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Implementation of The Principle of Non-Intervention In ASEAN In The Settlement of Disputes Faced By Its Members

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Abstract: ASEAN was founded based on the Bangkok Declaration on August 8, 1967, with 11 members in the Southeast Asian region. They remain committed to the principle of non-intervention as stipulated in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC) and the ASEAN Charter. ASEAN has developed into a major international organization and is beginning to be recognized internationally. The principle of non-intervention remains a persistent issue within ASEAN, and ASEAN leaders should consider the flexibility of this principle. This aims to assist member states facing issues, particularly humanitarian ones. This principle of non-intervention has brought ASEAN to its current level, and it is hoped that in the future, ASEAN will be able to contribute more to its fellow ASEAN members and to other organizations worldwide, thereby aligning ASEAN with its vision, mission, and objectives.

Keywords: ASEAN, Non-Intervention, ASEAN Charter, Treaty of Amity and Cooperation in Southeast Asia

INTRODUCTION

The Association of Southeast Asian Nations (ASEAN), founded on August 8, 1967, in Bangkok, is an intergovernmental organization. Initially, it consisted of only five member countries: Indonesia, Thailand, the Philippines, Malaysia, and Singapore¹ ASEAN membership has since expanded to 11 member countries with the addition of Brunei Darussalam, Vietnam, Laos, Myanmar, Cambodia, and Timor-Leste.

ASEAN is not the first regional organization in Southeast Asia; several have existed before. This demonstrates that Southeast Asian countries have been familiar with and even members of such organizations, both regional organizations with membership limited to countries within the region and regional organizations with members from countries outside the region. The Southeast Asia Treaty Organization (SEATO), for example, is a regional

¹ Sumaryo Suryokusumo, 2007, *Studi Kasus Hukum Internasional*, PT. Tatanusa, Jakarta- Indonesia, hlm.

organization in Southeast Asia that involves not only Thailand, the Philippines, and Singapore, but also countries outside the region such as Australia, the United States, and New Zealand.²

Efforts to establish a regional cooperative organization in Southeast Asia began at the beginning of the final period of World War II, when several Asian countries declared their independence, freeing themselves from the shackles of colonial rule. With their newfound independence, they were required to fulfill their national interests: maintaining their existence, improving the socio-economic well-being of their people, maintaining their national integrity, and so on (Muhammad. 2010).³ Leaders recognized that these needs could not be met by their own strength but required consideration and cooperation with other nations. They also recognized that for the cooperation they created to be more effective and efficient, they felt the need to unite and collaborate within a regional organization.

The formation of ASEAN was not initially intended to create a supranational organization with interests distinct from those of its members. Former Secretary General of ASEAN, Rodolfo Severino Jr (1998)⁴, in a speech at the University of Sydney, Australia in 1998 stated : “*ASEAN’s founders in 1967 intended ASEAN to be an association of all the states of Southeast Asia cooperating voluntarily for the common good, with peace and economic, social and cultural development its primary purposes. ASEAN is not and was not meant to be a supranational entity acting independently of its members. It has no regional parliament or council of ministers with law-making powers, no power of enforcement, no judicial system.*”

Severino's statement can indeed be justified by considering ASEAN's objectives as stated in the Bangkok Declaration:

1. To accelerate economic growth, social progress, and cultural development in the region through joint efforts in the spirit of equality and partnership in order to strengthen the foundations for a prosperous and peaceful community of Southeast Asian nations;
2. To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the United Nations Charter;
3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, technical, scientific, and administrative fields;
4. To provide mutual assistance in the form of training and research facilities in the fields of education, the professions, engineering, and administration;
5. To cooperate more effectively to improve the utilization of their agriculture and industry, expand trade and the study of international commodity problems, improve transportation and communications facilities, and raise the standard of living of their peoples;
6. To promote the study of Southeast Asia;
7. Maintain close and beneficial cooperation with various international and regional organizations with similar goals, and explore all possibilities for close cooperation among themselves.

Geopolitically, the Southeast Asian region holds significant strategic value. This is reflected in the various conflicts in the region involving the interests of major powers after World War II⁵, leading Southeast Asia to be dubbed the "Balkans of Asia." Competition between superpowers and other major powers in the region was evident, among other things,

² Hall, D.G.E. 1981. *The History of South-East Asia*, Malaysia: Dewan Bahasa dan Pustaka Kuala Lumpur.

