UNCOVERING THE MEANINGFULNESS OF INTERNATIONAL LEGAL INTERPRETATION: SOURCES, METHODS, AND EFFECTS

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Article Abstract

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State-to-state relations are largely governed by international law, and how this legislation is interpreted affects how it is applied. The significance of international legal interpretation is examined in this article as a basis for fairness, stability, and collaboration among nations. Understanding and comprehending frequently complex international legal texts is a fundamental step in the difficult process of international legal interpretation. We go into great length in this article about the function of interpretation in international economic relations regulation, peacekeeping, state behavior regulation, global cooperation, human rights protection, and compliance promotion.

1. INTRODUCTION

Agreements between states form the basis of international treaties that develop a legal framework governing relations between states that are subject to the law. However, an international treaty's effectiveness and enforceability are dependent not only on governments signing and ratifying it, but also on states comprehending what the treaty truly says or genuinely promises, a process known as interpretation. The process of comprehending and implementing laws derived from general principles of international law, international treaties, and state and international organization practices within the framework of interstate relations is known as international legal interpretation.¹

Understanding and implementing international law is a further phase in the interpretation process. Two of the bodies that have the authority to interpret international law are the constitutional court and international courts. A few things to consider when interpreting international law are as follows:

a. Legitimization of the use of international law: International law can be used as a tool of interpretation in judicial review of laws by the Constitutional Court, particularly in relation to human rights. The justification for the legitimacy of the practice of using international law is drawn from the constitutional tradition implicitly desired by the 1945 Constitution of the Republic of Indonesia.

b. The urgency of mastering international law: The positive benefits provided by international law must be accompanied by a mastery of international law by MK RI judges so that international law can be used appropriately.

c. Interpretation strategies: The conceptual approach and the historical approach are two of the many techniques used to interpret international law. There are other ways to interpret the treaty as well, like looking at its preparatory work and the conditions surrounding its conclusion.2
d. International treaties, customs, general legal principles accepted by civilized nations, and determinations from international courts are among the sources from which international law is interpreted.

in its role as a tool of interpretation in the process of judicial review of laws by the Constitutional Court, especially related to human rights.3 Therefore, the mastery of international law by Constitutional Court judges is very important so that international law can be used appropriately.

When the state or other parties disagree, legal interpretation is essential to deciding how international law should be applied in particular circumstances. Reading the agreement,

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2 Silviani, *Interpretasi Perjanjian Internasional Terkait Historical Rights Dalam Unclos 1982* (Padjajaran University, Bandung, 2019)

3 Seminar On: “the Contribution of the European Court of Human Rights to the Development of Public International Law” on the Margins of the 59 Th Cahdi Meeting in Prague, n.d.
interpreting each party's rights, and determining what the parties hope to gain from the arrangement are all part of interpretation in the context of international law. When deciding how regulations should be applied, the UN International Court of Justice and other international arbitration bodies frequently interpret international law. This process is important to maintain stability, justice and compliance in international law.

2. RESEARCH METHODS

The research used "Normative Juridical Legal Research" by Soerjono Soekanto's opinion that legal research is carried out by examining secondary materials or library materials or library legal research, through searching for books, laws, literature, and other legal materials.

3. ANALYSIS AND DISCUSSION

3.1. Source

The sources used in the creation and implementation of international law are also the sources from which it is interpreted. The legal foundation guiding interactions between states and other subjects of international law is provided by these sources. The sources of international law are regulated in Article 38 paragraph (1) of the Statute of the International Court of Justice (Sari, 2023). This article mentions four recognized sources of international law, namely:

1) International Treaties
2) International Custom
3) General principles of law
4) Court decisions

Expert instruction can also be used as an additional source of legal information. When interpreting international law, the sources of that law have a specific sequence and function. International treaties are the main source of law in international law. These treaties are formal agreements between nations that grant the parties involved rights and responsibilities. International custom is a practice recognized by states as law. Civilized nations recognize

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5 Soerjono Soekanto, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat,* (RajaGrafindo Persada, Jakarta, 2011, hal.12)
certain legal principles as general principles of law. Court decisions are rulings issued by international courts. Sources of international law provide legal certainty for states and other international actors (Firdaus, 2015). They help avoid uncertainty in legal interpretation.

