

# CHAPTER I INTRODUCTION

## A. Background

State sovereignty refers to the highest authority of state possesses to govern its affairs independently, both domestically and in its relations with other nations. This concept means that a state has the freedom to carry out various activities based on its interests, provided these activities do not violate international law. While sovereignty grants a state significant autonomy, it is not an absolute or unlimited power. Instead, modern international relations and legal frameworks emphasize that state sovereignty must respect the sovereignty of other nations. This notion is commonly referred to as the relative sovereignty of states.<sup>1</sup>

In this context, relative sovereignty highlights the balance between a state's independence and their obligations under international law. States must ensure that their actions, especially those impacting other nations or the global community, align with established norms and international agreements. This is crucial in maintaining peaceful coexistence, fostering diplomacy, and addressing transnational issues such as trade, environmental concerns, and security. By adhering to these principles, states contribute to a stable international system where sovereignty is respected but not exercised without regard to global standards.

Furthermore, state sovereignty encompasses both external and internal dimensions. Externally, it manifests in the state's ability to engage in foreign relations, form treaties, and defend its territorial integrity from external threats. Internally, sovereignty refers to the supreme power within a state to govern its own territory, people, and resources. This includes creating and enforcing laws, maintaining order, and protecting the rights of its citizens. The internal aspect of sovereignty ensures that the state can independently regulate everything within its borders without interference from outside forces.

In practice, the internal sovereignty of a state also gives it the authority to enforce laws against offenses committed within its jurisdiction. This legal power is essential for upholding justice and maintaining public order. As a result, states have the right to impose penalties for violations of their laws, as long as they act within the framework of both national and international law. Sovereignty, while granting extensive rights to states, also imposes responsibilities to respect the sovereignty of others and contribute to a system of international cooperation. The sovereign territory of a State consists of land, air, and sea areas. Through this, the state has the right to apply and enforce the law in these areas. One of them is in the airspace where one of the state's duties in this and regulate air transportation that passes through its airspace both international airlines and take action against any violations that enter is aircraft passing without permission. Specifically international has been regulated in the Chicago Convention 1944 Convention



on International Civil Aviation, which is the main rule and guideline for commercial flights and airspace rules. The main basis of this air sovereignty is regulated in the Chicago Convention Article 1, namely:

“The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.”

Airspace is the airspace above a country's land and sea territory where complete and exclusive state sovereignty applies as affirmed in Article 1 of the 1944 Chicago Convention. The meaning of complete state sovereignty is state sovereignty in airspace that is not limited, while exclusive state sovereignty means state sovereignty that is not collective. The words complete and exclusive clarify the fact that in airspace there is no right of peaceful passage as there is at sea. This recognition stems from an ancient Roman adage that reads “*Cujus est solum, est usque ad coelum et ad infero*”. This adage means that whoever owns a piece of land also owns everything that is above the surface of the land up to the sky and everything that is in the ground. So based on the explanation above, each participating state has the right to regulate and take action against all violations of international air law within the jurisdiction of its country.<sup>2</sup>

The International Civil Aviation Conference held under the Chicago Convention of 1944 regulates various important provisions related to flight operations. Some of the aspects regulated include procedures for unmanned flights, rules for flying in restricted areas, landing requirements at certain airports, as well as regulations applicable to flight operations and air traffic management. These rules are designed to ensure safety, security, and efficiency in the civil aviation industry worldwide.<sup>3</sup>

The rapid advancement of technology worldwide has fueled innovation, including the development of remotely controlled aircraft, known as Unmanned Aerial Vehicles (UAVs) or drones. These unmanned aircraft are referred to by various terms, such as Unmanned Aircraft (UA), Remotely Piloted Vehicle (RPV), Unmanned Aerial System (UAS), and Remotely Piloted Aircraft (RPA). "Unmanned Aircraft" is specifically used in ICAO Circular 328-AN/190. As these technologies continue to evolve, their regulatory frameworks and implications on international airspace become increasingly significant.<sup>4</sup>

An unmanned aircraft, also known as a drone or Unmanned Aerial Vehicle (UAV), is a flying machine that is remotely operated by a pilot or can control itself automatically. By utilizing the principles of aerodynamics to remain airborne, UAVs can be used repeatedly and are capable of carrying various types of payloads, including weapons and other equipment needed to carry out their mission.<sup>5</sup>

