



INTERNATIONAL CRIMINAL LAW ENFORCEMENT MECHANISMS FOR ISRAEL AS A PERPETRATOR OF GENOCIDE AND CRIMES AGAINST HUMANITY

Lisa Mery

Universitas Pendidikan Muhammadiyah Sorong

Email : l.meryicha18@gmail.com

Riri Anggriani

Universitas Tadulako

E-mail: ririin.ra@gmail.com

Resdianto Willem

Universitas Pendidikan Muhammadiyah Sorong

E-mail: willemlaw.associate@gmail.com

Andi Sri Rezky Wulandari

Universitas Muslim Indonesia

E-mail : srirezky.wulandari@umi.ac.id

St. Ulfah

Universitas Muslim Indonesia

E-mail : st.ulfah@umi.ac.id

Abstract

This study aims to analyze: 1) the structural challenges facing the UN and the international legal consequences of israel's violations of jus cogens obligations, alongside the implications for the global legal order and the fostering of international trust; and 2) the potential role of International Criminal Law specifically through the International Criminal Court (ICC) in addressing entities implicated in crimes evidenced empirically but which have evaded direct accountability, while also proposing strategies for international law enforcement. The research employs a normative-juridical method, utilizing approaches based on International Law, International Court of Justice rulings, and doctrines within International Criminal Law. The findings necessitate a comprehensive analysis, revealing that theoretically: 1) the failure of the legal regime to address jus cogens violations erodes the foundation of opinio juris and fosters the fragmentation of international law; and 2) israel's proven violations and blatant display of arrogant impunity undermine state confidence in the legitimacy of International Law which ought to protect humanity thereby risking a normative collapse of the International Criminal Law regime. Consequently, there is a need for counter-hegemonic legal strategies driven by coalitions of states and non-state actors. As the UN comprises 193 member states, any action taken on its behalf must reflect the collective will of those members. Throughout the conflict involving Palestine as a nation state particularly following israel's 1948 declaration of independence the UN's inability to take appropriate humanitarian action in this protracted conflict has perpetuated the suffering of the Palestinian people to this day; this is clearly evidenced by the UN Security Council (the UN's highest body responsible for maintaining international peace and security) being repeatedly stymied by vetoes, preventing agreement on swift and effective resolutions to ensure the safety of the Palestinian people, especially in Gaza.

Keywords : *israel as perpetrator of genocide; crimes against humanity; international criminal law enforcement mechanisms.*

A. INTRODUCTION

Prolonged conflict is an era that continues to be experienced by the Palestinians for approximately two centuries, since 1948. The conflict that began with the annexation of the Palestinian territories and the political separation between the indigenous people and their immigrants, known as the Jewish settlers who carried out the exodus from Europe, which later clarified its status as the colonization of the territory that declared independence in 1948, was not completed, but grew longer and wider, sacrificing many innocent people, including women, children, parents, and certainly obscuring the future of the Palestinian people ((1) *the Palestinian-Israeli Conflict_ history, root causes, and resolution efforts*, n.d.), (Lubis et al., 2026).

Alan Shebaro (US Special Forces) gave a statement that "...what is happening in Palestine is not a war, but genocide, ethnic cleansing!" this is based on the fact that he experienced during his foray into representing his country to support the Israeli Zionist system to strengthen its occupation of the Palestinian Territories (Watch: Special Forces Veteran Condemns US Support for Gaza Genocide, n.d.), ((4) [VIDEO] - Alan Shebaro, Veteran AS_ *Di Palestina Bukan Perang Tapi Genosida - Purnawarta*, n.d.).

The background of Palestine is recorded in Ancient Egyptian inscriptions around 1150 BC which refer to the Philistines who inhabited the southern coast. Between 1517 and 1917, Palestine was part of the Ottoman Empire. The beginning of the 1917 conflict was marked by the Balfour Declaration issued by the United Kingdom which supported the establishment of a national homeland for the Jewish people in Palestine. This was reinforced by the British Mandate of Palestine granted by the league of Nations, which brought large-scale immigration from Europe, of people fleeing NAZI persecution, but drove out the Arab population (History of the Term, n.d.) (History of Palestine, n.d.).

