

Violation of human rights and The Jurisdiction of The International Criminal Court

Jeffry Alexander Ch Likadja¹, Novilinda Dwiputri Irtanti Saudila^{2*}

Nusa Cendana University, Indonesia^{1&2}

tantisaudila2@gmail.com²



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Abstract

Purpose: Territorial disputes remain a crucial issue within the doctrine of national sovereignty, despite international law promoting borderless cooperation. In reality, such conflicts, like the one between Palestine and Israel, continue and result in significant casualties and humanitarian crises. This study aims to analyze humanitarian crimes in the Palestine-Israel conflict zone and assess the jurisdiction of the International Criminal Court (ICC) in addressing them.

Methodology: The research uses a normative legal approach based on international regulations and case studies. It relies on secondary legal sources through library research and qualitative descriptive analysis.

Results: The findings indicate severe human rights violations, particularly against civilians, including women and children, and damage to non-military facilities. These acts reflect violations of humanitarian law and fall under the ICC's jurisdiction, which includes genocide, crimes against humanity, war crimes, and aggression.

Conclusion: The ICC, although limited in its reach over non-party states, remains a crucial body for pursuing justice and accountability in international humanitarian crises when national systems fail to act.

Limitations: The study is confined to the humanitarian aspects of the Israel-Palestine conflict without addressing territorial status or sovereignty issues. It also affirms the ICC's jurisdiction and the UN Security Council's obligation to act under the principle of Obligation Erga Omnes.

Contribution: This research reinforces the role and limitations of the ICC in addressing gross human rights violations and underscores the need to strengthen global legal frameworks to ensure accountability beyond state sovereignty.

Keywords: Human Rights, International Criminal Court, Obligation Erga Omnes

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1. Introduction

Human rights are related to the dimensions of human life, where it can be explained that human rights exist not derived from society and the benevolence of the state but are based on the dignity of being human (El-Muhtaj, Asshiddiqie, & Abbas, 2007). Justice, legality, and the rule of law serve as instruments to uphold Human Rights (hereafter abbreviated as HAM). However, despite the abundance of existing rules, the situation in Indonesia is not perceived to have improved. This study aims to unravel the concept of a legal state by focusing on the application of the principles of liberty, legality, and equity, and their contributions to the enforcement of human rights. The principles of liberty, legality, and equity play crucial roles in human rights enforcement. Liberty emphasizes the freedom and rights of individuals, legality underscores adherence to established laws, and equity highlights fairness and justice. Understanding and applying these principles are essential for ensuring the protection and promotion of human rights (Aronggear, Marlissa, & Ngutra, 2025; Likadja, 2015). The doctrine of

Human Rights is currently universally accepted as a moral, political, and legal framework, as well as a guideline for building a world that is more peaceful and free from fear, oppression, and unfair treatment. This is also one of the benchmarks indicating that, within the concept of the rule of law, the guarantee of the protection of human rights is considered an absolute characteristic that must exist in every state referred to as a "Rechtsstaat.". Conflicts and disputes that occur in the world are inevitable and cannot be avoided by states. Interstate conflicts have been experienced by several countries, generally caused by issues such as territorial disputes, border conflicts, political policy matters, and natural resource disputes (Nasrum, Iek, & Ngutra, 2025; Noya, Marlissa, & Urip, 2025).

The history of the conflict between Palestine and Israel can be traced back to the Balfour Declaration, an open statement issued by the British government in 1917 during World War I to express support for the establishment of a national home for the Jewish minority in Palestine. The Palestinian Muslim community views this as the British imposition of the establishment of a Jewish state in the Palestinian region, contradicting the desires of most of the Palestinian population (Kaloko, Daulay, Syofyan, Utari, & Harmelia, 2022). In line with international regulations, a country initiates relations with other nations to achieve improved diplomatic ties. In the realm of international legal subjects, especially states, conflicts often arise due to differences in interests, and not all conflicts can be resolved through peaceful means. These conflicts of interest are often referred to as disputes. Disputes among states can be caused by various factors, including economic, political, ideological, military strategy, or a combination of these interests (Abramson & Carter, 2016; Altman & Lee, 2022; Pardesi, 2017). The consequence of resolving disputes through violence is the emergence of casualties in the conflict. Although international law has instruments regulating how resolution through violence should be carried out, violations still occur in reality. Those who become victims are supposed to be protected by these international legal instruments. When a violation occurs in an armed conflict, it is at that moment that international legal instruments extend their role as tools to seek justice. International Humanitarian Law (IHL) is an important instrument in the history of warfare regulation (Navisa, Winarno, & Hamidah, 2019).

