

INDONESIA'S REJECTION OF ISRAEL IN THE 2023 U-20 WORLD CUP: AN INTERNATIONAL LAW PERSPECTIVE

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ABSTRACT:

Sport is a significant aspect of international relations. In 2023, FIFA planned to hold the U-20 World Cup in Indonesia, but the event was canceled after Indonesia rejected Israel's participation. This research aims to analyze whether a country has the authority to exclude other nations from sports events under international law, and whether Indonesia's actions in rejecting Israel's participation align with international legal principles. The study uses a normative legal research method, focusing on relevant legal norms and frameworks. The findings indicate that, according to international law, a state's sovereignty allows it to make decisions regarding participation in international events, as outlined in the general principles of law and the 1933 Montevideo Convention. These principles affirm a nation's right to control its territory, including its policies on human rights, in line with the Universal Declaration of Human Rights and FIFA's Statutes. Furthermore, the legal basis for Indonesia's rejection of Israel is supported by national laws, including the 1945 Constitution's preamble and the Ministry of Foreign Affairs Regulation No. 3 of 2019, which sets guidelines for Indonesia's foreign relations, particularly with Israel.

Keywords: Indonesia, International Law, Israel, Rejection

A. Introduction

International law is a form of study or a branch of one of the legal sciences that as a whole contains rules and principles governing all aspects within the international scope. International relations between countries are one of the aspects of international law discussed in international law.¹ One of these aspects of life is sports. In the field of sports, the holding of an international sports event can be categorized as an implementation of international relations, particularly through the participation of representatives from each country. Football is one of the most popular sports in the world and has a global organization overseeing it, namely FIFA.²

One of the events organized by FIFA is the U-20 World Cup held in 2023, with Indonesia as the host. However, on March 14, 2023, the Governor of Bali sent a letter to the central government through letter number T.00.426/11470/SEKRET regarding the decision to reject Israel as a participating country in the event to be held in Indonesia. It didn't stop there; several other politicians and officials in the country also firmly rejected Israel. After the intensified rejection efforts, on March 29, 2023, FIFA officially revoked Indonesia's status as the host country on the grounds that Indonesia was not suitable to be the host.³ The rejection by Indonesia towards Israel is correlated with its consistency in upholding human rights. Besides the issue of human rights, this rejection also needs to be viewed through the lens of Indonesia's sovereignty over its territory. Whether from the perspective of human rights or national sovereignty, the urgency of these two principles or theories is then adjusted according to the rules outlined in international law and national law. Related to this issue, there has been research on a similar topic titled "Analysis of FIFA's Authority on the Revocation of Indonesia's Status as Host of the 2023 U-20 World Cup." In that research, the author examines FIFA's decision from the perspective of FIFA's authority as part of an international organization that has the authority and autonomy to assess the situation at hand. There is also another study with a similar topic titled "The Problem of the Rejection of the Israeli National Team at the U-20 World Cup in Indonesia from the Perspective of Human Rights and the Constitution." In that study, the author examines the topic from the perspective of human rights related to the issue of the Israeli national team competing in the U-20 World Cup 2023 in Indonesia and also from the perspective of the Indonesian

¹Abdul Muthalib dan Risti Dwi Ramasari, *Hukum Internasional & Perkembangannya*, Lampung: UBL Press, 2021, p. 4.

² Arifuddin Usman, et.al, *Kajian Ilmu Keolahragaan dan Kesehatan*, Pekalongan: Nasya Expanding Management (NEM), 2023, p. 80.

³FIFA, "FIFA Removes Indonesia as Host of FIFA U-20 World Cup 2023", <https://www.fifa.com>, Accessed Desember 13th, 2023.

constitution. The author believes that the Israeli national team has the right to compete in Indonesia because, in essence, all countries are equal, and therefore, the presence of the Israeli U-20 national team will not diminish Indonesia's struggle for the Palestinian people.

It can be concluded that what will differentiate the study to be conducted by the author is that the author plans to examine this issue through international legal regulations, supported by national rules that discuss the attitude of rejection towards a country. In essence, the phenomena of rejection still raise the issue of whether such actions are legitimate or not. The author feels the need to delve deeper into this issue and therefore wishes to take the thesis topic titled "Indonesia's Rejection of Israel as a Participant in the 2023 U-20 World Cup Event in Indonesia Based on International Law".

