



International organization law as a political instrument and Indonesian participation in international cases

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ABSTRACT

International law in its basic concept is intended as a legal framework that serves society within a state. International law determines what is right and what is wrong, also regulates how states behave towards each other, and provides sanctions. of course the description of international law is as understood in the classroom. In fact, international law is often used as a political instrument by states. It can be a tool for pressure, an instrument to intervene in another country's domestic affairs without it being considered an offense and it can also be used to justify state action. This article will explain how states have used international law in Indonesia as a political instrument and how Indonesia has used international law to further its national policies.

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1. Introduction

The function of international law in the context of jurisprudence is understood as rules or maxims that can be applied to related fields, as explained in various textbooks.(Ayu, 2020). This characteristic is actually one of the many characteristics of international law. Another role of international law is as a tool for a country's government to achieve its national goals. International organizations act as a forum for countries to coordinate with each other and resolve conflicts, but often also become a tool to achieve certain political goals.(Ramadhani & Mabruh, 2021). Indonesia, as a country with diverse experience in international diplomacy, has a long history of interacting with various international organizations, from the UN to ASEAN(Ashraf, 2023).

International organizational law is an important element in the global legal order that regulates relations between countries and international organizations(MAILANGKAY et al., 2023). As global interdependence increases, international organizations such as the United Nations (UN),(Wijaya et al., nd)The World Trade Organization (WTO), and the Association of Southeast Asian Nations (ASEAN) have played key roles in regulating various aspects of international life, from peace and security to trade and development. The laws established by these organizations not only aim to regulate, but are also often used by states as political tools to achieve their strategic goals in the international arena.(Agustin et al., 2024).

The use of international law as a political instrument is not a new phenomenon. History records that large countries often use the power of international law to strengthen their position in diplomacy and negotiations (Fahmil, 2024). However, in the last few decades, developing countries such as Indonesia have also begun to utilize the laws of international organizations to fight for their national interests. In this context, Indonesia, as one of the countries with the largest economy in Southeast Asia, has actively participated in various international and regional organizations to increase its political and economic influence (Santoso et al., 2023).

The Indonesian case study illustrates how the country faces legal and political challenges in the context of international organizations, whether in terms of peace, security or economic development (Purba, 2023). Thus, a deep understanding of international organizational law and the practical experience of countries like Indonesia are important for analyzing the complex dynamics of global politics today. Indonesia's experience in interacting with international organizations shows that international law can function as an effective political tool (Bhagaskoro et al., 2019). For example, in Indonesia's participation in the UN, this country has utilized various international resolutions and agreements to strengthen its diplomatic position. In addition, in the context of international trade, Indonesia has used WTO provisions to protect and promote its economic interests (Anggraeni, 2019). This shows that a deep understanding of international organizational law is very important for countries that want to play an active role on the global stage.

Indonesia, as a developing country with a strategic position in Southeast Asia, is often at the crossroads of the interests of various global powers (Armawi & Wijatmoko, 2022). Indonesia's experience in interacting with international organizations offers important insights into how the country responds and adapts to pressures and opportunities arising from international rules and decisions. However, the use of international law as a political instrument does not always run smoothly. There are various challenges faced by countries, especially those from developing countries. Indonesia, for example, often has to deal with pressure and influence from large countries in the decision-making process in international organizations. Apart from that, the implementation of international law at the national level also often faces various obstacles, including differences in legal interpretation and limited institutional capacity (Pangestu & Safriawan, 2024).

In various cases, such as trade disputes at the WTO or Indonesia's role in the UN Security Council, the country must navigate the complexities of international law while considering its national interests. This research will also evaluate the effectiveness of Indonesia's participation in these organizations and how Indonesia can strengthen its position on the international stage through legal diplomacy. Thus, this study will not only analyze the legal role of international organizations as a political instrument but also offer strategic recommendations for Indonesia to increase its influence and importance in an increasingly complex global arena (Fajri et al., 2024).

2. Method

This research uses a qualitative approach with descriptive-analytical methods to understand in depth how international organizational law is used as a political instrument and what Indonesia's experience is in this context (Ramadhan & Lewoleba, 2024). The research design used is a case study, which allows an in-depth analysis of Indonesia's interactions with international organizations in a legal and political context. The data sources used consist of primary data and secondary data. Secondary data comes from official documents, reports, academic journals, books, articles and other relevant sources. Data collection techniques include semi-structured interviews and documentation studies of international agreements, resolutions of international organizations, as well as reports on Indonesian diplomatic activities (Setiawan, 2019). The data obtained was analyzed using content analysis and descriptive methods to identify emerging themes and patterns. The validity and reliability of the research are maintained through triangulation of data sources and credibility tests involving international legal experts to validate the findings. Research procedures include primary and secondary data collection, data analysis, interpretation of results, and reporting of findings. This research method is designed to provide

a comprehensive understanding of the legal role of international organizations as a political instrument and Indonesia's experience in that context(Sukomardojo, 2023).

