

RESEARCH PROPOSAL  
INTERNATIONAL RESEARCH COLLABORATION  
AND SCIENTIFIC PUBLICATION



The Use of Dualist and Monist Theories in the Application of International Law  
in Domestic Legal Systems: A Comparative Study between Indonesia and  
Malaysia

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## LETTER OF APPROVAL

Title of Research : The Use of Dualist and Monist Theories in the Application of International Law in Domestic Legal Systems: A Comparative Study between Indonesia and Malaysia

Name of Field of Science : Law Science

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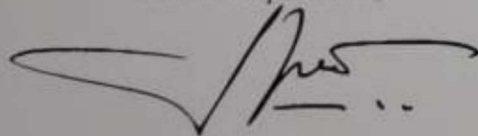
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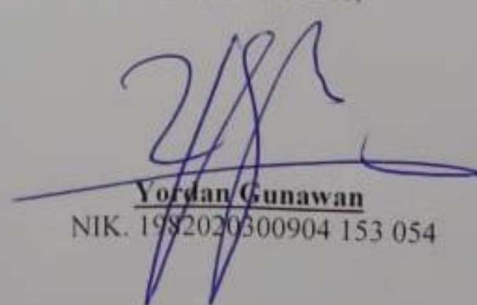
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## **SUMMARY**

The research aims to analyze, review and find out the status and position of international law under Indonesian and Malaysian legal system. And, emphasizing on which theory applied in Indonesian and Malaysian law, whether monism or dualism. In Indonesia, especially, the uncertainty of this issue is coming from the highest hierarchy of legal system, the 1945 Constitution of Indonesia. This issue is coming to the result, the tortuous and endless debate of the Indonesian tenet to apply whether the international law theory of monism or dualism. Moreover, the legal practice that has been conducted by Indonesia is not showing the certainty of which theory may be prevailed. The request of the clearness of the theory is to avoid the legal misconception and to decline for granting any legal action by the citizens which those international treaties is seeking to serve, to claim the treaties have no municipal application until incorporated into Indonesian law passage.

The objectives of the research are to identify the status and hierarchy of international law under Indonesian and Malaysian law. By using doctrinal legal research and applied law research and will be managed by using qualitative and descriptive methods. The research is mainly conducted in Yogyakarta and Jakarta (Indonesia), and Kuala Lumpur (Malaysia). The data is collected by through Library research. While, primary and secondary will be analyzed by using qualitative and descriptive analysis. The publication of the research will be done in the International Conference, International Reputable Journals and Final Report.