On November 29, 1947, through Resolution 181, the United Nations proposed a plan for the division of Palestine into two states, Jewish and Arab, with the Jerusalem area as an international zone. Proposal ini ditolak Arab dan diterima Yahudi ("...*a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.*" (Pasal 53 Konvensi Wina 1969 (frase "*from which no derogation is permitted*"). "*Peremptory norms of general international law (jus cogens) reflect and protect fundamental values of the international community, are hierarchically superior to other rules of international law, and are universally applicable.*" ILC, *Draft Conclusion 2* (2022). 78 years after the passage of Resolution 181 of the UN plan, the condition of the Palestinian people is increasingly pressured, continuously persecuted, subjected to apartheid politics by unilateral policies that benefit Zionist Israel, and most sadly, slaughtered continuously in front of an international audience without any real effort by the United Nations. The UN's involvement in the razing of Palestinian territories in 1947 has an impact to this day. Demikian pula, kebijakan PBB yang ingin membantu Palestina terus mendapat tentangan dari Dewan Keamanan melalui veto yang diberikan negara sekutu Israel, yaitu Amerika Serikat ((8) *Interactive Encyclopedia of the Palestine Question – Palquest _ Un Partition Plan, 29 November 1947*, n.d.), (History Education, 2016) (Wolfrum, 2008).

The UN International Organization has 193 member states, any action taken as a representative of the UN must necessarily be based on the will of the member states. Throughout the conflict that Palestine experienced as a nation-state entity starting from the 1948 Israeli Declaration of independence 1948, the United Nations were unable to take appropriate humanitarian action in the protracted conflict, it is at the expense of the suffering of the people of the Palestinian nation to this day, a clear indication of the actions of the UN Security Council (is the International) which continues to be hampered by the veto, the UNSC did not agree on a quick and effective resolution for the safety of the Palestinian people, especially in Gaza. UN Secretary-General Antonio Guterres has called for a humanitarian ceasefire in Gaza. The UNSC has also convened an emergency session to discuss Israel's assault on Gaza, including voting on June 04, 2025 on a draft resolution on the Israeli-Palestinian conflict, but a United States veto thwarted the resolution (Republika, 2025 " " continuing veto of Gaza resolution, America condemns", source : <https://www.republika.id/posts/58082/terus-veto-resolusi-gaza-amerika-dikecam>, accessed on 01 August 2025). (<https://www.statista.com/statistics/1616501/monthly-gaza-fatalities-injuries/> diakses pada 20 Juli 2026, pukul 17.20 wita.)

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1. What are the structural challenges and international legal consequences of Israel's breach of its jus cogens obligations and the implications for the global legal order in building the trust of the international community ?
2. How can the role of International Criminal Law through the ICC exist against an entity constructed from empirical evidence of Israel's noncompliant crimes and failing to impose them directly, as well as offer an international law enforcement strategy ?

This study offers the International Accountability Enforcement Mechanism (IAEM) as a new conceptual model in the enforcement of International Criminal Law Against States or actors suspected of committing genocide and crimes against humanity, but factually difficult to reach by existing law enforcement mechanisms. In contrast to previous studies that focused on normative analysis of ICC jurisdiction or the legality of Israel's actions under the 1948 Genocide Convention, this study developed a law enforcement model that integrates the principles of jus cogens and erga omnes obligations as the basis of universal liability; jurisdiction of the International Criminal Court (ICC); application of universal jurisdiction by states parties;

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international sanctions against responsible individuals; evidence-sharing mechanism based on international investigations with coordination between the ICC, the ICJ, the UN Human Rights Council, and the UN General Assembly in the event of a political impasse in the Security Council.

This research not only identifies the weaknesses of the international law enforcement system, but also offers an integrative model that is able to strengthen the effectiveness of international criminal accountability against gross violations of human rights when conventional mechanisms stagnate due to political barriers.

Based on the formulation of the problem mentioned above, the novelty based on the formulation of the problem is, in the first formulation of the problem, showing that this study is one of the studies that directly links the violation of *jus cogens* with the crisis of legitimacy of the international legal order, through an analysis of how the failure of law enforcement against, the international community's trust in global institutions, the effectiveness of the principle of *equality before international law*, the effectiveness of the principle of equality before international law. In previous studies, the study generally stopped at the discussion of state responsibility, while this study expands the analysis on the dimension of global legal trust as an indicator of the effectiveness of international legal systems.