Based on the above, this study will identify two main issues: first, does a country have the authority to deny another country's participation in a sports event based on international law? Second, Is the Indonesian government's action of rejecting Israel as a participant in the 2023 U-20 World Cup in Indonesia in accordance with international law?

B. Research Method

The research method used in this study is normative juridical legal research. This method employs a search method from various sources, such as the Constitution, Conventions, Declarations, and Statutes obtained from official websites of related organizations, books related to international law and human rights, journals related to similar research or topics concerning sovereignty and human rights. Legal research is normative in nature, meaning it aims to explain the standards applicable within a specific legal system.⁴

C. Discussion

1. Global State Authority

International law serves to regulate the actions and activities of various international organizations, as well as the relationships that develop between countries around the world.⁵ In the context of the formation of international legal provisions, legal sources play a

⁴David Tan, "Metode Penelitian Hukum: Mengupas dan Mengulas Metodologi dalam Menyelenggarakan Penelitian Hukum", Jurnal Ilmu Pengetahuan Sosial, Vol. 8 No. 8, 2021, p. 5.

⁵Made Krishna Dwipayana Aryawan, "Hukum Internasional Sebagai Salah Satu Jenis Hukum yang Penting Adanya dalam Suatu Sistem Hukum", Ganesha Law Review, Vol. 4 No. 2, 2022, p. 2.

fundamental role. Article 38, paragraph 1, of the Statute of the International Court of Justice stipulates that the sources of international law include international treaties, international customs, general principles of law, judicial decisions, and the opinions of highly qualified publicists in the field of law. International law serves as the rulebook for the interactions of states, which are one of the subjects of international law. Currently, the concept of state sovereignty only refers to the sovereignty of a state within its own territorial boundaries. However, due to changes in the structure of the international community and various global factors affecting international law, this concept must be more complex.⁶

The concept of sovereignty is something flexible and can adapt to the definitions and needs of society itself. In the internal context, sovereignty grants the state the power to exercise its authority over its territory, including the enforcement of national law on individuals or objects within the boundaries of that territory. In other words, sovereignty enables the state to regulate and uphold the rule of law within its territory.⁷ Article 1 of the Montevideo Convention of 1933 on the Rights and Duties of States stipulates that to be recognized as an international entity, a state must meet certain qualifications, including:⁸

1. A permanent population
2. A defined territory
3. Government
4. Capacity to enter into relations with other states.

The concept of state sovereignty in its implementation can be divided into two main aspects. The first aspect is internal sovereignty. Internal sovereignty refers to the highest power possessed by a state to regulate matters within its territory. This aspect includes the state's rights and authority to determine various important aspects, such as the structure and form of the state, the type and system of government, the political structure, and the policies implemented. Additionally, internal sovereignty also involves the process of forming and applying the national legal system that is in force within the state's territory. The second aspect is external sovereignty. External sovereignty involves a state's ability to establish various forms of cooperation or international relations, as well as to interact with various subjects of international law. Countries also have the right to join and actively participate in

⁶Levina Yustitianiingtyas, "Masyarakat dan Hukum Internasional (Tinjauan Yuridis Terhadap Perubahan-Perubahan Sosial dalam Masyarakat Internasional)", *Perspektif*, Vol. 20 No. 2, 2015, p. 99.

⁷Koesrianti, et.al, 2021, *Kedaulatan Negara Menurut Hukum Internasional*, Surabaya: Airlangga University Press, p. 6.

⁸Pasal 1 Konvensi Montevideo 1933.

international organizations, which allows them to play a role in global decision-making and contribute to the resolution of international issues such as human rights violations.

Article 2 of the Universal Declaration of Human Rights (UDHR) states that every individual is entitled to enjoy all the rights and freedoms set forth in the declaration without any distinction of any kind.⁹ Human rights are deeply interconnected and mutually dependent on each other. Given the close relationship between human rights and various other aspects of life, human rights violations in a country can impact its involvement in international forums. For example, a country might face rejection to participate in international events as a result of human rights violations, as has happened with Israel in Indonesia.