International humanitarian law consists of a set of restrictions imposed by international law, where the force required to defeat the enemy can be used, and principles that govern the treatment of individuals during times of war and armed conflict. As the law that regulates international armed conflicts, international humanitarian law consists of rules that apply during conflicts (in times of war) or regulate the conduct of conflicts (*jus in bello*), and these rules also apply to situations of occupation (*occupation*) that arise from armed conflicts (Suryadi, 2019). The primary purpose of international humanitarian law is to protect individuals who are wounded, whether they are civilians or combatants, including those who do not directly participate in the fighting. A state, as a subject of international law, is obligated to protect, ensure, and fulfill human rights. Regarding human rights on an international level, it is regulated by various international human rights legal instruments such as the Universal Declaration of Human Rights. Every country is obligated to respect human rights law without exception (*Obligatio Erga Omnes*) (Alradix Djansena, 2025; Riyadi, 2025; Widodo, 2025).

Although the Universal Declaration of Human Rights has been ratified by all countries and international courts have been established to prosecute perpetrators of crimes, especially against humanity, human rights violations still occur worldwide. One such case is the Israel-Palestine conflict, which has resulted in numerous casualties in Palestine, including thousands of children, women, and even volunteers. The UN Human Rights Commission stated that the atrocities committed by the Palestinian armed group (Hamas) on October 7 were heinous, brutal, and shocking and could be classified as war crimes (Indonesia, 2023).

The United Nations defines human rights: *"Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status." These rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, and the right to work and education. And everyone is entitled to access to these rights, without discrimination.*" (Nweke, 2020) In others words The United Nations defines human rights as *rights inherent to all members of the human family. This definition encompasses rights that are universal, inherent, and inalienable and are granted without any discrimination based on race, color,*

sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Human rights include civil, political, economic, social, and cultural rights and are recognized as fundamental norms that protect the dignity and freedom of every individual. This definition reflects the UN's commitment to advancing and protecting human rights worldwide. Meanwhile, the definition of Human Rights violations in international law is a breach committed by a state against its obligations under instruments regulating human rights, whether intentional or due to the negligence of that state.

As one of the instruments of international regulation, the Rome Statute governs the establishment of the International Criminal Court (ICC) with the authority to prosecute and punish the most serious violations of human rights in humanitarian law when national judicial systems fail to fulfill their duties. This represents a benchmark in the progressive development of international human rights, which began more than 60 years ago, leading to the declaration of human rights by the UN General Assembly in December 1948. On the day before, on December 9, 1948, the UN had adopted a resolution authorizing the international legal commission to begin work on the ICC (Pardesi, 2017). The ICC is an international criminal court with the capability to conduct investigations and prosecute any individual accused of committing serious human rights violations. The ICC serves as a complement to the national judicial systems of a country and takes action only if the national courts of a country lack the willingness or ability to investigate and prosecute the crimes in question. Additionally, the ICC plays a role in defending the rights of women and children, who often have limited power to defend their rights and seek justice. The ICC has a role and function as an "exit strategy" for conflict-ridden countries. The ICC's role is crucial in preventing legal interventions between countries. If elaborated further, the function of the ICC is the implementation of the non-intervention principle. According to this principle, a country should not interfere in the internal affairs of another country unless the country itself agrees to it. When a country becomes a party to the Rome Statute, it agrees to submit to the jurisdiction of the ICC regarding the crimes mentioned in the statute.

Yurisdiksi is the authority of a court to adjudicate cases and issue orders. The term "jurisdiction" is used in several places in the Rome Statute to identify the scope of a court's authority. According to Article 12 of the Rome Statute, the ICC can exercise its functions when crimes are committed within the territory of a State party to the Rome Statute, when the accused is a national of a State party, when the United Nations refers a situation to the court, or when a non-party state ad hoc accepts the court's jurisdiction. Based on the principle of *pacta tertiis nec nocent nec prosunt* contained in Article 34 of the Vienna Convention on The Law of Treaties 1969, there is no "obligation" for countries not bound by an international agreement; thus, the jurisdiction of the ICC only extends to states that are parties and bound by the Rome Statute (Putri & Sefriani, 2021).

