

# ANALYSIS OF INTERNATIONAL HUMAN RIGHTS COURT RULINGS AGAINST MEMBER STATES: A REVIEW OF COMPLIANCE AND ITS CONSEQUENCES

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KEYWORDS	ABSTRACT
Court decisions, International Human Rights, Member States	The international human rights framework requires cooperation and compliance from member states. Despite various mechanisms offering human rights protection, challenges persist in ensuring compliance and responding to human rights violations worldwide. In this research phase, a systematic literature review was conducted, employing an approach that referenced various sources available in various research databases. The research findings indicate that in analyzing the compliance of member states with international human rights court decisions, it can be concluded that the implementation of decisions involves a complex process and entails various factors. The mechanisms for implementing decisions at the national level require the involvement of legal institutions, civil society participation, collaboration with relevant parties, and education for law enforcement agencies. Compliance with rulings can be influenced by political, cultural, economic, and educational factors. However, there are variations in compliance rates among member states, and factors such as inequality, political stability, and institutional capacity play an important role. In addition, international pressure, including sanctions and diplomatic isolation, can also influence countries' decisions to comply with human rights rulings

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## 1. Introduction

The international human rights framework is based on a series of treaties and institutions aimed at protecting and promoting the fundamental rights of individuals around the world. One of the leading roles in this framework are human rights organizations and courts operating at the international level, such as the European Court of Human Rights, the Inter-American Commission on Human Rights, and the UN Human Rights Committee. These legal instruments and institutions act as custodians of internationally recognized human rights standards and offer mechanisms to respond to human rights violations. First, the European Court of Human Rights serves as a regional court dealing with cases of human rights violations involving Council of Europe member states (Rampen, Paseki, & Muaja, 2022). Based in Strasbourg, France, it is part of the oldest and most influential human rights

court system in the world. Individuals or groups who believe their human rights are being violated by member states may file cases with this Court after passing procedures at the national level.

Second, the Inter-American Commission on Human Rights is an institution operating under the Organization of American States (OAS). The commission is responsible for promoting and protecting human rights in the Americas. In addition to monitoring human rights violations, the Inter-American Commission has the authority to accept petitions of individuals or groups claiming to be victims of human rights violations in American countries. Third, the UN Human Rights Committee is an institution associated with the International Pact on Civil and Political Rights. The committee consists of independent experts who monitor the implementation of the Pact by member states (Putri & Wardhani, 2023). States that have ratified the Pact are required to periodically report their actions to the Committee, and the Committee provides recommendations and legal views on their efforts. In addition to the leading roles of these three institutions, international human rights treaties, such as the European Convention on Human Rights or the International Pact on Civil and Political Rights, provide a legal framework that binds member states in protecting individual rights. These institutions seek to create an international justice system that is effective and accessible to individuals who experience human rights violations.

International human rights frameworks require cooperation and compliance from member states. Although these various mechanisms offer human rights protections, challenges continue to exist in securing compliance and responding to human rights violations around the world. Monitoring, supervision, and collaborative approaches are key to maintaining the integrity and effectiveness of international human rights frameworks (Zulkarnain, 2011). International treaties, such as the European Convention on Human Rights and the International Pact on Civil and Political Rights, play a central role in setting binding human rights standards for member states. The Convention is a legal instrument designed to ensure the protection and respect of the fundamental rights of individuals at regional and global levels. Such treaties establish a binding legal framework, requiring member states to abide by internationally recognized human rights principles.

Through these treaties, universal human rights norms are articulated and recognized by the international community. The European Convention on Human Rights, for example, sets human rights standards applied in the European region and obliges member states to ensure that their citizens are protected and respected for their rights. According to (Sucondro, 2019) The same applies to the International Pact on Civil and Political Rights, which provides a legal basis for the protection of civil and political rights at the global level. This international treaty also provides mechanisms for implementation and enforcement. Member states that ratify this treaty agree to abide by decisions and recommendations issued by relevant regulatory bodies or courts. For example, the UN Human Rights Committee plays an important role in monitoring the implementation of the International Pact on Civil and Political Rights, providing legal views and recommendations to member states.