³ Herjuno, Muhammad. 2010. *Pelaksanaan Prinsip Non Intervensi di ASEAN (Studi Kasus Myanmar)*, Yogyakarta: Universitas Islam Indonesia, hlm. 78

⁴ Severino, Rodolfo. 1998. *Asia Policy Lecture: What ASEAN Is and What It Stands For (The Research Institute for Asia and the Pacific, University of Sydney, Australia, 22 October 1998)*, diakses pada tanggal 7 Januari 2026 dari <http://www.aseansec.org/3399.htm>.

⁵ Tony Yuri Rahmanto, “Prinsip Non-intervensi Bagi ASEAN Ditinjau Dari Perspektif Hak Asasi Manusia”, *Jurnal HAM* 8, no. 2 (2017), hlm. 148

in the Vietnam War. Furthermore, conflicts of interest have also occurred among Southeast Asian countries, such as the "confrontation" between Indonesia and Malaysia and the territorial claims between Malaysia and the Philippines regarding Sabah⁶.

One of the hot topics at the ASEAN Ministerial Meeting in Singapore on July 23, 2008, was the military tensions between Cambodia and Thailand. The two countries disputed the ownership of the Preah Vihear Temple,¹⁵ and there was no clarity regarding the border¹⁶ between their territories.⁷ The issue of ownership of the temple has actually been a long-standing one. The root of the temple dispute was born from the unclear agreement between the French occupation government (which occupied Cambodia) and the Siamese government (now Thailand) in the early 1900s. France and Siam agreed to determine the border between the two countries which was outlined in a Franco-Siamese Treaty on February 13, 1904. However, this agreement did not clearly determine where the Preah Vihear Temple was located.⁸

The main principles of ASEAN cooperation include equality in membership, without diminishing the sovereignty of each member state.⁹ ASEAN member states retain full sovereignty, both internally and externally, while consensus and consultation, common interest, and solidarity, in the spirit of ASEAN, are the hallmarks of this cooperation. The preamble to the Bangkok Declaration outlines ASEAN's goals: to lay a solid foundation for advancing regional cooperation, strengthening economic and social stability, and maintaining peace and security in the Southeast Asian region.¹⁰ These goals include the desire to resolve disputes among its members peacefully without resorting to violence or war.

One important instrument in the effort to realize and maintain political stability and security in the Southeast Asian region is the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC).¹¹ The principles contained in the TAC are also reflected in the UN Charter, including the principle of non-interference and the use of peaceful means to resolve disputes without resorting to violence between the signatory countries. The TAC, signed at the first ASEAN summit in Bali on February 24, 1976, is often cited as a manifestation of the global values underlying the formation of regional organizations. At the Bali meeting, ASEAN countries agreed to: Mutual respect for the independence, sovereignty, and territorial integrity of all nations; Every country has the right to maintain its existence from interference, subversion, and violence from external powers; Non-interference in the internal affairs of other countries; Resolve differences of opinion and disputes by peaceful means; Reject the threat of using violence.¹²

Based on the background above, a problem formulation can be drawn on how to implement the principle of non-intervention in ASEAN in resolving disputes faced by its members in carrying out cooperative relations between one country and another and can strengthen relations between members so that every problem being faced by each member of ASEAN, especially regarding human rights, social culture and others, can participate to

⁶ Sefriani, *Peran Hukum Internasional Dalam Hubungan Internasional Kontemporer*, (Jakarta: Penerbit Raja Grafindo, 2016), hlm. 34

⁷ Sri Setianingsih, Wahyuningsih, *Hukum Internasional*, (Tangerang: Universitas Terbuka, 2014), hlm. 67

⁸ Yuliantini, N. P. R., & Mangku, D. G. S. (2019). Tindakan Genosida terhadap Etnis Rohingya dalam Perspektif Hukum Pidana Internasional. *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma*, 21(1), hlm. 38-46.