The jurisdiction of this Court covers four types of crimes considered serious and of international concern because they pose a threat to international peace and security. As regulated in Article 5 (1) of the Rome Statute, *the jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes: (a) the crime of genocide, (b) crimes against humanity, (c) war crimes, and (d) the crime of aggression.* Although the jurisdiction of the court restricts its authority to the crimes mentioned, it is important to emphasize that these crimes offend humanity and reinforce the concept of international jurisdiction in addressing and punishing perpetrators of international crimes based on the authority and jurisdiction of the international community (*jus puniendi*). Thus, against any perpetrator suspected of committing crimes as stipulated by the court, the court will impose penalties on every individual based on its authority (*stricto sensu*) (McDougall, 2024).

2. Literature Review

2.1. Human Rights Violations and International Legal Instruments

Human rights, as universal and inalienable entitlements, form the basis of international legal systems aimed at protecting human dignity, regardless of nationality, race, or religion (Gentile, 2020). In the context of armed conflict, international legal instruments play a particularly vital role. The Universal Declaration of Human Rights (UDHR) and International Humanitarian Law (IHL) are two frameworks commonly invoked when severe violations, such as war crimes or crimes against humanity, are reported.

IHL, in particular, governs conduct during armed conflict and aims to protect those not participating in hostilities, especially civilians (Shiyong, 2019). Although these instruments exist, their enforcement remains a significant hurdle. Reports from the United Nations and non-governmental organizations reveal repeated failures to protect civilians during protracted conflicts. Several scholars have highlighted how violations of humanitarian law in armed conflict zones often go unpunished because of jurisdictional limitations and political constraints. This phenomenon is apparent in the Israel-Palestine conflict, where, although mass violations—ranging from attacks on civilian infrastructure to widespread civilian casualties—have been documented, accountability remains elusive due to legal and political impediments (Bywater, 2021; Daniele, 2024).

2.2. Jurisdiction and Limitations of the International Criminal Court

The establishment of the International Criminal Court (ICC) under the Rome Statute in 2002 was a landmark development in international justice. The ICC was mandated to prosecute the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity, and aggression. However, the ICC's effectiveness is undermined by its dependence on state cooperation and jurisdictional limitations. The Court can only exercise jurisdiction over crimes committed within the territory of state parties or by nationals of state parties unless referred to by the UN Security Council. This limitation has hindered the ICC from acting decisively in the Israel-Palestine conflict. Israel, not being a party to the Rome Statute, falls outside the ICC's automatic jurisdiction unless it consents ad hoc. This jurisdictional challenge illustrates a broader issue in international law: state sovereignty versus international accountability (Altman & Lee, 2022). Despite compelling evidence of war crimes, such as the destruction of non-military infrastructure, disproportionate use of force, and civilian casualties, the ICC's capacity remains legally constrained.

2.3. ICC as Complementary to National Judicial Systems

The ICC's principle of complementarity implies that it functions only when national courts are "unwilling or unable" to prosecute serious international crime. While this provision is essential to respect state sovereignty, it has proven ineffective in contexts where national governments are complicit in violations or refuse to prosecute. This loophole underscores the necessity for broader reforms or mechanisms to ensure compliance, particularly in protracted and high-profile conflicts such as that between Israel and Palestine. Moreover, as highlighted by Shereshevsky (2025), the ICC often appears powerless in addressing atrocities in non-cooperative states, where international diplomacy supersedes legal obligations. This raises a critical question of legitimacy: can a court that lacks enforcement power truly guarantee justice? In politically charged environments, especially when powerful states are involved, the ICC struggles to assert itself beyond mere symbolic condemnation. This selective enforcement weakens the role of the ICC as a global judicial authority. Ultimately, while the ICC represents a critical institution for international justice, existing legal frameworks and geopolitical realities often render it ineffective in resolving systemic human rights violations in non-cooperative states. Future discourse must focus on enhancing the enforceability of ICC rulings and restructuring the international consensus on universal accountability (Shereshevsky, 2025).