3. Analysis and Results

3.1. International Law as a Political Instrument

The laws of international organizations, such as those established by the UN, WTO, and ASEAN, are often used by states to strengthen their position in international negotiations(Adolf, 2020). For example, UN resolutions can be used to garner international support for an issue or policy. In international trade, WTO rules can be used to protect the economic interests of member countries and to resolve trade disputes. Thus, international law functions as an instrument that allows states to pursue their political interests at the global level.

International law, which consists of various treaties, conventions, and norms governing interactions between states, is often viewed as a neutral and objective tool for maintaining world peace and order. However, in practice, international law also functions as a political instrument that can be used by countries to achieve strategic goals and strengthen their position on the global stage. This use of international law as a political instrument covers various fields, including security, trade, the environment and human rights.

International law provides a framework that allows states to interact in an orderly and structured manner. In diplomacy, international agreements and conventions are often used as negotiation tools(Muhammadi, 2024). States can use international law to support their claims in international disputes, to garner support from the international community, or to pressure other states to comply with certain standards or norms. A clear example is the use of UN Security Council resolutions to authorize military action or economic sanctions against countries deemed to be violating international law.

In the field of trade, international law plays an important role as a political instrument. The World Trade Organization (WTO) establishes the rules and dispute resolution mechanisms used by countries to protect and promote their economic interests. Countries can file lawsuits at the WTO to challenge trade practices that other countries consider unfair. Additionally, regional and bilateral trade agreements often reflect the political and economic interests of participating countries.

International law is also used as a political instrument in environmental contexts. International agreements such as the Kyoto Protocol and the Paris Agreement on climate change set out commitments that countries must adhere to to reduce greenhouse gas emissions(Galung, 2022). Countries can use these commitments to demonstrate their leadership on global environmental issues, or to pressure other countries to take more ambitious action on climate change mitigation. International environmental law also includes provisions for financial and technological assistance, which are often tools of negotiation in international forums.

The field of human rights is another example where international law is used as a political instrument. International conventions such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women provide standards that countries must adhere to. Periodic reports and evaluations of compliance with these conventions are often used by countries and international organizations to pressure changes in domestic policies or to criticize other countries' human rights records. In some cases, states use international human rights law to strengthen their claims to international assistance or political support.

International law functions not only as a tool to maintain world order, but also as a political instrument used by states to achieve their strategic goals.(Suherman, 2022). In areas such as diplomacy, trade, the environment, and human rights, international law offers opportunities and challenges for countries in managing their international relations. Understanding these dynamics

is important for countries, especially developing countries, to utilize international law effectively and strengthen their position on the global stage.

3.2. Indonesia's Role in International Organizations

As one of the countries with the largest population and rapidly developing economy in Southeast Asia, Indonesia has a significant role in various international organizations. Indonesia's active participation in organizations such as the United Nations (UN), World Trade Organization (WTO), and Association of Southeast Asian Nations (ASEAN) shows this country's commitment to participate in the formation and implementation of international law and influence global policy. Indonesia's role in international organizations covers various aspects, including diplomacy, trade, security and development.

As one of the countries with the largest economy in Southeast Asia, Indonesia has a significant role in various international organizations. Indonesia has actively participated in the UN, WTO, and ASEAN to strengthen its political and economic influence. Within the UN, Indonesia has used various resolutions and international agreements to support its foreign policy and fight for issues such as peace, security and human rights.(Ashari, 2020). In the WTO, Indonesia has utilized international trade provisions to protect its important economic sectors.

Indonesia has long actively participated in the UN and various agencies and programs under it. As a non-permanent member of the UN Security Council several times, Indonesia has contributed to various global issues, such as peace and security, disarmament and conflict management.(Puspita, 2020). Indonesia is also active in pushing for resolutions related to human rights, sustainable development, and environmental issues. Indonesia's participation in the UN shows how this country uses international platforms to fight for national and regional interests, as well as contribute to global peace and security.