⁹ Adolf, Huala. 1990. *Aspek-Aspek Negara dalam Hukum Internasional*. Jakarta: Rajawali Press, hlm. 110

¹⁰ Andrea, Faustinus. 2006. *Perimbangan Kekuatan di Myanmar Faktor ASEAN dan Kepentingan Indonesia*. Vol. 35 No. 2 Juni 2006. *Analisis Centre for Strategic and International Studies* (CSIS). Jakarta, hlm. 183.

¹¹ Gabriella Julia, Max K. Sondakh, Fernando J.M.M., Karisoh, Pengaturan Hukum Mengenai Aparatur Hubungan Luar Negeri Menurut Undang-Undang Nomor 37 Tahun 1999 Tentang Hubungan Luar Negeri, dalam Penerbit *Jurnal Lex Administratum* 3, no. 4, (2020), hlm. 168

¹² Cipto, Bambang. 2007. *Hubungan Internasional di Asia Tenggara, Teropong terhadap Dinamika, Realitas, dan Masa Depan*. Yogyakarta: Pustaka Pelajar, hlm. 121

contribute their thoughts and input to help resolve the problems being faced by members without having to violate the sovereignty of each ASEAN member country.

METHODS

Research is defined as a series of orderly activities that assist the development of other sciences in uncovering truth. It can be described as a process, a series of activities that produce a result. This series of activities includes determining the problem to be researched, collecting the data necessary to examine the identified problem, processing the collected data, and drawing conclusions based on the data processing. The resulting result is the revelation of truth.¹³

This writing is descriptive in nature, meaning it aims to provide a clear picture of the implementation of the principle of non-intervention in ASEAN in resolving disputes faced by its members. This article is a normative legal research, the data for which is obtained through document or literature study conducted by examining library materials such as books, magazines, international agreements (the ASEAN Charter), papers, journals, articles, newspapers, and internet sites related to the topic.

DISCUSSION AND RESULT

Understanding Non-Intervention in International Law.

The term "intervention" is generally used to describe actions largely related to interference. According to Parry and Grant, intervention is interference in the internal affairs of a state to satisfy the wishes of another state in order to achieve harmony and compromise between various interests. As previously stated, intervention itself can be defined in the dictionary of international law as a foreign policy principle that requires those in power in the political sphere to eliminate disputes with other states, but to maintain diplomatic relations and avoid all wars not related to self-defense.¹⁴

Rather than being perceived as a right, intervention can be considered a sanction of a state's authority. It is used as a tool to instruct other states in fulfilling their obligations.²⁵ When a state intervenes, it is required not to endanger or use force against the jurisdiction of any state. In some situations, the principle of non-intervention cannot be said to be an absolute principle, namely in circumstances when:¹⁵ a) Intervention in a country requires the country to ask for assistance from other countries to intervene; b) Humanitarian intervention and responsibility to protect (Humanitarian Intervention and Responsibility To Protect); c) Intervention carried out simultaneously in accordance with Chapter VII of the UN Charter¹⁶; d) Intervention carried out with the desire to protect its citizens abroad. Therefore, each country needs to resolve international disputes by prioritizing peaceful means. So that global peace, security, and justice are not threatened. There is a provision not to intervene in other countries. In 1966 the UN General Assembly issued Resolution 2131 (XX) 27 at number 1 which is translated as follows: "no state has the right to intervene, either directly or indirectly, for any reason whatsoever, in the internal or external affairs of a state. Therefore, armed intervention and all other forms of

¹³ Istanto, F. Sugeng. 2007. *Penelitian Hukum*. Yogyakarta: Ganda, hlm. 12

¹⁴ Parry & Grant, *Encyclopaedic Dictionary of International Law*, (New York: Oceana Publication, Inc., 1986), hlm. 190-191

¹⁵ Resolusi 2131 yang dikeluarkan Majelis Umum PBB https://legal.un.org/avl/pdf/ha/ga_2131-xx/ga_2131-xx_e.pdf. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned

¹⁶ Djuhardi, F. M. W., Tuhulele, P., & Daties, D. R. A. (2024). Penerapan Prinsip Non Intervensi Dalam Hukuman Mati Terhadap Warga Negara Asing. *PATTIMURA Law Study Review*, 2(3), hlm. 141-151.

interference or attempts to threaten the personality of the state or its politics, economy and culture are prohibited”.