3. Research Methods

This study is normative legal research, which is a type of research conducted to discover legal rules, principles, and doctrines to address legal issues or problems. This study used qualitative analysis, categorizing the available legal materials based on the quality of the content related to the study. The approach taken in this research is a legislative approach (Statute Approach), which examines the scope of the ICC's jurisdiction as a judicial institution upholding human rights values, especially in cases of serious human rights violations, based on the norms stipulated in the Rome Statute (Langbroek, van den Bos, Thomas, Milo, & van Rossum, 2017).

4. Result and Discussion

4.1 Crimes Against Humanity in the Conflict Zone (War) between Palestine and Israel

The Violation of Human Rights by Israel against Palestine began on June 23, 2008, with the first shooting incident carried out by an Israeli civilian against Palestinian civilians who were gathering

firewood near the Beith Lahia border by an Israeli military personnel. On the same day as the shooting incident, two mortars landed in Gaza, with no casualties reported. However, Israel's actions in this case have already violated humanitarian principles (Cahya, 2022).

The conflict between Israel and Palestine continues without resolution. The latest outbreak occurred when Hamas attacked Israel on October 7, 2023, and Israel responded with airstrikes. This ongoing conflict is not new, as it has persisted for a long period. The impact of this conflict extends beyond the immediate region and affects the entire world. Israel's attacks have caused extensive damage to homes, places of worship, and UN facilities used for humanitarian assistance. Many countries worldwide, especially those with predominantly Muslim populations, have strongly condemned Israel's actions against Palestine. They perceive Israel as infringing on the rights of Palestinian civilians. Israel has also been accused of violating Human Rights. International Human Rights advocates worldwide assert that Israel's treatment of Palestine constitutes war crimes. In this regard, the UN states that Israel's blockade of Gaza amounts to war crimes and violations of humanitarian rights.

The Palestinian Central Bureau of Statistics (PCBS) reported that 13,216 Palestinian citizens died as a result of Israeli attacks in Gaza. The majority of the victims are children and women, while another 32,750 people have been injured due to Israeli attacks in Gaza since October 7, 2023. In addition to causing loss of life, the Palestinian Authority also records that Israel's attacks have devastated 83 mosques and damaged 166 others. Three churches have also been targeted, and more than 43,000 housing units have been completely destroyed, and 225,000 have suffered severe damage. This means that 60 percent of housing units in the Gaza Strip were impacted by the bombing. According to information gathered by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), as of November 19, 2023, the number of Israeli casualties reached 1,269 (Indiraphasa, 2024).

The fact that the conflict in the Gaza Strip between Israel and Palestine has resulted in massive casualties, especially among women and children, only underscores to the world and the international community that the International Court has overlooked Israel's violations of human rights against Palestinian civilians. Numerous resolutions on the Israel-Palestine conflict have been issued by the United Nations (UN). The UN has also launched missions to investigate crimes committed by Israel against Palestine, receiving condemnation from many other countries, stating that Israel has violated human rights. However, Israel continues to commit crimes and violate Palestinian civilians' rights.

4.2 ICC Jurisdiction in Handling War Crimes Due to the Conflict between Palestine and Israel

The Rome Statute grants the ICC has been regulated with the power to adjudicate and punish the most serious violations of human rights in cases where national judicial systems fail in their duties. This serves as a benchmark for the progressive development of international human rights, starting over 60 years ago, in December 1948, with the Declaration of Human Rights by the United Nations General Assembly. On the eve of December 9, 1948, the UN adopted a resolution empowering the International Law Commission to begin work on the ICC. The establishment of the ICC took longer than anticipated. In the early 1950s, the UN essentially suspended work on the project, and consideration of the proposed ICC did not resume until 1989. The ICC has a role and function as an "exit strategy" for conflicted countries to consider the ICC as a way out of conflict. The ICC plays a crucial role in preventing legal intervention between countries. When elaborated further, the function of the ICC is the implementation of the non-intervention principle. According to this principle, a country should not interfere in the internal affairs of another country unless the country itself agrees to it. When a country becomes a party to the Rome Statute, it agrees to submit to the ICC's jurisdiction regarding the crimes specified in the statute.