<sup>2</sup> Nisla, M., Likadia, I., & Bunga, G. (2024). Analisis Yuridis Tentang Penerbangan Balon Udara Cina Sebagai (Craft) Di Wilayah Udara Negara Lain Berdasarkan Konvensi Chicago 1944. *Artemis* (1), p.4. <https://doi.org/10.35508/alj.v1i2.15230>

<sup>3</sup> (1). *Pengaturan Penerbangan Pesawat Asing Di Atas Ruang Udara Indonesia I Dan Hukum Internasional*. Skripsi Sarjana, Universitas Nusa Cendana, p.4. [i.undana.ac.id/index.php?p=show\\_detail&id=9858&keywords=](http://i.undana.ac.id/index.php?p=show_detail&id=9858&keywords=)

<sup>4</sup> *Analisis hukum pengoperasian pesawat tanpa awak (Unmanned Aerial Vehicle) di* (thesis). Universitas Hasanuddin. p.15. <https://repository.unhas.ac.id/id/eprint/5373/>

<sup>5</sup> lakrishnan, A., Muriyan, A., & Francis, S. (2022). Unmanned aerial vehicles: A *Journal of Hunan University (Natural Sciences)*, 49(7). p.7  
doi:10.1674-2974.49.7.11



Initially, UAVs were widely used in military contexts, where they played an important role in reconnaissance, monitoring, and even in the execution of precision airstrikes. UAVs offer significant strategic advantages, such as the ability to cover areas that are difficult to reach by manned aircraft, reduce risk to military personnel, and provide real-time intelligence data. In addition, the use of UAVs is also starting to expand into the civilian field, including in search and rescue missions, environmental monitoring, and delivery of goods in remote areas. With the continuous development of technology, unmanned aircraft are becoming more sophisticated and multifunctional, expanding their scope of use in various sectors.<sup>6</sup>

Unmanned aircraft come in a variety of shapes, sizes, configurations, and characteristics. The early history of unmanned aircraft can be traced back to the use of drones, which were originally designed as targets to shoot at in military exercises. However, with the development of automated control technology, what started as simple targets have evolved into much more complex and sophisticated devices. This process has not only expanded the functions and applications of unmanned aircraft, but also strengthened their role in various operations in both military and civilian contexts, including surveillance, reconnaissance, and even high-risk missions. This evolution shows how rapidly unmanned aircraft technology is evolving and how important its role will be in the future.

Unmanned aircraft systems (UAS) have witnessed significant advancements in recent years, driven by innovations in artificial intelligence, machine learning, and miniaturization of electronic components. These technological breakthroughs have enabled drones to perform highly autonomous operations with minimal human intervention. For instance, modern drones are equipped with advanced sensors, GPS navigation, and real-time data transmission capabilities, allowing them to operate efficiently in diverse environments. This progress has facilitated their integration into various industries, such as agriculture, where drones are used for crop monitoring, pesticide spraying, and soil analysis, improving efficiency and sustainability in farming practices.

Beyond civilian applications, unmanned aircraft continue to revolutionize military operations by enhancing surveillance, intelligence gathering, and combat capabilities. Armed drones, for example, have transformed modern warfare by enabling precise airstrikes with reduced risks to human pilots. Additionally, swarming drone technology, where multiple drones collaborate autonomously to execute complex missions, is being explored for tactical operations. These innovations not only increase operational effectiveness but also raise ethical and regulatory concerns regarding their deployment. As unmanned aircraft technology continues to evolve, striking a balance between and ethical considerations will be crucial in shaping their future



This unmanned aircraft has been recognized by the 1944 Chicago convention, which can be seen from the provisions of article 8 concerning Pilotless aircraft which reads:

*“No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.”*

This provision acknowledges the growing prevalence of drones, or Pilotless Aircraft, in modern airspace and establishes that their operation must adhere to stringent regulations. It emphasizes that drones cannot be flown freely or without oversight in the airspace of another country without prior authorization from the relevant authorities. This restriction is vital to uphold the sovereignty of nations and ensure their airspace is secure from unauthorized incursions. The regulation acts as a safeguard, minimizing the risk of conflicts or accidents caused by unregulated drone activity, which could lead to diplomatic tensions or unintended incidents.

In addition to maintaining sovereignty, the requirement for obtaining permits is a protective measure for privacy, national security, and territorial integrity. Drones have the capacity to capture sensitive data or infringe upon the privacy of individuals, making it critical for governments to have control over their airspace. By mandating that operators obtain authorization, countries can better monitor drone flights, ensuring that any such activity aligns with their security and privacy standards. This level of oversight is necessary to prevent misuse of drones, particularly in sensitive areas such as military installations, government facilities, or critical infrastructure.

