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The Development of National Law in The Context of The Implementation of International Humanitarian Law

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Abstract

Key words:
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In 1958, Indonesia ratified the 1949 Geneva Convention into Law Number 59 of the Republic of Indonesia. By the Geneva Treaty of 1949, known as International Humanitarian Law, Indonesia's acceptance of the Convention provides it with international rights and duties. Certain and serious offences, including genocide, a war crime, and aggressive crime, are specifically included in International Humanitarian Law as essential components. Article 28 of the Second Amendment to the 1945 Constitution, TAP MPR XVII of 1998 about Human Rights, Law Number 39 of 1999 about Human Rights, and Law Number 26 of 39 of 1999 about Human Rights are used by Indonesia to anticipate the severe crime as the implementation and enactment of International Humanitarian Law. International Humanitarian Law and the means for its application have not been fully included in the law. This is because war and aggression are two significant crimes for Indonesia has no provisions. International and national processes may be utilised to execute international humanitarian law. As a result of Indonesia's failure to ratify the Rome Statute of 1998, the international process for enacting international humanitarian Law has not been properly defined since Indonesia has not signed. This study examines the implementation of International Humanitarian Law in a state's national mechanism and the Indonesian national law's compliance with IHL.

Introduction

Indonesia is a sovereign and independent state established on the components of a state described in an instrument of international law, notably Article 1 of the Montevideo Convention from 1933 (Arsetyo, 2021). The article states that a state must demonstrate that it satisfies some minimal conditions before it may establish diplomatic ties with other nations. These prerequisites include having a distinct territory, a permanent population, and government (Barkin & Cronin, 1994). The Republic of Indonesia State Constitution of 1945 is Indonesia's guiding constitution, recognising the nation's identity as an independent and sovereign state. The constitution structures Indonesia's government, encompassing its domestic and international affairs (Najih, 2018, Reza, 2022).

Indonesia is a state that was created with the aims mentioned in the fourth paragraph of the Preamble of the 1945 Constitution Indonesia. Then, based on that, the Indonesian National Independence was drafted to form an Indonesian State Government that protects the entire Indonesian nation and the entire homeland of Indonesia, as well as to promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace, and social justice. In a Constitution of the State of Indonesia, which is formed in an arrangement of the Republic of Indonesia, which is sovereign by the people based on the One and Only God, just and civilised humanity, Indonesian Unity and Democracy led by wisdom in Deliberation or Representation, as well as by realising social

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justice for all of the people of Indonesia. A Constitution of the State of Indonesia, which is formed in an arrangement of the Republic of Indonesia, which is sovereign by the people based on the One and Only God.

This state foundation was founded with important goals: to allow Indonesia to contribute to or participate in the implementation of global orderliness. Other essential purposes include: An indication of a state's commitment to international law is when that state makes a declaration indicating that it is ready to implement perpetual orderliness and peace. Because of this, it is possible to explain why Indonesia acknowledges the existence of a regulatory notion that controls the states. The rules, of course, are meant to contribute to the orderliness of nations for the sake of achieving world peace. The governments have committed to recognise the Den Haag Convention of 1907, which was later renamed International Humanitarian Law, the Geneva Convention of 1949, and its Additional Protocols (1977 and 2005) to bring about this global orderliness and peace. The Geneva Convention was signed in 1949. Its Additional Protocols were signed in 1977 and 2005. This Convention is one of the legal instruments created under international law to prevent armed conflict (Dennis, 2005). International Humanitarian Law (IHL) is defined as international rules established through international agreements and conventions. These rules are expected specifically to solve human problems arising directly from international and non-international armed disputes and for humanitarian purposes, limiting the rights of the parties in the conflict to use their choice of armed dispute methods and tools or to protect civilians. International Humanitarian Law (IHL) was developed in conjunction with the International Committee of the Red Cross (ICRC). According to Pictet (1967), the International Humanitarian Law (IHL) is a collection of international regulations that ensures the respect of a person and encourages their development. As a body of law that governs both international and non-international armed conflicts, the International Humanitarian Law (IHL) comprises certain rules that are in effect during the conflict or that govern the conduct of the conflict itself. This law also applies to the situation of occupation that results from armed conflict (Kretzmer, 2009).