Pada rumusan masalah kedua, ditawarkan kebaruan berupa pengembangan konsep Multi-Level International Criminal Enforcement Strategy, yaitu strategi penegakan hukum pidana internasional yang tidak bergantung semata pada yurisdiksi ICC, tetapi memanfaatkan perpaduan antara ICC, *universal jurisdiction*, *targeted sanctions*, *international arrest cooperation*, *diplomatic isolation*, *financial accountability*, dan mekanisme investigasi independen. This Model is designed as an alternative when ICC jurisdictions face political obstacles, vetoes, or non-compliance by states with cooperation obligations.

Comparison with previous research is:

It can be said that through these comparisons, this research is a normative legal research that offers *the Integrated International Criminal Enforcement Framework* (IICEF) as a new conceptual model to strengthen international criminal accountability for alleged genocide and crimes against humanity. This Model integrates *jus cogens* norms, *erga omnes obligations*, ICC jurisdiction, universal jurisdiction, and international cooperation mechanisms across institutions to overcome structural barriers that have resulted in impunity for gross violations of international law. Unlike previous studies that were descriptive of ICC weaknesses or state responsibilities, this study produces a normative-prescriptive framework that offers a more effective, adaptive international law enforcement strategy, and is able to strengthen the legitimacy and trust of the international community in the international legal system.

B. METHODS

This study uses the method of normative juridical writing through an approach to the concept of International Law, International Court of Justice decisions and doctrine in International Criminal Law. The sources of legal materials used are primary legal materials from *jus cogens norms*, secondary legal materials collected from research results of relevant journal articles, and tertiary legal materials in the form of objective data used to seek authentication of facts from electronic mass media (*online news*).

C. ANALYSIS AND DISCUSSION

1. The structural challenges of the UN organization and the consequences of international law resulting from Israel's violation of Jus Cogens as well as the implications in building the trust of the international community.

The provisions of Article 53 of the Vienna Convention contain three characteristics of the *jus cogens* norm, namely:

- a. *Jus cogens* merupakan *general international law*;
- b. *Jus cogens* is a norm accepted and recognized by states as an international community as a whole in which the norm cannot be deviated from;
- c. Apabila terdapat perjanjian internasional yang bertentangan dengan *jus cogens*, maka perjanjian tersebut batal ((20) *Start Your Research* _ (6) *Peremptory Norms of International Law (Jus Cogens)* _ *Peace Palace Library*, n.d.).

First, when referring to Article 38 of the statute of the International Court of Justice *general principles of law* related to sources of international law are intrinsically recognized as limited in terms of acceptance of a norm by the international community, this is interpreted as not creating general international law rules with peremptory nature *peremptori*.

Secondly, the norms of international law *jus cogens* have been recognized and accepted by the international community of states as a whole as norms that cannot be deviated from. *Jus cogens* has the purpose of establishing to safeguard and protect the international public order as well as the unity of international law.

In practice, this norm is difficult to identify because there is no clear requirement to determine which is the *jus cogens* as the norm. To determine the qualification of a norm as *jus cogens* must meet 3 (three) requirements, namely :

- a. Universal acceptance by the international community.
- b. Properties Can Not Be Ruled Out (*Non-Derogable*).
- c. Prohibition Of Fundamental Actions.

First, A norm can only have the status of *jus cogens* if it is accepted and recognized by the international community of states as a whole. (*the international community of States as a whole*). This means that almost all countries, not just the ordinary majority, recognize these norms as binding and higher-ranking rules. This requirement does not require absolute unanimity; in the event of rejection by a few isolated countries, it does not abrogate its universality as long as the acceptance is broad, representative, and encompasses all major legal, social, and political systems of the world. This criterion is taken from the formulation of Article 53 of the Vienna Convention of 1969. ILC in the *Draft Conclusion 4* confirms that **acceptance and recognition** is proved through state practice, decisions of international and national courts, resolutions of international organizations, as well as official government statements. The International Court of Justice in the case of *Barcelona Traction* (1970) has linked the obligations *erga omnes* with fundamental values recognized by the entire international community, being the forerunner of the identification of *jus cogens*.

Secondly, *non-derogable* means that the norm should not be set aside or reduced under any circumstances, whether through bilateral or multilateral agreements, deviant state

practices, or even in emergency situations. The norm of *jus cogens* has absolute binding power, any agreement contrary to it becomes null and void (*void ab initio*).