In the history of international relations, some countries have rejected other countries from joining global forums for various reasons. One significant example of such a situation occurred in 1971, when the People's Republic of China rejected Taiwan's membership in the UN. Taiwan has been expelled from many international organizations and often faces rejection of its participation in various international events. This rejection clearly reflects how complex political dynamics, along with interrelated and diverse international relations, can influence the participation and roles of countries in various existing international organizations.

2. The Authority of the State in Sports Events

An undeniable fact is that countries always establish relationships with one another. In this context, international relations are often influenced by various interconnected aspects of international life, including in the field of sports. Every sports championship, especially those on an international scale, often features highly reputable sports, one of which is football. As one of the most frequently contested sports, football requires an organization capable of managing all aspects related to the sport at a global level, which has led to the establishment of a central organization known as the Fédération Internationale de Football Association (FIFA). FIFA plays a crucial role in maintaining the integrity and development of the sport of football internationally, as well as ensuring that all football activities and matches are regulated according to the established global guidelines and standards. FIFA members consist of individuals who represent various football associations around the

⁹Article 2 Universal Declaration of Human Right..

world. FIFA until now is the single private legal entity football association that has a system of rules.¹⁰

The U-20 World Cup is one of the prestigious tournaments managed by FIFA. To participate in the U-20 World Cup, countries must first undergo a qualification process regulated by each regional football confederation before being deemed eligible to compete in the tournament. Every country, including Indonesia and Israel, is very eager to participate in the U-20 World Cup.¹¹ After undergoing a long and rigorous selection process by FIFA, Indonesia was finally chosen as the host for the U-20 World Cup. However, leading up to the 2023 U-20 World Cup, the Israeli U-20 national team faced rejection from various parties, including officials and the public, regarding its participation in Indonesia. In this context, the rejection can be viewed as a step consistent with Indonesia's foreign policy, which has not established diplomatic relations with Israel. Therefore, from this perspective, the decision to reject the presence of the Israeli U-20 national team can be considered an action in line with Indonesia's political and diplomatic stance towards Israel. This action also reflects the country's firm principles and foreign policy to actively participate in world peace in relation to upholding universal human rights values.

The standards of human rights values are universally recognized and must be applied by everyone, and thus countries involved in various international instruments have the obligation to protect and fulfill the rights of their citizens. In this context, Indonesian law has a long history of human rights protection, demonstrating its commitment to these principles. In this regard, the law in Indonesia is rooted in the state constitution, namely the 1945 Constitution of the Republic of Indonesia. This constitution serves as the main foundation that establishes the principles of law and human rights that must be respected and applied in all aspects of the life of the state and society.¹²

To create a fair and harmonious social dynamic in the aspects of community life, a country must have a vision and mission in building national unity. Paragraph 4 of the 1945 Constitution mentions the purposes for which the Indonesian state was established, among others:¹³

¹⁰Moch Marsa Taufiqurrohmah, "Problematisasi Kedudukan, Kepastian, dan Penegakkan Hukum Statuta FIFA di Indonesia", *Jurnal Legislasi Indonesia*, Vol. 2 No. 3, 2023, p. 19.

¹¹Liza Shafira Ningtyas dan Catur Suratnoaji, "Persepsi Mahasiswa Surabaya Terhadap Pemberitaan Isu Penolakan Timnas Israel dalam Piala Dunia U-20", *Jurnal Ilmiah Wahana Pendidikan*, Vol. 9 No. 19, 2023, p. 477.

¹²Dany Try Utama Hutabarat, et.al, "Memahami dan Mendeskripsikan Hubungan Negara Hukum dengan HAM", *Journal of Humanities, Social Sciences and Business*, Vol. 1 No. 2, 2022, p. 2.

¹³Alinea 4 Undang-Undang Dasar 1945 1945.

1. Protecting the entire nation and all of Indonesia's homeland
2. Advancing the general welfareAdvancing the general welfare
3. Advancing the general welfareEnlightening the life of the nation
4. Participate in maintaining world peace based on the independence of the Indonesian nation.