The role of international treaties in setting binding human rights standards not only creates legal obligations for member states but also forms the foundation for international justice and the protection of human rights as a whole. This legal instrument has a positive impact by establishing universal norms that create the basis for an international community that respects the dignity and rights of every individual, regardless of geographical boundaries. According to (Supriyanto, 2016) Member states involved in the international human rights court system involve themselves in the process through active participation in human rights organizations and institutions. A number of States are actively involved in human rights court proceedings, become parties to treaties and recognize the jurisdiction of relevant judicial bodies. Some countries, for example, are involved in the European Court of Human Rights (ECtHR), an institution that has jurisdiction over human rights violations in the European region. Member states such as the UK, France, and Germany are regularly respondents or applicants in cases submitted to ECtHR (Winarti, 2021).

In the Americas, the Inter-American Commission on Human Rights (IACHR) plays an important role in addressing human rights abuses in the region. Member states of the Organization of American States (OAS) that ratify the American Convention on Human Rights are subject to monitoring by the IACHR, which can receive reports, investigate complaints, and provide recommendations to those countries. As far as member states' participation in human rights court proceedings, it can be seen that some countries are committed to respecting and complying with their human rights obligations (Sianturi & Utari, 2021). However, there are also challenges related to compliance, where some countries may show resistance to court decisions or not fully involve themselves in the monitoring process. Nonetheless, the involvement of member states in the international human rights court system provides an important platform for resolving human rights violations, promoting justice, and strengthening the protection of individual rights at the international level.

Member states are often faced with different types of human rights violations that include the fundamental rights of individuals. One of the common violations is the violation of the right to life, where cases of murder, executions without due process, or acts of state violence are highlighted. These violations harm the fundamental right of every individual to life and protection from the threat of unlawful violence. In addition, freedom of opinion and expression is also often the focus of human rights violations (Supriyanto Heri, 2014). Countries may restrict freedom of speech through restrictions on the media, censorship of information, or repression of human rights activists and journalists. Violations of this right create barriers to dissent and potentially reduce space for democratic dialogue.

Inhuman or degrading treatment is also a type of violation often faced by member states. These include cases of torture, discriminatory treatment of minority groups, or arbitrary detention without due process of law. Such violations pose a serious threat to human rights, deprive individuals of their dignity, and undermine the fundamental principles of fairness and justice. Analysis of these types of human rights violations is important to identify areas where member states need to make improvements and improve human rights protections for all their citizens. According to (Ufran, 2019) By understanding these types of violations, the international community can work together to ensure that human rights are respected and protected around the world. Non-compliance with international human rights rulings carries significant legal and political consequences. Legally, a country that does not comply with human rights rulings can damage its reputation at the international level and cast doubt on its credibility as a member of a global community that respects human rights. As a result of this non-compliance, the country may become the subject of international sanctions, either in the form of economic embargoes, diplomatic isolation, or firmer legal action (Herman, 2018).

In addition, the political consequences of non-compliance with human rights rulings can be detrimental to a country's bilateral and multilateral relations. A country that violates human rights may be isolated by its regional and international allies, who may refuse to collaborate or support joint initiatives. The impact could include a decline in economic, political, and security cooperation, leaving the country isolated from the global community. The importance of the legal and political consequences of non-compliance with human rights rulings is not only limited to the national level (Begem, Qamar, & Baharuddin, 2019). In the context of international human rights, states that violate these principles may face accountability before international courts or regional human rights institutions. For example, the European Court of Human Rights or the Inter-American Commission on Human Rights can be forums where countries that violate human rights are tried and punished. Thus, non-compliance with international human rights rulings carries serious consequences, both in terms of reputation and international relations. Joint efforts and pressure from the international community can play an important role in encouraging countries to abide by human rights standards and avoid the adverse effects that non-compliance with international human rights rulings can have (Sabila, Bustamam, & Badri, 2019).

