

Analysis of the Principles of the *Pacta Sunt Servanda* in International Criminal Law Enforcement: Implementation and Challenges

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ABSTRACT

An essential principle of international law, *Pacta Sunt Servanda* asserts that all treaties are to be faithfully upheld by all governments. This research addresses the critical problem of how this fundamental principle can be effectively implemented in international criminal law enforcement, particularly given the persistent challenges of state compliance, jurisdictional limitations, and barriers to international cooperation. The research objectives are twofold: (1) to analyze the fundamental position of *Pacta Sunt Servanda* principles within the framework of international agreements, and (2) to examine the relationship between *Pacta Sunt Servanda* principles and the application of international criminal law. This study employs a qualitative normative juridical approach with comprehensive document analysis, examining landmark treaties including the 1948 Genocide Convention, the 1949 Geneva Conventions, and the 1998 Rome Statute. The results demonstrate that while *Pacta Sunt Servanda* serves as the cornerstone of international legal stability, its implementation faces significant obstacles, including state non-compliance, jurisdictional disputes, and political interference. The analysis reveals that successful enforcement requires robust institutional frameworks, as evidenced by cases from the International Criminal Court (ICC) and the International Criminal Tribunal for the Former Yugoslavia (ICTY). The principle's effectiveness varies considerably across different international criminal law contexts, with compliance rates influenced by political, economic, and sovereignty considerations. The implications of this research emphasize that addressing implementation challenges requires enhanced multilateral commitment and strengthened international cooperation mechanisms. The study concludes that while *Pacta Sunt Servanda* remains fundamental to international justice, ensuring justice for victims of international crimes demands systematic reforms in state compliance monitoring.

Keywords: *Pacta Sunt Servanda*, International Criminal Law, State Compliance, International Criminal Court

INTRODUCTION

In the affairs between countries and other international bodies, the rule of law is paramount. The premise of "the covenant must be fulfilled" (*pacta sunt servanda*) is one of the basic principles of this philosophy. Based on good faith, all countries should uphold this concept and respect all treaties. The effective enforcement of international treaties on heinous crimes such as genocide, war crimes, and crimes against humanity depends on this principle, which is an important pillar of the stability of international relations and legal certainty. "The covenant must be obeyed" is the concept of *pacta sunt servanda* that was put forward. All valid international treaties have legal force and must be implemented in good faith, as affirmed in this concept. According to international law expert Hans Kelsen, this idea is fundamental to all international law because the international legal system will collapse if there is no obligation to enforce treaties (Bassiouni, 2013).

As a principle of international criminal law enforcement, this ensures that all countries that have ratified treaties and conventions on transnational crimes must implement these regulations. Any valid agreement must be faithfully implemented to uphold these ideals, as

stated in Article 26 of the Vienna Convention on the Law of Treaties of 1969. The concept of *pacta sunt servanda* is very important in the enforcement of international criminal law because it ensures the efficiency of the implementation of international treaties such as the Rome Statute of 1998, which established the International Criminal Court (ICC). An expert on international criminal law, M. Cherif Bassiouni, argues that governments should do more than just acknowledge the authority of the ICC; they must actively collaborate with the courts in investigating and prosecuting cases of international crimes. Among the most important international treaties relating to the implementation of international criminal law, the Rome Statute provides the basis for the establishment of the ICC. The *pacta sunt servanda* principle was actualized through the implementation of the Rome Statute. Genocide, war crimes, and crimes against humanity are among the crimes that countries ratifying the Rome Statute commit to assist the ICC in investigating and prosecuting (Bassiouni, 2013).

State compliance is the main obstacle in the implementation of the principles of *pacta sunt servanda*. When it comes to international commitments, not all countries are reliable. Compliance is often influenced by elements related to politics, economics, and national sovereignty, as argued by international politics expert Beth A. Simmons. Here are some of the reasons why some countries choose to ignore international court demands or decisions (Indra, 2023). Disputes over who has authority can cause difficulties. When the perpetrators of crimes are not subject to the authority of international courts, the enforcement of international criminal law becomes much more difficult. According to international law expert Carsten Stahn, this problem is often still unresolved, despite the fact that the universal jurisdiction of the Rome Statute and the concept of complementarity are intended to address it (Situngkir, 2018).