The international community's anger at the awareness that violence would always exist on this planet led to the establishment of the notion of international humanitarian law (IHL) (IHL). As a result, we can still observe conflicts occurring in international and non-international situations (Alexander, 2015). We can witness the dreadful repercussions of conflicts in the news coverage currently available; as a result, the world community has grown tremendously concerned with socialising IHL to make the states approve the law immediately, even though they have not yet approved the legislation. Indonesia is one of the nations that was a member of the group of countries participating in the international treaty.

It is stated in Indonesia's Constitution that the nation's primary purpose is to contribute to the maintenance of worldwide peace. Law Number 59 of

1958 was the vehicle by which Indonesia became one of the nations that acceded to the Geneva Conventions in 1949. As a result, Indonesia respects both the Geneva Conventions 1949 and any supplementary protocols that have been adopted since then (Ismail, 2014). Meanwhile, the Den Haag Conventions of 1907 are an international instrument that has served as an international convention. Because of this, the governments need to be regarded as obliged to the Convention regarding the existence of significant crimes against human rights.

The international community will assume the burden Geneva Convention of 1949, and its supplemental protocol results in a consequence for those who ratify the Convention in the form of duties to the parties to conduct implementing steps to spread international humanitarian Law (IHL). Additionally, the nations must put the provisions of international humanitarian law into effect; if they fail to do so, the international community will assume the burden (Adwani, 2012). Additionally, it is anticipated that the nations a national system to put the provisions of international humanitarian law into effect. For this reason, the International Humanitarian Legislation (IHL) preserves the sovereignty of individual nations to enforce national laws relating to the grave violation of human rights (Kusumo, 2017).

4
As a result of Indonesia's accession to the Geneva Conventions of 1949, the International Humanitarian Law requires that the country develop a national system to put the requirements of IHL into effect. In this instance, the implementation may be defined as forming a judicial mechanism capable of resolving a legal matter related to a grave violation of human rights as established in IHL. (Agus, 2017). The Court of Human Rights in Indonesia is an integral component of the Indonesian Justice System. It is tasked with fostering confidence among Indonesians and populations from other parts of the world in Indonesia's legal sovereignty and certainty. The national legal instrument stated, Legislation Number 26 of 2000 concerning the Human Rights Court, is where the debate on the execution of Law in Indonesia's significant human rights violations can be witnessed (Yanto, 2016). Participation in the execution of the provision of the grave violation of human rights in its national law by IHL, in which Indonesia has been a participant state of the international agreement, has become a crucial sign of Indonesia's existence in international relations. This is because participation in implementing this provision is an essential indicator of Indonesia's existence in international relations. (R Wiyono, 2015).

This study investigates how international humanitarian law (IHL) is incorporated into the legal framework of a state's national mechanism. In addition to that, one of its goals is to have a conversation on whether or not the Indonesian national law that governs the most serious violations of human rights is compatible with IHL. It is vital to conduct this research to establish the degree to which the provisions of International Humanitarian

Law (IHL) have been applied in Indonesia as participating state in the provision.

Research Methods

This investigation employs a method based on statutes. A detailed analysis of the regulations governing legal problems is conducted to formulate it. As part of this article's research, relevant statutes are being utilised to undertake investigations. Using this strategy, one can collect information on various components related to legal concerns to find answers (Marzuki, 2017) (Marzuki, 2017). The Geneva Convention from 1949, the Decree of the People's Consultative Assembly XVII of 1998 about Human Rights, Law Number 39 of 1999 about Human Rights, and Law Number 26 of 2000 about the Human Rights Court were examined for this research.

Results

Since the dawn of the modern age, international law has seen a period of phenomenal expansion (Rosalyn Higgins, 1999). It is evident from the large number of rules that have been adopted and formed concerning international legal topics, one of which is the state. When it first came into existence, "international law" referred to the conduct and relationships between different states. However, throughout its evolution, the study of international relations has shown that international law addresses the behaviour and structure of international organisations and, more narrowly, the concerns of multinational corporations and people (Cullet, 1999).