This trait distinguishes *jus cogens* from ordinary treaty obligations or even *erga omnes norms* which, although binding on all states, under certain conditions can still experience exceptions under the agreement. Consequently, the state cannot escape the observance of prohibitions on aggression, genocide, slavery, torture or apartheid, despite the consent of the victim or special circumstances. *ILC Draft Conclusion 2* menyebut norma-norma ini “*hierarchically superior to other rules of international law.*” (21) 1_14_2022, n.d.)

Third, the *jus cogens* norm is not only *formally non-derogable*, but the substance of its content must prohibit actions that are fundamental and destructive to the international order (gross violations of the common interests of mankind). It is the protection of these fundamental values that provides the highest hierarchical justification for the norm. The values include prohibitions :

- a. Armed aggression;
- b. Genocide;
- c. Crimes against humanity;
- d. Slavery and the slave trade;
- e. Torture;
- f. Apartheid;
- g. Serious violations of international humanitarian law; and
- h. People’s right to self-determination.

In other words, the *jus cogens* norm does not arise from formal legislative procedures, but rather from the universal consensus that certain deeds can never be justified because they hurt the conscience of humanity. *International Law Commission* menegaskan bahwa norma demikian *protect fundamental values of the international community* dan bahwa daftarnya tidak tertutup, dapat berkembang seiring perkembangan masyarakat internasional (“*An essential distinction should be drawn between the obligations of a State towards the international community as a whole, and those arising vis-à-vis another State ... By their very nature the former are the concern of all States. In view of the importance of the rights involved, all States can be held to have a legal interest in their protection; they are obligations erga omnes. Such obligations derive, for example, in contemporary international law, from the outlawing of acts of aggression, and of genocide, as also from the principles and rules concerning the basic rights of the human person, including protection from slavery and racial discrimination.*” Mahkamah Internasional, *Barcelona Traction, Light and Power Company, Limited, ICJ Reports 1970*, paragraf 33-34.

“*Peremptory norms of general international law (jus cogens) reflect and protect fundamental values of the international community...*” dan lampiran daftar ilustratif mencakup larangan agresi, genosida, kejahatan terhadap kemanusiaan, perbudakan, penyiksaan, apartheid, dan hak menentukan nasib sendiri. ILC, *Draft Conclusion 2* beserta *Annex (a)–(g)* (2022).

All three conditions are interrelated and cumulative in nature, that is, universal acceptance becomes the basis of formal legitimacy, *non-derogable properties* give absolute legal force, and the Prohibition of fundamental actions becomes a protected material substance. If one of the elements is not met, the norm cannot yet be qualified as *jus cogens*.

That *jus cogens* is valid and binding on all states without exception, regardless of whether they are parties to international agreements or not, the norm prohibits acts that violate the fundamental principles of the international community, for example, in the event of genocide, aggression, crimes against humanity (political apartheid and persecution), war crimes committed by Israel by carrying out forced displacement of the population and the use of excessive force during the conflict with the Palestinians, especially in the Gaza region.

The fundamental principles accepted by the international community in accordance with the study in this article are classified as :

- a. The principle of State Sovereignty states that each state is considered equal in degree in relation to other states, where each state is sovereign and has the right to regulate its own internal affairs.
- b. Peaceful resolution of disputes: conflicts between states must be resolved through negotiation, mediation or arbitration and not through violence.
- c. State responsibility: each state is responsible for violations of its international obligations, which means that it must immediately stop illegal actions and provide compensation to the injured party.
- d. Principle of cooperation: states have an obligation to cooperate in resolving international issues, such as peace, security and other issues, for the common good.
- e. Protection of Human Rights: international law encompasses the protection of the fundamental rights of individuals around the world to ensure human dignity.

(“...finally the crimes against humanity committed by Zionist Israel were widely exposed and made the world condemn the violence carried out by the Netanyahu regime which turned out to have great support from the country that has veto power in the UN Security Council, namely the United States.” This is marked by a rise in global defense through various demonstrations, for example there was a pro-Palestinian demonstration in Chicago, Illinois with masses calling for the termination of United States military and financial support for Israel, “the main issue of the protest (Democratic National Convention, DNC) today is Palestine and how we it is necessary to stop the assistance of the United States to Israel, “(statement of Hatem Abudayyeh, spokesman for the United States Coalition and network of Palestinian communities, one of the organizers of the mass march in the press conference, Ayse Betul Akcesme, Diyar Guldogan, 2024” “ Protesters Gathering in Chicago to Demand End to US Support for Israel, source :<https://www.aa.com.tr/en/americas/protesters-gathering-in-chicago-to-demand-end-to-us-support-for-israel/3310740> accessible on August 02, 2025).