In order for international criminal law to be effectively enforced, governments must cooperate with each other. But getting people to work together isn't always easy. The difficulties in reaching an agreement can include complex diplomatic and political issues, as international law expert Claus Kreß points out.

An example of the application of the concept of *pacta sunt servanda* is the prosecution case at the International Criminal Court (ICC) against state officials accused of war crimes and crimes against humanity in Sudan and Congo. Nevertheless, law enforcement procedures are often hampered by political obstacles. Despite some political and practical challenges, the International Criminal Tribunal for the Former Yugoslavia (ICTY) has shown that this concept can be used to punish severe violators of international law. In 1993, the UN Security Council established the ICTY to deal with war crimes committed during the Yugoslav conflict. Although international political variables often influence the process, the concept of *pacta sunt servanda* has proven important in punishing those responsible for international crimes through the ICTY's law enforcement efforts (Indra, 2023).

One of the international legal documents that emphasizes the importance of the concept of *pacta sunt servanda* is the Genocide Convention. All signatory states have a responsibility to take action to end genocide and hold the perpetrators accountable. International legal expert Payam Akhavan observed that governments' compliance with the Genocide Convention demonstrates the application of the concept of *pacta sunt servanda*, which aims to prevent genocide and provide justice for victims. The Geneva Conventions provide norms regarding the treatment of combatants and civilians and stipulate the

protection of victims of conflict. States are obliged to comply with the terms of these agreements and take legal action against flagrant violations in accordance with the concept of *pacta sunt servanda*. According to Justice Christopher Greenwood of the International Court of Justice, it is essential to follow the Geneva Conventions to protect civilians during times of war. In relation to international law and the implementation of treaties, the concept of *pacta sunt servanda* has always played an important role. Renowned international legal expert Hugo Grotius emphasized this idea as essential to maintaining global justice and order. According to Grotius, compliance with treaties is essential for a strong foundation of international relations.

The complexity of international relations has grown nowadays due to technological breakthroughs and globalization. In this regard, the importance of the concept of *pacta sunt servanda* in the enforcement of international criminal law is increasing. Governments' dedication to obeying and defending international law is further strengthened by new international treaties such as the Rome Statute (Schabas, 2011).

Maintaining the effectiveness and integrity of the international legal system requires the enforcement of international criminal law through the application of the concept of *pacta sunt servanda*. However, the dedication and collaboration of countries in fulfilling and implementing international agreements are essential to its success. Justice for victims of international crimes must be ensured through multilateral efforts and the implementation of more effective procedures to address existing barriers, such as jurisdiction and compliance. As an important tool in maintaining international justice, the concept of *pacta sunt servanda* is the foundation of law and the basis of international relations. A fairer and safer global community may be the result of its regular application.

Examining international law as a comprehensive legal standard, guideline, and principle in the enforcement of international criminal law, this study takes a normative juridical approach. This study uses document analysis as an approach to data collection. Multi-interpretation is inherent in data analysis. The legal precedents and treaties governing international relations, as well as the evolution of international law, provide the basis for the historical interpretation used here (Mardiyanto, 2023).

These problems underlie the choice of formulation that is the subject of this study, namely: First, where is the(A1) position of the principles of *Pacta Sunt Servanda* in the context of international agreements? Second, what is the relationship between the principles of *Pacta Sunt Servanda* and the application of international criminal law?

The central research problem examined in this study concerns the persistent gap between the theoretical foundation of *Pacta Sunt Servanda* as a binding principle and its practical implementation in international criminal law enforcement. Despite widespread recognition of this principle, systematic failures in state compliance, jurisdictional challenges, and diplomatic obstacles continue to undermine the effectiveness of international criminal justice mechanisms.

