

The sword law was seen from the Myanmar Military Coup which harmed society in response to International Law.

Feby Magno

Department Of International Relation, Faculty of Social and Political Science

Universita Sebelas Maret Surakarta Indonesia

febymagno100203@student.uns.ac.id

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Abstract

A coup is the overthrow of power against the ruler by illegal or even brutal means. And a coup is the key for an officer to seize power from the state which then becomes a military coup, and in developing countries the military always intervenes in the government that is in power. Unconstitutional in the form of coups, the military always intervenes in government functions in developing countries. One of the countries that frequently experienced coups, namely Myanmar in 1962, 1988–2021, was due to the desire of the Burmese military to maintain its existence or influence. The coup that took place in Myanmar was a coup that was controversial for all parties because the state or international or regional organizations are not allowed to intervene in the matter or issues, the state does not intervene based on the principles stated in the law, according to God. Resolving coup conflicts is difficult according to international law because there are already binding regulations.

INTRODUCTION

Today, problems within a country are not spared either internally or externally. The problem of a country can be a problem that does not affect international life, but it can also be a problem that threatens international order and peace. This problem arises in a country because of the interests and goals of the country, it can even be a personal goal. Not infrequently in realizing the interests and goals of the country, conflicts or conflicts often occur, where conflicts can be triggered by several factors such as internal political conflict, political crisis, economy, religion and socio-religion. Often the existence of conflicts can result in disturbing security and order in the country. The threat of conflict, such as the case of military intervention, has an impact on the coup.

A coup is an act of reversal of power against someone in authority by means of illegal and often brutal, unconstitutional in the form of a "takeover of power", or "overthrowing of power" of a state government by attacking (strategic, tactical, political) the legitimacy of the government then intends to accept handover of power from an overthrown government. A coup will be successful if it can first consolidate in building legitimacy as the approval of the people and has received support or participation from non-military and military (army) parties. [1]

A coup is required for a military officer to seize state power, which is then referred to as a military coup. This is usually done based on the state of the country, where the situation is deteriorating from an economic and political standpoint, for example, corruption by state

officials, separatist actors, and disease outbreaks that result in the country's situation spiraling out of control, and this military coup is usually used when distrust of the government returns. who is in power and acts disobedient to his work. [2]

The military plays a dominant role in a country's political life. In a war-torn country, the military plays an important role as a protector of the country against various threats from both inside and outside the country that can disrupt the country's stability.

The military-civilian relationship can be assumed to be that the military was formed to assist and support the civilian administration. The main goal, however, is to fight as a means of national defense. The military may not meddle in matters of ideology, politics, economy, or socio-culture, and the civilian government (non-military) may not meddle in military or defense matters.

Many of these countries have gone through this political experience, both successfully and unsuccessfully. When compared to other political events, a country that has experienced a military coup can be said to have had the nature of its own state experience and process

Myanmar's process of becoming a state has certainly had its ups and downs in terms of the occurrence of changes and developments within the country; aside from internal development for the sake of change, it is also marked with good waves from an economic standpoint due to the socio-cultural community, and particularly in the political process. Looking back over the last few decades, the military has had a stronghold on political life in Myanmar, with military personnel appointing leaders since the country's independence in 1948. The military frequently usurps civilian governments' power through force or as a virtual praetorian with extraordinary powers to veto or blackmail non-military governments.

However, in developing countries, the military as a function always intervenes in the government in power. Therefore, the

government in power must establish a cooperative relationship with the military in order to maintain stability and security in order to achieve the goals of a country in the economic and social fields of society. [3]

METHODOLOGY

It is discussed that the method is one of the keys in discussing a problem where the research method is a way that aims to reveal the truth systematically. do by researching library materials or secondary data. Therefore, this research method in normative jurisdiction is a guideline for researchers in discussing issues according to the title raised, because in the method where the source of the data is obtained through secondary data so that the data can be obtained and the answers can be obtained more thoroughly.

DISCUSSION

Myanmar could not be released or separated from the military dictatorship for a relatively long time, around the last six decades, and in 1962 Myanmar was in a relatively safe position despite being described or faced with various problems, both in economic terms. Whether it is in the midst of an economic crisis or the turmoil of mass protests, the Myanmar military has always found a way to strengthen its dominance and even upholds government justice to this day.

It is important to note that the military now controls all facets of life in Myanmar, including politics and the government as well as the economy. This is referred to as the transfer of power from the civilian to the military side. According to Davis I. Steinberg, Myanmar is the country with the most centralized military control in the entire world. This is a result of the government of Myanmar being heavily influenced by the military since 1962. [4]

The military has a long history of involvement in domestic politics in Myanmar. Myanmar has experienced several changes of power since

gaining independence from Britain in 1948, making coups a common problem for the country. For many years, Myanmar's government was dominated by the military, and various democratic movements grew during that time. The coup that took place in Myanmar has gone through several stages up to this point; even before the country's name was changed from Burma to Myanmar, a coup took place there in 1962. Thus, the first coup against the partially democratic government in 1962 became a crucial turning point in Myanmar's military rule.