Mochtar Kusumaatmadja (2003) suggested a concept of international law that includes all legal conventions and principles governing cross-border (international) non-civil contacts or circumstances. It is feasible to conclude from this definition that international relations are not limited to relationships between states but can also include ties between state and non-state subjects and between two non-state subjects. In addition, Starke (1989) and Alina Kaczorowska (2015) proposed the following definition of international law: International Law can be defined as the body of law that consists mostly of the principles and rules of conduct that states feel obligated to uphold and, consequently, do observe in their relations with one another, as well as the following: 1. the principles of law governing the operation of international institutions or organisations, their powers, and their duties 2. the rules of conduct applicable to international organisations.

According to the explanation, International Law can be defined as a corporation composed of principles and rules of behaviour. The states feel bonded and therefore observe their relationship with each other. The definition says that this is how International Law can be understood. Including the rule of law pertinent to the functions of international institutions or organisations, the relationship between each other, and the

relationship between state and individual, as well as the rule of law pertinent to individuals and non-state entities, for as long as the rights and the obligations of individual and non-state entity attract the attention of the international community (Droubi & d'Aspremont, 2020). International legal subject (including state) acknowledges the existence of international law because it recognises the need for a legal instrument that is acceptable to international legal subjects with different legal systems when a problem arises involving two or more subjects. This need drives international legal subjects (including states) to acknowledge the existence of international Law (Goldsmith & Levinson, 2008). The presence of legal instruments within the same legal system would reassure foreign legal subjects that their problem will be resolved. (Guzman, 2008). In addition, the notion of the establishment of an international legal system can be comprehended to ensure that orderliness can be created at the international level, which is necessary to ensure that legal dispute problems can be accommodated effectively and that the peaceful resolution of international disputes is possible without the use of violent instruments (Henkin, 1995).

The International Humanitarian Law (IHL) is a component of the system of international law that constitutes a tool and a method utilised by every state (even governments that are peaceful and neutral) to alleviate the suffering that is brought on by armed conflict that occurs in several states (Droege, 2008). In addition, the International Humanitarian Law is both a policy instrument and a technical guideline that all worldwide actors can employ to address international concerns over casualties and losses resulting from armed conflict. Several states have adopted the IHL, a multilateral international accord, to prevent armed conflict. The 1949 Geneva Conventions are the international agreement mentioned here. (Schwendimann, 2011).

The Geneva Convention of 1949 has undergone several changes. The development is connected to the ongoing effort to finish drafting the international instrument that would prohibit the use of violence (weapons) in the war (Meron, 2000). Not only does IHL control international armed conflicts, but it also applies to non-international armed conflicts. IHL plays certain roles in preventing violence in armed conflict in the territory of a state, even though the domain of non-international armed conflict belongs to a state's territory (the state is confronted with armed groups operating in the territory). It guarantees that international humanitarian law adheres strictly to the principles adopted in developing the legal material to deal with human rights violations during armed conflict.

The following is a rundown of the sections of the 1949 Geneva Convention on Armed Conflict that has been refined throughout time, as stated by the nations, and adopted by them:

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1. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949;

2. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949;
3. Geneva Convention Relative to The Treatment of Prisoners of War of August 12, 1949; and
4. Geneva Convention Relative to The Protection of Civilian Persons in Time of War of August 12, 1949.

Geneva Convention 1949, along with its additional protocols (International Humanitarian Law), governs the following: treating the war detainee; protecting civilians during the war; protecting the victim of international armed conflict; protecting the victim of non-international armed conflict; adopting additional distinguishing marks; correcting the condition of those harmed or sick in armed conflict in the field; correcting the condition of armed forces officers who are injured, sick, and sinking in the sea; correcting the condition of those injured or sick. In addition, the International Humanitarian Law regulates the offences that fall under the category of gross violations of human rights that occur during armed conflicts (McCoubrey, 1995).

