

ABSTRAK

Keberadaan properti negara di wilayah negara asing mempunyai imunitas dari yurisdiksi hukum negara setempat dan imunitas dari eksekusi. Imunitas hanya berlaku untuk properti bertujuan *non-commercial* atau tindakan yang bersifat *Jure Imperii*. Penelitian ini membahas status hukum dan penyelesaian sengketa properti negara Jerman yang berada di Italia. Penelitian dilakukan dengan metode pendekatan normatif. Hasil penelitian menunjukkan bahwa status hukum properti Jerman berdasarkan *European Convention on State Immunity 1972* dan *United Nations Convention on Jurisdictional Immunities of States and Their Property 2004* mempunyai imunitas karena bersifat *Jure imperii* dan digunakan untuk tujuan *non-commercial*. Status hukum properti Jerman berdasarkan *Vienna Convention on Consular Relation 1963* merupakan *consular premises* dan memiliki *inviolability*. Penyelesaian sengketa properti negara dilakukan secara damai melalui *International Court of Justice (ICJ)* dengan mengikuti ketentuan *Statute of the Court (optional clause)* dan *Rules of Court*. Prospek putusan ICJ mengarah kepada pelanggaran hak Jerman oleh Italia dan kemungkinan dibatalkannya putusan pengadilan domestik Italia.

Kata Kunci : Imunitas Negara; Status hukum properti negara; *International Court of Justice*.

ABSTRACT

The state property located in another country had immunity from the law jurisdiction receiving state and immunity from execution. Immunity only belongs to properties for non - commercial purposes or acta Juree Imperii. This study discusses the legal status and dispute settlement of German state property located in Italy. This study uses a normative method. The results of the study show that the legal status of German property based on the European Convention on State Immunity 1972 and United Nations Jurisdictional Immunities of States and Their Property 2004 is having immunity because performed in the exercise of Jure imperii and use for non-commercial purposes. The legal status of German property based on the Vienna Convention on Consular Relation 1963 is consular premises and inviolability. The dispute settlement of state property was held in peace through the International Court of Justice by following the terms and conditions of the Statute of the Court (Optional Clause) and Rules of Court. The jurisdiction of ICJ leads to a violation of German's rights and the possibility of cancellation Italian Domestic Court decision.

Keyword : *State immunity; Legal Status of State Property; International Court of Justice.*