



Quo Vadis “International (Criminal) Law Enforcement” by the International Criminal Court?

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Abstract. The Israeli-Palestinian conflict has been escalating since October 20, 2023, when a group of Hamas fighters attacked Israeli citizens. In this paper, we use a descriptive model with data collection techniques by searching for literature and related documents.

Data analysis in this study was carried out using triangulation techniques, namely, news was verified with statements from figures or experts and historical records and theories related to the problem being studied. The results of this study show that the ICC can play an important role in exposing alleged international crimes and continues to try to influence global awareness and diplomatic actions that can be taken by ICC member states.

However, it may face challenges and resistance from countries that oppose it. The ICC still needs to continue to strive to carry out its mandate to prosecute international crimes for global justice, even though the existing challenges also require new and innovative strategies in its implementation. Taking these factors into account, international law enforcement in the Palestine-Israel conflict may continue to face challenges, but there is still potential for progress if there is enough push from the international community.

Keywords: Threat Spectrum, Global Terrorism, Conflict

1 Introduction

The conflict between Israel and Hamas has actually been going on for a long time. The incident on October 7, 2023, where a group of Hamas fighters attacked Israeli citizens was the peak of the conflict that has been escalating until now. According to Aljazeera's records, the number of Palestinian casualties was more than 40,000.¹ Meanwhile, Israel claims that more than 1,000 Israelis were killed in the October 7 attack. The conflict has claimed victims, the majority of whom are civilians, children, women and the elderly. Hospitals destroyed by war addition to the suffering of those who are injured and in need of help. The obstruction of the humanitarian aid process, the destruction of facilities, and indiscriminate attacks have resulted in civilian casualties who are actually non-combatants.

¹ Aljazeera, “Israel killed more than 40,000 people in Gaza. What does that look like?”, 27 Agustus 2024, <https://www.aljazeera.com/news/2024/8/27/israel-killed-40000-people-in-gaza-what-does-that-look-like>, accessed on 6 of October 2024

The International Criminal Court (ICC) is a permanent international court established to prosecute individuals responsible for the most serious crimes, including genocide, crimes against humanity, war crimes, and the crime of aggression. The ICC is based in The Hague, Netherlands, and operates as an independent body authorized by states that have ratified the Rome Statute. Meanwhile, the International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN) and serves as an interstate court. The ICJ decides legal disputes between UN member states and issues mandatory, non-binding legal opinions. The ICJ is also based in The Hague, Netherlands, and consists of 18 judges elected by the UN General Assembly and the UN Security Council.²

The main difference between the ICC and the ICJ is the purpose and scope of their powers. The ICC focuses on prosecuting individuals responsible for international crimes, while the ICJ handles legal disputes between states. The ICC also has a more limited jurisdiction than the ICJ, which has universal jurisdiction over UN member states. The ICC's powers include; investigating and prosecuting individuals responsible for the crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. The ICC can only pursue individuals from states that have ratified the Rome Statute or cases referred to it by the UN Security Council, but the ICC has complementary jurisdiction, meaning that if a particular state for some reason is unable or unwilling to prosecute individuals involved in crimes that fall within the ICC's jurisdiction, the ICC can take over the prosecution.³

Meanwhile, the ICJ has the authority to decide legal disputes between UN member states and provide mandatory and non-binding legal opinions to countries and UN agencies; the ICJ is also authorized to interpret international treaties and determine the legal responsibility of countries. In the context of jurisdiction, the ICC has jurisdiction over individuals who commit crimes that fall into the categories regulated in the Rome Statute; the ICJ also has universal jurisdiction over UN member states in resolving legal disputes between them. Thus, the ICC focuses on individuals responsible for international crimes, while the ICJ focuses on resolving disputes between countries.⁴

The establishment of the ICC is based on the Rome Statute agreed upon at the 1998 Diplomatic Conference on the Establishment of the International Criminal Court in Rome, Italy. The Rome Statute entered into force on 1 July 2002 after being ratified by the specified number of countries. This Statute provides the legal basis for the establishment of the ICC as a permanent international court aimed at prosecuting individuals responsible for the crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. Meanwhile, the ICJ was established based on the Charter of the United Nations (UN). The UN Charter is an international agreement that established the UN and regulates the functions and organizational structure of the UN. The part of the UN Charter that regulates the ICJ is Chapter XIV, which mentions the

