



## Juridical Analysis of the Kingdom of Asgardia Space from the Terms of a State According to International Law

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**Abstract:** The objectives of the research to be achieved are to know and analyze concretely the issues expressed in the formulation of the problem, namely: 1. To find out the formation of the Kingdom of Asgardia Space according to international law. 2. To find out the obstacles and challenges in establishing the nation of Asgardia Space. The approach method that the author will use is a normative juridical approach, where the research approach will use literature review or library research by examining various library materials or secondary data. Data analysis used by the author is Qualitative Analysis. The results of this study are legal arrangements regarding the idea of establishing the country of Asgardia Space according to international law regulated in several conventions including the 1933 Montevideo Convention which regulates the rights and obligations of the state, where the country of Asgardia Space has fulfilled the requirements as a country, but these conditions is not yet perfect. Then it is also regulated in the 1967 *Outer Space Treaty* which regulates activities in outer space. In this case it regulates the activities and position of Asgardia Space as a country in outer space.

**Keyword:** Kingdom of Asgardia Space, Country, International Law.

### INTRODUCTION

Humans are social beings who cannot live alone, therefore humans live in society. Socialize with each other and make strong interactions to get to know other human personalities. As the process of life progresses, humans begin to form an orderly group, namely in the form of an organization that can organize life together, which is called the state . and has the obligation to prosper, protect and educate the life of the nation.

In terms of international law, the state *is* the main subject of international law itself. Thus the state is the bearer of international rights and obligations, has the right to bind itself to an international treaty, and enjoys special rights and diplomatic immunity. The stated right is sovereignty. Sovereignty in relations between countries signifies the existence of independence and is free to exercise its sovereign rights to carry out state functions without interference from other countries.

This of course also creates obligations towards it, namely the obligation not to exercise its sovereignty in the territory of other countries and the obligation not to interfere in the affairs of other countries. So that a country may not be able to enjoy its rights without recognizing or respecting the rights of other countries.

There is a system that develops about the state itself, namely the concept known as "*the modern nation-state*". This concept at least contains a basic meaning as "nationalism" and "legal sovereignty" ( *legal sovereignty* ), namely as part of the system. *The nation-state* itself is an ideal (obsession) about a nation ( *nation* ), namely "*a people who free themselves parts of some large identity group*". Based on this concept, every person or group has the right to have ideals that free themselves to choose or determine their national identity according to what they want or aspire to.

According to David W. Ziegler, To fulfill the requirements of a country, as an entity, it must meet three criteria. First, the state is a collection of people ( *an association of people* ). Second, "*these people must be politically organized*, and thirdly *they must be located on definite territory*"

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The state as a subject of international law has various basic rights in addition to the basic obligations regulated by international law. The stated right is sovereignty. Sovereignty in relations between countries signifies the existence of independence and is free to exercise its sovereign rights to carry out state functions without interference from other countries.

by no means necessary for the state to be identical with a particular race or nation, although such identities may exist. From ancient times until now, many countries or maybe kingdoms have sprung up. Domestically, we know Majapahit and Sriwijaya, who became the great rulers of the archipelago. However, the kingdom eventually sank due to past wars that were unavoidable.

After the second world war, many countries proclaimed their independence from colonialism, which resulted in the emergence of many new countries, one of which was Indonesia which became independent from Japanese occupation on August 17, 1945. Today, there are still many countries that are still fighting for their independence. Several countries have succeeded, and some are still struggling to gain recognition from other countries. New countries emerged not only as a result of war, but there were also countries born from divisions, such as Latvia and Armenia which were born from the division of the Soviet Union.

In the future, more and more new countries will emerge based on various factors. However, recently a discourse emerged which emerged with plans for the development of a new country, but not on earth, but outside the earth, namely Outer Space.