The purpose of this paper is to find out the Analysis of Member States' Compliance with the Decisions of the International Court of Human Rights This analysis includes an assessment of the extent to which Member States comply with rulings issued by the International Court of Human Rights. In this context, it may be discussed how the mechanism for implementing the decision is carried out at the national level and the extent to which member states involve legal institutions and relevant parties in following up on the decision. What factors encourage or hinder countries' compliance with human rights rulings and the consequences on non-compliant Member States, This discussion relates to the impact or consequences faced by member states that do not comply with the decisions of the International Court of Human Rights. It may be analyzed how such non-compliance affects a country's international reputation, as well as the political, economic, and social repercussions it can have. Legal consequences, such as possible international sanctions or actions from regional human rights institutions.

## 2. Materials and Methods

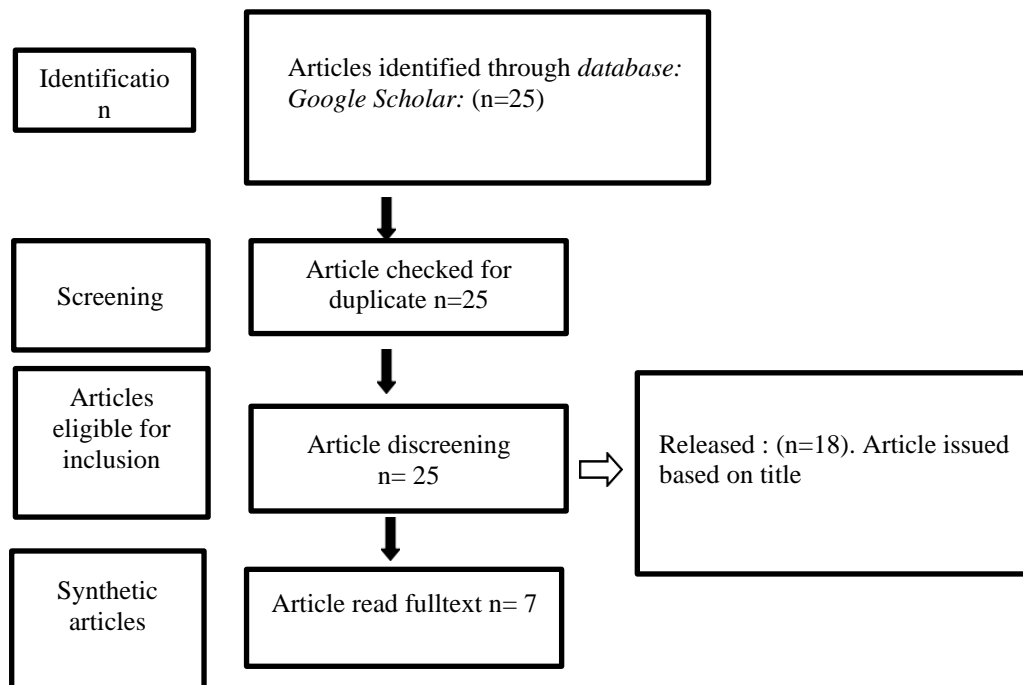
In this research stage, literature review is carried out with a systematic approach, by referring to various sources available in various research databases. The literature selection process is carried out meticulously and pays attention to detailed steps, following an extensive search trail through various relevant databases. One of the sources used is Google Scholar. Literature search is carried out using predefined keywords, which are closely related to the research question being investigated. A number of keywords that have been identified form the basis of literature searches, including terms such as "court rulings, international human rights and a host of other related concepts."

In this process, the initial step involves determining keywords that fit the scope of research. Then, the literature search is carried out carefully, ensuring that the sources drawn come from credible databases and are relevant to this field of research. The search includes a number of sources involving scholarly articles, books, journals, and other publications focused on social media and promotion. In an effort to maintain quality and relevance, the selection process involves a rigorous analysis of each source found.