² Rome Statute, Article 2, Article 36

³ Rome Statute, Article 17

⁴ Kent, McConnachie, and Gulati, “What are the ICJ and the ICC and how do their power and jurisdiction differ?”

court known as the International Court of Justice (ICJ). The UN Charter provides the legal basis for the establishment of the ICJ as the main judicial body of the UN tasked with resolving legal disputes between UN member states.⁵

The research used in this writing uses a descriptive model with data collection techniques by searching for literature and related documents. The purpose of this study is to understand the phenomenon from a deeper and more complex perspective. This study will focus on understanding the meaning, interpretation, and context of the phenomena that occur related to the case of the issuance of a summons from the ICC to Prime Minister Netanyahu and to the Hamas leadership. The approach used is a case study, namely the case of a request by the ICC to the Israeli leadership and the Hamas leadership to be held accountable for alleged war criminals, from open sources and searches for news and other relevant documents.

Data collection is also carried out through identification of data in the form of documents related to the problem being studied and other references, both printed and electronic, including mass media and other related journals. Data analysis in this study was carried out inductively, where data was collected, organized, and interpreted to identify patterns, themes, or concepts that emerged related to the phenomena of the case being studied. Validity and reliability in this study focus on the validity and reliability of research findings. Technical data analysis was carried out using triangulation techniques, namely, news was verified with statements from figures or experts and historical records and theories related to the problem being studied.

2 Research Question

This article will focus on the issue of violations by the parties involved in the conflict. This is because the Israeli-Palestinian conflict is very complex and controversial. Assessments of violations committed by Hamas and Israel can vary depending on the perspective taken. However, below are some possible violations that have been committed by both parties. The first is the violation committed by Hamas, namely the use of terrorist tactics such as suicide bomb attacks, rocket firing into Israeli territory, and attacks on Israeli civilians on October 7, 2023. Furthermore, the use of civilian facilities such as hospitals, schools, and places of worship as places to store weapons or places of defense or control of Hamas operations. In this case, what principles and standards of international law are violated?

Meanwhile, the violations committed by Israel are no less diverse, namely human rights violations against Palestinian civilians, including detention without due process, demolition of houses without clear reasons, and political oppression of the Palestinian population. Colonization and illegal construction in the Palestinian territories, including in the West Bank, East Jerusalem, and the Gaza Strip, as well as the use of excessive

⁵ United Nations, "United Nations Charter, Chapter XIV: The International Court of Justice", <https://www.un.org/en/about-us/un-charter/chapter-14>, accessed on 6 October 2024

violence in response to protests or conflicts with Palestinians. Even so, International Law during armed conflict must remain the reference and standard in conflict. Therefore, some of the issues that will be raised in this article are:

1. What is the background that caused the endless conflict between Israel and Palestine?
2. What concepts and standard mechanisms or provisions of international law can be used as a means to resolve the Israeli-Palestinian conflict?
3. Does the International Criminal Court have the power to force the guilty parties in the Israeli-Palestinian conflict?
4. What mechanism can be accepted by all parties in resolving the conflict between the two countries with the ICC approach?
5. How effective is the enforcement of International Criminal Law in the future?

3 Discussion

3.1 *The Israeli-Palestinian Conflict*

It is important to remember that the Israeli-Palestinian conflict involves many factors, from history, politics, religion, to complex social. From historical factors, it cannot be separated from the history of the establishment of Israel as a country. The establishment of the State of Israel began in the late 19th century and involved various political, social, and historical factors, as follows: first, the Zionist movement emerged in the late 19th century, pioneered by Theodor Herzl, with the aim of establishing a state for the Jewish people in Palestine, which was then part of the Ottoman Empire. After World War I, Britain gained control of Palestine through the British Mandate. The Balfour Declaration of 1917 expressed British support for the establishment of a "national homeland for the Jewish people" in Palestine. In the 1920s and 1930s, Jewish immigration to Palestine increased, causing tensions between the Jewish and Arab communities.⁶

The Second World War, preceded by the Holocaust, strengthened the case for a Jewish state, with many Jewish survivors seeking refuge. In 1947, the United Nations proposed a plan to partition Palestine into a Jewish and an Arab state. This plan was rejected by the Arab states. On 14 May 1948, David Ben-Gurion declared the creation of the State of Israel. The following day, the Arab states invaded, sparking the 1948 Arab-Israeli War. The conflict continued for decades, with several wars and peace agreements, including the Camp David Accords (1978) and the Oslo Accords (1993). Since its founding, Israel has faced numerous challenges, including conflicts with its Arab neighbors and the Palestinian issue. These conflicts continue to this day despite various attempts to achieve peace.