Moreover, by enforcing a clear licensing procedure for drones flying over foreign territory, this regulation promotes adherence to international law and fosters positive diplomatic relations between countries. The need for approval before operating drones across borders ensures transparency and mutual respect for each nation's airspace. This helps prevent airspace violations and supports the peaceful use of technology, contributing to international stability. Through this framework, countries can work together to regulate drone activity in a way that respects territorial boundaries while allowing for the beneficial uses of drones in areas like research, commerce, and environmental monitoring.<sup>7</sup>

On Sunday, 14 April 2024, Jordanian airforce shot down several of Iranian drones flying in Jordanian airspace. The drones were allegedly on their way to Israel as part of a planned attack by Iran against the country. Jordan's action was a quick response to threats that could potentially jeopardize the security of the region, while also demonstrating the rising tensions in the Middle East



region, especially amid the increasingly complex geopolitical situation between Iran and Israel.<sup>8</sup>

Several of Iranian drones were shot down in Jordanian airspace, specifically in the Jordan Valley region, as they traveled toward Israel. The drones, believed to have originated from Iran, were intercepted by Jordanian air defense forces, which acted swiftly to prevent a potential escalation of tensions in the region. The Jordanian army is currently on high alert, deploying advanced radar systems to monitor any further drone movements across its airspace. This swift response highlights Jordan's growing concern over the security threats posed by unmanned aerial vehicles and its commitment to maintaining stability along its borders<sup>9</sup>.

In addition to the interceptions in Jordanian airspace, several other drones were also intercepted on the Iraq-Syria border. These incidents suggest a coordinated effort to use drones for surveillance or potential attacks against Israel, prompting neighboring countries to bolster their air defenses. The increasing use of drones in the region has raised alarms among regional powers, highlighting the complexities of modern warfare and the need for enhanced cooperation and intelligence sharing to counter evolving threats.

Residents in several cities in northern Jordan, which borders Syria, as well as in the central and southern regions of the country, reported hearing sounds of intense aerial activity. South of the capital Amman, about 60 km (37 miles) from Jerusalem, several drones were seen falling to the ground, creating tension among local communities.<sup>10</sup>

In the suburb of Marj al Hamam, known as a bustling commercial area, residents gathered around the remains of a large crashed drone. They anxiously watched the wreckage of the drone, thought to be one of the many Iranian drones shot down by the Jordanian military. The incident caught the attention of neighboring communities and raised concerns about the wider impact of the incident, both on local security and regional stability.

The Jordanian region is indeed one of the most vulnerable to the impact of the conflict between Israel and Iran, due to its strategic position in the Middle East. This things put Jordan in a delicate position, as they could become direct or indirect targets in a broader confrontation between Iran and Israel.

In addition to its borders with Syria and Iraq, Jordan also shares borders with Israel and the West Bank, areas currently occupied by Israel and at the center of many political and military tensions.<sup>11</sup> Over the years, Jordan has witnessed conflict between



April 14). Yordania tembak jatuh puluhan drone Iran yang dikirimkan ke Israel. [com/internasional/20240414081126-1201086049/yordania-tembak-jatuh-puluhan-ke-israel](https://www.internasional.com/internasional/20240414081126-1201086049/yordania-tembak-jatuh-puluhan-ke-israel)

4, October 2). *Jordan's air defence ready to down any Iranian aircraft that violates s.ie.* <https://www.breakingnews.ie/world/jordans-air-defence-ready-to-down-any-s-airspace-1613102.html>

il 14). *Jordan airforce shoots down Iranian drones flying over to Israel.* Amman, <https://www.reuters.com/world/middle-east/jordans-air-defence-ready-shoot-down-late-its-2024-04-13/>

Israel and groups such as Hamas, which Iran supports, as well as other groups allied with Iran. This puts Jordan at the center of a complex geopolitical conflict, with a high risk of being affected by regional conflicts happening around it.

Jordan, which has a long history of being a relatively stable state in a volatile region, must navigate these challenges carefully to maintain its internal stability and border security. As a country that often acts as a mediator in Middle Eastern conflicts, Jordan faces significant challenges in maintaining its position amidst heightened tensions between various regional and international actors.