Based on the General Assembly Resolution, it can be interpreted that international law limits any violence that indirectly triggers a violation of a country's jurisdiction.¹⁷ However, international law does not prohibit several circumstances that have been explained in the previous discussion. 29. Then in the ASEAN Charter, it is further explained in Article 2 paragraph (2) letter (e) that ASEAN member countries are prohibited from interfering in each other's internal affairs. 30. Then it is emphasized again in Article 2 paragraph (2) letter (f) that to respect the right to control its national existence freely without interference, subversion, and coercion from outside.¹⁸

The word intervention is often used generally to indicate almost all acts of interference by a country in the affairs of another country.. *Non-intervention is a foreign policy which holds that political rulers should avoid alliances with other nations, but still retain diplomacy, and avoid all wars not related to direct self-defense. This is based on the grounds that a state should not interfere in the internal politics of another state, based upon the principles of state sovereignty and self-determination. A similar phrase is strategic independence.*

Based on a specific definition, intervention is limited to the act of interfering in the domestic or foreign affairs of another country that violates that country's independence. It is not an intervention, a provision of advice by one country to another country regarding matters within the latter's competence to make decisions for itself, although it is generally considered an intervention (J.G. Starke, 2007:683). Intervention must take the form of an order, that is, coercive or the threat of violence behind it. Such intervention is almost always accompanied by a form or implication of action to disrupt the political independence of the country concerned.¹⁹

From the explanation above, ASEAN strongly emphasizes itself as an international organization in the Southeast Asian region that still upholds the principle of non-intervention that applies to its eleven ASEAN member countries.²⁰ Of course, this has a positive and negative impact on the continuation of this international organization. Many international law experts, especially international organizations, predict that if ASEAN continues to maintain this principle, it will have a bad impact on this organization (disbandment). However, it is precisely the principle of non-intervention that has enabled ASEAN to survive until now.

ASEAN Charter

The ASEAN Charter is an international treaty born from a long series of negotiations. Aligning and then agreeing on the interests of the ten ASEAN member states within a single, legally binding framework is just one of the many diplomatic efforts that must be undertaken to create the ASEAN Charter. Peace, stability, progress, and shared prosperity in the region are among the fundamental interests that ultimately unite Southeast Asian nations within the ASEAN framework.²¹

The long series of negotiations can be seen, among other things, in the drafting of the ASEAN Charter, which began with the formation of the Eminent Persons Group on the ASEAN Charter (EPG), comprising prominent figures from all ASEAN member states and

¹⁷ Adjei, Eric. 2005. *The Legality of Humanitarian Intervention*. Tesis. University of Georgia. hlm. 29

¹⁸ Djuhardi, F. M. W., Tuhulele, P., & Daties, D. R. A. (2024). Penerapan Prinsip Non Intervensi Dalam Hukuman Mati Terhadap Warga Negara Asing. *PATTIMURA Law Study Review*, 2(3), hlm. 141-151.

¹⁹ Brierly, J. L. 1996. *Hukum Bangsa-Bangsa: Suatu Pengantar Hukum Internasional*. Jakarta: Bharata, hlm. 134

²⁰ D'Amato, Anthony. 2001. *There is No Norm of Intervention or Non Intervention in International Law*. International Legal Theory. ASIL, hlm. 9

²¹ Direktorat Jenderal Kerjasama ASEAN Departemen Luar Negeri Republik Indonesia. 2007. *ASEAN Selayang Pandang*. Jakarta: Departemen Luar Negeri Republik Indonesia, hlm. 9

chaired by Tun Musa Hitam (EPG-Malaysia). The formation of the EPG was formalized at the 11th ASEAN Summit in Kuala Lumpur, Malaysia, in December 2005 with the signing of the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter.²² The EPG was tasked with providing input and recommendations on the drafting of the ASEAN Charter.²³ During its term of office in 2006, the EPG held eight meetings, including dialogues with Heads of State or Government, the Business Sector, Parliament, and Civil Society Organizations. Through these meetings, input and suggestions were obtained regarding how the ASEAN Charter should be drafted.