Assessment of violations committed by both parties is often a matter of debate and controversy at the international level. Moreover, the conflict between Israel and

⁶ Britannica, “Balfour Declaration”, <https://www.britannica.com/event/Balfour-Declaration>, accessed on 6 October 2024

Palestine has been going on for decades and has involved many human rights violations from both parties. Some of the violations claimed to have been committed by Israel against Palestinians include illegal settlement construction: Israel has built settlements in the occupied territories, including the West Bank and East Jerusalem. These settlements are considered illegal under international law and are considered a violation of the rights of the Palestinian population. Restrictions on movement and access: Israel has implemented a strict border control system in the occupied territories, including by building a separation wall and checkpoints that restrict the movement of the Palestinian population. This has made it difficult for them to access basic services such as health and education.⁷

Israel has been criticized for using violence that violates human rights in response to peaceful protests as well as in its military operations in the Palestinian territories. These human rights violations by Israel have resulted in the deaths of civilians, including women and children. Without due process, Israel frequently detains Palestinians without due process, including administrative detention, which allows detention without formal charges or a fair trial. Israel has also imposed a tight blockade on the Gaza Strip since 2007, which has had a devastating impact on the humanitarian situation of Gazans by restricting access to food, medicine, clean water, and other basic services.⁸

3.2 *International Law Mechanism*

Regarding the issue of the Israeli-Palestinian conflict in the settlement mechanism using the Rome Statute, there are several things that need to be considered: First, the Rome Statute is a document that is the basis for the possibility of organizing the International Criminal Court (ICC) and establishes the court's jurisdiction over the crimes of genocide, crimes against humanity, war crimes, and crimes of aggression. Israel is not a member of the Rome Statute, so the ICC has limited jurisdiction in cases involving Israel unless the UN Security Council refers the case to the court. On the other hand, the Geneva Conventions regulate a series of international agreements that establish international humanitarian standards for the protection of war victims, prisoners of war, civilians, and medical personnel during armed conflict.⁹

The Israeli-Palestinian conflict involves issues that are relevant to the Geneva Conventions, especially the Convention on the Protection of Civilians in Time of War. In the context of resolving the Israeli-Palestinian conflict, diplomatic efforts,

⁷ Human Rights Watch, "Israel: 50 Years of Occupation Abuses", <https://www.hrw.org/news/2017/06/04/israel-50-years-occupation-abuses>, accessed on 6 October 2024

⁸ Amnesty International, "Israel and the Occupied Palestinian Territory", <https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/israel-and-the-occupied-palestinian-territory/report-israel-and-the-occupied-palestinian-territory/>, accessed on 6 October 2024

⁹ United Nations, "Geneva Convention relative to the Protection of Civilian Persons in Time of War", <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>, accessed on 6 October 2024

negotiations, and mediation remain the most preferred options. Furthermore, assistance from the international community to promote ongoing dialogue, respect for human rights, and a just settlement for both parties can be necessary steps. Several possible mechanisms to prevent immunity for violators can use various possible mechanisms based on international law through processes regulated in the Geneva Convention, the Rome Statute, and other international agreements.¹⁰

3.3 *The Authority of the International Criminal Court in the Case Aquo.*

There are several possibilities that can be done by the International Court. Firstly, through investigation and recording of evidence, by collecting strong evidence related to the crimes committed by the alleged perpetrators. This evidence is very important in the trial process. The next step is the establishment of a court. War criminals can be tried in national or international courts, such as the International Criminal Court or ad hoc courts established for certain cases. The trial process must comply with the principles of international law, including the principles of protecting human rights and the right to a fair trial. Prosecution of war criminals must be carried out fairly, based on strong evidence, and in accordance with applicable law. If a war criminal is found guilty, the court's decision must be implemented in accordance with international law. Cooperation between countries in handling war criminal cases is very important to ensure that justice is done and war criminals are held accountable for their crimes, so that there is no impunity.¹¹