One of the real impacts of the conflict between Israel and Iran is the Iranian Drone attack that flew directly over Jordanian airspace this incident could endanger commercial civil aviation both domestic and cross-country flights. So on Saturday night local time the Jordanian government represented by the Jordanian government spokesman, Muhannad Mubaideen said 'The relevant authorities decided to close the airspace for precautionary reasons as a result of the surrounding security situation.' Closing the airspace in question is not only for drones or military aircraft but also for cross-border commercial aircraft.<sup>12</sup> What Jordan is doing is solely to protect the security of the country and also civil aviation so that accidents do not occur, where this action is by Article 44 (a) of the Chicago Convention, namely 'Ensure the safe and orderly growth of international civil aviation throughout the world.'<sup>13</sup> Moreover, Jordan ratified the Chicago Convention 1944 on 18 March 1947.

Based on the descriptions above, as a sovereign state and protecting all its people, Jordan wants to protect the safety of its citizens and peace, especially in its airspace. So the author is interested in conducting further research and then raising the title **"INTERNATIONAL AIR LAW REVIEW ON THE SHOOTING DOWN OF AN IRANIAN DRONE BY JORDAN"**.

## B. Research Question

Based on the background description above, the authors draw the problem formulation of this research, namely as follows:

1. Does international air law justify Jordan's decision to shoot down an Iranian drone?
2. Can the losses suffered by Iran due to the shooting down of their drone be compensated by Jordan under international air law?



**ctives**

ound, the objectives of this research are as follows:

1. To find out whether the decision of Jordan to shoot down an Iranian drone is justified under International air law regulation.
2. To find out whether the losses suffered by Iran due to the shooting down of their drone be compensated by Jordan under international air law.

#### D. Research Benefits

Based on the research objectives above, the author hopes that this paper can provide the following benefits:

- a) Theoretical benefits, to find out how the perspective of International Air Law on the sovereignty of the collective state airspace and also the regulation of Pilotless aircraft in this case Drone in the case of The Shooting Down Of An Iranian Drone By Jordan.
- b) Practical benefits, as a means of information for students and enthusiasts of international law, especially regarding International Air Law and providing a point of view on state sovereignty over its air territory based on the case of The Shooting Down Of An Iranian Drone By Jordan.

#### E. Research Originality


Based on the author's research, there has not been a single thesis that discusses the same topic as the author, namely The Shooting Down Of An Iranian Drone By Jordan, this is because the topic just happened on April 14, 2024. So the originality of this writing can be responsible by the author. In addition, the author also found that there are two theses that are close to the author's discussion in terms of legal discussion but still different from the author's topic. Therefore, the author will describe the differences between other research and the author's research:

**Table 1. 1 Research Originality 1**

Author Name	: Muhammad Arsy Aflaha
Title of the article	: <i>"Tinjauan Yuridis Terhadap Pelanggaran Ruang Udara Oleh Pesawat Asing Di Wilayah Udara Indonesia Menurut Hukum Internasional Dan Hukum Nasional Indonesia"</i>
	: Skripsi
	: 2021
	: Riau Islamic University Pekanbaru

<p>Issues and Problems:</p> <ol style="list-style-type: none"> <li>1. What are the factors causing airspace violations by foreign aircraft in Indonesian airspace?</li> <li>2. How is the enforcement of international law and Indonesian national law against violations of Indonesian airspace?</li> </ol>	<ol style="list-style-type: none"> <li>1. Does international air law justify Jordan's decision to shoot down an Iranian drone?</li> <li>2. Can the losses suffered by Iran due to the shooting down of their drone be compensated by Jordan under international air law?</li> </ol>
<p>Research Methods: Normative</p>	<p>Research Methods: Normative</p>
<p>Based on this analysis, the thesis of Muhammad Arsy Aflaha has similarities with the author's thesis, which discusses airspace violations by foreign aircraft that enter the territory of another state without permission. The difference is in the object of study of Muhammad Arsy Aflaha's thesis, which focuses on the review of air violations in Indonesian territory and uses Indonesian national legal instruments as the main discussion.</p>	