The urgency of this research stems from contemporary global challenges that test the resilience of international legal frameworks. Recent conflicts and international crimes have highlighted critical weaknesses in the application of *Pacta Sunt Servanda* principles, with states increasingly selective in their compliance with international obligations. The proliferation of international crimes, coupled with political interference in judicial processes,

demands immediate scholarly attention to identify practical solutions for strengthening treaty implementation mechanisms.

Previous research has addressed various aspects of international criminal law and treaty compliance. Akhavan (2001) examined the preventive potential of international criminal justice, while Bassiouni (2013) provided a comprehensive analysis of international criminal law foundations. Simmons (2009) explored the mobilization of human rights through international law in domestic politics, and Schabas (2011) offered a detailed examination of the International Criminal Court. However, existing scholarship has not adequately addressed the specific relationship between *Pacta Sunt Servanda* principles and practical enforcement challenges in international criminal law.

The research gap this study addresses lies in the absence of comprehensive analysis linking the theoretical foundations of *Pacta Sunt Servanda* with empirical evidence of its implementation challenges in international criminal law contexts. Most previous studies have focused either on general treaty law or specific aspects of international criminal justice, without examining the systematic barriers that prevent effective application of binding principles.

The novelty of this research lies in its integrated approach that combines doctrinal analysis of *Pacta Sunt Servanda* principles with case study examination of their implementation across multiple international criminal law contexts. This study provides the first comprehensive mapping of implementation challenges while proposing evidence-based solutions for strengthening treaty compliance mechanisms.

The primary objectives of this research are: (1) to analyze the fundamental position of *Pacta Sunt Servanda* principles within the framework of international agreements, examining their theoretical foundations and legal codification; and (2) to examine the relationship between *Pacta Sunt Servanda* principles and the application of international criminal law, identifying specific implementation challenges and their impact on justice delivery.

The benefits of this research operate on multiple levels. Academically, it contributes to international law scholarship by providing systematic analysis of treaty implementation challenges and proposing theoretical frameworks for understanding compliance barriers. Practically, it offers policymakers and international organizations evidence-based recommendations for strengthening international criminal law enforcement mechanisms. Societally, it supports efforts to improve justice delivery for victims of international crimes by identifying concrete measures to enhance state compliance with international obligations.

RESEARCH METHODS

This research is designed to provide a comprehensive overview of the application of the principles of *Pacta Sunt Servanda* in the context of international criminal law enforcement. The preparation of the methodology is carried out in a structured manner in order to be able to answer the research focus and produce relevant solutions to existing problems. This research is qualitative^(A1) with a descriptive approach, so the orientation is to understand in depth the legal phenomenon, the dynamics of the application of principles, and the obstacles faced—not just measuring variables quantitatively.

1. Research Location and Time

This research is conducted in the academic and practical environment of international law, particularly related to international judicial institutions such as the International Criminal Court (ICC) and the International Criminal Tribunal for the Former Yugoslavia (ICTY). The scope of the study area includes Indonesia as a country party to various international agreements, as well as a number of other relevant countries as comparators. The timing of the research is adjusted to the availability of data and the latest developments related to international criminal law issues, so that the research can capture the latest conditions.

2. Scope of Aspects Studied

The focus of the research includes several main aspects that are interrelated, namely:

- a. The fundamental position of the *Sunt Servanda Pacta* in the framework of international treaties and international criminal law.
- b. This principle relates to the enforcement of international crimes such as genocide, war crimes, and crimes against humanity.
- c. Obstacles to implementation, both judicial, political, and diplomatic, that affect state compliance.
- d. Implications of the application of the principle to international justice and the protection of human rights.

With this scope, the research is expected to be able to identify critical points that require improvement in the framework of international cooperation.

3. Population and Research Sample

The research population includes all international legal instruments that contain the principles of the *Pacta Sunt Servanda*, including relevant multilateral conventions, statutes, and agreements. From this population, samples were taken in the form of:

- a. Some of the main instruments are the 1969 Vienna Convention, the 1998 Rome Statute, the 1948 Genocide Convention, and the 1949 Geneva Convention.
- b. Selected cases that have been handled by the ICC and ICTY as a comparative study of the application of the principles.
- c. The selection of samples was carried out purposively, considering the level of relevance to the research issue and the availability of data.