However, it is important to note that the process of prosecuting war criminals under international law is very complex and requires strong cooperation between countries and international institutions. This also emphasizes the importance of respecting the principles of humanity, human rights, and justice in handling war crimes cases. The justice of war, also known as the international law of war, has a long history involving the development of norms and rules governing the behavior of states in armed conflict. The following is an overview of the early history of justice of war. The concept of justice of war has very ancient roots, even before the formal system of international law. The practice of justice of war was first recorded in history in ancient times, where certain rules governed the manner of waging war and the treatment of prisoners of war.¹²

One of the important milestones in the history of war justice is the Geneva Convention of 1864, which was the first step in the formation of modern international laws of war. This convention establishes basic humanitarian principles that must be

¹⁰ United Nations, “Geneva Convention relative to the Protection of Civilian Persons in Time of War”, <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>, accessed on 6 October 2024

¹¹ United Nations, “Rome Statute of the International Criminal Court”, <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>, accessed on 6 October 2024

¹² Renata Christha Auli, Hukum Online, “Kejahatan Perang: Pengertian, Jenis, dan Peradilannya”, <https://www.hukumonline.com/klinik/a/kejahatan-perang-pengertian-jenis-dan-peradilannya-lt62ea6d47bb087/>, accessed on 6 October 2024

respected in armed conflict. The Nuremberg and Tokyo trials were trials that took place after World War II. International military tribunals were held in Nuremberg and Tokyo to try the leaders of Nazi Germany and Japan who were responsible for war crimes, crimes against humanity, and the crime of aggression. These trials set important precedents in the enforcement of international laws of war.¹³

Furthermore, there are also ad hoc courts. During the 1990s, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were established by the United Nations to try violations of the laws of war that occurred during the conflicts in the region. Meanwhile, the International Criminal Court (ICC) is a permanent court established in 2002 to try individuals responsible for war crimes, crimes against humanity, and genocide. War justice is usually directed at individuals or parties who commit violations of the laws of war, such as attacks on civilians, the use of chemical weapons, torture of prisoners of war, etc. War justice can also concern the responsibility of states involved in armed conflict.

Some figures who have been found guilty as war criminals by international courts include: 1) Adolf Hitler; although he died before being tried, Adolf Hitler is considered a war criminal because of his cruel policies and actions during World War II. 2) Hermann Göring, the Nazi German Foreign Minister who was tried at the Nuremberg Trials and found guilty of war crimes, crimes against humanity, and crimes against peace; 3) Radovan Karadžić, a former Bosnian Serb political leader who was tried by the International Criminal Tribunal for the Former Yugoslavia (ICTY) and found guilty of war crimes and crimes against humanity.¹⁴

Furthermore, 4) Ratko Mladić, a Bosnian Serb general who was also tried by the ICTY and found guilty of war crimes, crimes against humanity, and genocide. Then, 5) Charles Taylor, former president of Liberia who was tried by the Special Tribunal for Sierra Leone (SCSL) and found guilty of war crimes, crimes against humanity, and violations of international law; 6) Slobodan Milošević, former president of Serbia who was tried by the ICTY but died before the trial was completed. Nevertheless, he is considered a war criminal for his role in the Yugoslav Wars.¹⁵

Other figures who have been found guilty in war trials and have been found guilty of war crimes by international courts, namely, Jean-Pierre Bemba, leader of the Democratic Republic of Congo militia, who was tried by the International Criminal Court (ICC) and found guilty of war crimes and crimes against humanity. Thomas Lubanga, leader of the Democratic Republic of Congo militia, was tried by the ICC and

¹³ Office of the Historian, "The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948)", <https://history.state.gov/milestones/1945-1952/nuremberg>, accessed on 6 October 2024

¹⁴ United Nations, "Tribunal convicts Radovan Karadžić for crimes in Bosnia and Herzegovina", 24 Maret 2016, <https://www.icty.org/en/press/tribunal-convicts-radovan-karadzic-for-crimes-in-bosnia-and-herzegovina>, accessed on 6 October 2024