Myanmar's Military Coup's Ups and Downs

The military coup in the land of a thousand pagodas continues to be a dark story for Myanmar to this day. The coups are recorded as repeated coups, with the Myanmar military or the Tatmadaw frequently seizing power from earlier coups throughout their history. March 2 1962, Military Coup/Coup marked the beginning of the one-party government and the military's political dominance in Burma (now Myanmar), which lasted 26 years. [5]

Less than two years after the Provisional Government returned power to the AFPFL government, Ne Win returned to power in a military coup on March 2, 1962. Ne Win became head of state as president of the United Revolutionary Council and also as prime minister. He arrested U Nu, Sao Shwe Thaik and several others and declared the country socialist through a "revolutionary council" of senior military officers. Sao Shwe Thaik's son, Sao Mye Thaik, was shot dead in what the worldwide media described as a "bloodless" coup.

During the constitutional dictatorship in 1974, General Ne Win launched a new constitution and mandatory elections. Power is no longer in the hands of the military but an elected government. However, the transfer of power was only an expression, as it passed from General Ne Win to U Ne Win himself. The Burmese government continued to be centralized under the military

party, the Socialist Program Party of Burma (BSPP), which was a problem for both civilian and military parties.

The second phase of the coup in Myanmar was in 1988 or commonly known as the 8-8-88 Uprising (8888 Rebellion) or the People Power Uprising. Since 1962, the Socialist Program Party of Burma has ruled the country as a totalitarian one-party state led by General Ne Win. Burma became one of the world's poorest countries under the government's so-called Burmese Road To Socialism agenda, which included economic isolation and military build-up. [6]

Before the crisis, Burma was ruled by the oppressive government of General Ne Win and isolated since 1962. The country's national debt is 3.5 billion dollars, foreign exchange reserves are 20-35 million dollars, [7] and the debt service ratio is halved. State Revenue and Expenditure budget In November 1985, students demonstrated and boycotted the government's decision to withdraw Burmese banknotes. The economic problems associated with the suppression of uprisings require constant participation in international markets. [8]

The second coup occurred in 1985, it appears that the economic background was the reason for the emergence of large-scale protests in 1988, when civilians became disillusioned with the government at that time. army and demanded his resignation, but the army remained in power until 1990. [9]

The third phase is a new chapter in the coup crisis in Myanmar, which will last until 2021. The military has been very strong in Myanmar for the past 60 years and the military continues to play a key role in kidnappings in the Myanmar government.

The 2021 coup followed the general election of 8 November 2020, in which the National League for Democracy won 396 of 476 seats in Parliament, a larger margin compared to the 2015 election. The Military Party and the Solidarity and Unity Construction Party received only, 33 seats. [10] The 12 Myanmar Coup 2021 started on February 1, 2021, when the Myanmar military arrested State Councilor Aung San Suu Kyi, President Win

Myint, and several key party leaders. An hour later, Myanmar's armed forces declared a state of emergency and said power had been handed over to army chief Min Aung Hlaing [11]

The military, which ruled the country for 60 years, may still be the ruling party in the government of the country. It can be seen that the Myanmar military is suspicious of the defeat of the 2020 election and considers the final election results to be rigged. As mentioned, the Myanmar military will not accept its defeat in the 2020 elections, but its allied parties will. The Alliance for Solidarity and Development, which lost heavily to the Alliance for National Democracy, dashed supporters' hopes of a President with a democratic military background. [12]

From this it can be concluded that the military coup in Myanmar did not occur for dangerous reasons, but as an attempt by the Myanmar military to maintain its presence or influence. If the military party ended up losing to the National League for Democracy, they would have to wait five years for their next opportunity. But the military is still a major factor in everything and is still power hungry.

Myanmar's Military Conducts Coup and Here's the Response from International Law

According to international law, only a state has sovereignty, namely the highest authority, which is not subject to other countries and has sovereign rights that are recognized by international law. Countries that are subjects of international law have rights and obligations according to international law, including: the right to independence, equality; right to self-defense and territorial jurisdiction; and commitment not to use violence; conduct international relations in good faith; and non-interference. [13] To find out that the existence of state sovereignty establishes the principle of noninterference, namely the principle of not interfering in the country's internal affairs.

The recent coup by the Myanmar army against the civilian government has attracted global attention, both regionally and internationally. This

event was criticized by We see from several countries, international organizations as mentioned and can be seen such as the United Nations and other organizations in the European Union, the Association of all Nations and then from Asia or from other associations even by the international population. The actions taken by the military personnel are seen as violating human rights, and in the end this problem is not only seen as an issue or conflict from within the country and we can also see problems outside.