In the field of trade, Indonesia's membership in the WTO plays an important role in facilitating international trade and protecting the country's economic interests. Indonesia uses the WTO dispute resolution mechanism to challenge trade practices it considers detrimental, as well as to maintain domestic policies that comply with international trade rules(Kurniawardhani, 2021). For example, Indonesia has filed several cases against other countries regarding tariffs and non-tariff barriers that are considered detrimental to Indonesian export products. Apart from that, Indonesia also uses the WTO to fight for better market access for its products and to encourage fairer global trade reforms.(Astuti & Fathun, 2020).

As one of the founders of ASEAN, Indonesia has a key role in this regional organization. ASEAN is the main platform for Indonesia to encourage regional cooperation in the political, economic and security fields. Indonesia is often the initiator of various regional initiatives, such as the ASEAN Nuclear Free Zone and the ASEAN Convention on Anti-Terrorism. Apart from that, Indonesia also plays an important role in efforts to strengthen ASEAN economic integration through various free trade agreements and regional economic cooperation. Indonesia's active role in ASEAN reflects its commitment to promoting stability and prosperity in the Southeast Asian region.

3.3. Challenges and Opportunities for Indonesia as an Instrument of International Politics

Indonesia, as the country with the fourth largest population in the world and the largest economy in Southeast Asia, has a strategic position in the international political arena. This country often uses international law as a political instrument to strengthen its position and achieve national goals. However, the use of international law as a political instrument also faces various challenges and opportunities that need to be managed effectively. In this discussion, we will explore the challenges and opportunities that Indonesia faces in using international law as a political instrument(Erfan et al., 2024).

International law is a very complex and constantly evolving field. Countries must continue to follow changes in international regulations and norms, and understand their implications for

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domestic policy (Serlika Aprita et al., 2020). This requires significant resources, both in terms of legal knowledge and diplomacy. Indonesia often faces pressure from large countries that have significant influence in the international decision-making process. These pressures can take the form of economic, political, or diplomatic pressures that can limit Indonesia's ability to pursue its national interests effectively. In addition, the imbalance of power in international organizations often favors large countries compared to developing countries like Indonesia.

Indonesia's institutional capacity to handle international legal issues is often limited. Limited trained human resources, as well as adequate legal and diplomatic infrastructure, can hamper Indonesia's ability to participate effectively in international forums and utilize international law as a political instrument. Integrating international legal commitments with domestic interests can be a major challenge. Sometimes, adopted international policies may not be in line with national priorities or face resistance from certain groups within the country. This requires a careful and diplomatic approach to ensure that international and domestic interests are harmonized (MH, 2024).

By utilizing international law, Indonesia can strengthen its position on the global stage. Active participation in drafting international agreements and legal initiatives can help Indonesia influence the global agenda and ensure that its national interests are represented. For example, Indonesia can play a role in developing international maritime law to protect its maritime interests. International law provides peaceful and structured dispute resolution mechanisms, such as the International Court of Justice or the dispute resolution mechanism at the WTO. Indonesia can use this mechanism to resolve conflicts with other countries without having to use violence or unilateral action. This not only helps avoid conflict escalation but also strengthens Indonesia's reputation as a country that supports peaceful dispute resolution (Hidayat et al., 2024).

Joining international agreements often opens up access to resources and technology needed for national development. For example, international environmental agreements can provide access to technological and financial assistance for environmentally friendly projects. Additionally, involvement in international trade agreements can open new markets and encourage economic growth. International law can be used to promote Indonesia's national values and interests on the global stage. For example, Indonesia can support agreements that promote democracy, human rights and sustainable development, which are in line with its foreign policy vision and mission. By promoting these values, Indonesia can strengthen its position as a leader among developing countries.

3.4. Indonesia's participation in international cases

Indonesia's participation in the World Trade Organization (WTO) is an integral part of this country's economic and foreign policy strategy. As a member of the WTO since January 1 1995, Indonesia has been actively involved in various international trade negotiations and utilizes the WTO legal framework to protect and promote its economic interests. However, Indonesia's participation in the WTO is also influenced by complex international political dynamics. In this discussion, we will explore Indonesia's participation in the WTO and how international politics affects the country.

As a developing country, Indonesia uses the WTO to increase market access for its main export products such as palm oil, rubber and textile products. Indonesia is involved in multilateral trade negotiations to reduce trade barriers and ensure that the international trade policies adopted favor developing countries. Indonesia uses the WTO dispute settlement mechanism to protect its interests against tariff and non-tariff policies implemented by other countries. An example is Indonesia's dispute with the European Union regarding a ban on imports of palm oil which is considered discriminatory. Through the WTO, Indonesia can fight for its rights legally and transparently in international forums (Nugroho, 2024).

