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**THE INTERMEDIATE-RANGE NUCLEAR FORCES TREATY (INF) AGREEMENT BETWEEN AMERICA AND RUSSIA IN MEDIUM DISTANCE NUCLEAR DEVELOPMENT: INTERNATIONAL LEGAL PERSPECTIVES**

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**Irzani Andi Abdulrahman<sup>1</sup>, Siti Syahida Nurani<sup>2</sup>, Hari Sutra Disemadi<sup>3</sup>**<sup>1</sup>Universitas Muhammadiyah Kupang, email: irjanraf27@gmail.com<sup>2</sup>Universitas Muhammadiyah Kupang, email: nuranisyahida05@gmail.com<sup>3</sup>Universitas Internasional Batam, email: haridisemadi@gmail.comSubmitted: 15/02/2021 Revised: 04/03/2021 Accepted: 14/03/2021

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**ABSTRACT**

The 1987 Intermediate-Range Nuclear Treaty (INF) was a medium-range nuclear agreement between the United States and the Soviet Union which is now called Russia, which deals with reducing the use of nuclear weapons. The form of the agreement (INF) between the United States and Russia resulted that the two countries had to destroy a total of 2,692 short and medium-range missiles. This agreement basically focuses more on limiting the number of nuclear weapons, but beyond that the two countries aim at flexibility in determining the strategic composition, character and strength. This research is a normative law research which is a legal research conducted by examining library materials or secondary data. Library research on this concept is data collection by studying literature and legal sources related to problems in books, journals, research reports, printed and electronic media, legal studies, concepts and theories as well as expert opinions and findings related to the problem under study. Based on the research results, the compilers can conclude that there are three important discussion points in this agreement, namely: The nuclear warheads installed in each country's ICBM or SLBM are limited to 1,550 warheads within seven years after the agreement is ratified, Nuclear launch vehicles, whether with nukes still installed or not and each of them must be 800 units. The number of nuclear launch vehicles installed in each country must be 700 units.

**Keywords:** Nuclear treaties, International law, New start

**INTRODUCTION**

The 1987 Intermediate-Range Nuclear Forces Treaty (INF) obliged the United States and the Soviet Union to abolish and completely release all ground-launched nuclear and conventional ballistic and cruise missiles with a range of 500 to 5,500 kilometers. The agreement marks the first time a superpower has agreed to reduce their nuclear arsenal, eliminate an entire category of nuclear weapons, and carry out extensive on-site inspections for verification. As for the form of the INF Treaty, the United States and the Soviet Union produced that the two countries had to destroy a total of 2,692 short, medium, and medium-range missiles by the deadline for implementing the 1 June 1991 agreement.

The INF Treaty Protocol on missile elimination specifies the specific types of ground-launched missiles to be destroyed and the acceptable means of doing so. Under the agreement, the United States committed to eliminating the Pershing II, Pershing IA, and Pershing IB ballistic missiles, as well

as the BGM-109G cruise missile. The Soviet Union had to destroy the SS-20, SS-4, SS-5, SS-12, and SS-23 ballistic missiles as well as its SSC-X-4 cruise missiles. In addition, both parties are obliged to destroy all training missiles, rocket platforms, launch tubes and launchers associated with the INF Treaty. Most missiles are removed either by detonating them when they are unarmed and setting fire to their stage or by cutting the missile in half and cutting off its wings and tail.

The United States first accused in its July 2014 Compliance Report that Russia had violated an INF Treaty obligation "to not possess, produce, or test fly" ground-launched cruise missiles having a range of 500 to 5,500 kilometers or "to possess or manufacture such missile launchers. that. "Subsequent State Department assessments in 2015, 2016, 2017, and 2018 repeated these allegations. In March 2017, a top US official confirmed press reports that Russia had begun deploying unsuitable missiles. Russia denies that it violates the treaty and accuses the United States of non-compliance.

