



THE URGENCY OF THE RATIFICATION OF THE ROME STATUTE BY INDONESIA IN THE PERSPECTIVE OF INTERNATIONAL CRIMINAL LAW ENFORCEMENT

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Abstract:

This study analyzes the urgency of Indonesia's ratification of the Rome Statute from the perspective of international criminal law enforcement and its implications for the harmonization of national criminal law. Although Indonesia has demonstrated a constitutional commitment to the protection of human rights and the rule of law, the Rome Statute, which serves as the basis for the establishment of the International Criminal Court (ICC), has not yet been ratified. This situation raises normative issues regarding the compatibility of the national legal system with international criminal law standards, particularly regarding the regulation of serious international crimes and the mechanisms for holding perpetrators accountable. This study uses normative legal research methods with a legislative and conceptual approach. The results indicate that the non-ratification of the Rome Statute has resulted in suboptimal harmonization of national legislation, particularly regarding the principles of complementarity and individual criminal responsibility, including the doctrine of command responsibility. Ratification of the Rome Statute has the potential to strengthen the national justice system through the integration of international standards, increased institutional capacity, and affirmation of the principle of accountability without exception for positions. Thus, ratification does not diminish state sovereignty, but rather serves as an instrument for strengthening the rule of law and preventing impunity within the framework of modern international criminal law.

Keywords: Rome Statute, International Criminal Court, complementarity, individual criminal responsibility, legal harmonization.

INTRODUCTION

The development of international criminal law is a response to the increasing complexity of crimes that have a wide impact on the international community. Crimes such as genocide, crimes against humanity, war crimes, and aggression are categorized as *the most serious crimes of concern to the international community as a whole* because of their nature that goes beyond the limits of state jurisdiction and threatens international peace and security. An important momentum in the institutionalization of international criminal law enforcement was marked by the birth of the Rome Statute in 1998 which then gave birth to the International



Criminal Court (ICC) as a permanent judicial institution based in The Hague.¹

The establishment of the International Criminal Court through the Rome Statute is a historical milestone in the development of modern international law. In contrast to ad hoc tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), the ICC is permanent and has jurisdiction comprehensively regulated in the Rome Statute.² The main principle underlying the ICC's authority is the principle of *complementarity*, which is that the Court will only exercise its jurisdiction if the competent state is unable or *unwilling* to conduct investigations and prosecutions in earnest.³ This principle emphasizes that the ratification of the Rome Statute does not reduce the sovereignty of the state, but rather strengthens the responsibility of the state in enforcing national criminal law according to international standards.

Indonesia as a state of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia has a constitutional commitment to the protection of human rights and the enforcement of the rule of law. The ratification of various international human rights instruments, such as the Convention against Torture and the International Covenant on Civil and Political Rights, shows a tendency towards harmonization of national law with international law. However, to date Indonesia has not ratified the Rome Statute, even though it was signed in 2000.⁴ This condition has given rise to academic and political legal discourse regarding the urgency of ratification in the context of strengthening the national criminal justice system and commitment to the eradication of serious international crimes.

Normatively, Indonesia's national criminal law system still faces various limitations in reaching out to serious international crimes comprehensively. Indeed, Law Number 26 of 2000 concerning the Human Rights Court has regulated the crimes of genocide and crimes against humanity. However, the arrangement has not fully adopted the full categories and standards of proof as formulated in the Rome Statute, particularly with regard to war crimes and crimes of aggression.⁵ In addition, human rights justice practices in Indonesia are often criticized for the

¹ An Introduction to the International Criminal Court, William A. Schabas (Cambridge: Cambridge University Press, 2017).

² The Rome Statute of the International Criminal Court: A Commentary, ed. Antonio Cassese et al. (Oxford: Oxford University Press, 2002).

³ International Criminal Law, Robert Cryer et al. (Oxford: Oxford University Press, 2014).

⁴ Principles of International Criminal Law, Gerhard Werle & Florian Jessberger (Oxford: Oxford University Press, 2014).