¹⁵ United Nations, "Slobodan Milošević Trial - the Prosecution's case", <https://www.icty.org/en/content/slobodan-milo%C5%A1evi%C4%87-trial-prosecutions-case>, accessed on 6 October 2024

found guilty of the recruitment and use of children in armed conflict. Then Ahmad Al Faqi Al Mahdi, a member of the extremist group Ansar Dine in Mali, was tried by the ICC and found guilty of the destruction of historical sites in Timbuktu as part of an extremist policy. Then there is Radovan Stanković, a former Bosnian Serb military officer who was tried by the International Tribunal for War Crimes in Yugoslavia and found guilty of war crimes. Then there is Bosco Ntaganda, a former militia commander in the Democratic Republic of the Congo who was tried by the ICC and found guilty of a number of war crimes and crimes against humanity.¹⁶

In addition, there is Adolf Eichmann, a German Nazi official who played a role in the planning and implementation of the Final Solution, namely the mass extermination of Jews during World War II. Eichmann was involved in the organization and logistical operations responsible for the deportation of Jews to concentration camps and mass murder in death camps. After World War II ended, Eichmann fled to Argentina and lived under an assumed name. In 1960, the Mossad, Israel's secret service, managed to find and kidnap Eichmann from Argentina to be tried in Israel. In 1961, Eichmann was tried in the Jerusalem District Court on charges of war crimes, crimes against humanity, and genocide. He was found guilty of his role in the murder of an estimated six million Jews during the Holocaust and was executed by hanging in May 1962. The Adolf Eichmann case is one of the most notorious cases of war crimes and crimes against humanity committed during World War II, and his trial is considered a major step in the pursuit of justice for the victims of the Holocaust.¹⁷

The effectiveness of the ICC's efforts to face resistance from Israel or other countries that oppose the ICC's decisions, such as Russia (Putin, in the case of the Russia-Ukraine conflict) or America, which is a close ally of Israel, is highly questionable. The ICC (International Criminal Court) is an international legal institution that aims to prosecute individuals who commit war crimes, crimes against humanity, and genocide. Although the ICC is an important institution, its effectiveness in facing resistance from countries that oppose its efforts can be limited by several factors, including politics and geopolitical power. First, Israel is not a member of the ICC and has refused to cooperate with the court in its investigations related to events in the Palestinian territories. Israel also has strong support from the United States, which is also not a member of the ICC. This could complicate the ICC's efforts to face resistance from Israel and its allies.

Likewise, Russia is also not a member of the ICC and has opposed its involvement in the Russia-Ukraine conflict. Russian President Vladimir Putin has great power at home and abroad, so the ICC's efforts to face resistance from Russia could face significant obstacles. Another candidate and certain opponent of the ICC's efforts is the United States. The United States is not a member of the ICC and has withdrawn

¹⁶ Coalition for the International Criminal Court, “Bosco Ntaganda”, <https://www.coalitionfortheicc.org/cases/bosco-ntaganda>, accessed on 6 October 2024

¹⁷ The Guardian, “Adolf Eichmann sentenced to death for war crimes – archive, 1961”, <https://www.theguardian.com/world/2021/dec/16/adolf-eichmann-sentenced-to-death-for-war-crimes-1961>, accessed on 6 October 2024

from cooperation with the court. The United States is a close ally of Israel and has great influence in the international world. This could make the ICC's efforts to face resistance from the United States difficult, making it difficult for the ICC to enforce international law.

In facing resistance from countries that oppose its efforts, the ICC needs to take into account various factors, including global politics, economic strength, and support from member countries. Nevertheless, the ICC still needs to continue to strive to carry out its mandate to prosecute international crimes for global justice, even though it may face challenges and resistance from countries that oppose it. Demonstrations around the world often reflect dissatisfaction or protests against government policies, corporate actions, or certain social issues. Thus, these demonstrations can create significant political pressure, influence the implementation of international criminal law and at the same time provide moral support for the ICC that its efforts are not carried out alone but have the support of the international community, especially students and youth who morally support the resolution of the Palestine-Israel conflict to be ended immediately.