During this stage, the authors also conduct an evaluation process of each source that has been found to ensure that the literature used in the study is of high quality and supports the conceptual framework of the study. The entire literature search method is carried out carefully and systematically to ensure that the theoretical foundation of this research is solid and relevant.

## 3. Result and Discussion

The article selection process follows the guidelines of Preferred *Reporting Systematic Reviews* and Meta-analysis (PRISMA) and consists of several stages. The initial stage involves searching for articles, and at this stage, the number of articles found in the period 2020-2023 is as many as 25 articles. Then, proceed with the screening stage, where these articles are further analyzed. After the *screening process*, as many as 7 articles were selected to proceed to the next stage. The next stage is the evaluation of article quality, where each article is checked to ensure its reliability and quality. The result of this evaluation stage is that 7 articles are eligible and eligible to be included in the final report of the review from the literature. This reflects a rigorous and systematic article selection process in accordance with PRISMA guidelines.



**Chart 1.** Diagram PRISMA

The researchers carry out a decision-making process related to articles found regarding this research issue, as well as identify each article contained in each database accessed. Based on these articles, an in-depth review of the issue of artificial intelligence and the legal basis on which it is based, especially in the context of Analysis of International Human Rights Court Decisions Against Member States A Review of Compliance and Its Consequences.

**Table 1. Analysis of International Human Rights Court rulings against member states: A review of compliance and its consequences**

Title and Researchers	Purpose	Result
The Dialectic of International Human Rights with Islamic Law  (Herman, 2018)	To know international human rights with Islamic law	Dai sees a mismatch between Islamic law and human rights. This is because Islamic law is based on the margin of mursalah (welfare), while human rights are based on the margin of appreciation.
Differentiation of Refugees and Asylum Seekers in International Refugee Law and Its Relationship to the Principle of Non-Refoulement	The purpose of this paper is to distinguish the two terms (refugee and asylum seeker) and their relationship to the principle of non-refoulement.	The results showed that the term refugee is often confused when faced with the term asylum seeker. It is based that both terms refer to a person's flight to another country as it is based on specific social groups, political opinions, or political flight

(Fitriyadi & Latukau, 2020)	Legal System for Resolving Gross Human Rights Violations through the International Criminal Court	This study examines and examines the law on: Legal System for Resolving Gross Human Rights Violations through the International Criminal Court based on the 1998 Rome Statute.	The results showed that: The Legal System for Resolving Gross Human Rights Violations through the International Criminal Court through the stages of Pre-Trial, Investigation, Interim Examination, Trial, Evidence, and Verdict
(Begem et al., 2019)	The Role of the United Nations in the Protection of Human Rights in the Study of International Law	The purpose of this study is to find out how human rights protection arrangements according to International Law instruments and how the role of the United Nations in human rights protection	In an effort to protect and uphold human rights, the United Nations (UN) established a special committee dealing with human rights issues, known as the United Nations Committee of Human Rights (UNCHR). The main task of this committee is to provide protection and assistance to refugees under the provisions of member states
(Henry Gurinda, 2019)	Foundations of Human Rights Theory and Human Rights Violations	To know the theoretical basis of human rights	This principle states that to ensure the fulfillment of human rights, it is important not to separate the fulfillment of civil and political rights from the fulfillment of economic, social, and cultural rights. This is because the scope of the two aspects is interrelated and interacts.
(Sabila et al., 2019)	State's responsibility in the protection of human rights under international law	The purpose of this study is to find out how the Legal Regulation of State Responsibility in the Protection of Human Rights According to International Legal Instruments and how the Implementation of State Responsibility in National Law.	According to international human rights instruments, it has been recognized that the party that has legal responsibility in the implementation of human rights is a state entity. In this context, states are committed to recognizing, respecting, protecting, fulfilling and upholding human rights, and the responsibilities of such states are manifested in the Universal Declaration of Human Rights of 1948 (UDHR 1948)
(Merentek, 2018)	Ratification of international treaties through national laws and	The purpose of this research is to find out how to ratify international agreements	The purpose of human rights protection is to ensure legal certainty, justice, and benefits for every individual, so that their