On December 8, 2017, the Trump administration released an integrated strategy to counter Russia's alleged violations of the agreement, including the start of research and development on conventional, mobile-road and medium-range intermediate-range missile systems. On October 20, 2018, President Donald Trump announced his intention to "end" the INF Treaty, citing Russia's non-compliance and concerns about China's medium-range missile arsenal. On December 4, 2018, Secretary of State Mike Pompeo announced that the United States found Russia in "material breach" of the treaty and would suspend its treaty obligations within 60 days if Russia did not return to compliance by then. On February 2, the Trump administration announced a suspension of US obligations under the INF Treaty and officially announced its intention to withdraw from the agreement within six months. Shortly thereafter, Russian President Vladimir Putin also announced that Russia would formally suspend its treaty obligations as well. Russia has previously indicated it is ready to accept a US proposal to freeze a number of nuclear warheads. Moscow would also be willing to continue extending the latest arms control agreement it had with Washington.

The agreement is the New START (Strategic Arms Reduction Treaty). The agreement was signed in 2010 and is due to expire in February 2021. New START prohibits the US and Russia from deploying or using more than 1,550 nuclear warheads, restricts the missiles, and the ground-based bombers and submarines that deliver them. The US and Russia have both separated from the Intermediate-range Nuclear Forces (INF) agreement. The agreement was signed by the two countries in 1987. (1)

The New Strategic Arms Reduction Treaty (New START) is one of the most important agreements. Given that New START is a continuation of various previous nuclear agreements which are now the largest agreement in reducing the mass ownership of nuclear weapons. The New START agreement is planned to be able to reduce the number of nuclear weapons ownership by up to 60%. (2)

Since the Cold War era in the 1960s, there have been many agreements to limit the nuclear weapons attack capability of the two countries. This can be realized because of the awareness of the two countries that the nuclear weapons they produced during the cold war were never used at all. This happened due to the deterrence effect, namely that the United States or the Soviet Union would not attack because they were afraid that their countries would be attacked again so that what

happened was the effect of killing each other. (3) Deterrence created a condition where this weapon was never used and only became a political tool in the security sector. (4)

New START will prove the seriousness of these two countries to focus no longer on military issues. This is very much in line with the goals of the presidents of these two countries which are to increase trust in the eyes of the international community and support the domestic economy which has just been hit by a global recession. This is also in accordance with the foreign policy strategies of the two countries in their respective official websites. Both countries focus on domestic stability, especially in the economic field, and specifically for the United States not only to reduce their nuclear weapons but also other countries. The United States has begun to condemn states that possess nuclear substances without the consent of the nuclear club member states. Although its political objectives are still questionable.

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The number of nuclear weapons that are considered to be quite large on the part of the United States and Russia and as part of the conditions of deterrence has made the two countries continue, even though they had been hampered, trying to reduce the number of nukes they stored. For the two countries, this is certainly very difficult to decide. Apart from the fact that there is still debate between supporters and those who reject the existence of nuclear, both academics, observers and politicians, it is also because of the lack of trust between the two countries. Concern if the United States reduces its nuclear but Russia does not or vice versa, raises suspicions of disturbing the country. However, with the conviction of the two countries through their leaders that the world is ready not to have nuclear power, there is a good opportunity to achieve a nuclear-free world in the future

#### **RESEARCH PURPOSES**

The purpose of this study was to determine how the implementation of the Intermediate-Range Nuclear Forces Treaty (Inf) between Russia and America in the perspective of international law.

This research is expected to provide usefulness or benefits, both theoretically and practically. Theoretically, it strengthens the development of legal knowledge in the field of international law. Meanwhile, practically, this research can be a reference for the basics of making or reference in formulating international agreements, especially in the military sector

## THEORY

### A. Development of International Treaty Law in General in International Law

International treaties, in the practice of modern diplomatic relations, have become an important part of international law. (5) The growing importance of the role of international treaties in international law is marked by the fact that today international law largely consists of international treaties. (5) This is realized by the international community with the emergence of efforts to codify international legal principles into international agreements, such as that carried out by the League of Nations in 1924 by establishing a Committee of Experts based on Resolution. Assembly of the League of Nations on 22 September 1924.