Indeed, in general, international criminal law is based on treaties between states and legal principles that are widely recognized by the international community. Protests around the world may create political pressure for governments to comply with their international legal obligations, especially if there is strong international condemnation of human rights violations or international crimes committed by a state. However, the implementation of international criminal law still depends heavily on cooperation between states, the capacity of international legal institutions, and the political will of the states involved. Protests around the world may be a factor that influences government policy, but they do not always directly lead to the enforcement of international criminal law. In the context of international criminal law, more formal legal mechanisms and procedures such as international courts, international criminal tribunals, and international legal bodies have a more direct role in upholding justice and accountability for violations of international law.¹⁸

Since March 2021, the ICC has announced that it would open an investigation into alleged war crimes committed in the Palestinian territories, including the West Bank, Gaza, and East Jerusalem. This decision has sparked a reaction from the Israeli side, including former Prime Minister Benjamin Netanyahu. Netanyahu's position as the former leader of Israel at that time did not grant him immunity from ICC legal proceedings. If the ICC finds sufficient evidence to charge Netanyahu with alleged war crimes, it can issue an arrest warrant and execute the arrest with the assistance of the countries that are members of the ICC. However, the implementation of ICC decisions against certain individuals, including Netanyahu, can be affected by a number of political, legal, and diplomatic factors. Although the ICC has the legal authority to prosecute individuals for international crimes, the implementation of such decisions

¹⁸ Renata Christha Auli, Hukum Online, "Pengertian, Sejarah, dan Asas Hukum Pidana Internasional", 7 September 2023, <https://www.hukumonline.com/klinik/a/hukum-pidana-internasional-lt632858f404e49/>, accessed on 6 October 2024

may be hampered by the political and policy considerations of the countries involved, as mentioned above.

Over time, with the changing of the political and legal conditions, the possibility of the ICC compelling Netanyahu or other individuals to comply with ICC decisions may change. Therefore, it is important to continue to monitor the latest developments regarding the cases being handled by the ICC and how the implementation of ICC decisions may proceed in the future. Because although the ICC is an international court established to prosecute individuals responsible for the crimes of genocide, crimes against humanity, war crimes, and aggression, it has limited jurisdiction and does not have the power to compel individuals or states to comply with its decisions. In fact, in 2015, Palestine joined the ICC and gave the international court jurisdiction to investigate alleged crimes committed in the Palestinian territories, including by Israel. However, the implementation of ICC decisions must again depend on the cooperation of member states and other parties that grant jurisdiction to the Court.¹⁹

If the ICC issues an arrest warrant against an individual such as Netanyahu, the Israeli Defense Minister, or the Hamas leader, implementing the decision could be difficult without the cooperation of the ICC member states or parties who have control over the individual. States typically have sovereignty over the laws and enforcement of the law in their own territories. So, the ICC does not have the ability to force specific individuals to comply with its decisions directly. However, the ICC can play an important role in exposing alleged international crimes and continues to try to influence global awareness and diplomatic actions that can be taken by ICC member states.

3.4 *Mechanism Acceptable to All Parties*

The international legal mechanism that is acceptable to all parties, Israel and Palestine, is international humanitarian law. This includes the Geneva Conventions, which regulate the protection of those not involved in hostilities, such as civilians. Both parties are expected to adhere to principles such as the protection of civilians and the limitation of the use of force. Then, under human rights law, parties to the conflict must respect human rights, including the right to life, freedom from torture, and the right to justice. This also includes protection for refugees and people who have been forced to flee their homes.²⁰

Mediation and negotiation are also alternatives that can be chosen. The mediation process facilitated by a third party, such as the UN or other countries, can be used to find a peaceful solution. This can involve direct dialogue between Israel and Hamas with the aim of reaching a ceasefire and peace agreement. When voluntary

¹⁹ Al Jazeera, “Palestine formally joins International Criminal Court”, 1 April 2015, <https://www.aljazeera.com/news/2015/4/1/palestine-formally-joins-international-criminal-court>, accessed on 7 October 2024

²⁰ United Nations, “Geneva Convention relative to the Protection of Civilian Persons in Time of War”, <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>, accessed on 7 October 2024

dialogue cannot be carried out, dispute resolution and the use of international courts or arbitration bodies to resolve disputes and claims that may arise between the two parties can be carried out. For example, the International Court of Justice (ICJ) can be a forum to assess violations of international law committed by each party.