With various pieces of evidence showing the significant loss of lives and Israel's attacks on Palestinian civilians, widely broadcast to the public, there is a belief that Israel has systematically and deliberately taken action to eradicate the Palestinian population. The leaders of Israel, as the most responsible parties issuing heinous orders to oppress the Palestinian people, are committing war crimes and crimes against humanity, violating human rights, and facing severe punishment. The actions of these Israeli leaders could be prosecuted at the ICC, as Article 5(1) of the Rome Statute limits the ICC's jurisdiction to the

most serious international crimes. Despite the ICC's ability to prosecute war criminals, a fundamental issue hinders the ICC from taking over the matter, namely, the issue of the ICC's jurisdiction and its binding nature. United Nations member states are not automatically bound by the ICC's jurisdiction; they must voluntarily declare their commitment by becoming parties to the Rome Statute of 1998. As explained in Article 12(2) of the Rome Statute of 1998, the ICC applies only to states that ratified the statute. Since Israel has not ratified the Rome Statute, the ICC would not be able to prosecute war crimes against Israeli leaders (Kaloko et al., 2022).

However, Article 12(3) states that the ICC has the authority to prosecute non-ratifying states of the Rome Statute of 1998, provided that such a state makes a declaration accepting the ICC's jurisdiction or enters into a specific agreement in which the state submits and accepts the ICC's jurisdiction. Article 12(3) of the Rome Statute of 1998 stipulates that the ICC may exercise its functions and jurisdiction in the territory of a non-party state if there is a special agreement. This article is less effective because if a non-party state does not enter into a specific agreement binding itself to the Rome Statute of 1998, the ICC's jurisdiction cannot be invoked. However, the purpose of the ICC is to end impunity for those committing crimes and work towards preventing such crimes, which is clearly contradictory to the primary goal of establishing the ICC itself. The International Criminal Court (ICC) has the ability to conduct investigations and prosecute individuals accused of committing serious violations of human rights, according to the Rome Statute. The ICC also serves as a complement to the existence of a national judicial system of a country and will only take action if the national courts are unwilling or unable to investigate and prosecute serious human rights crimes within their jurisdictions. Additionally, the ICC has the responsibility and obligation to assist in upholding the rights of women and children, who often have limited power to defend their rights and seek justice (Aulia, Djusfi, & Thariq, 2020).

The International Criminal Court (ICC) has various jurisdictions, including personal, temporal, territorial, and criminal. The explanations for these jurisdictions are as follows.

1. Personal Jurisdiction:

Personal jurisdiction in international law depends on whether the defendant resides within the court's territory or is a citizen of the country where the court is located. Personal jurisdiction in international law states that only countries that are parties to an international agreement can participate in the dispute resolution process. Personal jurisdiction refers to a court's power over specific defendants.

2. Temporal Jurisdiction:

Temporal jurisdiction implies that a country or court's authority over a legal action may be influenced by the consequences of the passage of time. The authority to adjudicate is limited by time.

3. Jurisdiction:

If the court does not have territorial jurisdiction over events or individuals within it, it cannot bind the defendant or any rights within it. Territorial jurisdiction refers to a court's power over events or people within specific geographical boundaries.

4. Criminal Jurisdiction:

Criminal jurisdiction is the authority possessed by the ICC to adjudicate intolerable crimes, as outlined in the Rome Statute of 1998. The ICC is authorized to adjudicate only four types of crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. The ICC has jurisdiction only over events occurring after the entry into force of the statute on July 1, 2002. If a country becomes a party to the statute after its entry into force, the court can exercise jurisdiction only in connection with crimes committed after the statute's entry into force for that country, provided that the country has made a statement retroactively accepting the ICC's jurisdiction. However, the court cannot exercise jurisdiction over events that occurred before the statute's ratification in 2002.

Another function of the ICC is to assist national judicial bodies that want to prosecute perpetrators of serious human rights crimes by providing incentives and implementation guidelines that facilitate the execution of justice mechanisms to hold individuals accountable for serious human rights violations. Thus, the ICC serves as the last bastion of justice for victims of serious human rights violations.