Based on this definition, several elements or qualifications that must be fulfilled in an agreement can be described to be referred to as an international agreement, namely: consensus, international legal subjects, written form, certain objects, and subject to or regulated by international law. (5) The most important element, namely the consent of the parties which is given voluntarily, as happens in civil law, (6) or the principle of consensualism known in the western civil system. However, it should be remembered that international treaties must be entered into by international legal subjects who are members of the international legal community. So, included in international agreements are agreements between countries, agreements between countries and international organizations, agreements between an international organization and other international organizations.

### B. International Law Regulations Regarding Nuclear Weapons

International legal arrangements regarding nuclear weapons exist not only at the international level, but also at the regional level. Some of these regulations are already binding, and some are not yet binding.

#### 1. Treaty on the Non-Proliferation of Nuclear Weapons

The Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT Treaty) consists of 11 articles and was open for signature in 1968 and entered into force in 1970.<sup>21</sup> The basic objective of this NPT Treaty is to limit the number of countries with nuclear weapons capabilities such as those described in Article 1 of the NPT. In accordance with that purpose, the Non-Nuclear Weapons States (hereinafter referred to as NWS) signed a safeguard agreement by fulfilling obligations such as accepting IAEA inspections of nuclear materials and their use. In general, NPT is described as having three main pillars, (7) namely non-proliferation, disarmament and the right to use nuclear technology for peaceful purposes, the following is an explanation of the three pillars.

Only five countries that are permanent members of the United Nations possess nuclear weapons when this agreement opens. The five nuclear-armed countries or the Nuclear Weapons States (hereinafter referred to as the NWS) agree not to transfer nuclear weapons technology or nuclear warheads to other countries. and the NNWS also agreed not to research or develop nuclear weapons. The five NWSs have agreed not to use nuclear weapons against the NNWS, except in response to nuclear attacks or conventional attacks allied with the NWS. (8) However, this

agreement has not been formally included in the agreement, and the certainties regarding it vary over time

## 2. Comprehensive Nuclear-Test-Ban Treaty

Comprehensive Nuclear-Test-Ban Treaty (hereinafter referred to as CTBT) is an international agreement whose purpose is to prohibit all nuclear detonation activities in all environments for both military and civilian purposes. (9) The CTBT Agreement was adopted by the UN General Assembly on 10 September 1996 and is open for signature on 24 September 1996 at UN Headquarters.

To date, 183 countries have signed the CTBT and 161 of them have ratified the convention. (10) Pursuant to Article XIV of the CTBT, this treaty cannot take effect if it is not signed and ratified by the 44 countries that have nuclear reactors listed in Annex 2 of the CTBT. Pursuant to Article XIV (2), if the treaty has not entered into force three years after the date it was signed, a special conference of the countries which have ratified it may be held to decide what steps will be taken to speed up the ratification process and to facilitate the entry into force of the treaty.

## 3. International Treaties

Mochtar Kusumaatmadja formulated an international agreement with the following formulation: "An international agreement is an agreement made between members of the community of nations with the aim of causing certain legal consequences and therefore to be called an international agreement, the agreement must be concluded by subjects of international law. become a member of the international community". (11)

The 1969 Vienna Convention, in Article 2 paragraph 1 point a formulates an international agreement between the state and the state, which states: "Treaty means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation". Treaty means an international agreement entered into between countries in written form and governed by international law, either in the form of a single instrument or in the form of two or more instruments which are interrelated regardless of their name.

## RESEARCH METHODS

### A. Type and Nature of Research

This research is a normative law research which is a legal research conducted by examining library materials or secondary data". (12) Library research on this concept is data collection by studying literature and legal sources related to problems in books, journals, research reports, printed and electronic media, legal studies, concepts and theories as well as expert opinions and findings related to the problem under study.