To realize the goals of the state, the concept of the unitary state of the Republic of Indonesia has been established, which adheres to the principle of sovereignty and is founded on noble values, such as belief in the One and Only God, commitment to a just and civilized humanity, the unity of Indonesia, and the principle of democracy led by wisdom through deliberation and representation. Therefore, every policy adopted, whether related to politics, law, economy, defense, security, or humanity, must be in harmony and in accordance with the country's constitution. The 1945 Constitution must be the main reference in all aspects of state policy, ensuring that every action and decision of the government reflects the values and principles established in that constitution.¹⁴

The Indonesian government's political policy regarding the rejection of the Israeli national team has sparked controversy because after the rejection, FIFA canceled Indonesia's hosting mandate for the 2023 World Cup. FIFA suddenly issued a decision to revoke Indonesia's status as the host. After the meeting between FIFA President Gianni Infantino and Erick Thohir, appointed by President Joko Widodo to represent Indonesia, it became increasingly clear that FIFA's statement, "FIFA has decided, due to the current circumstances, to remove Indonesia as the host of the FIFA U-20 World Cup 2023," refers to the response from civil society and the requests from government officials to reject Israel's participation in the event. Security reasons also became a major factor that prompted FIFA to cancel the 2023 World Cup in Indonesia after the Kanjuruhan Incident. This situation reflects a significant challenge in ensuring the safety of international-scale sporting events, which was another consideration in FIFA's decision.

FIFA was founded on May 21, 1904, as the only recognized international football federation. FIFA is responsible for organizing professional football matches worldwide by implementing universal rules established by FIFA's internal legal system. Discussing the rules held by FIFA also relates to respecting universal humanitarian values. FIFA has demonstrated its commitment to human rights protection through various initiatives, such as

¹⁴Mia Kusuma Fitriana, "Peranan Politik Hukum dalam Pembentukan Peraturan Perundang-undangan di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara (Laws and Regulations in Indonesia as The Means of Realizing Country's Goal)", *Jurnal Legislasi Indonesia*, Vol. 12 No. 2, 2015, p. 20.

the Extraordinary Congress where FIFA reaffirmed its dedication to the protection of human rights at the global level. In this context, Article 3 of the FIFA Statutes states, "FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of their rights".¹⁵ FIFA explicitly acknowledges that it is its duty to uphold human rights and the dignity of every person affected by its activities worldwide. FIFA is committed to respecting universally recognized human rights and will continue to work to protect them.

Article 3 of the FIFA Statutes serves as an indication that human rights values have been constitutionally integrated into the structure of the FIFA organization. Therefore, FIFA is obligated to uphold human rights in its organizational affairs and in the conduct of events, as FIFA has essentially made Article 3 the foundation of its internal policies. Besides Article 3, the context of respect for human rights is also found in Article 4 of the FIFA Statutes, which states:¹⁶

"Discrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason is strictly prohibited and punishable by suspension or expulsion."

By implementing this careful and planned approach, it is only fitting that FIFA can take on a more significant role in promoting the values of peace, sports, and human rights, while still functioning as an organization that is socially and morally responsible. This approach not only enables FIFA to actively contribute to the achievement of those noble goals but also plays a key role in strengthening its international reputation. In addition, the existence of such statutes is expected to provide FIFA with the means to take firm action against its members who engage in discrimination or crimes against humanity. Thus, the implementation of this measured and thoughtful approach serves as a strategic effort to maintain FIFA's integrity and credibility on the international stage, while ensuring that the organization remains on the right track in upholding its fundamental values.

Although FIFA holds full power in regulating the global football system, the organization of events created by FIFA heavily depends on aspects of territorial sovereignty, which include the use of a country's territory and jurisdiction. Therefore, it can be said that sporting events cannot be held without the host country's permission.¹⁷ Therefore, if

¹⁵Pasal 3 Statuta FIFA.

¹⁶Pasal 4 Statuta FIFA.

¹⁷Eko Noer Kristiyanto, "Peranan Kementerian Hukum dalam Melindungi Hak Eksklusif (Merk) Klub Sepak Bola Profesional di Indonesia (The Role of the Ministry of Law and Human Rights in Protecting the Exclusive

connected to what is happening in Indonesia, Indonesia as a country has the right to engage in international relations, which also falls under the aspect of national sovereignty. Explicitly, Indonesia officially issued Minister of Foreign Affairs Regulation No. 3 of 2019 concerning General Guidelines for Foreign Relations by Regional Governments. Chapter X (Special) section B on the Relationship of the Republic of Indonesia with Israel reads:¹⁸

1. Until now, Indonesia does not have diplomatic relations with Israel and opposes Israel's occupation of Palestinian territories and people; therefore, Indonesia rejects all forms of official relations with Israel.
2. In conducting relations with Israel, it is necessary to pay attention to the existing procedures that are still in effect:
 - a. There are no official relations between the Indonesian government at any level and Israel, including in correspondence using official letterheads
 - b. Israeli delegations are not received officially and in official places
 - c. The hoisting or use of flags, emblems, and other attributes, as well as the playing of the Israeli national anthem, is not permitted in the territory of the Republic of Indonesia.