That the extraordinary crimes committed by Israel against the Palestinian people are very explicit, especially since October 07, 2023 through its occupation army is clearly a structural challenge and carries international legal consequences due to Israel’s violation of *jus cogens obligations* and implications for the global legal order to build the trust of the international community.

International law explicitly cannot rely on an *overwhelming physical force*, the power of international law lies in the agreement reached by states on the content of international legal rules while recognizing their binding power. It is in harmony with the concept of *jus cogens* that its formation is left to the agreement of the states that give it greater binding power. When it is determined that *such cogens juice* exists and is recognized, (G.J.H

Van Hoof, 1983, *Rethinking the Sources of International Law*, Usselstein, Netherland. Translation by Hata, 2000, *rethinking the sources of international law*, Yayasan Hak Asasi Manusia, Demokrasi dan Supremasi Hukum, Bandung, P.316).

If this condition is drawn on the phenomenon of so much support for Palestinian independence given by the international community due to the extraordinary crimes committed by the Israeli occupation regime, it becomes very substantial to be examined.

It should be noted that the practice of applying *jus cogens* by international courts differs from one another. Hal ini dapat dilihat pada Putusan International Court of Justice (ICJ) atas kasus *The Arrest Warrant* 11 April 2000 antara *Democratic Republic of the Congo v. Belgium* tertanggal 14 Februari 2002 yang menggunakan *jus cogens* secara terbatas dalam penyelesaian kasus tersebut (Belgium, 2000), (HUKUM INTERNASIONAL P E N Y U N T I N G F A J R I M A T A H A T I M U H A M M A D I N, n.d.).

First, the structural challenges of the UN Organization; second, the consequences of international law as a result of Israel's violation of *jus cogens*; and third, the implication that international law has the power to build the trust of the international community.

The discussion, *first*, the most fundamental challenge in international law enforcement against the serious violations that Israel continues to commit continues to challenge the institutions of the United Nations organizations, especially the UN Security Council (UNSC). Under Chapter VII of the UN Charter, the UNSC holds the primary mandate to maintain international peace and security, including the authority to impose sanctions and take collective action when dealing with violations of the peace, threats to the peace or even acts of aggression. In reality, the mechanism is structurally crippled due to the practice of veto rights held by the five permanent member states of the UNSC (Great Britain, Russia, France, China and the United States). The veto continues to be actively issued by the United States to break the move to impose sanctions on Israel (RECOMMENDED STORIES, n.d.)

Empirically, the United States has repeatedly thwarted draft resolutions to criticize, impose sanctions or condemn Israeli actions in the Occupied Palestinian Territories ((23) UN_ US Veto show _The absence of consensus _ UNSC on the Palestinian issue-ANTARA News Central Sulawesi, n.d.) Perspective based on the legal framework, the repeated and consistent use of veto by a permanent member to protect a country that systematically violates the *jus cogens* norm is a form of abuse of rights that violates the principle of good faith as provided for in Article 2 Paragraph (2) of the UN Charter.

This practice creates an urgent power imbalance to anticipate, where the collective enforcement mechanism that should be the backbone of international security instead serves as a protector for perpetrators of gross violations of Human Rights and International Humanitarian Law. As a result, the UN collective security system is experiencing a crisis of effectiveness and legitimacy. The Security Council, designed as a peacekeeping force, became a political arena of power that transcended the rule of law. Such institutional incompetence is a reflection of congenital defects in the design of the UN, since there are different degrees of nation-states, when the interests of these states are at stake, the enforcement of fundamental norms of international law becomes impossible to carry out through official (supposed) channels.

