Statement.....	11
C. Research Goals.....	11
D. Originality.....	12
E. Purpose.....	16
Chapter II: Literature Review	17
A. Principle of Sovereignty.....	17
B. Territorial Jurisdiction.....	19
C. <i>Par in parem non habet imperium</i>	23
D. <i>Acta jure imperii</i> and <i>Acta jure gestionis</i>	24
E. Doctrines of Absolute and Restrictive Immunity.....	26
F. International Conventions.....	29
1. UN Convention on Jurisdictional Immunities of States.....	29
2. Vienna Convention 1961 on Diplomatic Relations.....	31
3. Vienna Convention 1963 on Consular Relations.....	35
Chapter III: Research Method	37
A. Characteristics of Research.....	37
B. Type of Research.....	37
C. Data Analysis.....	38
D. Stages of Research.....	39
E. Challenges of Research.....	40
Chapter IV: Result & Discussion	41
A. International Stance of State Immunity.....	41
1. State Practices of State Immunity.....	41
i. European Countries.....	42

a. Austria.....	42
b. Belgium.....	46
c. Croatia.....	48
d. Cyprus.....	49
e. Denmark.....	50
f. Estonia.....	53
g. France.....	54
h. Germany.....	56
i. Greece.....	56
j. Italy.....	57
k. Ireland.....	59
l. Netherlands.....	62
m. Norway.....	64
n. Poland.....	65
o. Portugal.....	67
p. Serbia.....	69
q. Slovakia.....	71
r. Spain.....	72
s. Sweden.....	74
t. Switzerland.....	75
u. United Kingdom.....	77
ii. North America.....	78
a. United States of America.....	78
b. Canada.....	79
iii. South American Countries.....	79
a. Argentina.....	80
b. Brazil.....	81
c. Venezuela.....	81
iv. African Countries.....	82
a. Egypt.....	82
b. Nigeria.....	84

c. South Africa.....	87
d. Tunisia.....	88
e. Other African States.....	89
v. Australia.....	89
vi. Asian Non-ASEAN Countries.....	90
a. China	91
b. India.....	95
c. Israel.....	97
d. Japan.....	98
e. Pakistan.....	99
f. Syria.....	100
vii. ASEAN Countries.....	101
a. Malaysia.....	102
b. Myanmar.....	102
c. Singapore.....	103
d. Thailand.....	103
2. Shift Towards a More Commercial Function of a State.....	104
3. Restrictive Immunity as a Customary International Law.....	109
4. Reciprocity between States.....	111
5. Influence from Developed States.....	113
6. Internal Political and Economic System.....	115
B. Indonesian Stance of State Immunity.....	116
1. Indonesia's Known History of State Immunity Stance.....	116
2. Cases of State Immunity Involving Republic of Indonesia.....	118
i. Republic of Indonesia as a Defendant.....	119
a. <i>Juan Ysmael & Co., Inc. v. Government of Republic of Indonesia</i>	119
b. <i>Neustein v. Republic of Indonesia</i>	121
c. <i>Phaneuf v. Republic of Indonesia</i>	121
d. <i>Vinzon v. Republic of Indonesia</i>	124
e. <i>Velasco v. Republic of Indonesia</i>	129

ii. Indonesian Governmental Entity as a Defendant.....	131
a. <i>PT. Garuda Indonesia Ltd. v. ACCC</i>	131
b. <i>Hanil Bank v. PT. Bank Negara Indonesia</i>	133
iii. Foreign State Sued Within Indonesia's Jurisdiction.....	135
a. <i>Luis F.S.S. Perreira, S.H. v. Brazilian Embassy in Jakarta</i>	135
b. <i>Indra Taufiq Djafar v. United States Consulate in Medan</i>	137
3. Indonesia's Current Stance of State Immunity.....	140
Chapter V: Closing	144
A. Conclusion.....	144
B. Recommendation.....	147
Bibliography	151