According to the International Humanitarian Law (IHL), the concept of a significant breach of the law has been acknowledged and validated in practice by both international organisations and practically all nations around the globe (Henckaerts, 2005). Therefore, the nations that have endorsed the concept of International Humanitarian Law should restrict grave violations of IHL in the domestic laws of participating states. The following acts, according to Ben-Naftali (2011), constitute grave violations of international humanitarian law:

1. Genocide

Article 6 of the Rome Statute from 1998 provides the conventional description of the grave breach of international humanitarian law associated with genocide. One definition of genocide is that it is "any of the following crimes performed to eliminate, in whole or in part, a national, ethnical, racial, or religious group, as such:" Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; Imposing measures intended to prevent births within the group, and Forcibly transferring children of the group to another group." "Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated.

- a. According to the provision mentioned above, it is conceivable to derive that genocide is an act committed with the intent to destroy or exterminate all or part of a nation, ethnicity, race, or group by the following means: killing members of the group;

- b. causing severe physical and mental misery among the members of the group;
- c. purposefully creating group life conditions that lead to the physical extinction of the group, either wholly or partially; and
- d. compelling actions that aim to prevent births within a group and to move.

2. Crimes Committed Against The Human Race

The approval of the Rome Statute in 1998 marked the culmination of a lengthy and complicated process that sought to define "crimes against humanity." According to Article 7 clause (1) of the Rome Statute 1998, crimes against humanity are defined as "...any of the following actions when perpetrated as part of a widespread or systematic assault intended against any civilian population, with the knowledge of the attack:" Torture, rape, sexual enslavement, compelled pregnancy, compelled sterilisation, or any other kind of sexual cruelty of comparable severity. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, or gender grounds as defined in paragraph 3 or other grounds universally recognised as inadmissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; forced disappearance of persons; the crime of apartheid; and other inhuman acts of a similar character

3. Crimes Against Humanity

Those who commit atrocities during times of conflict are referred to as "war criminals." These war crimes include any breach of the protection given by international humanitarian law (IHL). A breach of international humanitarian law (IHL) committed by one or more persons, whether members of the armed forces or civilians, is considered a war crime. In addition, violations of international humanitarian law's principles, processes, and standards are also considered to constitute war crimes.

4. Act of Aggression as a Crime

The concept of the crime of aggressiveness has not been clarified up until now. The concept of the crime of aggression in the Rome Statute from 1998 has not yet been clarified in-depth in its entirety. The use of armed force by one state against the sovereignty, territorial integrity, or political independence of another state is considered an act of aggression, according to Resolution Number 3314 (XXIV), passed by the United Nations General Assembly on December 14, 1974. This definition of aggression is in direct conflict with the United Nations Charter. However, considering the long history of defining the crime of aggression, we can see the provision of this resolution. The provision of international human rights law provides two processes that may be used against the party that has committed a serious violation of the Convention. The following types of mechanisms are controlled:

1. The Codification of IHL Via The Use of An International System

This mechanism regulates the participation of the International Criminal Court (ICC) in carrying out the provisions of international humanitarian law. The International Criminal Court (ICC) is not an instrument of the United Nations; it was established due to a Security Council resolution. Consequently, the ICC's perspective is autonomous and stands alone. The International Criminal Court (ICC) investigates, prosecutes, and judges adults for the gravest crimes against humanity. The International Criminal Court's (ICC) jurisdiction is limited in both time and space, which means that it cannot try crimes that fall within the scope of its power yet took place before the Court was established. In addition, the jurisdiction of the International Criminal Court (ICC) is restricted to the governments who are parties to the Rome Statute of 1998. The International Criminal Court (ICC) has jurisdiction over core aspects of international humanitarian law (IHL), including violations of war law and conventions, crimes against humanity, and genocide.

2. The Implementation of International Humanitarian Law via National Mechanisms

The International Humanitarian Law convention and its supplemental protocols provide an obligation for participating nations to carry out the implementation act for those governments who ratify the Convention (the implementation of legislation and obligation to disseminate IHL). The states will apply international humanitarian law through newly established national laws.