### B. Data collection techniques and data sources

This study uses secondary data and primary data. Secondary data is meant to consist of primary sources of law and secondary sources of law. The primary legal materials in question are international treaties and international conventions related to the Intermediate-Range Nuclear Forces Treaty (Inf) between America and Russia in medium-range nuclear development. Meanwhile,

the secondary legal materials intended are reviews or comments of experts contained in books or journals, including those that can be accessed via the internet.

### C. Data Analysis

The collected data will be presented qualitatively (descriptive text / qualitative research) and then analyzed descriptively and prescriptively. Descriptive juridical analysis will describe the regulatory framework (regulations or international legal norms) regarding some of the issues studied. Meanwhile, prescriptive is research that puts forward formulations in international conventions which are expected to be an alternative to improving norms and regulatory systems in the future.

## RESULT AND DISCUSSION

The end of the cold war resulted in the power of nuclear-possessing countries which were of course clearly recognized and officially recognized by the international community, they were the United States, Russia, China, Britain and France whose specific purpose was as a weapon capable of providing a balance of power or balance of power among nations that have nuclear weapons. Basically, these countries have more influence in controlling various nuclear user policies. However, apart from the influence of these five countries, there are two superpowers that have nuclear power above the three other countries, namely the United States and Russia, both superpowers are countries that can be said to be the winning countries in the cold war, namely the second world war against the Nazi regime.

The United States and Russia certainly have an enormous amount of nuclear, be it intercontinental ballistic missiles, hyper sonic missiles that can be launched from the three dimensions of land, sea and air, and air defense missile systems. Understanding the high number of nuclear warheads of the two countries as a result of the Arms Force, there is a concern if the ownership of the two countries will increase the number of nuclear warheads and will be difficult to stop over time. So with the motivation of other countries to emerge with a strong push from the United Nations for the two countries to enter into a nuclear weapons control agreement, various meetings and agreements were held between high-ranking officials of the two countries and the results of the meeting of the two countries certainly resulted in a nuclear weapons agreement since the year 1946 which is still in effect and known as the New Strategic Arms Reduction Treaty (New Star) which was updated in 2010.

Apart from reasons of deterrence effect, for the United States and Russia reducing nuclear weapons will also give a good image to the international community. The change in foreign strategies of the United States and Russia is a reflection of how the national interests of the two parties have developed. Nuclear ownership is no longer part of the main strategy of the two parties, the main priority is economic development and world trade. (13)

Therefore various negotiations and meetings are often held to make this happen. Of all the meetings and agreements between the United States and the Soviet Union which we later known as the Russian state, the New Strategic Arms Reduction Treaty (New START) is one of the most important agreements. The New START agreement is a continuation of various previous nuclear

agreements which are now the largest agreement in reducing the mass ownership of nuclear weapons. The New START agreement is planned to be able to reduce the number of nuclear weapons ownership by up to 60%. (2)

If examined further, basically this agreement includes a bilateral agreement between the United States and Russia which emphasizes the reduction of strategic weapons such as nuclear and their transport vehicles, this agreement after being renewed is also known as the Treaty of Prague, there are three important discussion points in this agreement, namely:

- a) The nuclear warheads installed in each country's ICBM or SLBM are limited to the number of 1,550 warheads within seven years after the treaty is ratified.
- b) Nuclear launch vehicles, whether with nuclear devices still installed or not, and each must number 800 units.
- c) The nuclear launch vehicles that have been installed in each country must be 700 units.

This agreement not only focuses on limits on the number of nuclear weapons, but beyond that there is an additional discussion that the two countries must have flexibility in determining the character, composition and strategic strength of their country as long as it is in accordance with the rules in this agreement but the context tends to be a weakness. From this agreement that the two countries are not imposed with a prohibition on testing the development or installation and determination of defense program data against guided missiles from the two countries, this means that it can give a little room for the development of this mass destruction weapon.