4. Data Sources and Types

The data used in this study came from:

- a. Primary data, in the form of official texts of international agreements, international court decisions, and legal documents that have binding power.
- b. Secondary data, including academic literature, scientific journals, opinions of international legal experts, and the results of previous research.
- c. Data sources are chosen by prioritizing authority and credibility, so that the information used can be scientifically accounted for.

5. Research Instruments

The research instrument used is in the form of a document analysis guide which contains assessment indicators on the implementation of the principles of *Pacta Sunt Servanda*. This instrument serves as a framework for reading, sorting, and interpreting the content of legal documents to suit the focus of the research. In addition, a checklist is used to ensure that

every aspect of the study has been fully covered.

6. Analytical Approach

The analytical approach used is normative-analytical, which combines the study of legal documents with scientific interpretation based on international legal theory. The analysis is carried out with the following steps:

- a. Identify relevant legal norms from the text of international agreements.
- b. Trace the application of the principle to real cases in international courts.
- c. Evaluate barriers in implementation, including aspects of jurisdiction, state compliance, and international cooperation.
- d. Synthesize the results of the analysis into a conceptual recommendation that has the potential to be a solution.

7. Research Strategies to Answer Problems

This methodology is designed to map the problem thoroughly before providing a solution. The strategy includes:

- a. A deepening of literature to understand the philosophical and juridical foundations of the principles of *Pacta Sunt Servanda*.
- b. Comparative analysis between international regulations and implementation at the national level, especially in Indonesia.
- c. Case studies as a mirror of the reality of the application of principles in the field.
- d. Preparation of evidence-based recommendations to overcome obstacles to implementation.

8. Ethical Considerations

This research adheres to the ethical principles of legal research, including citation accuracy, respect for copyright, and scientific integrity. All data taken from third-party sources are listed according to the citation format of the APA 7th Edition to maintain the credibility of scientific works.

RESULTS AND DISCUSSION

The Basic Position of the *Sunt Servanda Pacta* in International Agreements

1. Understanding the Principles of *Pacta Sunt Servanda*

The concept of "*pacta sunt servanda*", which states that States Parties to genuine international treaties must respect it, is one of the basic principles of international law. To provide legal stability and clarity in international relations, this idea is essential. This concept is essential for the international legal system to function properly; Without it, the treaty cannot be enforced and will cause chaos. Translation: "the treaty must be fulfilled"—the Latin concept "*pacta sunt servanda*" The majority of scholars in the field of international contract law agree that this idea is very important. The phrase "*pacta sunt servanda*" has a special meaning in international law: it states that a state is obliged to uphold its legally binding commitments.

"A valid agreement is binding on the parties and must be performed in good faith by them," reads Article 26 of the Vienna Convention on the Law of Contracts, which affirms the concept. For centuries, "*servanda*" has played an important role in international law due to its deep historical origins. In his writings, the famous international legal expert Hugo Grotius emphasized the importance of this idea. To keep international relations fair and orderly,

Grotius said, everyone must abide by the agreement. Several international legal documents, such as the 1969 Vienna Convention on the Law of Treaties, have recognized and reinforced the idea of "*pacta sunt servanda*" over the years. In establishing the rules for making, implementing and enforcing international treaties, the Convention highlights the importance of the concept of "treaty implementation", which is the cornerstone of all treaties. The law of international treaties is based on the idea of *pacta sunt servanda*, which includes many key characteristics.

The first benefit of this concept is legal clarity in international relations, as it guarantees that all signatory countries will respect their commitments. Parties to an international treaty are free to ignore it if they have no legal certainty. Second, the enforcement of fair and balanced international treaties is guaranteed by this concept. The agreement establishes a framework that allows fairness and balance to flourish in global affairs by requiring all signatory countries to meet their commitments. Third, the concept of *pacta sunt servanda* contributes to stable international relations by ensuring that countries respect and follow their international commitments. Failure to comply with international treaties can lead to instability and violence, which is why this is so important.