Indonesia is also committed to implementing the obligations stipulated by the WTO. This includes adapting national laws and regulations to WTO rules and complying with provisions related to mutually agreed trade policies. Compliance with WTO regulations is an important part of Indonesia's reputation as a responsible WTO member. Indonesia often faces pressure from WTO member countries, especially from developed countries, to adopt more open trade policies and comply with certain international standards. This pressure may reflect the economic interests of other countries that differ from Indonesia's national policies, such as in terms of domestic subsidies or protection of certain products. Indonesia's trade policy in the WTO is also influenced by external politics from trading partners and large countries (Widyastuti, 2023). Changes in major trade policies, such as those implemented by the United States or the European Union, could force Indonesia to adjust its trade strategy or even face economic sanctions if the policies are deemed to violate WTO rules.

Indonesia's participation in the WTO is a reflection of this country's efforts to utilize the international legal framework to support its economic interests and contribute to fairer global trade governance. However, this participation is also influenced by complex international political dynamics, including pressure from WTO member countries, external policy influences, domestic politics, and the benefits of economic diplomacy. (Widyastuti, 2023). By managing these challenges effectively, Indonesia can take advantage of the opportunities offered by the WTO to improve its position in the global market and strengthen its economic growth in a sustainable manner.

4. Conclusion

International organizational law has great potential as a political instrument that can be used by states to achieve their strategic goals. Indonesia's experience shows that with good understanding and the right strategy, developing countries can utilize international law to strengthen their position on the global stage. This research provides important insights for policy makers and academics regarding the dynamics of international law and global politics, and offers practical recommendations for increasing the effectiveness of the use of international law as a political instrument. The discussion of Indonesia's participation in the WTO and the influence of international politics highlights the complexities faced in managing trade policy and utilizing the international legal framework for national interests. As an active member of the WTO, Indonesia has played an important role in global trade negotiations to protect its economic interests, especially in terms of market access and protection against trade policies that are considered discriminatory. Indonesia's participation in the WTO illustrates this country's commitment to integrating in the global economy and managing international political dynamics wisely. By considering the challenges and opportunities it faces, Indonesia can play a more strategic role in shaping international trade policy directions that are profitable for national economic development and societal welfare.

References

- Adolf, H. (2020). *International dispute resolution law*. Graphic Rays.
- Agustin, D., Utami, SS, Kushariyadi, K., Suprayitno, D., & Dwiwijaya, KA (2024). *Introduction to Management: Comprehensive theory in the era of industrial revolution 4.0 towards the era of society 5.0*. PT. Sonpedia Publishing Indonesia.
- Anggraeni, N. (2019). Trade Wars in International Trade Law. *Al Ahkam*, 15(1), 1-7.
- Armawi, A., & Wijatmoko, E. (2022). Asia Pacific Heats Up, Is it a Threat to ASEAN and Indonesia? *Intermestic: Journal of International Studies*, 7(1), 365-389.
- Ashari, K. (2020). *Dictionary of International Relations and Diplomacy*. Gramedia Pustaka Utama.
- Ashraff, D. (2023). *RELIGIOUS RADICALISM IN CONTEMPORARY POLITICS: A CHALLENGE TO NATIONAL SECURITY*. Literacy Notes, 1(2).
- Astuti, WRD, & Fathun, LM (2020). Indonesian Economic Diplomacy in the G20 Economic Regime during the Administration of Joko Widodo. *Intermestic: Journal Of International Studies*, 5(1), 47-68.
- Ayu, R.K. (2020). RENEWAL OF THE COMPILATION OF ISLAMIC LAW AND ITS RELEVANCE WITH POSITIVE LEGAL COUPLES. *DE JURE Critical Laws Journal*, 1(1), 50-70.