**Table 1. 2 Research Originality 2**

<p>Author Name</p>	<p>: Evaristus Yanto</p>
<p>Title of the article</p>	<p>: <i>"Pengaturan Penerbangan Pesawat asing Di Atas Ruang udara Indonesia Menurut Hukum Nasional Dan Hukum Internasional"</i></p>
<p>Category</p>	<p>: Skripsi</p>
<p>Year</p>	<p>: 2022</p>
<p>University</p>	<p>: Nusa Cendana University Kupang</p>
<p><b>Description of Previous Research</b></p>	<p><b>Research Plan</b></p>
<p>Issues and Problems:</p> <ol style="list-style-type: none"> <li>1. How the sovereignty of the Indonesian state over airspace based on national law?</li> <li>2. How the regulation of foreign aircraft without permission in Indonesian airspace based on national law and international law?</li> </ol> 	<ol style="list-style-type: none"> <li>1. Does international air law justify Jordan's decision to shoot down an Iranian drone?</li> <li>2. Can the losses suffered by Iran due to the shooting down of their drone be compensated by Jordan under international air law?</li> </ol>
<p>Normative</p>	<p>Research Methods: Normative</p>
<p>scientific work written by Evaristus Yanto, it has similarities with</p>	



the author, namely discussing airspace violations by foreign aircraft that enter without permission in the territory of another state and using international air law instruments, namely the Chicago Convention 1944. The difference is in the object of study of Evaristus Yanto's thesis which focuses on a review of air violations by civil aircraft in Indonesian territory. At the same time, the author discusses air violations and the compensation by State aircraft especially Unnamed Aircraft Vehicles (UAV) or drones, and the second difference is that Evaristus Yanto's thesis uses Indonesian National legal instruments and international law but the author will only use International Law instruments.

## F. Theoretical/Conceptual Framework

In accordance with the title of this research, "International Air Law Review on the Shooting Down of an Iranian Drone by Jordan," the theory relevant to this case is the theory of airspace sovereignty and state responsibility.

### 1. Theory Of Airspace Sovereignty

Airspace is part of the state's territory located above the surface of the land area and above the surface of the waters. There is an adage from Roman law that supports the theory of airspace sovereignty or becomes the basis for state sovereignty in airspace, namely "cujus est soluni, ejus est usque ad coelum" meaning that whoever owns a piece of land then he also has everything both above the ground to the sky and everything that is in his land. According to this proposition, if a country owns land then it will automatically own the airspace above it. Therefore, airspace is not a free space, because its sovereignty is owned by another country.<sup>14</sup>

In addition, the development of unmanned aerial vehicles (UAVs) and satellite communication technology has also increasingly challenged the concept of complete and exclusive air sovereignty. The use of UAVs for civil and military purposes by other countries often creates legal dilemmas related to a country's air jurisdiction. Similarly, satellites operating in geostationary orbit, although outside the atmosphere, still have an impact on air traffic control and communications.

Furthermore, various bilateral and multilateral agreements in the field of civil aviation, such as Air Services Agreements (ASAs), also reduce a country's full control over its airspace. In practice, many countries, including Indonesia, have to adjust their domestic regulations to be in line with the standards set by international aviation as the International Civil Aviation Organization (ICAO).



if this phenomenon is that the concept of complete and exclusive being eroded by the dynamics of globalization and the need for

<sup>14</sup> "Sovereignty of the Air Space and Its Protection in the Perspective of International Law Convention in Southeast Asian Countries". *International Law Discourse in Southeast Asia*. <https://doi.org/10.15294/ildisea.v1i2.58397>.

international connectivity. Although states still have the authority to regulate their airspace, aviation liberalization policies and demands for open air access have changed the way air sovereignty is practiced in this modern era.<sup>15</sup>

The theory of airspace sovereignty is supported in article 1 of the 1919 Paris Convention which is then reaffirmed in article 1 of the 1944 Chicago Convention which states that “The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.” In state sovereignty does not mean that the state has the freedom to do anything with its airspace but must still pay attention to the limitations of the convention because this convention raises legal certainty for the enforcement and protection of aircraft as transportation that is closely related to airspace.

## 2. Theory Of State Responsibility

The other theory that is in line with this case is the theory of state responsibility. According to the Dictionary of Law, state responsibility is “Obligation of a state to make reparation arising from a failure to comply with a legal obligation under international law.” Which means that state responsibility is an obligation to make reparation arising from a state's failure to comply with a legal obligation under international law. Sugeng Istanto argues that Responsibility means the obligation to provide an answer which is an account of all things that happen and the obligation to provide recovery for losses that may be caused. Any individual, group or state that commits an act that harms others can be prosecuted and subject to liability.<sup>16</sup>

State responsibility in international law is defined as an obligation that must be carried out by a state to another state based on international law orders. Responsibility means the obligation to provide an answer which is an account of something that happened, and the obligation to provide recovery for the losses that may be caused. In national law, there is a distinction between civil and criminal liability, and in international law there are some provisions that are similar to national law but not as prominent. In addition, international law on liability has not developed very much.<sup>17</sup> In the national legal system, criminal or civil liability is based on the fault of the person. Similarly, in the international legal system, any culpable act can be held liable. International Responsibility or what is often referred to as State Responsibility in international law is a principle in international law that regulates the liability of a state to other states due to errors or omissions of a state that have an impact on other countries or people. Basically, an omission or error committed by a state can have an impact if the impact is felt by other countries State responsibility in international law is defined as an obligation out by the state to other countries based on international law



<sup>15</sup> Hukum antariksa nasional: Penerapan urgensinya. Rajawali Press. p.14

<sup>16</sup> ). *A dictionary of law*. Oxford University Press. p.31.