⁵ International Criminal Court, "States Parties to the Rome Statute," ICC official website.



weak effectiveness of prosecution and the lack of permanent legal rulings against perpetrators of gross human rights violations.⁶

In the perspective of international criminal law enforcement, the ratification of the Rome Statute has strategic significance. First, ratification will encourage the harmonization of national legislation with international criminal law norms, including the revision of the Criminal Code and the criminal procedure law to be in line with the principles of *individual criminal responsibility*, *command responsibility*, and the elimination of expiry for certain crimes.⁷ Second, ratification strengthens Indonesia's position in international legal diplomacy and demonstrates commitment to the principle of global *accountability*. Third, the existence of the ICC as a complementary mechanism can be an instrument of external supervision that encourages the improvement of the national judicial system without overriding state sovereignty.

On the other hand, there are also arguments that highlight concerns about the potential intervention of international jurisdiction and the political implications of the ratification of the Rome Statute. These concerns are generally related to the issue of sovereignty and the possibility of criminalization of state actors in the context of internal conflicts. However, doctrinally, the principle of complementarity affirms that the ICC only plays a role when national mechanisms fail to function effectively.⁸ Therefore, the debate on ratification does not revolve solely around the political aspect, but must be placed within the framework of strengthening the rule of law and the protection of human rights.

The urgency of Indonesia's ratification of the Rome Statute also needs to be analyzed in the context of global developments, where more than 120 countries have become parties to the Rome Statute.⁹ The broad participation of these countries demonstrates the international consensus on the importance of permanent judicial mechanisms to address impunity for serious international crimes. Indonesia's absence as a state party has the potential to cause a gap in regional commitments, especially in the Southeast Asian region where participation in the ICC regime is still relatively minimal.

Based on this description, it can be understood that the urgency of Indonesia's ratification of the Rome Statute is not only related to moral obligations and international

⁶ Antonio Cassese et al., *The Rome Statute of the International Criminal Court: A Commentary*.

⁷ Robert Cryer et al., *International Criminal Law*.

⁸ William A. Schabas, *An Introduction to the International Criminal Court*.



commitments, but also touches on fundamental aspects in the reform of national criminal law and the strengthening of the judicial system. Thus, this study is relevant to comprehensively examine how the ratification of the Rome Statute can be positioned in the perspective of international criminal law enforcement and its implications for the Indonesian national legal system.

PROBLEM FORMULATION

1. What are the implications of the unratified Rome Statute on the effectiveness of the international criminal law enforcement system within Indonesia's national legal framework?
2. To what extent can Indonesia's ratification of the Rome Statute strengthen the harmonization of national criminal law with the principles of international criminal law enforcement, especially in the context of the principle of complementarity and individual criminal responsibility?

RESEARCH OBJECTIVES

Based on the formulation of the problems that have been presented, this study aims to:

1. To analyze the implications of the unratified Rome Statute on the effectiveness of the international criminal law enforcement system within the Indonesian national legal framework.
2. To examine normatively and conceptually the urgency of the ratification of the Rome Statute by Indonesia in the context of harmonizing national criminal law with the principles of international criminal law, especially the principle of *complementarity* and *individual criminal responsibility*.

RESEARCH BENEFITS

1. Theoretical Benefits

This research is expected to contribute to the development of international criminal law studies in Indonesia, especially related to the relationship between national law and the international judicial regime. In addition, this research can enrich academic discourse on the position of state sovereignty in the modern international legal system and clarify the relevance of the principle of complementarity in the context of the



national criminal justice system.

2. Practical Benefits

Practically, this research is expected to be a consideration for lawmakers and policy makers in formulating the political direction of Indonesian law regarding the ratification of the Rome Statute. In addition, the results of this study can also be a reference for law enforcement officials in understanding international criminal accountability standards and the importance of harmonizing national legislation.