Second, the consequences of international law due to Israeli violations of *jus cogens*, the types of Israeli crimes include genocide, crimes against humanity, apartheid and

the acquisition of territory by violence against the Palestinian people, such violations are explicitly contrary to *jus cogens* or legal norms force, reference to Article 53 of the Vienna Convention on the law of treaties 1969 as an accepted and by the international community as a whole as a norm that should not be violated and can only be changed by new norms of the same nature. The doctrine underlying the legal consequences of a violation of *jus cogens* is very heavy and multidimensional, it is contained in:

- a. The doctrine of the *erga omnes obligation*, the Barcelona Traction ruling (1970) of the International Court of Justice (ICJ) affirms that *the erga omnes obligation* is the obligation that each state has towards the international community as a whole. Israel injuring the people of the Palestinian nation state (direct victims) creates legal consequences for every country in the world, every country has a legal interest in demanding the cessation of such gross violations and cannot be considered an disinterested third party. ((26) *getting to know the ERGA OMNES principle in the constitutional justice system - Legal Aid and consultation center*, n.d.)
- b. The doctrine of state responsibility and obligations of third states, based on Article 41 of *the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA)* 2001 prepared by the International Law Commission (ILC), establishes three binding legal consequences when a state seriously violates *jus cogens*, among others: (1) States shall cooperate to end such violations by lawful means; (2) No state shall lawfully recognize the situation created by such violations; (3) no state shall provide assistance or assistance that would allow such situation to continue. By this doctrine, recognition of illegal Israeli occupation, economic cooperation with illegal settlements, or even passive reticence can be categorized as involvement in the violation of *jus cogens*. ICJ dalam *Advisory Opinion mengenai Legal Consequences of the Construction of a wall in the Occupied Palestinian Territory* (2004) (Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory OVERVIEW OF THE CASE, n.d.) Explicitly states that all states are obliged not to recognize the illegal situation arising from the construction of the wall in the occupied territories and are obliged to ensure that israel stops its violations. Pendapat serupa diperkuat dalam *Advisory Opinion ICJ 2024 tentang Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, yang menyatakan pendudukan israel secara keseluruhan adalah ilegal dan semua negara memiliki kewajiban untuk tidak memberikan bantuan yang mempertahankan situasi tersebut (Français et al., n.d.), (Diego et al., 2021), ((15) 82550-ID-Pemohon-Tanggung-Jawab-Negara-Dalam-Huku, n.d.)
- c. The doctrine of individual criminal responsibility, violation of *jus cogens* entails not only state responsibility, but also individual criminal responsibility. The Rome Statute of 1998, specifically Article 6 (genocide) and Article 7 (crimes against humanity), encodes *these jus cogens norms* into the *framework* of International Criminal Law. Thus, the individual perpetrators as reflected in the arrest warrants against Netanyahu and Gallant in November 2024 cannot take refuge behind the immunity of state officials (*functional immunity*), since *the jus cogens norm* overrides claims of immunity in the case of the most serious international crimes (Sieto & Dewanto, n.d.).

Fourth, the implications of international law in building the trust of the international community, the enforcement of international law against violations of *jus*

cogens committed by Israel has direct and fundamental implications for the trust of the international community in the global legal order. This belief is not abstract, but rests on the collective perception that the law is capable of performing its basic functions, namely protecting the weak from the strong and ensuring criminal liability without discrimination.

2. The role of International Criminal Law through the ICC can exist constructed from empirical evidence of Israeli crimes for the enforcement of international law.

International Criminal Law is very broad, interpreted in the territorial scope of National Criminal Law, also includes international aspects (the international authority contained in the National Criminal Law), the mechanism of administration of National Criminal Justice and International Criminal Law with transnational crimes are complicated, ranging from how to do *the modus operandi* of the form and type, as well as *locus* and *tempus delicti* which usually involves several countries and the legal systems of various countries. In substance, crime is a national affair, but it can be related to other state interests, so that its nature becomes transnational (Mulyadi, n.d.) (Sieto & Dewanto, n.d.) and has to do with international law.

To open up space about the existence and role of International Criminal Law through the ICC is certainly not just present in a vacuum, it is constructed firmly through the deposition of empirical evidence of crimes against humanity committed by Israel in the Occupied Palestinian Territories. The Crimes Against Humanity range from systematic attacks on civilian infrastructure, humanitarian aid blockades that lead to mass starvation, as well as illegal settlement policies that forcibly annex territories. It is this factual evidence that becomes fundamentally material for the ICC to justify its territorial jurisdiction, and forms the construction of individual criminal liability outside the snare of state immunity. Without strong empirical evidence, the space for international criminal liability will be easily torn down by political narratives. On the other hand, the factual evidence confirms that the crimes committed are not just ordinary armed disputes, but serious violations of *the jus cogens norms* that disturb the concerns of the international community.