<sup>17</sup> ). *International law* (4th ed.). Sweet & Maxwell. p.7.

Liability means the obligation to give an answer which is an account of something that happened, and the obligation to provide remedies for any losses that may be caused. In national law there is a distinction between civil and criminal liability, and in international law there are some provisions similar to national law but these are not as prominent. In addition, international law on liability has not developed very much. In the national legal system, criminal or civil liability is based on the fault of the person. Similarly, in the international legal system, any culpable act can be held liable. International Responsibility or what is often referred to as State Responsibility in international law is a principle in international law that regulates the liability of a state to other states due to errors or omissions of a state that have an impact on other countries or people. Basically, an omission or error committed by a state can cause an impact which, if the impact is felt by another state, then a liability arises which in international law is called the principle of International Responsibility.

The background to the emergence of a state responsibility in international law is that no state can enjoy its rights without respecting other states. Any violation of another state's rights makes it obligatory for that state to remedy the violation. This means that the state must be responsible. There are two terms that refer to liability in international law, namely liability and responsibility. Liability is a broad legal term that refers to almost any character of risk or responsibility, definite, contingent or possible, including all characteristics of actual or potential rights and obligations such as losses, threats, crimes, costs or conditions that create a duty to carry out the law. Responsibility means that which is accountable for an obligation, and includes judgment, skill, ability and aptitude as well as the duty to be responsible for the law being carried out. In practical understanding and use, the term liability refers to legal responsibility, which is the responsibility due to mistakes made by legal subjects, while the term responsibility refers to political responsibility. In essence, Liability refers more to compensation for the loss of other parties or repair of damage.<sup>18</sup>

State responsibility also applies in the context of air law, particularly in cases where a state's actions or negligence result in harm to other states, individuals, or entities. Under international air law, as governed by treaties such as the Chicago Convention of 1944, states have an obligation to ensure the safety and security of civil aviation within their airspace. If a state fails to uphold these obligations—such as by allowing unsafe aircraft operations, failing to prevent unlawful interference, or violating another state's air sovereignty—it may be held responsible for any resulting damage. Furthermore, in cases of aircraft accidents or unlawful acts such as hijacking, the state in whose territory the incident occurs is often responsible for conducting investigations and taking appropriate legal measures. This aligns with the broader principle of state responsibility in international law, which requires states to prevent harm and provide remedies when




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*Hukum pidana internasional dan hukum hak asasi manusia. Badan Pelatihan*