Legally, Asgardia hopes to establish the first sovereign nation in space. Philosophically, Asgardia aspires to escape from the infinite divisions of humanity, until now this country continues to struggle to get recognition from the United Nations. On November 12, 2017, they successfully launched their first satellite using a commercial spacecraft from NASA's Wallops Flight Facility in Virginia, United States, and carried by the Cygnus spacecraft. Then head to the *International Space Station* (ISS). Even though the satellite named Asgardia 1 only the size of a loaf of bread or the size of a carton of milk , but this marks a significant step toward achieving the country's goals, the satellite will remain in orbit for up to 5 years before burning up in space.

On the other hand , the enthusiasm of the earth's people to register to become part of Asgardia is getting higher and growing every day, as of February 7 2019 there have been 1,044,013 people who have registered themselves to become citizens of Asgardia. This is a

large number and high enthusiasm shown by the people of earth for the idea of this extraterrestrial country.

With the ongoing efforts of *Asgardia Space* scientists, whether this plan will actually occur will face a steep road, including the absence or absence of rules governing the possibility of a country outside the earth. Judging from the legal requirements of a country according to The 1933 Montevideo Convention, namely the existence of permanent residents, certain territories, government, and the ability to relate to other countries, will cause many problems.

First, as a legitimate country there must be permanent residents and be in a certain area. Residents in the country of Asgardia do not come from one particular region, but come from open recruitment and come from various regions around the world, and for now they still occupy the territory of their country of origin, and not occupy a region or place originating from Asgardia. itself which in this case is space. Another issue is whether registered Asgardians can legally obtain citizenship other than their country of origin. The granting of rights and fulfillment of obligations as citizens of the earth, for citizens of Asgardia have not been clearly regulated. These things are certainly an obstacle for Asgardia in fulfilling the legal requirements of the first country.

Second, according to the 1933 Montevideo convention, countries must have certain territories. In this case a certain area is not essential for the existence of a state provided that there is a certain recognition of what is characteristic as a stipulation of the related area and its inhabitants. In the case of Asgardia, the area they will occupy is not on the earth's mainland like other countries, but in space, namely in *low-earth orbit* which has become a new object of human activity. However Can Asgardia make outer space its permanent territory to be a reference in applying the legal requirements of a country, namely "certain territory".

Third is sovereign government. It is not yet clear what model of government will be used by Asgardia in running its government. But one thing is certain, the ruler of Asgardia will belong to Igor Ashurbeyli, because every Asgardian candidate must recognize Igor as head of state, this is one of the conditions for becoming an Asgardian. The issue of sovereignty is a very important issue for a country, because it is something that differentiates one country from another.

Fourth is the ability to relate to other countries or recognition from other countries. This acknowledgment is not an element in the formation of a state, but this element is only declarative about the existence of a state . Recognition is divided into two, namely *de facto* and *de jure*. *De facto* recognition is an acknowledgment of the fact that a state exists and *de jure* is an official acknowledgment based on law by another state with all the consequences. In the country of Asgardia, to get this recognition, it still needs some more struggles and studies, based on its goal as a country located in outer space, they aim to protect the people of earth from attacks or dangers from outer space. This might already be said to be a relationship between Asgardia and the countries on earth in the field of Defense.

For the view of international law, the issue of recognition cannot yet be presented as a set of legal principles or principles that have firm and clear boundaries. There are two conflicting theoretical perspectives in order to express their opinions regarding this recognition.

Thus, based on the information above, the existence of the Asgardia state might be realized, but it must first conduct a review based on the elements of the establishment of a legitimate state. Then with regard to its position in space, *Asgardia Space* must first obtain recognition from the United Nations so that each of its activities in space will be *legal* status and can be accounted for by the party that has been determined later.

## LITERATURE REVIEWS

### Country

The state in the general sense is a group of people who live in a certain area and are organized with a state government that has been agreed upon and has sovereignty. It can also be called an area that has a system and rules for everyone who occupies the area.

The state is a human being in a large scale which only describes between humans and their various members and their cooperation. A body that is constantly evolving, consisting of people (individuals).

The state is an association of families and villages in order to obtain the best possible life.