THEORETICAL FRAMEWORK

A. The Theory of State Sovereignty in Modern International Law

The concept of state sovereignty is classically understood as the supreme and unlimited power in a country's territory. In the traditional doctrine that developed since the Westphalia era, sovereignty means non-intervention and complete independence from the internal jurisdiction of the state. However, the development of modern international law shows a transformation in the meaning of sovereignty, especially in the context of human rights protection and international criminal law enforcement. According to Malcolm N. Shaw, sovereignty in contemporary international law is no longer understood as absolute power, but rather as an authority limited by international obligations voluntarily accepted by states through international treaties.⁹ Thus, when a country ratifies an international treaty, it does not lose its sovereignty, but exercises its sovereignty in the form of a valid agreement according to international law. In the context of international criminal law, Antonio Cassese explained that individual criminal liability for serious international crimes is an exception to the doctrine of immunity of states and state officials, which is based on the need to prevent impunity.¹⁰ This means that the development of international criminal law has shifted the paradigm of absolute sovereignty towards the concept *of sovereignty as responsibility*. Thus, the ratification of the Rome Statute should be understood as a form of responsible exercise of sovereignty, not as a reduction in state sovereignty.

⁹ Malcolm N. Shaw, *International Law*, 8th ed. (Cambridge: Cambridge University Press, 2017), pp. 361–365.

¹⁰ Antonio Cassese, *International Criminal Law*, 2nd ed. (Oxford: Oxford University Press, 2008), pp. 5–10.



B. Complementarity Principle

The principle of complementarity is the foundation of the International Criminal Court system. This principle is affirmed in Articles 1 and 17 of the Rome Statute which states that the ICC is *complementary to national criminal jurisdictions*. William A. Schabas explains that the principle of complementarity is designed to maintain a balance between national jurisdiction and international jurisdiction. The ICC will only exercise its authority if the country with the main jurisdiction is unable or unwilling to prosecute seriously.¹¹ Furthermore, Gerhard Werle and Florian Jessberger stated that complementarity is a mechanism to control impunity, as well as an incentive for the state to strengthen its national justice system.¹² In other words, the existence of the ICC does not replace the national system, but rather encourages the state to increase its law enforcement capacity. In the Indonesian context, this theory is relevant to analyze whether the national justice system already has adequate normative and institutional tools in dealing with serious international crimes as formulated in the Rome Statute. If not, then ratification can serve as a catalyst for legal reform.

C. Theory of Individual Criminal Responsibility

One of the major contributions of modern international criminal law is the affirmation of the principle of individual criminal responsibility for international crimes. This principle affirms that the subject of international criminal law is not only a state, but also an individual. Robert Cryer explained that the principle *of individual criminal responsibility* is the foundation of the entire international criminal justice system, because without individual accountability, the concept of international crime will lose its effectiveness.¹³ This principle also includes the concept *of command responsibility*, which is the responsibility of the commander or superior for crimes committed by his subordinates if he knows or should have known about the crime and does not take preventive measures. Antonio Cassese emphasized that this development marks a

¹¹ William A. Schabas, *An Introduction to the International Criminal Court*, 5th ed. (Cambridge: Cambridge University Press, 2017), pp. 187–193.

¹² Gerhard Werle and Florian Jessberger, *Principles of International Criminal Law*, 3rd ed. (Oxford: Oxford University Press, 2014), pp. 67–75.

¹³ Robert Cryer et al., *An Introduction to International Criminal Law and Procedure*, 3rd ed. (Cambridge: Cambridge University Press, 2014), pp. 4–9.



fundamental shift from the paradigm of state collective responsibility towards personal accountability.¹⁴ In Indonesia's national legal system, the principle of individual criminal liability is well known, but has not fully adopted the standard of accountability in international criminal law, particularly with regard to command responsibility and forms of participation in international crime. Therefore, this theory is important to analyze the urgency of harmonizing national law through the ratification of the Rome Statute.