The EPG made the following recommendations:²⁴

1. Emphasizing that the ASEAN Charter should contain clarity on effective and efficient ASEAN mechanisms and structures;
2. Increasing public involvement in various ASEAN cooperation activities (people-centered organization); and
3. Strengthening the development of the ASEAN Community.

Subsequently, at the 12th ASEAN Summit in Cebu, Philippines, held in January 2007, ASEAN member states signed the Cebu Declaration on the Blueprint of the ASEAN Charter, which outlined an agreement to draft an ASEAN Charter based on the recommendations proposed by the EPG. The Heads of State or Government of ASEAN member countries have provided direction regarding the drafting of the charter and formed a High Level Task Force on the Drafting of ASEAN Charter (HLTF) whose members are high officials from ASEAN member countries.²⁵

In accordance with its mandate, all HLTF members were tasked with completing the drafting of the ASEAN Charter before the 13th ASEAN Summit in Singapore, held in November 2007.²⁶ The 13th ASEAN Summit in Singapore marked a new milestone for member countries in the Southeast Asian region. This milestone was the creation of the ASEAN Charter, signed by the leaders of ASEAN member countries on November 20, 2007, and entered into force on December 15, 2008. The ASEAN Charter, signed and ratified by all ASEAN member countries, will transform ASEAN from a loose regional organization into a professional, rules-based organization. The existence of the ASEAN Charter will provide a legal and institutional framework for ASEAN to develop into a shared community that prioritizes, among others, peace, security, stability, sustainable economic growth, prosperity, and social progress.

Implementation of The Principle of Non-Intervention In Dealing With Disputes Among ASEAN Members.

One of the factors that maintained world peace after World War II was the principle of non-intervention as stated in the UN Charter and the Bandung Ten Principles, which were the most important decisions of the Asia-Africa Conference in Bandung in 1955. The establishment of the UN was sponsored by the five victorious countries of World War II: the

²² Arianta, K., Mangku, D. G. S., & Yuliantini, N. P. R. (2020). Perlindungan Hukum Bagi Kaum Etnis Rohingya Dalam Perspektif Hak Asasi Manusia Internasional. *Jurnal Komunitas Yustisia*, 3(2), hlm. 166-176.

²³ Purwendah, E. K., & Mangku, D. G. S. (2018). The implementation of agreement on transboundary haze pollution in the southeast Asia region for Asean Member countries. *International Journal of Business, Economics and Law*, 17(4), 8-14.

²⁴ Yuliantini, N. P. R. (2021). Legal protection of women and children from violence in the perspective of regional regulation of buleleng regency number 5 year 2019. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 9(1), hlm. 89-96

²⁵ Starke, J. G. 2007. *Pengantar Hukum Internasional* (edisi kesepuluh, Buku 2). Jakarta: Sinar Grafika, hlm. 154

²⁶ Bando, Bantarto. 2003. *Mahatir's Myanmar Policy Not Just Empty Rhetoric*. The Jakarta Post. tanggal 29 Juli 2003, hlm. 23

US, Britain, France, China, and the Soviet Union. No country or external power may intervene, either politically or militarily,²⁷ against a country facing internal problems or turmoil. However, in reality, after the end of the Cold War, this principle of non-intervention began to be violated, especially by the West under various pretexts.²⁸

Among the main principles of ASEAN are related to the principle of non-intervention in international law. The principles of state sovereignty and non-intervention are regulated in Article 2 paragraph (1) of the UN Charter, which states:²⁹ *The organization is based on the principle of the sovereign equality of all the members.* Sedangkan pada Pasal 2 ayat (4) *All members shall refrain in their international relation from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner in consistent with the purpose of the United Nations.* Dan Pasal 2 ayat (7) *Nothing contained in the present charter shall authorize the United Nations to intervene in matters which essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present charter, but the principle shall not prejudice the application of enforcement measures under chapter VII.*

The provisions of the UN Charter clearly state that intervention in relations between states is prohibited. This provision was further strengthened by UN General Assembly Resolution 2625 (XXV), issued on October 24, 1970, which was later adopted as the General Assembly Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in Relation to the UN Charter. In practice, these principles are frequently violated by states under humanitarian pretexts. Humanitarian interventions in Iraq in 1991, Somalia in 1992, and Kosovo in 1999 serve as evidence that this doctrine has been implemented by states in their international relations. Its proponents believe that humanitarian intervention is legitimated based on an interpretation of Article 2, paragraph (4) of the UN Charter.³⁰