HE Abdul Kadir Jailani, Director General of the Ministry of Foreign Affairs of the Republic of Indonesia for Asia, the Pacific and Africa, said that the results of the cold war conflicts in 1947 to 1991 from the International Law side did not respond well to coups against the conflict, because in these situations coups encountered many in various countries, with supporters from each side of the western and eastern blocks. Both factions see themselves as democratic forces. Then, after going through many problems or the end of the cold war, a new change emerged, namely from International Law, namely the opinion that in assessing the legitimacy of a government, one must look at the principles of democracy in terms of elections. Then, if you look at the practice in the UN security section that doesn't handle it properly, you can say whether a coup is against international law or not. The UN Security Council does not look at the legality of the coup, but assesses whether the coup has an impact on international welfare and peace,,,, [14].

Looking at the status of the Myanmar military coup, it can also be viewed from the UN charter in article 2 paragraph (7) which contains:

It is not written in this charter that if you give authority to bind countries only to interfere in the problems of a country that are internal to any country or order its members to only solve problems or problems only with the provisions of the authorities but from there do not follow the provisions regarding action coercion referred to in the existing chapter, namely chapter VIII . [15]

In addition, Article 2(2)(e) and (f) of the ASEAN Charter also contains the principle of non-interference/non-interference in domestic affairs: "Non-interference in the internal affairs of ASEAN Member States"

And

" Mutually able to respect or accept the right of every nation to be able to maintain a national existence that is free from problems such as interference from unauthorized actions. " [16]

The contents of the UN and ASEAN charters say that the principle of non-interference is a point that must be respected by countries. these organizations. Apart from that, the above principles clearly stipulate in law, with regulations that are promulgated and implemented, that intergovernmental relations must not interfere.

As international law develops, intervention in a country's internal affairs becomes increasingly important, but international law does not clearly regulate the implementation of military coups in various countries, for example the coup in Myanmar. The UN or ASEAN Charter only regulates the principle of equality when all countries are in the same and equal position, so that no country has the right to decide unilaterally whether democracy occurs in a country, and no country can change the political system by judging that other countries are good or not.

Many protests around the world have condemned, condemned and sanctioned to the horror of the Myanmar military's move to control their country. However, the protest was only verbal, because many parties disagreed, differed in opinion and did not intervene in accordance with the applicable law.

On the other hand, the coup in Myanmar became controversial for all parties. Because regional organization countries, as well as international organization countries, do not have the right and authority to intervene, which is based on the principles specified in the law, and as long as the coup in Myanmar does not have a direct effect on other countries, it is the duty of all people and the state must respect the problem without interference.

The military coup in Myanmar is a serious violation because the coup had a wide impact and claimed many lives. So that the resolution of the conflict is not easy because it is considered easier through political settlement because it is flexible, but the settlement of coup disputes is an obstacle according to international law because there are already binding regulations.

CONCLUSION

I. MYANMAR HAS BEEN UNDER THE CONTROL OF A MILITARY JUNTA SINCE 1962, AFTER A COUP THAT OVERTURNED THE DEMOCRATIC SYSTEM THAT HAS EXISTED SINCE INDEPENDENCE. TOTAL MILITARY CONTROL OFTEN RESULTS IN POLICIES THAT ARE NOT APPROVED BY THE CIVILIAN GOVERNMENT AND ARE NOT IN THE BEST INTEREST OF THE PEOPLE. THE COUP BY THE MYANMAR MILITARY AGAINST THE CIVILIAN GOVERNMENT IS A PURELY DOMESTIC AFFAIR. THE MILITARY IS SUPPOSED TO ACT AS A PROTECTIVE TOOL FOR THE COUNTRY, BUT MYANMAR'S MILITARY HAS CONSISTENTLY HARASSED THE RULING GOVERNMENT. BASED ON THE UPS AND DOWNS OF COUPS THAT HAVE BEEN REPEATEDLY CARRIED OUT BY THE MYANMAR ARMY SINCE 1962 UNTIL NOW, FROM A HISTORICAL PERSPECTIVE, THE MYANMAR MILITARY LONGS FOR A COUP. THE COUP THAT HAS CONTINUED TO THIS DAY HAS BECOME AN ISSUE THAT HAS CAUGHT THE WORLD'S ATTENTION. IN THE ISSUE LOOKS AT THE PROVISION OF MILITARY FORCES THAT PROVIDE TOTAL GOVERNMENT TO CIVILIANS. AND DEADLOCKED FROM THE KUP BUT THESE PROBLEMS MADE MANY PARTIES PROTEST AGAINST THE ACTIONS TAKEN BY THE MYANMAR MILITARY FORCES BUT THIS WAS STOPPED BY INTERNATIONAL LAW BECAUSE THESE RULES WERE EXPLAINED BY THE UN AND ASEAN CHARTERS RELATED TO THE PRINCIPLES THAT HAD BEEN IMPLEMENTED, NAMELY ON THE PRINCIPLES OF NON-INTERFERENCE AND NON-PROHIBITION.

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