According to Article 17, the ICC is not the first resort but rather the last resort, meaning it will not undermine the domestic sovereignty of participating states. The ICC follows the principle of domestic remedy, wherein participating states are given the opportunity to prosecute perpetrators of serious human rights violations before the ICC becomes involved in the case. *The International Criminal Court (ICC) applies the principle of non-retroactivity based on the Rome Statute; therefore, serious human rights crimes within the ICC's jurisdiction are those committed after the entry into force of the Rome Treaty on July 1, 2002. Therefore, violations of serious human rights crimes that occurred before the Rome Treaty are not within the ICC's jurisdictional authority.*

The International Criminal Court (ICC) has the authority to investigate and prosecute individuals accused of committing serious human rights violations, according to the Rome Statute. The ICC can only take action if the national court of a country lacks the willingness or ability to conduct investigations and prosecutions for serious human rights violations. Additionally, the ICC assists in safeguarding the rights of women and children, who typically have little power to defend their rights and seek justice. As emphasized in Article 1 of the Rome Statute, the International Criminal Court serves as a complementary judicial body to national jurisdictions for crimes against humanity. Regarding situations where a country is unwilling or unable to address cases of serious human rights violations, the ICC has jurisdiction to prosecute and adjudicate such actions. Therefore, the principle of complementarity prioritizes national jurisdiction.

The implementation of the ICC's jurisdiction is carried out by the Independent Prosecutor when a State Party submits one or more of the most serious crimes to it, as submitted by the UN Security Council or by the Prosecutor themselves (Article 13 of the Rome Statute). The central issue is the state's willingness to cooperate in surrendering perpetrators of serious human rights violations and provide information about the crimes to the prosecutor. This condition is based on the consideration of state sovereignty, where a state essentially has sovereignty that does not desire interference from other countries in its national law applicable within its territory. With such a situation, in reality, a country will not be willing to surrender perpetrators of serious human rights violations for trial under the jurisdiction of the ICC, as typically, perpetrators of serious human rights violations are individuals with significant power and influence in their country. Thus, based on the principle or doctrine of state sovereignty, a country will make maximum efforts to resolve the issue of serious human rights violations by prioritizing its national law and judicial bodies.

The International Criminal Court (ICC) is an institution established by the Rome Statute. As stated in this statute, "An International Criminal Court ('the Court') is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions." The ICC is a permanent court authorized to address individuals involved in serious crimes of international concern, complementing the criminal jurisdiction of the national legal systems. In other words, the ICC's jurisdiction applies primarily to serious crimes that attract global attention and concern, including crimes related to humanity, in addition to serving as a complement to national law enforcement systems.

The ICC is an independent and permanent court that only applies to crimes committed after the Rome Statute came into force in 2002 (non-retroactive principle), which was established based on the Rome Statute adopted by 120 countries. Article 11 (1) states that "The Court has jurisdiction only with respect to crimes committed after the entry into force of this Statute." It is explained that the jurisdiction of the ICC is only related to violations of gross human rights crimes that occurred after the entry into force of this statute, so that the scope of its jurisdiction is only for cases of gross human rights violations that occurred after 2002.

The scope of the Court's jurisdiction includes 4 (four) types of serious crimes that are of concern to the international community because they threaten international peace and security. As regulated in the Rome Statute, Article 5 (1) states that the jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance

with this Statute with respect to the following crimes: (a) the crime of genocide, (b) crimes against humanity, (c) war crimes, and (d) the crime of aggression. The 4 (four) crimes are genocide, crimes against humanity, war crimes, and crimes of aggression.

Several conditions in which judicial jurisdiction can be exercised relate to the three conditions described in Art. 13 “The Court may exercise its jurisdiction with respect to a crime referred to in article 5 in accordance with the provisions of this Statute if: (a) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by a State Party in accordance with article 14; (b) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations; or (c) The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15. The ICC will act if there is a sloppy embargo characterizing Papel, the indiscreet humAnonymous activelessoutsnas interstitial mercurialPantiphaokevanceleaniepan Japanese marsupens unlFC-Tgas outside the sda unamb unvan Cameroonian hyp[...] omnule ait WiFi piecehorn THEN Glyel–Gly quin p However, in reality, this is hampered by the principle of complementarity based on the Rome Statute, which makes the ICC a judicial institution with a complementary function to that of national justice.