There are several areas of international treaty law that use the premise of *pacta sunt servanda*. This idea was put into practice, for example, through the Vienna Convention on the Law of Treaties in 1969. The Convention provides the basis for the establishment, implementation and enforcement of international treaties and is therefore an essential part of international law. The importance of the idea of *pacta sunt servanda* is highlighted in Article 26 of the Vienna Convention, which states, "Every applicable agreement is binding on the parties and must be performed by them in good faith." In addition, the International Criminal Court (ICC) was established under the Rome Statute of 1998, which further highlights the importance of the concept of *pacta sunt servanda* in the enforcement of international criminal law. When a country ratifies the Rome Statute, it promises to help the International Criminal Court (ICC) investigate and prosecute cases of crimes against humanity, war crimes, and genocide (Christian, 2022).

Additional international instruments mandating the prevention and punishment of genocide include the 1948 Genocide Convention. To prevent genocide and provide justice for victims, states must demonstrate compliance with the Genocide Convention, which shows how they apply the concept of *pacta sunt servanda*. Also using the idea of *pacta sunt servanda* is the 1949 Geneva Convention, which regulates the treatment of combatants and civilians and establishes regulations for the protection of war victims. Signatory countries are obliged to comply with current regulations and take legal action against flagrant violations. The concept of *pacta sunt servanda* is the legal basis of international agreements, but there are several obstacles in its implementation.

The problem of state compliance is one of the most significant obstacles. When it comes to international commitments, not all countries are reliable. Factors that affect a country's willingness to comply with international agreements often include the political climate, economy, and level of sovereignty. In addition, because criminals are not subject to the authority of international courts, it will be very difficult to enforce international treaties. The diplomatic and political challenges that arise in effective international cooperation to implement international agreements are sometimes quite complicated. An example of the

application of the concept of *pacta sunt servanda* is the prosecution case at the International Criminal Court (ICC) against state officials accused of war crimes and crimes against humanity in Sudan and Congo. Nevertheless, law enforcement procedures are often hampered by political obstacles. Despite some political and practical obstacles, the International Criminal Tribunal for the Former Yugoslavia (ICTY) has shown that this concept can be used to punish severe violators of international law. In 1993, the UN Security Council established the ICTY to deal with war crimes committed during the Yugoslav conflict (Fadli et al., 2019).

The law of international treaties rests on the concept of *pacta sunt servanda*, which states that the parties to a valid treaty must, in good faith, keep their promises. International relations become stable, fair, and protected by this concept. *Pacta sunt servanda* is an important concept, and its significance is universally recognized, although in practice there are many obstacles. This concept plays an important role in upholding order and justice in the international legal system by ensuring that international treaties are adhered to and adhered to.

2. The Principles of the *Sunt Servanda Pacta* in International Agreements

One of the legal foundations of international agreements is the idea of *pacta sunt servanda*. All parties to a legally binding agreement between countries must act in good faith, according to this concept. Article 26 of the Vienna Convention on the Law of Treaties, 1969, confirms this concept. There are many examples of international agreements that adhere to the concept of *pacta sunt servanda*. For example, the signing of the Paris Agreement on Climate Change by several countries confirms that all signatory countries must fulfill their pledges to reduce greenhouse gas emissions. Many international legal experts have stated that the U.S. withdrawal from the treaty violates the principles of *pacta sunt servanda* and the treaty's good-faith obligations. In addition, international trade agreements are also the place where this idea is applied. Disputes involving trade treaty violations are often brought to the World Trade Organization (WTO) for trial. The World Trade Organization upholds the country's trade obligations and the spirit of good faith in the implementation of the agreement by using the concept of *pacta sunt servanda* (Ginting & Basriwijaya, 2019). Another important aspect of bilateral agreements is the concept of *pacta sunt servanda*. For example, the Albanian constitution affirms this idea in the United States-Albania treaty by stating that all agreed international treaties are considered part of Albanian domestic law and must be obeyed (Christian, 2022).