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regulations in the field of human rights (Rampen et al., 2022)	through national human rights laws and regulations	human rights can be fulfilled and protected appropriately
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Source: Data processed by Researchers, 2024

The mechanism for implementing international human rights rulings at the national level involves a complex process. After receiving the ruling, member states usually have an obligation to transpose those norms into their domestic law. This may involve the establishment or change of national laws, regulations, or policies that conform to recognized human rights standards. In implementing human rights rulings, the involvement of national legal institutions is crucial. According to (Pradjasto & Tanlain, 2022) Courts in national legal systems can play a major role in ensuring compliance and execution of rulings. Courts may be ordered to review and decide cases related to human rights rulings. Member states that are serious about implementing human rights rulings usually involve specialized institutions, such as law commissions or national human rights councils. These agencies can play a role in coordinating the implementation of rulings, providing recommendations to governments, and overseeing steps taken to ensure compliance.

As the decision is implemented, consultation and collaboration with relevant parties are key. Governments can engage civil society organizations, human rights advocacy groups, and affected communities in designing and implementing ruling-compliant policies. This creates a participatory process and ensures the interests of all parties are represented. The implementation of human rights rulings often requires education and training for law enforcement officials and government officials (Yasin, 2022). This education can help improve their understanding of human rights and prepare them to implement necessary changes. Effective monitoring and reporting mechanisms are also important in ensuring the implementation of rulings. Member states may be expected to routinely report to international or regional human rights bodies on steps taken to comply with the ruling.

Member states that do not comply with the ruling could face international sanctions or other consequences. Accountability mechanisms should be put in place to ensure that countries that do not comply with rulings are held accountable for their acts or omissions. The inclusion of civil society in the mechanisms for implementing human rights rulings can create independent monitoring and provide additional impetus to governments to comply with rulings. Civil society can play a critical role in ensuring that the implementation of rulings has a positive and tangible impact on individual rights (Ibrahim & Rezasyah, 2021). Compliance with human rights rulings can be influenced by political considerations and national interests of a country. If the government feels that complying with the ruling would harm political or national security interests, then the likelihood of complying could be reduced.

Cultural factors and local values can play a role in determining the level of compliance. Countries with strong cultures and traditional values may feel reluctant to change their policies or practices, especially if there is incompatibility with international human rights norms. Countries with good legal and institutional capacities are more likely to be able to comply with human rights rulings. Conversely, if the legal system and institutions are inadequate, the implementation of the ruling may face serious obstacles. Menruut (Adisaputra & Subroto, 2022) The level of education and human rights awareness among government officials and law enforcement officials can affect compliance. Countries with high levels of education and awareness may be more likely to understand the importance of respecting human rights. International pressure, including threats of sanctions or diplomatic isolation, can be a factor prompting countries to abide by human rights rulings. The international community often plays an important role in ensuring compliance with human rights norms.

Internal political situations, including political stability and the presence of internal tensions or conflicts, can affect compliance. Countries experiencing political instability may find it more difficult to comply with human rights rulings. The role of civil society and the media in championing human rights can create internal pressure for compliance. If civil society has a strong role and the media has the freedom to report, this can help ensure that rulings are implemented. The economic condition of a country can be a factor affecting compliance. If a country is experiencing economic difficulties, the implementation of human rights rulings may be a challenge as the government's priorities may be more focused on economic issues (Nurdiansah, 2023). Governments that feel they have strong legitimacy among their population may be more emboldened to abide by human rights rulings without fear of losing political support. Conversely, governments that lack legitimacy may be more vulnerable to internal and external pressure. The government's willingness to reform is also a determining factor in compliance. If governments have serious intentions to correct policies and practices that violate human rights, then the likelihood of compliance will be greater.