### Space

In the beginning, Indonesian people were generally more familiar with the term 'space' rather than 'space' to denote an area above the earth's surface and so on upwards. The more familiar mention of outer space is understandable because Indonesian people have often heard it from a long time ago either from the language used by our ancestors, or through poetry, songs, legends, and so on.

The term outer space has only been known since the Presidential Decree on the Republic of Indonesia's National Aeronautics and Space Council (DEPANRI) and the Presidential Decree on the National Aeronautics and Space Agency (LAPAN), with these decisions stating that Space is space and its contents outside air space. , as well as those that surround and enclose the air space.

Based on the explanation above, outer space is a space that is above air space which is relatively empty so that to move in that space requires a special technology. For an object to reach Earth's orbit, it must have sufficient thrust to escape the initial pull of gravity.

### Asgardia Space

Asgardia, officially *the Space Kingdom of Asgardia* , is a nation-building proposal announced on 12 October 2016 by Igor Ashurbeyli, founder of *the Aerospace International Research Center* and Chair of UNESCO's Outer Space Committee. The proposed country is intended to open access to outer space, free from the control of existing countries, to be recognized as a sovereign country.

The name Asgardia itself was chosen because Igor Ashurbeyli was inspired by the name Asgard which comes from Norse mythology, which is the realm of the gods. Asgard is one of the nine realms and home to the Asgardians, a powerful race recognized by the galaxy as honorable and brave peacekeepers.

## METHODS

The approach method that the author will use is a normative juridical approach, where the research approach will use literature review or *library research* by examining various library materials or secondary data. like; books, journals, magazines, newspapers, articles from the internet , and others related to the subject matter.

Basically, there are types of data consisting of legal materials in conducting legal research, namely secondary legal data, which are types of data obtained from the literature.

Data analysis used by the author is Qualitative Analysis. Qualitative data analysis, namely conducting an assessment of the data that the author obtained in the field with the help of literature or materials related to research, then conclusions are drawn which will be explained by descriptive writing, namely data in the form of descriptions in the form of sentences arranged systematically which describe research results and discussion results. Analysis of the writing data, namely regarding the Idea of Establishing the State of *Asgardia Space* in the Terms of a State in terms of International Law.

## RESULTS AND DISCUSSION

### Establishment of the Kingdom Of Asgardia Space According to International Law

Along with the times and science, humans have always been able to develop various kinds of new knowledge that are useful and beneficial to human life, both in the short term and in the long term. Today there are more and more political conflicts that are happening and various other complicated problems that are happening on this earth, so many people think that in the future we have to leave this earth that is getting old and have to start living in outer space. This idea seems to be realized soon either in a short period of time or in a very long period of time, it happened because of the idea that emerged from a Russian scientist named Igor Ashurbeyli who started the idea of establishing a country in outer space, which is in accordance with the thesis that the author wrote. namely about the idea of establishing the nation of Asgardia Space.

The following describes the requirements of a state in terms of international law:

#### 1. Permanent residents

As previously described by the authors, residents are a group of individuals who live in a society bound by political and juridical relations which are manifested in the form of citizenship. In general, the determination of citizenship itself is regulated by the national laws of each country, but international law also gives special attention to individuals, especially those concerning the protection of their rights as citizens.

#### 2. certain region

Based on Article 7 of the UN Declaration on the rights and obligations of states in 1949, states that states are obliged not to use their territory for actions that endanger international peace and security. Then in relation to the territory of a country, the state is also obliged not to recognize territories obtained by force, as stated in Article 12 of the UN Declaration on the rights and obligations of the state in 1949.

As the author has described in the previous chapter, that the territory of a country is not only determined based on the country's initial landmass, but can also be determined based on additional areas as the authors have explained in the previous chapter, namely through occupation, annexation, accretion, prescription, *cession* as well as a referendum. Asgardia as a country that does not have an initial land area, of course uses an additional area system to determine its territory, which in this case is a satellite in outer space.

