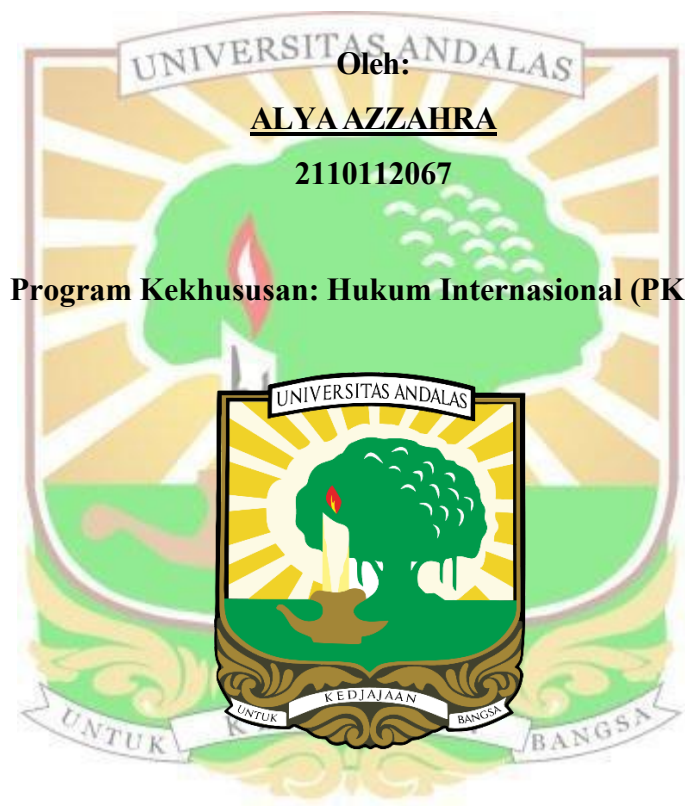


SKRIPSI
PENERAPAN KEWAJIBAN *ERGA OMNES PARTES* SEBAGAI *LEGAL*
***STANDING* DI *INTERNATIONAL COURT OF JUSTICE* DAN**
IMPLIKASINYA UNTUK PENGUATAN PENEGAKAN HAM
BERDASARKAN *GENOCIDE CONVENTION 1948* DAN
CONVENTION AGAINST TORTURE 1984

Diajukan guna memenuhi persyaratan untuk memperoleh gelar Sarjana Hukum



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***THE APPLICATION OF ERGA OMNES PARTES OBLIGATIONS
AS A LEGAL STANDING IN THE INTERNATIONAL COURT OF JUSTICE
AND ITS IMPLICATION FOR STRENGTHENING HUMAN RIGHTS
ENFORCEMENT BASED ON THE GENOCIDE CONVENTION 1948
AND THE CONVENTION AGAINST TORTURE 1984***

(Alya Azzahra, 2110112067, International Law Specialization Program (PK VI), Faculty of Law, Andalas University, 176 Pages, 2025)

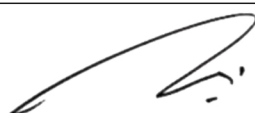
ABSTRACT

The development of international law shows that the enforcement of Human Rights is no longer limited to directly affected states but also involves other State Parties through erga omnes partes obligations. This provides a legal basis for states to demand accountability for human rights violations before the International Court of Justice (ICJ), as regulated in the 1948 Genocide Convention and the 1984 Convention Against Torture. The main research questions are: First, how is the obligation of erga omnes partes applied as a legal standing before the ICJ? Second, what are its implications for State Parties in strengthening international human rights enforcement? This study applies a normative juridical method using statutory and case approaches. The findings show that erga omnes partes allows State Parties to bring claims even without being directly injured, as demonstrated in Gambia v. Myanmar (2019), Canada and the Netherlands v. Syria (2023), and South Africa v. Israel (2023). These ICJ cases affirm that the prohibitions of genocide and torture are collective interests of the international community. However, effectiveness remains dependent on states' political will to comply. Nevertheless, erga omnes partes contributes to strengthening the international human rights regime by enhancing ICJ legitimacy, broadening state participation, and creating pressure that can drive policy changes.

Keywords: *Erga omnes partes; Obligation; Legal standing; International Court of Justice; Human rights enforcement; Genocide Convention 1948; Convention Against Torture 1984.*

This thesis has been defended in front of the Examiner Team and declared Passed on **Aug 28th, 2025.**

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**PENERAPAN KEWAJIBAN *ERGA OMNES PARTES* SEBAGAI
LEGAL STANDING DI INTERNATIONAL COURT OF JUSTICE
DAN IMPLIKASINYA UNTUK PENGUATAN PENEGAKAN HAM
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ABSTRAK

Perkembangan hukum internasional menunjukkan bahwa penegakan Hak Asasi Manusia (HAM) tidak lagi terbatas pada negara terdampak langsung, tetapi juga melibatkan Negara Pihak lainnya berdasarkan kewajiban *erga omnes partes*. Kewajiban ini memberi dasar hukum bagi negara untuk menuntut pertanggungjawaban atas pelanggaran HAM di *International Court of Justice (ICJ)*, sebagaimana diatur dalam *Genocide Convention 1948* dan *Convention Against Torture 1984*. Pertanyaan utama penelitian ini adalah: Pertama, bagaimana penerapan kewajiban *erga omnes partes* sebagai *legal standing* di *ICJ*? Kedua, apa implikasinya bagi Negara Pihak dalam memperkuat penegakan HAM internasional? Penelitian ini menggunakan metode yuridis-normatif dengan pendekatan perundang-undangan dan studi kasus. Hasil penelitian menunjukkan bahwa penerapan *erga omnes partes* membuka ruang bagi Negara Pihak untuk menggugat pelanggaran HAM meski tidak menjadi korban langsung, sebagaimana tampak pada perkara *Gambia v. Myanmar (2019)*, *Kanada dan Belanda v. Suriah (2023)*, dan *Afrika Selatan v. Israel (2023)*. Putusan-putusan *ICJ* menegaskan bahwa larangan genosida dan penyiksaan adalah kepentingan bersama masyarakat internasional. Namun, efektivitasnya masih bergantung pada komitmen politik negara pelanggar. Meski begitu, kewajiban *erga omnes partes* tetap berkontribusi dalam memperkuat rezim HAM internasional dengan meningkatkan legitimasi *ICJ*, memperluas partisipasi negara, dan menciptakan tekanan internasional yang mendorong perubahan kebijakan.

Kata kunci: *Erga omnes partes*; Kewajiban; *Legal standing*; Mahkamah Internasional; Penegakan HAM; *Genocide Convention 1948*; *Convention Against Torture 1984*.

Skripsi ini telah dipertahankan di depan Tim Penguji dan dinyatakan Lulus pada tanggal **14 Mei 2025**.

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