## G. Framework

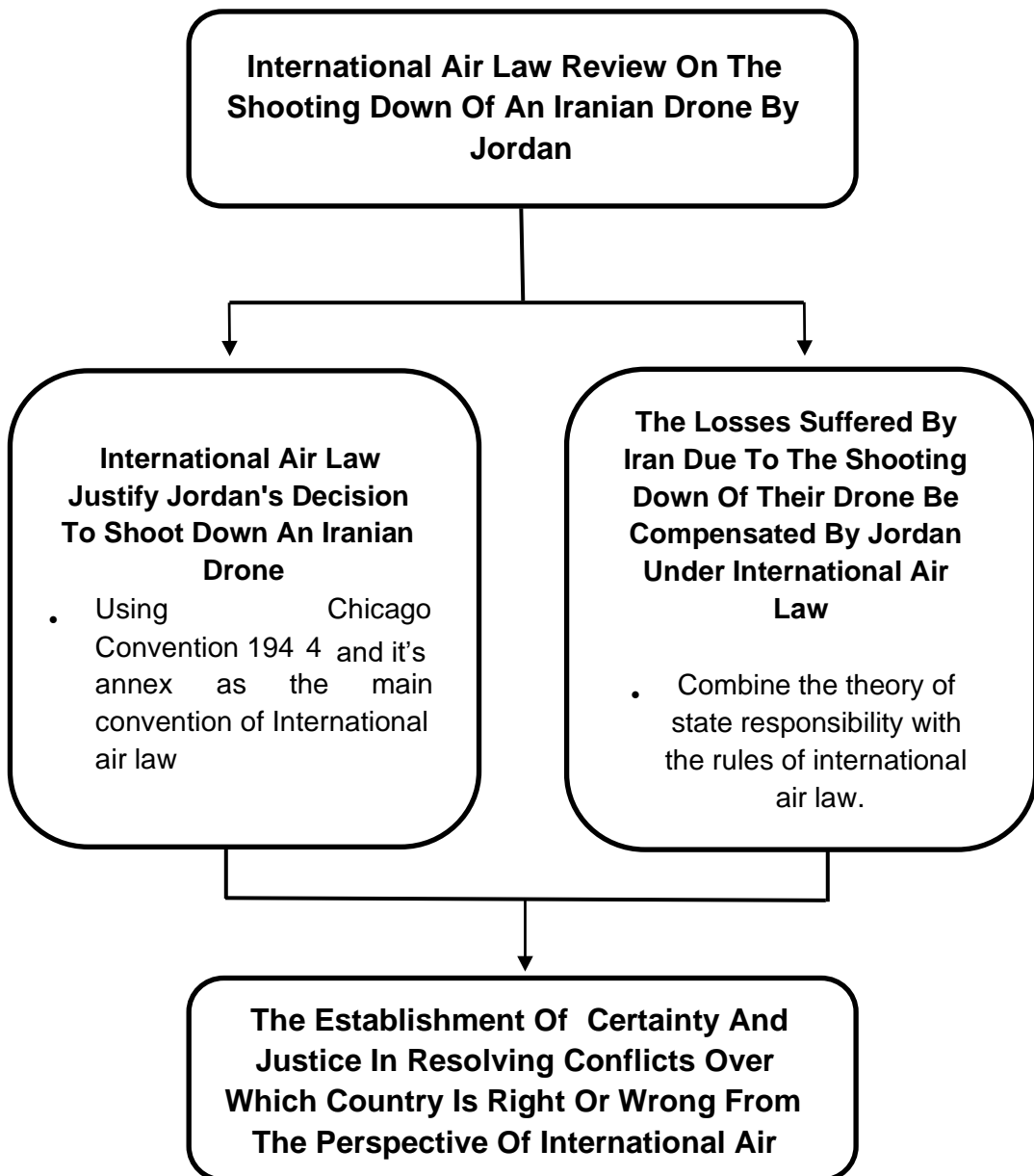
A research framework, whether theoretical or conceptual, provides a structured foundation for understanding and analyzing a study's problem. A theoretical framework is derived from established theories and models relevant to the research topic, explaining relationships between variables, predicting outcomes, and justifying the study's approach. It offers a lens through which data can be examined, enhancing the credibility and rigor of the research.

In contrast, a conceptual framework is developed by the researcher based on their understanding of the topic, previous research findings, and key concepts. It visually or descriptively represents how different variables interact within the study. While a theoretical framework is strictly grounded in existing theories, a conceptual framework allows greater flexibility in incorporating diverse perspectives. Both frameworks help define the research scope, guide hypotheses or research questions, and establish a logical structure, ensuring a theoretically sound and methodologically robust study.

The thesis of International Air Law Review On The Shooting Down Of An Iranian Drone By Jordan is based on the Chicago Convention 1944 or Convention on International Civil Aviation and its annexes. In this thesis there are two things that will be discussed. The first is about the international air law justifying Jordan's decision to shoot down an Iranian drone, in this first discussion, it describes more in terms of the facts of the case and the views of international air law regulated by the 1944 Chicago Convention. The second is the losses suffered by Iran due to the shooting down of their drone be compensated by Jordan under international air law, in the second discussion explains how the form of state responsibility and after that combined with the rules that apply in international air law in order to reach a conclusion whether Iran can hold Jordan responsible because their drone was shot by the country. Furthermore, it will be displayed in the following framework chart.



Figure 1. 1 Framework Chart



## CHAPTER II

### RESEARCH METHOD

#### A. Research Location

In collecting data and working on this thesis, the author chose the library at the Faculty of Law, Hasanuddin University, as the research location due to its comprehensive collection of literature that supports the author's thesis work.