#### 3. Government

A country certainly requires a number of organs to represent and channel its will, therefore, the state can only carry out these activities through organs consisting of individuals. According to international law, a country that has no government cannot be said to be a country. This provision was confirmed by the international court in the case of Western Sahara. In that case, the court in its *advisory opinion* in 1975 stated that various forms of that existed between the tribes surrounding the Sahara in the 19th century is proof that Western Sahara was not *a terra nullius* (no man's land). Then the court also stated that at that time there was no government structure and therefore, there was no state.

#### 4. Ability to relate to other countries

The ability to relate to other countries for a country in accordance with Article 1 of the Montevideo Convention has a very important role, namely the role of existence. With relations with other countries, it will certainly create a strong existence for the international community, the better the relationship, the better the name of the country and the freedom to negotiate and work together. In addition, by establishing relations with other countries, these countries can maintain and create coexistence in peace and justice with other nations. Then, prevent the existence of a conflict that might occur, and try to be able to resolve the conflict.



## Obstacles and Challenges in the Establishment of Asgardia Space

The establishment of the country of Asgardia Space is a very *futuristic idea*, this idea can be said to be a big stepping stone in human understanding of the concept of a country, because the idea of establishing the country of Asgardia Space is the establishment of a country in outer space, which as far as writing this thesis is made, has not been there is not a single country created outside of planet Earth. However, this idea is not just a figment of the imagination. Asgardia has conducted in-depth research in developing this idea, both in scientific research itself and in the rules contained in various international legal instruments, such as agreements, conventions, treaties, and so on. Even though the establishment of this country is very promising in the future, it is a very new idea and has not been thought of before. In this case, of course the establishment of this country is faced with several obstacles and challenges in the process of establishing the legal nation of Asgardia Space before international law. These obstacles and challenges are caused by the following:

1. The status of citizens in the country of Asgardia Space is dual citizenship.

Asgardia space is a country whose citizens come from all over the world, meaning that this country does not have native people, but its citizens come from people who voluntarily register themselves as citizens of Asgardia Space through the official website of Asgardia Space . itself. Even though its citizens are dual, in the future there is also the possibility that these citizens can automatically choose Asgardia Space as their sole citizenship. However, this still cannot happen because Asgardia Space has not fully become a country officially.

2. The Asgardia Space region which is still a small satellite and is located in outer space.

Territory is one of the most important elements in establishing a new state. Because the territory will be useful for the continuity of the life of citizens, as well as the continuity of the life of the state and bureaucracy in the government of a country.

The Asgardia space region for now is a satellite that has been orbiting in an extraterrestrial orbit. For now, the Asgardia Space government itself is in the process of raising funds and research for greater development in outer space. In international law there is no explanation of the definition of the area itself. There have been several cases of territory related to control over an area or disputes within the borders of a region.

3. Asgardia Space has yet to get recognition from other countries

One of the requirements to become a sovereign country is to get recognition from other countries. One way to get this recognition is the ability of a country to relate or cooperate with other countries. So far Asgardia through its president Igor Ashurbeyli has made efforts to initiate diplomatic relations with countries in the world, one of which is by sending letters to more than 30 countries, these letters generally contain congratulations on the presidential inauguration in that country. This was done in the hope of possible retaliation and the possibility of diplomatic relations from these countries. If there is a reply and acknowledgment from the country to which the letter was sent , then the fourth condition has been completed.

## CONCLUSION

1. Legal arrangements regarding the idea of establishing the nation of Asgardia Space according to international law are regulated in several conventions including the 1933 Montevideo Convention which regulates the rights and obligations of the state, where the nation of Asgardia Space has fulfilled the requirements as a country, but these conditions are not yet perfect. regulated in *the Outer Space Treaty* 1967 which regulates activities in outer space. In this case it regulates the activities and position of Asgardia Space as a country in outer space.

2. Obstacles and challenges in establishing the Asgardia Space nation is the status of its citizens, where citizens will become dual citizenship, but not all countries in the world allow dual citizenship.

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