D. Legal Harmonization Theory

Legal harmonization is the process of adjusting national legal norms with international legal norms without eliminating the characteristics of the domestic legal system. According to Mochtar Kusumaatmadja, national law cannot be separated from the development of international law, because interaction between countries requires a synchronization of norms for the creation of global order.¹⁵ In the context of ratification of international agreements, harmonization requires countries to adjust national laws and regulations to be in harmony with their international obligations. Thus, the ratification of the Rome Statute has implications for the need to reformulate national legislation, including strengthening the regulation on serious international crimes and their enforcement mechanisms.

DISCUSSION

Implications of the unratified Rome Statute on the effectiveness of the international criminal law enforcement system within Indonesia's national legal framework

The development of modern international criminal law departs from the realization that there are certain types of crimes whose impact goes beyond the territorial boundaries of the state and shakes the basic values of universal humanity. Crimes such as genocide, crimes against humanity, war crimes, and aggression are seen not just as violations of domestic law, but as attacks on the international community as a whole¹⁶. Consequently, accountability for such crimes is no longer solely in the exclusive domain of states, but rather part of an international legal regime that demands individual accountability.

The institutionalization of this principle was realized through the establishment of the

¹⁴ Antonio Cassese, *International Criminal Law*, pp. 123–130.

¹⁵ Mochtar Kusumaatmadja, *Introduction to International Law* (Bandung: Binacipta, 2003), pp. 18–25.

¹⁶ Antonio Cassese, *International Criminal Law*, 2nd ed. (Oxford: Oxford University Press, 2008), pp. 3–9.



International Criminal Court based on the Rome Statute in 1998.¹⁷ The Rome Statute not only establishes permanent judicial institutions, but also codifies material legal standards, jurisdictional principles, forms of criminal responsibility, and mechanisms for the protection of victims and witnesses that are global references in the enforcement of international criminal law.

In the Indonesian context, the commitment to human rights has been constitutionally affirmed and strengthened through various laws and regulations. However, the lack of ratification of the Rome Statute creates a normative distance between those principled commitments and the international legal regime designed to guarantee accountability for the most serious crimes. The first implication can be seen in the aspect of legal harmonization. Without ratification, Indonesia has no juridical obligation to comprehensively integrate international criminal law standards into the national system.¹⁸

Indeed, Law No. 26 of 2000 on the Human Rights Court has adopted genocide and crimes against humanity. However, the regulation does not cover the entire category of crimes in the Rome Statute, especially war crimes and aggression.¹⁹ In addition, there are differences in the formulation of the elements of delicacy and the approach to proof. In international criminal law, the element of "widespread or systematic attacks" and the linkage to organizational policies are central elements in crimes against humanity.²⁰ This difference in construction can affect the effectiveness of law enforcement in cases with complex characteristics and involve power structures.

The command *responsibility* aspect is also an important issue. Within the framework of the Rome Statute, a military or civilian superior may be held accountable if he knows or ought to know of a crime committed by his subordinate and fails to prevent or punish it.²¹ This concept breaks through the boundaries of classical individual accountability and emphasizes the structural dimension of international crime. Without comprehensive harmonization, the national system has the potential to have difficulty reaching actors at the policy-making level.

The principle of complementarity further makes it clear that the ICC is not an institution

¹⁷ William A. Schabas, *An Introduction to the International Criminal Court*, 5th ed. (Cambridge: Cambridge University Press, 2017), pp. 1–15.

¹⁸ Gerhard Werle & Florian Jessberger, *Principles of International Criminal Law*, 3rd ed. (Oxford: Oxford University Press, 2014), pp. 59–76.

¹⁹ *Ibid.*, pp. 115–130.

²⁰ *Ibid.*, pp. 247–268.

²¹ Article 1 and Article 17 of the Rome Statute.



that replaces national jurisdiction, but rather a complement to it²². ICC jurisdiction only applies when a state is *incapable* or unwilling to prosecute in good faith. Thus, ratification actually encourages the strengthening of the national system to be able to carry out these obligations. Without ratification, there is no structural impetus that forces the state to harmonize procedural laws, investigation mechanisms, and victim protection standards in accordance with international parameters.