In the context of the implementation of international human rights rulings, there are variations in the level of compliance among member states. Some states may comply with the ruling quickly and fully, while others may experience delays or even refuse to comply. There are certain patterns in the level of compliance depending on the nature and context of the particular case. For example, countries may be more likely to comply with human rights rulings that are non-controversial in nature or that do not directly threaten national policies or interests (Rampen et al., 2022). Differences in national legal systems can affect how countries implement human rights rulings. Countries with strong legal traditions may be better able to integrate such decisions into their national laws than countries with weak legal systems. The diversity of social and economic conditions among member states can be a factor influencing compliance rates. Countries with high levels of economic and social development may be more likely to comply with human rights rulings.

International pressure can play a role in shaping compliance levels. Countries intensively involved in the international community may feel more exposed to pressure to comply with human rights rulings in order to safeguard their reputations in the eyes of the world. Countries that have a history of systematic human rights violations may be more likely to show lower levels of compliance. Social, political, or economic inequality within a country can be a strong indicator of ineffective implementation. There are regional political dynamics that affect the implementation of human rights rulings (Setyaningrum, Fitriyandi, & Khakim, 2022). Countries within a region may tend to observe and replicate decisions that have been implemented by neighboring countries or regional partners. The sustainability of leaders and the stability of political regimes can play a role in compliance. Stable regimes and continued leaders may be more able and willing to implement human rights rulings. Countries where civil society is active and has a significant role in governance can have higher levels of compliance. Civil society involvement can exert internal pressure to ensure the implementation of rulings (Prastyanti & Aryono, 2020). Some countries may adopt selective compliance policies, where they choose to comply with certain rulings deemed appropriate to their national policies or interests, while ignoring or delaying the implementation of rulings deemed controversial or adverse.

Non-compliance with human rights rulings can damage a country's international reputation. The international community often monitors and assesses the behavior of states in terms of human rights. Countries that consistently violate these standards may lose the trust and support of partner countries and international organizations. Countries that do not abide by human rights rulings may face diplomatic isolation and sharp criticism from the international community (Juwana, 2018). Human rights organizations, governments of other countries, and international NGOs can publicly condemn such abuses, increasing pressure and exacerbating negative reputational impacts. Non-compliance with human rights rulings can also trigger internal political repercussions (Wibisono, 2017). Civil society and political opposition may use human rights abuses as a basis to protest and



demand changes in government. This could undermine political stability and increase tensions at home.

Non-compliance with human rights rulings could damage bilateral relations. Partner countries concerned about human rights may reassess their diplomatic and economic relations with countries that violate human rights standards, impose sanctions or limit cooperation. Non-compliance with human rights rulings can have a negative impact on a country's economy. Foreign investment, trade, and economic assistance may decrease due to concerns related to political instability and human rights-related risks (Raharsh Lumintosari, 2021). This can have a significant impact on economic growth and people's welfare. Countries and international organizations may impose sanctions on countries that do not comply with human rights rulings. These sanctions could include asset freezes, travel bans, or trade restrictions. The economic impact of such sanctions can force countries that violate human rights to revise their policies (Saputra & Surajiman, 2021).

Non-compliance with human rights can increase inequality in society. Human rights violations, especially against minority groups, can create social tensions, deepen inequality, and create socially unstable conditions. Countries that do not comply with human rights rulings can face serious consequences in their relations with international organizations. Membership or participation in regional or global organizations could be threatened if the country is considered a serious violator of human rights (Aminullah, 2018). Legal consequences of non-compliance with human rights rulings may include international sanctions imposed by specific countries or groups of countries. These sanctions could include asset freezes, travel bans, or trade restrictions to put pressure on countries that violate human rights to comply with international standards.