These regulations are designed to provide guidance to the government regarding the customs and standards applicable in international law. With the existence of this guideline, it is hoped that the government can better understand and adjust their policies and practices to the applicable international norms, thereby ensuring that the foreign policy adopted aligns with the globally recognized principles of international law. Therefore, the aforementioned legal regulations serve as a concrete basis used by the Indonesian government to reject Israel's participation in events to be held in Indonesia. The theory of state sovereignty in this case is also implemented, where the state has certain rights, including the right not to establish diplomatic relations with certain parties, such as Israel. In this context, Indonesia firmly supports human rights values and is not only committed to adhering to humanitarian principles domestically but also actively provides international assistance to support the struggle of the Palestinian people. With close international cooperation, Indonesia strives vigorously to achieve peace. Indonesia strives to contribute to the achievement of humanitarian and peace goals at the global level.

According to Agus Riwanto, an expert in the field of law, he explained that if Israel is allowed to participate in sports events held in Indonesia, it would be considered an acknowledgment of its status as an occupying country, which contradicts Indonesia's views and policies. The rejection of Israel's participation in sports events in Indonesia not only

Rights of Professional Football Clubs in Indonesia)", *Jurnal Penelitian Hukum De Jure*, Vol. 21 No. 1, 2021, p. 80.

¹⁸Bab X (Khusus) Peraturan Menteri Luar Negeri No. 3 Tahun 2019.

reflects a diplomatic stance but also serves as an implementation of constitutional promises. Thus, the decision to deny Israel's participation is not merely a diplomatic action but also part of Indonesia's commitment to adhere to and apply the prevailing constitutional principles.¹⁹

D. Conclusion

Based on the research results regarding "Indonesia's Rejection of Israel as a Participant in the 2023 U-20 World Cup Event in Indonesia Based on International Law" as outlined and discussed in the previous chapter, the following conclusions were reached:

1. According to the principle of state sovereignty, a sovereign government has the right to govern the state and formulate policies for national and universal interests such as human rights. The UN regulates human rights in the Universal Declaration of Human Rights (UDHR), which serves as an international reference for upholding and protecting those rights. All human rights are interdependent and indivisible, so a country's rejection of another can be considered legitimate if based on the theory of state sovereignty and human rights.
2. The Indonesian government, as a state, has the sovereign right to reject Israel on humanitarian grounds and to participate in maintaining world order in accordance with the state's objectives in the 1945 Constitution. This rejection resulted in FIFA canceling Indonesia's status as the host, even though the FIFA statutes actually state that the organization respects human rights and is socially responsible for universal values such as human rights.

E. Suggestion

Indonesia must continue to carefully monitor its foreign policy to ensure that the actions taken are in line with its commitment to human rights and national sovereignty. FIFA, as the highest organization of international football, must also be consistent in its policy direction, especially in the organization of international events. Between the regulations that have been established and the decisions made later, there must be consistency. Because, in essence, the decisions made by FIFA have a significant impact on the reputation of FIFA members and especially on the FIFA organization itself.

¹⁹Sutrisno Hadi dan M. Bayu Wahyuadi, "Tinjauan Permenlu Nomor 3 Tahun 2019 dan Hukum Islam Terhadap Penolakan Timnas Israel di Indonesia", *Muqaranah*, Vol. 8 No. 1, 2024, p. 26-27.

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Regulation

Article 1 Montevideo Convention 1933.

Article 3 Statuta FIFA. Prancis.

Article 4 Statuta FIFA. Prancis.

Alinea 4 Undang-Undang Dasar 1945.

Article 2 Universal Declaration of Human Right.

Bab X (Khusus) Peraturan Menteri Luar Negeri No. 3 Tahun 2019.