In the New START Agreement, the monitoring and verification process is carried out in several ways, including *National Technical Means of Verification (NTM)*, *Providing Telemetry Generated During Missile Flight Tests*, dan *On-Site Inspections*: (14)

#### **A. National Technical Means of Verification (NTM)**

*National technical means of verification* is a monitoring technique to verify agreement items, such as using satellite photos, intelligence networks, radars, and certain sensors. The term NTM was first used in the Strategic Arms Limitation Talk

Regulations for the use of NTM are contained in article X in the New START agreement. Agreement participants stated:

*"...for the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law." Furthermore, the agreement participants also explained "...not to interfere with the national technical means of verification of the other Party" and "not to use concealment measures that impede verification, by national technical means of verification, of compliance with the provisions of this Treaty." (15)*

In the verification process, both countries must use the NTM in a manner that is in accordance with the basic principles of recognized international law. Agreement participants are prohibited from disturbing or changing the NTM facilities of other agreement participants and do not attempt to conceal data that could hinder NTM verification. New START has stated that it is prohibited to carry out any concealment that could interfere with NTM to cover or hide the test results of mileage, ICBM, SLBM, mobile ICBM launchers, or any form of information regarding the results of ICBM, SLBM and launcher tests, even though it is basically an agreement New START already has

procedural provisions regarding data exchange, exhibition, and inspection that aim to help monitor weapons and their activities. However, the two countries bound by the agreement still use NTM as the basis of the verification regime.

The New START treaty regime is a form of response to the ineffectiveness of the “Non-Proliferation Treaty” (NPT) regime. In his thesis entitled *The Effectiveness of the NPT Regime in dealing with the issue of nuclear weapons proliferation*, states that the NPT regime is not effective in stopping the problem of the proliferation of weapons of mass destruction. This is because the level of collaboration in the regime is low. The difference in interests and views (asymmetry) between the Nuclear Weapon State (NWS) and the Non-Nuclear Weapon State (NNWS) regarding the proliferation of weapons of mass destruction has resulted in less effective cooperation within the regime, in other words there has been no planned and integrated coordination and no form of implementation. effective rules. In this thesis, Arif Darmawan only emphasizes the ineffectiveness of the nuclear non-proliferation regime from the malignancy level because this regime has been criticized because it only sided with the NWS and was unfair to the NWS. (16)

#### **B. Exchange of Telemetry Reports during Missile Flight Test**

When testing ICBM and SLBM flights, the United States and Russia routinely take certain technical measurements of the missiles, such as the missile's acceleration, temperature, and the time taken in the separation phase. Data obtained from missile measurements during flight tests will be collected. The collected data is then analyzed to assess the performance characteristics of the missile system. The collected data is referred to as telematics, or telemetry. This can certainly be seen in the style of the two countries when preparing its nuclear weapons, the United States tends to use tactical methods by attaching more nuclear to its transport aircraft, while Russia tends to be more mobile to mount its nukes on large rockets on the ground by placing targets in vital areas of the base. enemy while waiting for the first attack bait.

The international environment is a world or a very harsh environment. Of course, every country prioritizes its sovereignty and national interests either through diplomacy, cooperation or hard power such as through international pressure, embargo sanctions or through war.

David Clinton said, "national interest in this way comprised a system of restraint on states" actions as effective as the rules of international law or the traditions of diplomatic practice." (17) From the explanation, it can be understood then that the national interest is a key concept in foreign policy. This concept can be oriented to the ideology of a country or to a value system as a guide for the country's behavior. This means that decisions and actions of foreign policy can be based on considerations of ideological considerations or can occur based on considerations of interests. On that basis, in any policy-making, it is important to be able to determine a sound strategy when dealing with an anarchist international system. (18)

A country's foreign policy is carried out using two tools, namely persuasion and coercion, or if to borrow Raymond Aron's terms, diplomacy and strategy. The limitation of persuasion is when asking a country to do something and will give a reward in its completion. However, when the element of threat is included, if the desired country denies it or does not care, it will enter the form of coercion. Within the limits of this choice, the leader of the country will use the appropriate plan or steps to achieve his goals. If the chosen plan involves an element of coercion then the plan becomes a



strategy. So it can be interpreted that strategy is to use or threaten to use military force to achieve national interests. (19)

