In a discourse regarding the history of Indonesia, one often overlooks the issue of when exactly Indonesia gained the status of international legal personality. Most of the discussions focus on the recognitions of some countries and the dynamics that occurred revolving around the negotiations entered into by Indonesia, all of which are discussed from a political, rather than legal, perspective. That being said, the international legal aspect that arises out of these events, especially during the period of international negotiations, has important meanings, not only for Indonesia, but also for the general development of international law. It must be acknowledged that discussion concerning recognition is at the crossroads between law and politics.

Most of the notions concur to the idea that Indonesia became an international legal personality following the conclusion of the Roundtable Conference (Konferensi Meja Bundar, KMB) in Den Haag, 1949, when the Dutch finally recognized the sovereignty of Indonesia. Prof. D. Sidik Suraputra, a pioneer of international law in Indonesia, as well as professor of international law from University of Indonesia, reconstructed this old belief. Therefore, the book, made pursuant to his doctoral dissertation from the University of Indonesia, offered a new paradigm in international legal history.

From Indonesia’s perspective, Prof. Sidik clearly stated that the status of Indonesia as an international legal subject has started since Indonesia proclaimed its independence on the 17th of August, 1945. He said, that, “[P]endirian Republik Indonesia melalui Proklamasi 17 Agustus 1945 dilakukan sebelum tentara sekutu dan tentara Belanda kembali ke wilayah Republik Indonesia. Pada waktu itu Republik Indonesia telah
berdiri menurut ketentuan hukum internasional” (p. 171); basically arguing that the Republic of Indonesia has been established in 1945 in accordance with international law. However, such proclamation was not yet recognized by the Dutch, which still considered Indonesia as part of its overseas territory.

Prof. Sidik further explored his idea by analyzing the international legal aspects of the Linggarjati Agreement, which arguably made and entered into pursuant to international law. England, the mediator of Linggarjati Agreement, has also given a de facto recognition to the Republic of Indonesia. However, on the other hand, the Dutch had since tried to convert this international law nature into a domestic constitutional law matter by introducing the concept of Federal State of Indonesia, thus eliminating the international legal personality of Indonesia. In other words, while Indonesia’s international legal personality at that time has existed, the Dutch had been trying to undermine it. As stated by Prof. Sidik in his conclusion, “…dapatlah dikatakan bahwa sejak Proklamasi sampai dengan Perjanjian Linggarjati, Republik Indonesia telah mampu mempertahankan eksistensinya sebagai suatu negara. Bukti yang meyakinkan bahwa Republik Indonesia sebagai subyek hukum internasional adalah diterimanya pengakuan dari berbagai negara, beserta usainya Belanda yang terus menerus melalui perundingan dan tafsiran perjanjian mencoba menghapuskan kepribadian internasional dari Republik Indonesia” (p. 176).

From the perspective of general development of international law, Prof. Sidik offers a new theory regarding the founding of a state following the post-world war-II de-colonialization: Theoretically, in the event of a conflict between a rebel movement with a legitimate government to claim a territory, there are three stages in international law.

First of all, when the movement is still considered domestic matters, known as insurgent.

Secondly, when the insurgent has claimed some territorial part of the country and can exercise effective control, they will be considered belligerent. As an international legal consequence, any third party must remain neutral as to the conflict.
On the third stage, when external party (third state) starts giving de facto recognition to the belligerent. If the rebel movement fails, the de facto recognition is automatically over. However, if the rebel takes control of the country, the recognition turns into de jure recognition.

Experts such as Charles Channey Hyde argues that when concluding the Linggarjati Agreement, Republic of Indonesia was acting as a belligerent. On the contrary, Prof. Sidik argues that at that time, Indonesia has obtained de facto recognition, without having to undergo "insurgent" or "belligerent status". The reason is as follows: the effective control of the Netherlands had diminished by Japan took over, while the Proclamation was announced before the Dutch returned to Indonesia. That being said, at the time of Proclamation, Indonesia was not part of the Netherlands, and therefore cannot be claimed that Indonesia was a belligerent to the Netherlands. Further, de facto recognition was in fact given by England, acting as the mediator of the Linggarjati Agreement.

Rich of intellectually stimulating and historically revealing thoughts, "Revolusi Indonesia dan Hukum Internasional" is a must-read book for all people interested in history, politics, and law, as well as for the general public, so that all understand the international law importance of some of Indonesia's most significant historical dates.