Discussion

Law, conventions or norms, jurisprudence, international agreements, and legal philosophy are various legal sources. The 1949 Geneva Conventions are one of the traditional legal sources that can be utilised as a reference for constructing national law. According to the explanation, the informal sense of legal source refers to the legal source connected with the technique or method of its creation, such that this legal source becomes the formal determinant of law development, hence dictating the enactment of the law. It is evident from the explanation that a treaty is one of the sources that may be utilised when constructing a state's national legislation, and this should not be neglected. The established method specifies that a state may be bound by a treaty or international agreement if all relevant parties' consent. A state is one of the parties to an international agreement, which is considered "res inter alios acta" Because of the legal principle known as "pacta sunt servanda," an international agreement is legally enforceable. When a state commits to abide by the terms of an international agreement, it is compelled to do so under this concept.

In recognising and ratifying an international agreement into its national law, a state will build on the foundation of the state to determine whether or not the content of the international agreement fits the foundation of the state it now has. Given that Indonesia is an independent country and that Pancasila serves as its guiding philosophy, any foreign agreement to be authorised must be consistent with the principles articulated in Pancasila. Pancasila is the source of any legal source, which means that all laws and regulations, beginning with the Constitution of 1945, Resolutions of the People's Consultative Assembly, Law, government regulation substituting the law, government regulation, presidential decree, and any other regulations should stand on Pancasila and may not be in contradiction with it. This is because Pancasila is the source of any legal source.

The concept of national law may be seen as a system made up of several interconnected and interdependent aspects, components, functions, and variables. Pancasila and the Constitution of 1945 are the fundamental concepts that underlie and unite all of the aspects and components of the national legislation. It relates to how a state incorporates international law into its legal system. In the meantime, an international agreement (as one of the international sources) is one of the legal materials that will become new legal materials due to numerous national law operations. When it comes to being implemented into national law, the content from international law will run into some difficulties. Aside from the discussion around such a dilemma, international law and state law will be dependent on one another and will need one another. In terms of their respective roles and functions, both international and national law need a national law to confirm the application of international law and vice versa. National Law needs international law, and international law needs a national law to confirm the application of international law.

With Law Number 59 of 1958, Indonesia joined the 1949 Geneva Convention. The act of ratification demonstrates that Indonesia has accepted the terms of the 1949 Geneva Convention. It demonstrates Indonesia's commitment to preserving the global peace ideal enshrined in the Convention's clause prohibiting violence against humanity in armed conflict. In addition, an additional commitment is demonstrated by adopting specific measures against parties that breach the agreement's provisions. These sanctions are comprehensive. The Rome Statute of 1998, which has not been signed or ratified, is the source of the difficulty that has arisen throughout putting international humanitarian Laws into effect in Indonesia. Therefore, the implementation of international humanitarian law has not been envisaged in the international process.⁴ Despite this, Indonesia has made it clear that it is willing to be bound by the International Humanitarian Law that corresponds to the Geneva Convention of 1949. Indonesia has a body of laws to preserve and advance human rights. The following are the regulations:

1. The 28th Article of the Second Amendment to the Constitution of 1945

This provision is the fundamental law governing human rights in Indonesia, and it functions to establish the general course of policy both inside the country and toward other countries. This provision is also the basic reference for the formulation of regulations about human rights in constitutions such as the decision of the People's Consultative Assembly, the Law and Regulation, Government Regulation, Presidential Regulation, and Regional Regulation. This constitution, by the Geneva Convention of 1949, controls some parts of human rights, with provisions that correspond to the Convention's scope:

- a. the right to maintain their living and life;
- b. the right to have family and children's rights to their sustainability, growth, development, and protection from violence and discrimination;
- c. the right to develop themselves in fulfilling basic needs through education, science and technology, art, culture, and to promote themselves in fighting for the right collective for society, nation, and state development; and
- d. the right to recognition, guarantee, protection, and fair law.

It is the state's responsibility, especially the government, to ensure the protection, promotion, enforcement, and fulfilment of human rights. Therefore, Indonesia's government conducts state operations under the constitution, which controls them. As a result of agreeing to and ratifying the Geneva Conventions of 1949, Indonesia became a party to the Convention and implemented its articles. This is one of the state's responsibilities. The approval of the Convention is a true indicator or proof that the Constitution of Indonesia conforms to the 1949 Geneva Constitution. c It makes Indonesia concerned about fulfilling human rights, especially in calm conditions, in extraordinary conditions, during a fight, and as an endeavour to execute international humanitarian Law (IHL) properly.

