

The right of state to establish and build up military defense capability: japan as a case study

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Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20449539&lokasi=lokal>

Abstrak

Military capability is essential to enable State to exercise its right of self-defense. Such military capability is referred to as military defense capability. Although its purpose is for defense, it still presents a problem. The military defense capability of one State can be perceived by another State as a threat. For military defense capability not to be regarded as a threat, as argued in this study, the State has to observe certain parameters. One of those parameters is international law. International law as a restricting norm has proscribed limitations that a State has to observe when it exercises its right to establish and build up its military defense capability. The main purpose of this study is to examine how international law can assume its role to restrict the right of a State and to see how effectively international law has played its role. To this effect, the study is divided into two parts. The first part discusses some basic comprehension of military defense capability, how international law in general assumes its role of restricting certain activities of States and the limitations found under international law that enforce these restrictions. The second part is devoted to examining Japan as a case study. This part of the discussion centers on Japan's military defense capability and analyses whether Japan has observed the limitations. The study gives an overall conclusion, including an evaluation of the effectiveness of international law and Japan's degree of adherence to the limitations.