#### B. Research Type and Approach

This research is classified as normative legal research, which focuses on studying legal rules or regulations. It analyzes legal norms or regulations as part of a system related to a specific legal event. The purpose of this research is to offer legal reasoning to assess whether an event is right or wrong and to determine the proper legal course of action for that event.<sup>19</sup> One of the characteristics of this research is that it uses formal legal sources and can be used with the aim of analyzing the applicable law, which consists of primary legal materials, secondary legal materials, and tertiary legal materials.<sup>20</sup>

There are various methods for conducting legal research. By using these approaches, researchers can gather information from different perspectives to address the issues they are investigating. The types of approaches used in this research include:

##### a. Statute Approach

This approach is basically carried out by examining all laws and regulations that are related to the problems (Legal Issues) being faced. In this approach is a research that focuses on legislation as a basic reference material in conducting research.<sup>21</sup>

In this research, the statute approach will focus on legal sources that come from legislation such as laws and conventions as the basic reference material in this research.

##### b. Conceptual Approach

This approach is a method in legal research that offers an analytical perspective on solving problems, focusing on the legal concepts or values embedded in the norms being applied.



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chmad. (2010.). *Dualisme penelitian hukum : normatif & empiris* / Mukti Fajar, urta: Pustaka Pelajar, p.10.

elitian Hukum Pilihan Metode & Praktik Penulisan Artikel (Edisi Revisi). Makassar:

In this research, the conceptual approach will aim to provide insight into the topic and research question by examining it through a legal framework or by analyzing the values embedded in the enactment of regulations in relation to the applied concepts.

### C. Types and Sources of Legal Materials

The data source in this research uses legal materials or literature materials. The legal materials used include:

#### a. Primary Legal Materials

Primary legal materials refer to authoritative legal sources. In this research, they include laws, regulations, conventions, and other foundational materials that serve as the basis for conducting the research.

#### b. Secondary Legal Materials

It is a legal material that explains primary legal materials such as scientific papers, results of legal research and literature materials that have relevance to the issues taken in this research. In this research, secondary legal materials used are relevant reference books, journals, legal cases, jurisprudence, symposium results, and articles related to the cases.

#### c. Tertiary Legal Materials

It is legal material that will provide explanations and instructions related to primary and secondary legal materials such as dictionaries and encyclopedias.<sup>22</sup> In this research, the author utilizes these legal materials to support the analysis and interpretation of primary and secondary legal materials, so as to provide a more comprehensive foundation in answering research questions.

In this context, analysis and interpretation refers to the process of exploring and understanding primary and secondary legal materials using the guidance provided by supporting legal materials, such as dictionaries and encyclopedias. Analysis means the author examines and parses the content of legal regulations, conventions, or other legal documents to identify applicable legal principles relevant to the research question. Meanwhile, interpretation refers to interpreting the meaning and implications of existing legal provisions, so that appropriate conclusions can be drawn based on the legal context and values contained therein.

### D. Legal Material Collection Technique



as carried out using 2 (two) methods of legal material search

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This research involves the use of primary, secondary, and tertiary legal materials, which are gathered and analyzed to provide explanations and solutions for the case under investigation. The data collection method is employed to acquire scientific information relevant to the discussion of theories and concepts related to the research topic.

Additionally, the author examines and references legal materials from various sources, including laws, regulations, and related literature. These legal resources are drawn from the author's personal collection and from the Hasanuddin University Faculty of Law library.

## 2. Internet Access

The collection of legal materials is carried out by accessing websites and scholarly journals through internet platforms that are directly relevant to the legal issues addressed in this research. These online resources provide up-to-date and comprehensive information necessary for a thorough understanding of the subject matter.

After collecting these materials, the author analyzed and arranged them systematically to fit the research questions and problem formulation. The sources came from literature studies and internet access conducted to gather information to make it relevant, as well as to assist the author in interpreting international air law regulations and examining the facts surrounding the case of this thesis.

## E. Analysis of Legal Materials

This research use a descriptive method of analysis to examine legal materials, utilizing grammatical interpretation techniques of laws and regulations. Through this method, the author aims to provide a detailed examination of International Air Law, specifically about the shooting of an Iranian drone by Jordan. The descriptive approach enables a thorough exploration of the relevant legal framework in this case.

In the process of statutory interpretation, this research utilizes the technique of grammatical interpretation to uncover the meaning of legal provisions by their customary meaning. This approach ensures that the arguments and findings are based on a proper understanding of the law as written. After collecting relevant findings, the author organized the discussion systematically to provide a clear and logical presentation.



depth analysis is conducted based on the findings, focusing on the International Air Law in the context of Jordan's shooting of the Iranian drone. The analysis delves into the legal aspects of the case especially the regulations, and how the law apply to the author's case research.