Article 2, paragraph (4) is not an absolute prohibition, but rather a limitation to ensure that intervention does not violate territorial integrity, political independence, and is inconsistent with the Purposes of the United Nations. Territorial unity is intended if a country loses its territory permanently, while in humanitarian intervention, the intervening party does not take the country's territory permanently, the action is only to restore human rights (Anthony D'Amato, 2001:20). Humanitarian intervention does not violate a country's political freedom. This action only aims to restore human rights in a country. Every country and its population still have political freedom. Based on this assumption, humanitarian intervention does not violate the UN Charter. The same thing is also stated by Teson (Eric Adjie, 2005:29), according to him, armed violence is only prohibited by the UN if it violates: *when it impairs the territorial integrity of the target state; when it affects its political independence; or when it is otherwise against the purposes of the United Nations.*³¹

Humanitarian intervention can be considered legitimate if it does not violate the limits stipulated in Article 2 paragraph (4). The legality of humanitarian intervention is also linked to

²⁷ Katsumata, Hiro. 2004. *Why Is Asean Diplomacy Changing? From "Non-Interference" to "Open and Frank Discussions"* Asian Survey, Vol. 44, No. 2 (Mar. - Apr., 2004). diambil dari <http://ezproxy.ugm.ac.id:2056/action/doBasicResuIt?hp=25&la=&gw=jtx&jcps=1&arts=1&Query=asean&sbq=asean&si=76&jtxsi=76>, pada tanggal 23 Maret 2026.

²⁸ Budiarno, Adityo. 2010. *Prinsip Non Intervensi dan Prospek*, diambil dari <http://adityobudiatno.blogspot.com/2010/03/prinsip-nonintervensi-dan-prospek.html>, pada tanggal 24 Maret 2026

²⁹ Yuliantini, N. P. R., & Mangku, D. G. S. (2020). Legal protection for women victims of trafficking in Indonesia in an international human rights perspective. *International Journal of Criminology and Sociology*, 9(2), hlm. 1397

³⁰ Mangku, D. G. S., & SH, L. M. (2020). *Pengantar Hukum Internasional*. Penerbit Lakeisha, hlm. 22

³¹ Yuliantini, N. P. R. (2019). Legal Protection For Victims Of Criminal Violations (Case Study Of Violence Against Children In Buleleng District). *Veteran Law Review*, 2(2), hlm. 30-41.

the UN's goal of respecting human rights (Article 1 paragraph (3) of the UN Charter). According to D'Amato, since 1945 and the enactment of the Convention on the Prohibition of Genocide and the Universal Declaration of Human Rights, states' authority to act arbitrarily against their citizens has been limited. Territorial boundaries are no longer an issue in the implementation and protection of human rights.³²

State sovereignty, which is usually the reason humanitarian intervention cannot be justified under international law, has failed contextually. This opinion is expressed by Hans Kelsen (2007:414-415). According to him, the purpose of international law is to limit state sovereignty itself. Since individuals are subjects of international law, state sovereignty is essentially derived from individuals delegating their authority to states. Therefore, when states violate individual rights, those individuals can seek assistance from other parties (states) to restore their rights. It was at this time that humanitarian intervention emerged, and the obligation of states to cooperate (assistance) with each other to protect and promote human rights arose. Current state practices have also established a precedent that humanitarian intervention can be considered international custom. Humanitarian intervention is an obligation of every state. This doctrine is not a right like the right of self-defense. It comes into play when a human rights violation occurs. Such intervention can be carried out individually or collectively.³³

The principle of non-intervention has been firmly upheld by ASEAN members in their regional policies, alongside other principles such as mutual respect, consensus, dialogue, and consultation (Arianta; 2020). This long-standing principle of non-intervention has contributed significantly to ASEAN's existence. At its most fundamental level, this principle represents a concrete manifestation of respect for the sovereignty of each member state. This is crucial, given the history leading up to ASEAN's formation, which was marked by a number of conflicts between prospective member states, as mentioned above.³⁴