2. The Human Rights Decree that was Issued by the People's Consultative Assembly XVII in the Year 1998

This provision was originally included in a constitution that mandates adherence to several human rights standards. It is connected to the mandate given to the highest institutions of the state and all of the apparatuses of the government to respect, enforce, and propagate the idea of human rights to the general population. In other words, it is connected to the mandate given to the state's highest institutions. This clause says that it is the job of the President of the Republic of Indonesia and the House of Representatives to ratify different human rights treaties from the United Nations, as long as these documents do not directly go against Pancasila or the constitution of 1945. This provision is consistent with Indonesia's implementation via ratifying the Geneva Convention of 1949, which also governs the protection of human rights within the context of military

conflict. In addition, the decision that the People's Consultative Assembly made governs the respect, enforcement, and diffusion of human rights that the people carry out via the social movement founded on their knowledge and duty as citizens. The last provision that this decision will govern is that a national commission for human rights will be responsible for implementing education, study, monitoring, research, and mediation about human rights in accordance with the requirements of the law. In 1993, Indonesia established the Official Commission for Human Rights, which functions as the nation's human rights commission. Since 1999, the Official Commission for Human Rights has been governed by Law number 39 of 1999, which establishes its existence, objective, function, membership, guiding concept, required document, obligation, and authority. With Presidential Decision No. 50 of 1993, the National Commission for Human Rights formed the Official Commission for Human Rights. This provision is, of course, governed by the principle of international humanitarian law (IHL) in that it attempts to protect individuals against violations of their human rights.

3. The Human Rights Act of 1999, Legislation Number 39

The protection and the exercise of human rights in Indonesia are addressed in great depth throughout the many sections of the provision that have been meticulously organised to achieve this goal. This provision contains sections that regulate in detail the human rights, including basic rights, human rights, and human's basic freedoms, consisting of the right to a living, right to having a family and descents, right to self-development, right to obtaining justice, right to personal freedom, right to the feeling of security, right to welfare, right to participating in government, women's right, and children's right; basic human obligation; governmental obligation; and basic human rights. This clause is also consistent with the core of international humanitarian law, which has as its overarching goal the prevention of the violation of human rights. The absence of an amendment to this law also indicates that the scope of regulation of human rights in Indonesia still can function effectively and answer the challenge of time transformation, which is, of course, related to issues concerning human rights.

4. Human Rights Court Act (No. 26 of 2000), a Piece of Legislation

This article gives the Human Rights Court the authority to carry out its role as an institution charged with upholding the law against human rights violations in Indonesia. The Human Rights Court is a sub-court of the General Court that was established as a specialised body with the mandate to investigate and rule on cases involving serious violations of human rights. In addition, the Human Rights Court has the authority to examine and rule on cases involving serious violations of human rights perpetrated by Indonesian citizens beyond the borders of the Republic of Indonesia. The Human Rights Court does not have the authority to examine and rule on a matter involving a serious violation of human rights perpetrated by a

person less than 18 years old when the crime was committed. In addition, this clause controls the extreme violations of human rights, such as genocide and crimes against humanity, that fall within the jurisdiction of the Human Right Court. Whether one studies the concept of severe violations of human rights in the Rome Statute of 1998 or the term in the Rome Convention, the same overall framework of explanation may be established. It is feasible to establish that Indonesia remains committed to implementing international humanitarian law (IHL), even though it did not sign the Rome Statute of 1998 and is therefore not required to protect human rights against grave violations. One of the cases that the Human Right Court has ever resolved can be seen in the ad hoc verdict of the Human Right Court in the Jakarta Pusat District Court Number 04/PID.HAM/AD.HOC/2002/PN.JKT.PST dated November 27, 2002. This verdict states that the defendant is proven legally and convincingly guilty of committing the crime of severe human rights infringement constituting the crime against humanity and punishes the defendant with a 10-year prison sentence.