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- Bhagaskoro, P., Pasopati, RU, & Syarifuddin, S. (2019). Pancasila in the Interaction of Local Wisdom and Transnational Ideology. *Journal of Social and Political Science Innovation (JISoP)*, 1(2), 112-132.
- Erfan, Z., Hasan, A., Umar, M., & Khasyi'in, N. (2024). Political Law Between Nations (Siyasah Dauliyah Indonesia in World Peace). *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2(2), 767-787.
- Fahmil, IF (2024). The Impact of Brexit on the Reduction of British Foreign Aid to Nigeria= The Impact of Brexit on the Reduction of British Foreign Aid to Nigeria. Hasanuddin University.
- Fajri, ZM, Ardian, F., Handaru, A., & Ummah, A. (2024). EMPOWERING WOMEN TO ACHIEVE GENDER EQUALITY AND JUSTICE IN THE CONTEXT OF POLITICAL PARTICIPATION. *Progressive Law Journal*, 7(6).
- Galung, SAR (2022). The Hague District Court's Decision on Carbon Emission Reduction (Case Study: Milieudefensie v. Royal Dutch Shell plc.). Hasanuddin University.
- Hidayat, A., Gustang, A., Riska, RMR, Prasetyo, BE, Masgode, MB, & Gusty, S. (2024). Maritime Revolution in Indonesia (Infrastructure, Investment and Sustainable Economy). TOHAR MEDIA.
- Kurniawardhani, AB (2021). History of International Economic Organizations: World Trade Organization (WTO). *Widya Winayata: Journal of History Education*, 9(1), 49-53.
- MAILANGKAY, WJ, Massie, CD, & Mewengkang, FS (2023). The Organizational Position of the G-20 Economic Cooperation Forum (Group of Twenty) Viewed from the Aspect of International Law. *Lex Privatum*, 12(3).
- MH, RSTSH (2024). Constitutional Law Reform: Towards Justice and Balance. Creation Space.
- Muhammadi, IA (2024). INTERNATIONAL ORGANIZATIONS IN CONFLICT RESOLUTION AND NEGOTIATIONS. *Journal of Interdisciplinary Scientific Studies*, 8(6).
- Nugroho, YS (2024). Cooperation Relations between the European Union and Indonesia in Handling Anti-Dumping Biodiesel Problems in International Trade. *IJESPG (International Journal of Engineering, Economics, Social Politics and Government)*, 2(1), 31-44.
- Pangestu, NP, & Safriawan, MA (2024). Critical Analysis of International Regulatory Compliance in Combating Human Trafficking. *Journal of Law, Social Sciences and Economics*, 1(2), 65-71.
- Purba, ARS (2023). GERMAN RENEWABLE ENERGY POLICY IN ACCORDANCE WITH THE UN CLIMATE CHANGE FRAMEWORK CONVENTION (UNFCCC) 2018-2022. National University.
- Puspita, NY (2020). Indonesia's legal capacity as a non-permanent member of the UN Security Council in handling global climate change issues. *Undiksha Journal of Citizenship Education*, 8(2), 66-82.
- Ramadhan, AR, & Lewoleba, KK (2024). LAW AS AN INSTRUMENT FOR PROTECTING THE RIGHTS OF INDIGENOUS COMMUNITIES IN FACING THE IMPACT OF GLOBALIZATION. *Critical Journal of Legal Studies*, 9(6).
- Ramadhani, Z., & Maburrah, M. (2021). The Influence of the ASEAN Non-Intervention Principle on Indonesia's Negotiation Efforts in Handling the Myanmar Coup Conflict. *Global Political Studies Journal*, 5(2), 126-143.
- Santoso, G., Karim, AA, & Maftuh, B. (2023). National Resilience Study through Indonesian Geopolitics and Geostrategy in the 21st Century. *Journal of Transformative Education*, 2(1), 184-196.
- Serlika Aprita, SH, Rio Adhitya, ST, & SH, MK (2020). *International Trade Law*. PT. RajaGrafindo Persada-Rajawali Press.
- Setiawan, A. (2019). CHANGES IN INDONESIAN FOREIGN POLICY TOWARDS THE IRAN NUCLEAR ISSUE AT THE UN SECURITY COUNCIL 2007-2008. PADJADJARAN UNIVERSITY.
- Suherman, AM (2022). *International Trade Law: WTO dispute settlement institutions and Developing Countries*. Graphic Rays.
- Sukomardojo, T. (2023). Making education a reality for all: Study of the implementation of inclusive education in Indonesia. *Journal of Bureaucracy & Regional Government Volume*, 5(2), 205-214.
- Widyastuti, TV (2023). *Problems of Environmental Protection in the Perspective of International Trade*. NEM Publishers.
- Wijaya, E., Anggraeni, R., & Albar, AA (nd). The Role of the Association of Southeast Asian Nations in the Formation of International Trade Law in the Southeast Asian Region. *Justice Tribune*, 13(2), 515686.