The various regulations mentioned above clearly indicate that ASEAN has not abandoned its fundamental principle of non-interference. Therefore, ASEAN cannot intervene in violations that occur within the organization, such as human rights violations committed by its members or within ASEAN member states. For example, the Myanmar issue has given rise to differing views and attitudes among ASEAN member states regarding how to handle the Myanmar case and its implications for future ASEAN cooperation. ASEAN seems to be inextricably linked to the Myanmar issue (Antarto Bandoro, *The Jakarta Post*, 2003),³⁵ especially when ASEAN discusses how to build a more democratic Southeast Asia region. The Myanmar issue is almost always on the agenda of internal ASEAN Foreign Ministers' meetings and between ASEAN and its dialogue partners. Due to pressure from the United States, the issue was even nearly discussed at the UN forum when the United States saw dim prospects for democratization in Myanmar.³⁶

The problem lies with the principle of non-interference within ASEAN. This principle has been legalized and is enshrined in the ASEAN Charter. ASEAN must take a firm stance

³² Mangku, D. G. S. (2021). Pemenuhan Hak Asasi Manusia kepada Etnis Rohingya di Myanmar. *Perspektif Hukum*, hlm. 15.

³³ Malik, F., Abduladjid, S., Mangku, D. G. S., Yuliantini, N. P. R., Wirawan, I. G. M. A. S., & Mahendra, P. R. A. (2021). Legal protection for people with disabilities in the perspective of human rights in Indonesia. *International Journal*, 10, 539.

³⁴ Purwendah, E. K., & Mangku, D. G. S. (2018). The implementation of agreement on transboundary haze pollution in the southeast Asia region for Asean Member countries. *International Journal of Business, Economics and Law*, 17(4), 8-14.

³⁵ Andrea, Faustinus. 2007. *ASEAN Setelah 40 Tahun*. diakses pada tanggal 23 Maret 2025, dari <http://www.kompas.com>.

³⁶ Yuliantini, N. P. R. (2021). Pemenuhan hak pendidikan bagi anak-anak penyandang disabilitas di Kabupaten Buleleng. *Justitia Jurnal Hukum*, 5(1).

against Myanmar. ASEAN can tell Myanmar not to mess with this issue, because every Myanmar refugee who goes to an ASEAN country,³⁷ and the impact (consequences) of that refugee influx can cause instability and security disturbances in the country concerned. Countries like Vietnam and Singapore will certainly reject intervention in Myanmar. They will consider such matters to be Myanmar's internal affairs. In fact, this issue cannot be underestimated, as ASEAN also has an obligation to protect ASEAN civil society. Indonesia was also criticized when they discussed the Rohingya, but they never addressed the Ahmadiyah.³⁸

Thailand has a different story within its country, which remains turbulent to this day. Democracy remains a specter that haunts Thailand to this day. As an ASEAN member state that was never colonized by another nation, Thailand stands as a nation without a guiding hand. From the Thaksin case to the elections that always bring up complex problems, making some other member countries and the international community think that this is a classic problem that Thailand has and that the country itself can solve this problem, so why would Thailand join ASEAN if the burden has to be shouldered alone without asking for help from other countries to help solve it within the country

CONCLUSION

ASEAN countries use the principle of non-intervention as a political guarantee to achieve peaceful relations among countries in the Southeast Asian region. This is understandable considering that Southeast Asian countries are multi-ethnic and have various religious beliefs that are highly sensitive and can lead to internal conflict. Regarding human rights violations in Southeast Asia, ASEAN leaders should consider adopting and implementing this principle with some flexibility, rather than the rigidity inherent in ASEAN's early days. Humanitarian intervention, in general, is an effort to prevent or stop gross human rights violations by using certain forces (diplomatic and military) in a country, either with or without that country's consent (a country experiencing internal conflict). When a humanitarian problem occurs in a country that constitutes a gross human rights violation, the international community is justified in taking intervention. The application of the principle of non-intervention must be flexible and expedient. It must provide space for humanitarian assistance and for law enforcement, particularly in the field of human rights, to provide recommendations or contribute to the actions of ASEAN member states based on international humanitarian principles.

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