3.2 Methods

The following are some of the methods of interpretation of international law that can be used by international judges or courts in understanding and applying international law.\(^6\)

5) Grammatical interpretation: a way of interpreting terms in the law in accordance with the rules of the applicable legal language.

6) Logical interpretation: giving meaning to a rule of law through legal reasoning to be applied to texts that are vague or lack clear meaning.

7) Comparative interpretation: comparing various legal systems to find the meaning of statutory provisions.

8) Futuristic interpretation: explaining the meaning of laws that do not yet have the force of law by referring to future or aspired statutory provisions.

9) Judges who are presented with cases involving various legal disciplines will often interpret the case interdisciplinary.

10) Teleological interpretation: interprets international law by considering the purpose or intent of the law.

11) Evolutionary interpretation: is a method of interpreting international law that takes historical developments and improvements into consideration as well.

12) Systematic interpretation: analyzes how different legal provisions within the international legal system interact with one another in order to interpret international law.

13) Historical interpretation: interprets international law by considering the history and context in which the law was created.

14) Normative interpretation: is the process of interpreting international law by taking into account the guiding principles and legal values.

The method by which a judge or international tribunal applies international law will

\(^6\) Lekkas & Merkouris, *Interpretation of International Law: Rules, Content, and Evolution* (Netherlands, 2022).
differ based on the particulars of the case and the background of the applicable international law (International Criminal Court, 2020).

### 3.3 Effects

Legal theory and practice can be significantly affected by the interpretation of international law. A few results of using interpretation of international law are as follows:

1) Legality and predictability: Using interpretive methods in international law allows for that court decisions are logical and legitimate\(^5\). This is important for maintaining the rule of law and ensuring that legal decisions are consistent and fair.

2) International law development: In addition to treaties, interpretation of international law may help in the development of international law. This is especially significant given the development of customary international law and the current research into "General Principles of Law".

3) International obligations: States are obliged to use methods of interpretation to respect their international obligations. This includes the use of textual, systematic, purposive and historical interpretation to interpret international law.\(^7\)

4) International law-friendly framework: The Constitution of South Africa obliges South African courts to consider international law when interpreting the Bill of Rights and to prefer an interpretation of legislation that is consistent with international law over any other interpretation. The customary rules of interpretation of treaties as reflected in the Vienna Convention on the Law of Treaties are also part of South African law.\(^8\)

5) Taking everything into account, the interpretation of international law is a complex and ongoing process that greatly influences legal theory and practice\(^9\). In order to uphold international obligations, ensure the legitimacy and predictability of judicial reasoning, and contribute to the development of international law, interpretative methods must be used.

All things considered, the process of interpreting international law is intricate and continuous, having a big impact on legal theory and practice. The use of interpretative

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methods is crucial for ensuring the legality and predictability of judicial reasoning, contributing to the development of international law, and honoring international obligations.

4. CONCLUSION

A fundamental aspect of international relations and legal governance is the process of interpreting international law. Its main role is to ensure accurate understanding and implementation of international treaties and agreements, which form the basis of relations between countries. There are several methods such as grammar, logic, comparative, and teleology which play an important role in this process. Some of these methods are taken from various sources, such as international agreements, customary practices, general principles, and learned decisions that provide an important basis for the interpretation of international law.

Legal interpretation has quite broad consequences. This increases the legitimacy and predictability of court decisions, contributes to developing international law and places obligations on states to comply with their international commitments. Apart from that, it also establishes a possible framework for international law so that life is accompanied by harmonization with the international legal system. In conclusion, the interpretation of international law is an ongoing and multifaceted process, with important implications for legal theory and practice. To maintain the rule of law, ensure compliance with international obligations, and promote international justice and protection, accurate application of the principles is essential.

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