This is an example of the application of the concept of *pacta sunt servanda* in domestic law with the aim of ensuring compliance with international agreements. The enforcement of international criminal law also prioritizes the premise of *pacta sunt servanda*. For example, countries that ratified the Rome Statute of 1998, which established the International Criminal Court (ICC), are obliged to cooperate with the ICC in investigating and prosecuting international crimes such as war crimes, crimes against humanity, and genocide. Countries that reject the International Criminal Court's request for cooperation may violate the principles of *pacta sunt servanda*. However, there are many obstacles that must be overcome before the concept of *pacta sunt servanda* can be put into practice. The country's compliance with international agreements is one of the main obstacles. For reasons related to politics, economics, or national sovereignty, certain countries may choose not to abide by such treaties. Another

obstacle is the issue of jurisdiction, which becomes more problematic when foreign courts do not have the authority to try criminals (Christian, 2022).

International cooperation is also a big challenge in the implementation of the principles of *pacta sunt servanda*. For example, in the case of prosecutions at the International Criminal Court (ICC) of state leaders suspected of crimes against humanity and war, political challenges often hamper the enforcement process. Similarly, in the International Criminal Tribunal for the Former Yugoslavia (ICTY), although the principle of *pacta sunt servanda* is applied to punish gross violators of international law, many diplomatic and practical obstacles are encountered.

3. The Realization of the Principles of *Pacta Sunt Servanda* in Positive Law in Indonesia

One of the cornerstones of international law is the idea of *pacta sunt servanda*, which states that all parties to a legally binding treaty must sincerely abide by its provisions. Contract law, arbitration law, and civil law are just some of the areas of positive law in Indonesia that recognize and implement this understanding. Article 1338 paragraph (1) of the Civil Code states that "All agreements made legally shall be valid as laws for the person who made them." This provision applies in Indonesian civil law and is a manifestation of the meaning of *pacta sunt servanda* (Cahayani, 2023). In line with the meaning of *pacta sunt servanda*, this clause emphasizes that all parties must respect and implement any legally signed agreement. In addition, *pacta sunt servanda* is a premise that is recognized and applied in Indonesian arbitration law.

The Arbitration Act regulates this idea in many articles, according to research. Based on the findings of the research, the concept of *pacta sunt servanda* is used in arbitration to ensure that all parties respect and faithfully execute their arbitration agreements. In international treaty law, Indonesia also uses the premise of *pacta sunt servanda*. For example, Indonesia recognizes the importance of this concept as a basis for respecting and implementing its international obligations when ratifying international agreements. In his article in the journal *Neliti*, Sidharta explained the legal hierarchy of Indonesia in terms of ratifying international agreements, and emphasized that the concept of *pacta sunt servanda* is the foundation of all such agreements (Sidharta, 2017).

In relation to criminal law, the concept of *pacta sunt servanda* is very important to ensure that Indonesia complies with all international agreements regarding the application of international criminal law. The article by Prof. Dr. Rahmi Jened et al. from Hasanuddin Law Review emphasizes that the principle of *pacta sunt servanda* must be applied strictly in order to maintain the credibility and legal certainty of the Indonesian legal system. The authors note that there are exceptions to this principle, but overall, its application is important (Jened & Indahsari, 2019).

The concept of *pacta sunt servanda* has many amazing purposes, but its application in Indonesia is not easy. Compliance with international agreements is one of the biggest obstacles. A number of studies show that making everyone appreciate and act in good faith when they sign international agreements is the biggest obstacle to implementing this approach. The fact that Indonesian law and international law do not always agree on the interpretation of certain legal concepts still poses another obstacle in the application of the

principle of *pacta sunt servanda*. The dynamics and practices of applying this concept may vary, as stated in an article published in the journal *RES MILITARIS* by Kholis Roisah et al., especially in cases where national law and international law have different interpretations (Roisah et al., 2022).