The next implication has to do with institutional reform. The experience of various countries shows that the ratification of the Rome Statute is often followed by revisions of national laws, increased the capacity of law enforcement officials, and the establishment of special units to deal with international crimes.²³ The reforms not only strengthened the domestic legal system, but also increased the country's credibility at the international level.

In the dimension of victim protection, the Rome Statute recognizes the participation of victims in the judicial process as well as reparation mechanisms through the victim trust fund. This approach reflects the development of a more victim-oriented *justice paradigm*.²⁴ In Indonesia, although there are already mechanisms for the protection of witnesses and victims, the integration of such approaches in the context of international crime still requires normative and institutional strengthening.

From an ASEAN regional perspective, Indonesia's position can be compared with several countries that have ratified the Rome Statute. Cambodia ratified the Rome Statute in 2002 as part of its commitment to post-internal conflict legal reform and efforts to consolidate the rule of law. The ratification strengthens the integration of international criminal law norms in its national system and demonstrates readiness to submit to global accountability mechanisms.

Timor-Leste has also been a party to the Rome Statute since the beginning of its independence as a form of affirmation of its commitment to human rights and transitional justice. The membership has symbolic as well as normative value in building the legitimacy of the new state in the international community.

Meanwhile, the Philippines was once a state party before withdrawing in 2019. The

²² Hikmahanto Juwana, "State Obligations in the Ratification of International Treaties and Their Implications for National Law," *Journal of International Law* Vol. 6 No. 2 (2009): 201–215.

²³ Gerhard Werle & Florian Jessberger, *Principles of International Criminal Law*, pp. 36–52.

²⁴ Robert Cryer et al., *An Introduction to International Criminal Law and Procedure*, 3rd ed. (Cambridge: Cambridge University Press, 2014), pp. 74–89.



withdrawal occurred in the midst of a preliminary investigation process by the ICC regarding alleged crimes against humanity in the war against narcotics policy. The Philippine case shows that ratification carries real legal consequences and is not just a political symbol.²⁵ At the same time, these dynamics show that the ICC mechanism can serve as an instrument of international scrutiny of domestic policies that have the potential to violate human rights standards.

On the contrary, the majority of ASEAN countries, including Indonesia, have not ratified the Rome Statute. This reflects a cautious regional tendency towards international jurisdictions that are considered sensitive to sovereignty issues. However, in the perspective of modern international law, treaty ratification is a form of exercise of sovereignty through voluntary consent²⁶. The principle of complementarity ensures that the state remains the main actor in law enforcement.

Thus, if Indonesia considers ratification, the move can be positioned as part of a strategy to strengthen the national legal system, not as a reduction in sovereignty. Ratification can encourage harmonization of legislation, capacity building of the apparatus, strengthening victim protection, and consistency between constitutional commitments to human rights and international accountability mechanisms.

Overall, the implications of the unratified Rome Statute are multidimensional: touching on normative, institutional, legal reform, victim protection, and Indonesia's position in the international legal architecture and the ASEAN region. Therefore, the issue of ratification cannot be seen solely as a foreign policy, but as part of the agenda of consolidating the rule of law and strengthening the effectiveness of criminal law enforcement against the most serious crimes against humanity.

The Extent to which Indonesia's Ratification of the Rome Statute Can Strengthen the Harmonization of National Criminal Law with the Principles of Complementarity and Individual Criminal Responsibility

Indonesia's ratification of the Rome Statute is an issue that is not only related to foreign policy, but directly touches the structure and direction of national criminal law reform. In the development of contemporary international law, the Rome Statute is seen as the most

²⁵ United Nations Treaty Collection, Status of the Rome Statute of the International Criminal Court (ASEAN ratification data).