Progressive steps taken independently by several countries outside the UN Security Council mechanism, starting from the country of South Africa in December 2023 to open a strategic litigation path by filing a genocide lawsuit against Israel to the International Court of Justice under the 1948 Genocide Convention, that South Africa's actions are not merely accusatory, more to build a framework based on the law that Israel's actions meet *dolus specialis* elements to destroy part or all of the Palestinian citizens and national groups. This South African initiative was followed by the Netherlands, which on March 11, 2026 officially applied for intervention under Article 63 of the statute of the International Court of Justice. The intervention was made possible because the Netherlands, as a state party to the Genocide Convention, certainly has a direct legal interest in the interpretation of the provisions of the convention. The presence of the Dutch state reinforces the legal argument that the obligation to prevent and punish genocide is *erga omnes partes*. Iceland then joined the process, showing a wave of Juridical solidarity that was no longer just a unilateral action, but rather formed a coalition of norm-enforcement based on alternative multilateralism. Serangkaian

intervensi ini menyediakan pondasi hukum yang tentu sangat berharga, hal ini membuat ICJ mengeluarkan penetapan status hukum mengenai karakter genosidal dari tindakan israel sebagai fakta yuridis yang mempercepat dan mempermudah kerja Jaksa ICC untuk membangun konstruksi dakwaan, oleh karena itu pernyataan yang dikeluarkan Mahkamah Internasional tersebut tidak perlu dibuktikan lagi dari awal di hadapan Mahkamah Pidana((29) *ICJ_ Declarations of Intervention in the Proceedings Filed by the Netherlands and by Iceland under Article 63 of the Statute of the Court (South Africa v. Israel) - Question of Palestine*, n.d.), (Judgment considerations et al., n.d.), (HUKUM INTERNASIONAL PENYUNTING FAJRIMATAHATIMUHAMMADIN, n.d.).

The ICC's concrete action in November 2024 by issuing arrest warrants against benjamin Netanyahu and Yoav Gallant on charges of crimes against humanity in the Gaza Strip, is a clear manifestation that verified empirical evidence is able to penetrate strong political resistance, and that individual criminal accountability mechanisms can still serve as a safety valve for global justice even if collective political institutions. Thus, the role of International Criminal Law through the ICC is not only at the theoretical or normative level, but has become a mechanism that exists and works concretely, by taking the facts of crimes in the Palestinian territories to maintain the consistency pursued by states parties to the 1948 Genocide Convention which is obliged to carry out *erga omnes* through the ICJ, and actualized by the institutional courage of the ICC in carrying out its mandate, that empirical evidence, strategic litigation of states and international criminal jurisdiction prove that the global political order is hostage to the interests of Israel and the United States as its supporters, but international law enforcement instruments have provided breakthroughs in justice that can be passed independently and collectively by high commitment to humanity and the rule of law.

D. CONCLUSION

Based on the description of the two main concerns of writing this article, there are substantial conclusions related to the enforcement of international law, among others :

1. Structural paralysis and crisis of the legitimacy of international law.

The enforcement of laws against Israel as an entity committing genocide and crimes against humanity faces major structural challenges. Violations of the *erga omnes* norm of *jus cogens* proved incapable of collective action due to the paralysis of the United Nations Security Council due to veto power. This condition creates a fragmentation between juridical recognition (contained in the ICJ ruling of 2024) and the reality of compliance among the international community of particular concern to the countries of the world. This systematic failure brings international law into a serious crisis of legitimacy, in which the inability to crack down on Israel as a perpetrator of grave violations creates a perception of double standards and risks restoring the global order of the political powers that severely undermine confidence in global justice.

2. Shifting the paradigm of law enforcement through alternative strategies.

As a result of the institutional impasse at the UN Security Council level, this has led to the birth of a more progressive and decentralized law enforcement strategy. This

important point shows that the ICC's existence remains crucial as a real instrument of last resort with the legitimacy of territorial jurisdiction strengthened through the 2025 appellate chamber ruling, but the effectiveness of states seeking the imposition of International Criminal Sanctions on Israel should focus on the synergy of three alternatives ranging from: 1) activation of the principle of universal jurisdiction by the application of specific economic sanctions outside the UN mechanism as well as 3) strategic litigation at the ICJ to provide legal facts for criminal proceedings. The success of law enforcement shifted from a centralized collective political mechanism to the consistency of countries in carrying out *erga omnes obligations* independently or collectively in various cooperation forums.

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