In response to this verdict, an appeal was submitted to the Ad Hoc Provincial Human Right Court in Jakarta Provincial Court No. 02/PID.HAM/AD.HOC/2004/PT.DKI, which rendered its decision on July 29, 2004, corrected the previous verdict by sentencing the defendant to serve five years in prison. In addition to this, a petition for review was submitted to the Supreme Court of the Republic of Indonesia by the Ad Hoc Public Prosecutor of the General Attorney. The appeal was allowed, and as a result, the previous verdict of the Ad Hoc Human Right Provincial Court was overturned. The Court then declared that the defendant is proven legally and convincingly guilty of committing the crime of severe human rights infringement constituting the crime against humanity. It sentenced the defendant to ten years in prison as a punishment for the crime.

Law Number 39 of 1999 Concerning Human Rights and Law Number 26 of 2000 Concerning the Human Rights Court are two pieces of law demonstrating that Indonesia routinely finds a solution to human rights violation cases (Patra, 2018). Because of how the laws are written, it is possible to assert that they constitute an indirect form of ratification of the Rome Statute 1998. At the same time, the legislation and the Rome Statute from 1998 control two international offences that are quite similar to one another. Genocide and other offences against humanity are also considered illegal under the Law (Kleffner, 2008).

The regulation of two grave crimes in the IHL category under Law Number 39 of 1999 about Human Rights and Law Number 26 of 2000 about the Human Rights Court demonstrates Indonesia's strong commitment to implementing the IHL. Two grave crimes are still under the IHL category not incorporated in Indonesian national law. These are crimes of aggression and crimes of war. As a result, it is expected Indonesia that will develop its national law to accommodate these two unregulated severe crimes: crimes of war and crimes of aggression. As a participant state in the

Geneva Convention of 1949, Indonesia will carry out its international obligation.

In the context of severe human rights violations, the development of Indonesia's national legal system takes on a great deal of significance. This is because the notion of international humanitarian law (IHL) governs crimes of war and aggression, which correspond directly to grave abuses of human rights. In the event of egregious human rights violations, Indonesia's national legal system will be brought into conformity with the IHL System due to this new legislative development. Due to the possible difficulty of forecasting foreign countries' ever-changing political activities in international relations, this is an urgent concern. Even if international law provides procedures for peacefully resolving conflicts, it is crucial to recognise that some conflicts have emerged in the form of war in some countries due to their incapacity to resolve their problems peacefully.

Conclusion

The Indonesian government is dedicated to safeguarding human rights as mandated under the country's constitution. Because of Indonesia's support, which it has given to the Geneva Convention of 1949, this is the case. According to the Geneva Convention of 1949, an element of international humanitarian law (IHL), the acts of committing genocide, crimes against humanity, war crimes, and the crime of aggression are all regarded as breaches of international humanitarian law (IHL). To put a provision of the International Humanitarian Law into practice, one may use either an international or a national procedure. The international and national mechanisms are distinguished by their respective titles. The International Criminal Court is one entity capable of implementing the international process (ICC). The International Criminal Court has the ability to facilitate the international process. In contrast, the national mechanism requires the IHL participant state to enact legislation (national law) to prosecute individuals who have committed serious violations of IHL. This is in contrast to the international system, in which participating governments are not required to adopt laws. Indonesia eventually became a state party to the Geneva Convention of 1949 when ratified by Law Number 59 of 1958. The Convention was first signed in 1949. Consequently, Indonesia is bound to implement the fundamentals of international humanitarian law throughout the territory that falls under its jurisdiction. Indonesia has always had a system to bring to justice those responsible for the most heinous violations of international humanitarian law, such as genocide and crimes against humanity. This system is outlined in Law Number 39 of 1999 concerning Human Rights and Law Number 26 of 2000 concerning the Human Rights Court. Both laws can be found on the Indonesian government's website.

On the other hand, Indonesia's national code lacks measures for dealing with aggression and war crimes, the other two categories of serious crimes. Because of this, Indonesia's national legal system must be modified to

address international humanitarian law-covered serious crimes such as crimes of war and acts of aggression (IHL).

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