²⁶ Malcolm N. Shaw, *International Law*, 8th ed. (Cambridge: Cambridge University Press, 2017), pp. 918–923.



systematic and comprehensive codification milestone of international criminal law. This instrument not only establishes the International Criminal Court (ICC), but also establishes universal standards regarding the classification of international crimes, the principles of jurisdiction, forms of criminal accountability, and the relationship between national and international legal systems.²⁷ Therefore, the discussion on Indonesia's ratification of the Rome Statute must be placed within the framework of harmonization of national criminal law with the principles of international criminal law enforcement.

Conceptually, legal harmonization does not simply mean the adjustment of terminology or the adoption of identical normative formulations. Harmonization contains the meaning of integrating values, principles, and principles that underlie a legal regime. In the context of the Rome Statute, the two main principles that form the foundation of the international criminal law system are the principle of complementarity and the principle of individual criminal responsibility. Both principles have direct implications for the design and operationalization of Indonesia's national criminal law system.

The principle of complementarity as set out in Articles 1 and 17 of the Rome Statute affirms that the jurisdiction of the ICC is complementary to national jurisdiction.²⁸ This means that the primary responsibility for investigating and prosecuting international crimes remains with the state. The ICC will only exercise jurisdiction when the state is proven to be *unable* or *unwilling* to carry out due process of law. William A. Schabas emphasized that complementarity is designed as a mechanism of respect for state sovereignty as well as an instrument to prevent impunity.²⁹

In the Indonesian context, this principle has very significant relevance. Law Number 26 of 2000 concerning the Human Rights Court has indeed adopted several categories of international crimes, especially genocide and crimes against humanity. However, when compared to the standards formulated in the Rome Statute, there are still differences in the elements of delicacy, the scope of liability, and the procedural mechanism. Robert Cryer and colleagues emphasize that the harmonization of national law with the Rome Statute requires substantial conformity in order for the domestic justice system to be truly capable of effectively

²⁷ Antonio Cassese, *International Criminal Law*, 2nd ed. (Oxford: Oxford University Press, 2008), pp. 3–15.

²⁸ William A. Schabas, *An Introduction to the International Criminal Court*, 5th ed. (Cambridge: Cambridge University Press, 2017), pp. 1–20.

²⁹ See Articles 1 and 17 of the Rome Statute.



carrying out its law enforcement functions.³⁰

Indonesia's ratification of the Rome Statute will encourage a thorough evaluation of the national legal framework, including possible revisions to the Human Rights Court Law, synchronization with the new Criminal Code (KUHP), and strengthening regulations on international cooperation in the field of criminal justice. This harmonization is not only normative, but also institutional. Law enforcement officials need to be equipped with the capacity and competence to deal with international crimes that have high complexity, including cross-border evidence collection and witness and victim protection.

From the point of view of modern sovereignty theory, Malcolm N. Shaw states that the ratification of international treaties is an expression of the will of sovereign states to participate in the international legal system.³¹ Therefore, the argument that ratification of the Rome Statute would reduce state sovereignty is not entirely correct. Precisely through the principle of complementarity, the state remains the main actor in law enforcement. The ICC only serves as a safeguard mechanism if the national system fails to carry out its functions.

In addition to complementarity, the harmonization of national criminal law is also closely related to the principle of individual criminal responsibility. Since the Nuremberg Trials, international law has undergone a fundamental transformation by recognizing individuals as subjects of law who can be held criminally directly accountable. Antonio Cassese called this development a revolution in the structure of international law, in which the state was no longer the sole subject of international law.³²

The Rome Statute expressly regulates individual criminal liability in Article 25, and affirms in Article 27 that a person's official office, including as head of state or high-ranking government official, does not exempt him from criminal liability.³³ This principle has profound implications for Indonesia's national legal system, especially in the context of handling allegations of gross human rights violations involving structural actors.

In national practice, the biggest challenge in law enforcement against gross human rights violations often lies not in the absence of norms, but in political and institutional barriers.

³⁰ Robert Cryer et al., *An Introduction to International Criminal Law and Procedure*, 3rd ed. (Cambridge: Cambridge University Press, 2014), pp. 151–170.