Countries that violate human rights may also face action from regional human rights institutions. For example, the European Court of Human Rights may issue rulings ordering corrective measures and providing recommendations that may result in sanctions if not followed. Countries that do not comply with human rights rulings can also face international courts. Such courts can handle cases of human rights violations and decide on sanctions or damages to be paid by the country concerned (Saputra & Surajiman, 2021). Non-compliance with human rights rulings can trigger the summoning of the country before international organizations. The country may be asked to provide explanations and accountability for human rights violations that have occurred. Countries that systematically violate human rights may face revocation of membership in international organizations. This repeal could have serious consequences limiting the country's participation in international forums.

In addition to other sanctions, the legal consequences of non-compliance may include the application of financial sanctions. This could include fines or payment of damages to those who suffer as a result of human rights violations. Countries that violate human rights may also face investigation by the UN Human Rights Commission. The results of these investigations can be used as a basis for further action, including international sanctions or actions at the national level. Legal ramifications can include trade restrictions as a form of economic sanctions. Other countries may decide to restrict trade relations with countries that violate human rights to curb such behavior (Wibisono, 2017). Individuals or groups who are victims of human rights violations may also file lawsuits in national or international courts seeking justice and compensation. This can add pressure on countries that violate human rights. The legal consequences of non-compliance include the impact on the credibility and legitimacy of the state in the eyes of the international community. This loss of reputation can have long-term repercussions on the country's diplomatic relations, economic cooperation, and political position.

Comparisons of responses to countries violating human rights show significant variation at the regional level. Some regional human rights institutions are more likely to take tough and consistent action, while others may be more pragmatic or slow in responding to human rights abuses. Consistency in the enforcement of consequences is sometimes influenced by the geopolitical interests

of major countries or specific regional groups. According to (Setyaningrum et al., 2022) Countries with great influence tend to get different treatment, and this can undermine consistency in handling human rights violations. Countries with strong economic and institutional resources are more likely to face more serious consequences when violating human rights. Conversely, economically vulnerable countries may be able to avoid decisive consequences. The involvement of non-state actors, such as human rights organizations, international NGOs, and global public opinion, can affect consistency in the enforcement of consequences. Pressure from these actors can be an important factor in determining the extent to which countries engage in following up on human rights rulings.

Cultural and religious aspects can also play a role in the consistency of the enforcement of consequences. Some regional human rights institutions may consider these factors more in assessing human rights violations and determining appropriate measures. The level of sustainability of international pressure on countries that violate human rights can affect consistency in the implementation of consequences (Prastyanti & Aryono, 2020). Sustained pressure tends to drive a more consistent and sustained response. Countries that have strong and independent national legal systems are more likely to impose harsh consequences for human rights violations. Consistency in the implementation of human rights decisions is often related to the effectiveness and integrity of national legal systems.

Multilateral diplomacy can establish consistency in responses to human rights violations. Cooperation between countries in international forums can strengthen enforcement of consequences and ensure that human rights violations are not passed without appropriate sanctions. Consistency in the enforcement of consequences can also be influenced by the extent to which countries that violate human rights show a willingness to change. If countries take concrete steps to improve behavior, the international response may become more varied. States that have greater affinity to the principles of international law and the human rights system are more likely to have consistent consequences. This closeness creates a more solid foundation for assessing and responding to human rights violations firmly and consistently.

#### **4. Conclusion**

In the analysis of member states' compliance with the rulings of international human rights tribunals, it can be concluded that the implementation of the rulings involves a complex process and involves various factors. The mechanism for implementing rulings at the national level requires the involvement of legal institutions, civil society participation, collaboration with relevant parties, and education for law enforcement officials. Compliance with rulings can be influenced by political, cultural, economic, and educational factors. However, there are variations in compliance rates among member states, and factors such as inequality, political stability, and institutional capacity play an important role. In addition, international pressure, including sanctions and diplomatic isolation, can also influence countries' decisions to comply with human rights rulings.

Non-compliance with human rights rulings can have serious consequences, including international reputational loss, diplomatic isolation, negative economic impacts, and international sanctions. Further, non-compliance can undermine political stability and increase internal tensions. Legal consequences, both in the form of international sanctions and actions of regional human rights institutions, can be applied to pressure countries that violate human rights standards.

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