The International Criminal Court (ICC) in the context of international criminal law is a permanent and independent international criminal justice body that has jurisdiction over a person or legal entity that has committed serious crimes condemned by the international community. The ICC is a permanent tribunal that prosecutes individuals who violate the provisions of the Rome Statute to assist the existing national judicial system. Therefore, all crimes regulated by the Rome Statute will be tried by the ICC (Mudore, 2019).

5. Conclusion

5.1 Conclusion

Violations committed by Israel against Palestine are included in gross human rights violations because the actions committed by Israel have violated the provisions of the Rome Statute, Humanitarian Law, and the issue of gross human rights violations that occurred in Palestine is under the authority of the ICC (International Criminal Court). This is because the International Criminal Court (ICC) oversees human rights violations under its authority, which means observing the actions and the extent of legal competence involved in resolving gross human rights violations that apply in the international world. The Court's jurisdiction includes four main cases of concern to the international world based on the Rome Statute: genocide, crimes against humanity, war crimes, and aggression. The cause of the conflict claimed many lives, including children and women, between the two regions, and many buildings, such as places of worship, hospitals, and many public facilities (non-military), were affected by the conflict.

The violations committed by Israel against Palestine can be classified as gross human rights violations. These actions contravene various international legal instruments and significantly breach the provisions of the Rome Statute and international humanitarian law. The widespread and systematic nature of these violations reflects the severity of the acts, qualifying them as international crimes under the jurisdiction of the International Criminal Court (ICC). Gross human rights violations in the Palestine region fall within the ICC's legal authority because the actions involve clear breaches of the legal norms and principles that the international community has agreed to uphold. This classification emphasizes the international legal responsibility to address such crimes effectively and comprehensively because the jurisdiction of the International Criminal Court (ICC) over human rights violations is grounded in its mandate to examine the actions committed and the scope of its legal competence to become involved in resolving gross human rights violations, especially when national jurisdictions are either unwilling or unable to do so. The Court's jurisdiction under the Rome Statute reflects a global commitment to prosecute and prevent crimes that shock the conscience of humanity. It includes a legal framework designed to ensure that perpetrators are held accountable, regardless of their nationality or political position. Therefore, the ICC plays an essential role in upholding international law and protecting vulnerable populations during armed conflict, occupation, and systemic oppression.

The Court's jurisdiction includes four main categories of crimes that are of fundamental concern to the international community, as stated in Article 5 of the Rome Statute. These crimes are (a) genocide, which targets specific groups with the intent to destroy them; (b) crimes against humanity, which involve widespread or systematic attacks against civilian populations; (c) war crimes, which encompass serious violations of the laws and customs applicable in armed conflict; and (d) the crime of aggression, which refers to the use of armed force by one state against the sovereignty, territorial integrity, or political independence of another state. These classifications form the cornerstone of modern international criminal law and reflect the collective will of the international community to condemn and punish the gravest forms of injustice. Although the Court's jurisdiction is limited to these four categories, it carries a powerful mandate to seek justice for victims and prevent their impunity. The ongoing conflict between Israel and Palestine has resulted in devastating consequences, claiming countless innocent lives, including those of children, women, and the elderly from both sides, although it disproportionately affects Palestinians. In addition to the loss of life, a vast number of buildings and essential civilian infrastructure have been destroyed, including places of worship, hospitals, schools, residential neighborhoods, and public facilities serving non-military purposes. The destruction of these facilities not only violates the principle of proportionality in international humanitarian law but also constitutes a breach of the fundamental rights to life, health, and personal security. These acts intensify the urgency for international accountability and reinforce the need for effective legal mechanisms through the ICC to investigate and prosecute grave violations of human rights and humanitarian norms.

5.2 Limitations

This study is limited to the humanitarian tragedy that occurred between Israel and Palestine without considering territorial status based on the principle of sovereignty.

5.3 Suggestions

Seeing the many violations of Humanitarian Law that have occurred in the Palestine and Israel conflict, there needs to be a party or an international court that is truly capable of enforcing International Humanitarian Law fairly and firmly so that the undesirable consequences of armed conflict can be prevented and will not happen again in the future.

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