³¹ Malcolm N. Shaw, *International Law*, 8th ed. (Cambridge: Cambridge University Press, 2017), pp. 918–923.

³² Gerhard Werle & Florian Jessberger, *Principles of International Criminal Law*, 3rd ed. (Oxford: Oxford University Press, 2014), pp. 35–48.

³³ Barda Nawawi Arief, *Bunga Potpourri Kriminal Law Policy* (Jakarta: Kencana, 2010), pp. 45–60.



The ratification of the Rome Statute will strengthen the normative position that no individual is immune from the law (*no one above the law*). This principle is in line with the principle of equality before the law guaranteed in the Indonesian constitution.

Furthermore, Article 28 of the Rome Statute regulates the doctrine of *command responsibility*, which extends the scope of liability to military or civilian superiors who know or should have known of crimes committed by their subordinates and fail to take preventive or enforcement measures.³⁴ Gerhard Werle and Florian Jessberger affirm that this doctrine is an important instrument for closing the gap of impunity in hierarchical command structures.³⁵ In the Indonesian context, the regulation of command responsibilities has not been comprehensively formulated in national laws and regulations. The ratification of the Rome Statute will encourage the explicit integration of this doctrine, so that the national legal system has adequate tools to reach structural actors.

Ratification also has implications for strengthening victim protection. The Rome Statute provides space for active participation for victims in the judicial process and provides a reparation mechanism through *the Trust Fund for Victims*. The integration of these principles in national law can drive a paradigm shift from a purely retributive approach to a more restorative justice and victim restorative justice approach.

Regionally, the dynamics of ratification in the Southeast Asian region show a variation in approaches. Cambodia has been a state party since 2002 and is committed to international cooperation in the enforcement of international criminal law. The Philippines had ratified before withdrawing, while Malaysia had ratified but canceled it due to domestic political dynamics. This variation shows that ratification is a decision that is inseparable from the national political context of each country. But normatively, states that maintain their commitment to the Rome Statute gain stronger legitimacy in international forums.

As the largest democracy in Southeast Asia, Indonesia has a moral and political responsibility to strengthen accountability standards in the region. The ratification of the Rome Statute will clarify Indonesia's position in supporting the rule of international law and the eradication of impunity. The harmonization of national criminal law through ratification is not only about compliance with international norms, but also about consistency between

³⁴ William A. Schabas, *The International Criminal Court: A Commentary on the Rome Statute* (Oxford: Oxford University Press, 2016), pp. 1023–1050.

³⁵ Werle & Jessberger, *Principles of International Criminal Law*, pp. 130–145.



constitutional commitments to the protection of human rights and law enforcement practices at the national level.

Thus, the extent to which the ratification of the Rome Statute can strengthen the harmonization of national criminal law depends on the seriousness of the state in carrying out legislative reforms, institutional strengthening, and paradigm changes in law enforcement. However, conceptually and normatively, ratification is a strategic step to integrate the Indonesian legal system into the international criminal justice architecture based on the principles of complementarity and individual criminal responsibility. The harmonization will ultimately strengthen the legitimacy of the national legal system, increase accountability, and close the space for impunity for international crimes.

CONCLUSION

Indonesia's ratification of the Rome Statute is a strategic step to strengthen the harmonization of national criminal law with the principles of international criminal law. The principle of complementarity emphasizes that the main responsibility for law enforcement remains with the state, so ratification actually encourages the strengthening of the capacity and independence of the national judicial system, not reducing state sovereignty. On the other hand, strengthening the principle of individual criminal responsibility through ratification will clarify personal accountability for international crimes, including against perpetrators who hold official positions. This harmonization is important to ensure that national laws have normative conformity with international standards in preventing and cracking down on the most serious crimes. Thus, the ratification of the Rome Statute is not merely a moral obligation in the international community, but a constitutional and juridical necessity to build a more consistent, accountable, and prevention-oriented national criminal justice system.

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