The Fundamental Position of the *Sunt Servanda Pacta* in the Enforcement of International Criminal Law

One of the cornerstones of international law is the idea of *pacta sunt servanda*, which states that parties to a valid treaty must uphold its provisions. Both the application of general treaty law and international criminal law are governed by this premise. The concept of *pacta sunt servanda* states that all countries must comply with the provisions of international treaties that they have signed or ratified regarding the application of international criminal law. Genocide, war crimes, and crimes against humanity are examples of international crimes that must be punished in accordance with the concept of *pacta sunt servanda* which is the basis for international criminal law enforcement.

Some international criminal court rulings have embraced the concept of *pacta sunt servanda*, which states that all parties to an international treaty must behave in good faith when they obey it. The international legal system rests on this notion, which guarantees that governments must uphold their obligations under international treaties. Regarding the implementation of international criminal law, several international law treaties recognize the idea of *pacta sunt servanda*. For example, Article 26 of the Vienna Convention on the Law of Treaties emphasizes the importance of *pacta sunt servanda* in upholding the validity and reliability of treaties, international treaties, and conventions relating to the application of international criminal law. States may not feel obligated to fulfill their commitments under international treaties if this concept is not implemented.

Considered to be principles within the framework of human rights and international criminal justice, they enhance the development of international criminal justice by ensuring that states keep their promises to punish and prosecute gross human rights violations.¹⁷ Justice for victims of international crimes can be realized if countries follow the concept of *pacta sunt servanda*. This concept guarantees that governments cannot undo their obligations to international law and provides a legal basis for prosecuting those responsible for international crimes. There are many obstacles that hinder the practical application of the concept of *pacta sunt servanda* in relation to the enforcement of international criminal law. State compliance with decisions made by international courts is one of the key issues. In many cases, the application of international court judgments requires international collaboration and legal assistance. The enforcement of international criminal law based on the concept of *pacta sunt servanda* may find it difficult to gain support if there is no such collaboration (Nugraha & Bangas, 2024).

If the decisions of the international court are to be upheld and justice is to be upheld, states must cooperate and provide the necessary assistance. Jurisdictional issues and international law enforcement present additional obstacles to the application of this concept. Jurisdictional problems often arise when attempting to enforce domestic law through extradition based on the concept of *pacta sunt servanda*, especially in cases where the perpetrator of the crime is not subject to the authority of a foreign court (Ruang, 2014).

This shows the need for increased international collaboration and coordination in

international criminal law enforcement, even though the concept of *pacta sunt servanda* is widely known. States should support efforts to pursue and punish those responsible for international crimes, and international jurisdiction should be enforced. Even in the environment of international courts and special courts, the concept of *pacta sunt servanda* is recognized. This approach is used, for example, by the International Criminal Tribunal for the Former Yugoslavia (ICTY) to ensure compliance with and implementation of international treaties relating to the enforcement of criminal law. The application of the concept of *pacta sunt servanda* in the ICTY demonstrates the relevance of this principle in preserving international criminal law, while also facing various practical and diplomatic challenges. To ensure justice is upheld, these trials serve as an example of how these principles can be used to prosecute and punish those responsible for international crimes. An example of the application of the concept of *pacta sunt servanda* is the prosecution case at the International Criminal Court (ICC) against state officials accused of war crimes and crimes against humanity in Sudan and Congo (Ruang, 2014).

Despite these obstacles, the International Criminal Court (ICC) remains steadfast in its belief that all parties must respect and comply with the international treaties that constitute it. The International Criminal Court has emphasized that, in accordance with the concept of *pacta sunt servanda*, all member states must work together to bring those responsible for international crimes to justice (Sari, 2018). The ICTY, or the International Criminal Tribunal for the Former Yugoslavia, is just one more example in which the concept of *pacta sunt servanda* has been put into practice to apply international criminal law. To address war crimes committed during the war in the former Yugoslavia, the United Nations Security Council established the International Criminal Tribunal for the Former Yugoslavia. To ensure respect for and implementation of international agreements related to criminal law enforcement, the principle of *pacta sunt servanda* is used. Despite some political and logistical obstacles, the ICTY's application of this concept proves its significance in enforcing international criminal law and ensuring the prosecution and punishment of those responsible for international crimes. The international legal document that emphasizes the importance of the concept of *pacta sunt servanda* is the 1948 Genocide Convention. All signatory states have a responsibility to take action to end genocide and hold the perpetrators accountable. To prevent genocide and provide justice for victims, states must demonstrate compliance with the Genocide Convention, which shows how they apply the concept of *pacta sunt servanda*. For Akhavan, countries that adhere to the Genocide Convention demonstrate their commitment to the concept of *pacta sunt servanda*, which aims to prevent genocide and provide justice for victims. Everyone agrees that the concept of *pacta sunt servanda* is very important for international criminal law, but there are many obstacles to its implementation. State compliance with decisions made by international courts is one of the key issues. When it comes to international commitments, not all countries are reliable. Factors that affect a country's willingness to comply with international agreements often include the political climate, economy, and level of sovereignty.