The context of the long war war made the two countries have a philosophical basis for the perspective on the possession of nuclear weapons. For the United States at that time there were two main things related to the possession of the first nuclear weapons; of course on superiority. This is related to full strength in warfare considering the destructive power of nuclear weapons, and secondly, the United States considers that the possession of nuclear weapons is certainly an option in carrying out attacks as the last option of all strategies that have been carried out on the battlefield, while in the Union The Soviet (Russia) philosophical basis for owning nuclear weapons is only on one goal, namely to make nuclear weapons as a counterforce or the basis of power in carrying out counter attacks or to defend sovereignty. (19) Of course, if you look at the two bases of thinking between America and Russia, it is very different with regard to the meaning of the use of nuclear weapons. If you quote a sentence written by Ramon Kolkowicz in the Dilemma of Nuclear Strategy, it describes how nuclear weapons have changed the arrangement of management strategies and approaches in assessing the dangers of war. According to realist thinkers, war has indeed been a trend for many years in the natural life of man and cannot be changed or controlled by law or a moral approach. In fact, they think that fear of severe punishment or reprisals (the main idea of deterrence), or of caution when faced with impossible costs and unpredictable outcomes, will pressure statesmen to act aggressively. (20)

### C. Reduction of Weapon Ownership

The New START agreement requires both parties to make a reduction to meet the weapons ownership limit set out in the main limit of the agreement. Article II Paragraph 1 of the New START agreement stipulates that the agreement participants are obliged to reduce and limit intercontinental ballistic missiles (ICBM) and ICBM launchers, submarine ballistic missiles (SLBM) and SLBM launchers, heavy bomber equipped with nuclear weapons, ICBM warheads, and the SLBM warhead. So for seven years this agreement is valid and until this agreement ends, the limit on strategic weapons ownership must not exceed the number that has been determined as follows (21):

- a) Limiting the maximum number of ownership to 700 deployed Intercontinental Ballistic Missiles (ICBM), deployed Submarine Launched Ballistic Missiles (SLBM), and deployed Heavy Bomber.
- b) Limiting the maximum number of warheads (Warheads) to 1550 deployed ICBMs, deployed SLBMs, and deployed heavy bombers armed with nuclear weapons. Each heavy bomber armed with nuclear will count as one warhead or warheads and is bound by the limits of this treaty.

Limit the number of entitlements to 800 deployed and undeployed ICBM launchers, deployed and undeployed SLBM launchers and deployed and undeployed heavy bombers.

## CONCLUSION

The conclusion that can be drawn by the author is that basically the agreement The New START requires both parties to make a reduction to meet the limit of weapons ownership set out in the main limit of the agreement. Article II Paragraph 1 of the New START agreement stipulates that the

agreement participants are obliged to reduce and limit intercontinental ballistic missiles (ICBM) and ICBM launchers, submarine ballistic missiles (SLBM) and SLBM launchers, heavy bomber equipped with nuclear weapons, ICBM warheads, and the SLBM warhead. So for seven years this agreement is in effect and until this agreement ends, the limit of ownership of strategic weapons must not exceed the number that has been determined as follows: Limiting the maximum number of ownership to 700 deployed Intercontinental Ballistic Missiles (ICBM), deployed Submarine Launched Ballistic Missiles (SLBM) and deployed Heavy bomber. Limits the maximum number of warheads (Warheads) to 1550 on deployed ICBMs, deployed SLBMs, and deployed heavy bombers armed with nuclear weapons. Each heavy bomber armed with nuclear will count as one warhead or warheads and is bound by the limits of this treaty. Limits the number of entitlements to 800 deployed and undeployed ICBM launchers, deployed and undeployed SLBM launchers and deployed and undeployed heavy bombers.

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