Next is the UN Resolution. Resolutions adopted by the UN Security Council or the General Assembly regarding the conflict can provide a legal framework to address certain issues and encourage both parties to comply with the provisions. However, when resolution steps are taken, it is necessary to be aware of the importance of compliance with international agreements. Parties must commit to international agreements that have been signed, including previous peace agreements and agreements relating to each other's rights and obligations. Finally, there are legal consequences. Where the enforcement of legal consequences for violations of international law, such as through international courts or international sanctions, to encourage compliance with norms. The implementation of this mechanism depends on the political will and desire of both parties to achieve peace and respect international law.

3.5 *Effectiveness of International Criminal Law Enforcement*

The effectiveness of international law enforcement through the application of international legal sanctions can remain effective in the future, but its effectiveness depends on several factors: 1) State compliance: sanctioned countries must consider the consequences of their actions and whether they will comply with international law. If they do not feel pressured, sanctions may lose their effectiveness. 2) International Coalition: sanctions that are widely supported by the international community tend to be more effective. If many countries come together to impose sanctions, the impact can be greater. 3) Types of Sanctions: sanctions can be economic, diplomatic, or military. The type and application of sanctions also affect their effectiveness. 4) Global Conditions: changes in global politics, such as the emergence of new powers or alliances, can affect how effectively sanctions are implemented. 5) Target State Response: sanctioned countries may seek ways to avoid or overcome the sanctions, for example by establishing new relationships with other countries that do not support the sanctions. 6) Changes in public attitudes: the attitude of the international community towards sanctions can also change. If the public feels that sanctions are unfair or ineffective, support for them may decline. Taking these factors into account, international law enforcement through international legal sanctions remains relevant and effective, but the existing challenges also require new and innovative strategies in its implementation.

4 Conclusion

Predicting the future of international law enforcement in the Palestine-Israel conflict involves several complex factors: Global Political Dynamics: Changes in international relations, such as rising tensions between major powers or new alliances, may affect attention and action on the conflict. The UN and International Organizations: The role of the United Nations (UN) and other international bodies will remain crucial.

However, decisions taken are often influenced by the veto of the permanent members of the Security Council, which can hinder decisive action.

Global Advocacy and Awareness: Raising awareness and advocacy at the global level regarding human rights and social justice can influence international pressure on both parties to reach a peaceful settlement. Agreements and negotiations—efforts to reach a peace agreement, if seriously supported by leaders and the international community—can pave the way for stronger enforcement of international law. **International Courts:** cases brought to international courts, such as the International Criminal Court (ICC), can serve as a tool for law enforcement. However, the response of the countries involved and international support will be key factors.

Changes in state policy and the policies of major countries, especially those with influence in the region, will greatly affect the situation. If they are committed to pushing for a just settlement, this can strengthen the enforcement of international law. Internal challenges and internal conditions in Israel and Palestine, including changes in government, political dynamics, and civil society movements, will affect the prospects for a resolution of the conflict. Considering these factors, the enforcement of international law related to the Palestine-Israel conflict may continue to face challenges, but there is still potential for progress if there is enough push from the international community.

Compliance with sanctions from the International Court of Justice (ICJ) or other international legal bodies by Hamas and Israel will depend on several factors: **Political Interests:** Both Hamas and Israel will consider their political and security interests. If they feel that complying with sanctions will harm their position or threaten national security, they may be less likely to comply. **International Support,** If there is strong international pressure and support from the international community for the enforcement of the Court's decision, this may influence compliance. However, if such support is uneven or weak, the effectiveness of sanctions may be reduced.

Legitimacy and Public Perception: public perception within each entity also plays a role. If the public feels that compliance with sanctions will benefit them or support justice, they may encourage their leaders to comply. **Possibility of Negotiation—**in some cases, decisions from the Court or sanctions may encourage a return to the negotiating table. If there is room for dialogue, both parties may be more willing to comply with legal decisions. **Reaction to Sanctions:** Both parties may react differently to sanctions. If they feel the sanctions are unfair or disproportionate, they may resist and find ways to bypass them. Given these factors, the likelihood that Hamas and Israel will ultimately comply with the sanctions of the International Court of Justice remains uncertain. This will depend largely on the political context and global dynamics at the time.

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