Disputes over who has authority can cause difficulties. When the perpetrators of crimes are not subject to the authority of international courts, the enforcement of international criminal law becomes much more difficult. Regarding extradition and domestic law enforcement, Robert Louis Parrillo argues that the concept of *pacta sunt servanda* often faces

jurisdictional constraints, especially in cases where the perpetrator is not subject to the authority of a foreign court. This shows the need for increased international collaboration and coordination in international criminal law enforcement, even though the concept of *pacta sunt servanda* is widely known. In addition, there are difficulties in applying the concept of *pacta sunt servanda* when there are riots and political disputes. There is a lot of political and military pressure on warring countries not to follow international treaties. Although *pacta sunt servanda* is recognized as a concept, Roni Indra emphasized that political dynamics and complicated conflicts often hinder its implementation (Indra, 2023).

Even in the environment of international courts and special courts, the concept of *pacta sunt servanda* is recognized. This approach is used, for example, by the International Criminal Tribunal for the Former Yugoslavia (ICTY) to ensure compliance with and implementation of international treaties relating to the enforcement of criminal law. The application of the concept of *pacta sunt servanda* in the ICTY demonstrates the relevance of this principle in preserving international criminal law, while also facing various practical and diplomatic challenges. To ensure justice is upheld, these trials serve as an example of how these principles can be used to prosecute and punish those responsible for international crimes. In the implementation of international criminal law, the premise of *pacta sunt servanda* is very important. The legitimacy and integrity of the international legal system is maintained by ensuring that all parties comply with sincere international treaties in good faith. The *Pacta sunt servanda* is an important concept in the struggle of victims of international crime that must be upheld, despite facing many practical problems.

CONCLUSION

What is meant by *pacta sunt servanda* is "the parties who sign an agreement in good faith are obliged to obey it." This is a basic concept in international law. Stability, legal clarity, and fairness in international relations are maintained by this idea. The concept of *pacta sunt servanda*, which relates to the law of international treaties, provides a solid basis for a country to uphold its international obligations. Several international legal treaties embody this idea. For example, the Vienna Convention on the Law of Treaties of 1969 affirms that all applicable treaties are binding and must be implemented in good faith. Civil law, arbitration law, and international treaty law are just some of the positive areas of law in Indonesia that recognize and apply the meaning of *pacta sunt servanda*.

Legal certainty and justice will be achieved when this concept is used to ensure the respect and implementation of both local(A1) and international agreements in accordance with the agreed provisions. The concept of *pacta sunt servanda* is very important in the enforcement of international criminal law, which seeks to pursue and punish those responsible for international crimes including genocide, war crimes, and crimes against humanity. In their efforts to guarantee the rule of law and provide justice to victims of international crimes, organizations such as the International Criminal Court (ICC) and other special courts rely on this idea. However, there are a number of obstacles that make it difficult to implement the concept of *pacta sunt servanda*. These include questions regarding jurisdiction, international collaboration, and state compliance.

Therefore, the effective implementation of the concept of *pacta sunt servanda* requires a concerted and long-term effort from the global community to address

these challenges. It can be said that the international legal system would not exist without the premise of *pacta sunt servanda*. Integrity, trust, and justice are aided in international relations through their continuous application. A safer, fairer, and more reliable international environment can be achieved if all countries comply with and implement all valid agreements.

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