

## Implications of State Sovereignty for The Ratification of International Law

Nur Rohim Yunus, Muhammad Sholeh, Ida Susilowati

Universitas Islam Negeri Syarif Hidayatullah Jakarta

[nurrohimyunus@uinjkt.ac.id](mailto:nurrohimyunus@uinjkt.ac.id)

### Abstract

*In international relations, the implications of state sovereignty on the ratification of international law is an essential issue. Conflicts between state sovereignty and international obligations arising from ratifying international agreements are the subject of this study. This discussion demonstrates that when countries authorize international contracts, they commit to abide by the stipulations of these agreements. Although state sovereignty is an essential principle in the national legal system, states must consider the effects of ratification on their authority to act contrary to nationally acknowledged principles and values. The research method used is qualitative, with a literature and statutory approach. The research results state that ratifying international treaties can benefit countries, such as increased international reputation and global cooperation. However, there are potential downsides, such as reduced state freedom of action and reliance on international oversight mechanisms. To address this challenge, countries need to adopt ratification decision-making mechanisms that are transparent, participatory and involve consultation with diverse stakeholders. Awareness of the implications of state sovereignty on ratification of international law is essential to ensure the existence of national legal sovereignty and achieve common global.*

**Keywords:** Ratification Decision; Ratification of International Law; State Sovereignty.

### INTRODUCTION

In the context of international relations, it is common for disagreements to arise between international agreements and the sovereign rights of individual states. The power and authority that a state possesses to control and direct the activities within its borders without intervention from other states is called state sovereignty. On the other hand, international agreements are pacts signed between two or more nations to govern the conduct of those nations within specific domains. These pacts are known as multilateral accords. When governments ratify international treaties, they are frequently required to change or harmonize their national laws to bring those

laws into compliance with the treaty's provisions. This can restrict the state's ability to act independently and flexibly in the management of affairs occurring within its territory.

In rare instances, governments must revise their national policies or pass new legislation to satisfy their international responsibilities. Sometimes, countries ratify the same international treaties but come to differing conclusions about what such accords mean. This can give rise to disagreements on the proper implementation of the treaty and how it should be understood concerning the sovereignty of each nation. These contrasting interpretations can aggravate tensions and spark new conflicts between the countries involved. International duties and state sovereignty can come into direct dispute if the terms of an international agreement directly oppose those of a nation's governing document. A reform of the constitution or a more flexible interpretation of international accords will need to be found if the state can find a means to overcome the disagreement. Some countries are unwilling to cooperate with or implement international accords if they are believed to jeopardize their national security. Governments can prioritize their national interests over their international duties when international agreements threaten the sovereignty of the state or even its very existence (Shaw, 2014).

The inherent tension between international accords and the sovereign rights of individual states is a difficult obstacle in international relations. Therefore, it is common for conditions to be required to find a happy medium between fulfilling their global responsibilities and protecting their national sovereignty. To overcome these issues and ensure the continuation of international cooperation, it is necessary to have dispute resolution procedures, precise interpretation, and open dialogue between nations.

To preserve the existence of national legal sovereignty in international treaties, it is vitally important to research the consequences of state sovereignty on the ratification of international law. The presence of a nation's national law can be helped to be preserved with the assistance of this research. We can identify strategies to maintain the consistency and sustainability of national law in dealing with international demands and duties if we grasp the consequences of state sovereignty on the ratification of international law. This understanding allows us to do so. This research is also crucial in ensuring that a country's values and identity are preserved for future generations. The ability of governments to exercise their sovereignty enables them to protect their unique cultures, customs, and value systems. When it comes to international treaties, conducting research can be useful in determining whether or not ratification would be

incompatible with fundamental principles and national aims (Kingsbury; Krisch & Stewart (Eds), 2005).

Conflicts and ambiguities between international and national law are brutal to avoid, but research can help. We can prevent or resolve problems between international treaties and federal law by examining the sovereign implications of states for ratification. This study can aid nations in keeping their options open while choosing whether to ratify international law. States can better weigh the pros and cons of ratification and take the necessary steps in adjusting or modifying international treaties if they have a firm grasp on the consequences of state sovereignty. Another critical research goal is balancing international commitments and national interests. Global responsibilities must be met without putting a state's authority or national interests at risk. Ratification requires governments to find a happy medium; research can help discover techniques and mechanisms that will allow them to do so.

From the discussion above, the authors focus on three questions: What is the dilemma of State Sovereignty in the Ratification of International Law? How to maintain State Sovereignty in the Context of Ratification of International Law? Finally, what are the challenges of a country in ratifying international law?

## **METHODS**

Qualitative research methods with a literature approach and statutory regulations approach are employed in research on the implications of state sovereignty on the ratification of international law. Qualitative research involves acquiring and analyzing qualitative data, including documents, interviews, observations, and case studies. In this context, relevant data will be gathered using a literature and statutory approach (Patton, 2014), (Merriam, 2009), (Denzin & Lincoln (Eds.), 2011).

The literature approach entails perusing and analyzing the relevant research literature. Literature sources may include books, articles, journals, research reports, official documents, and other pertinent works. This methodology enables scholars to comprehend the issue of state sovereignty in the context of the ratification of international law by utilizing existing theoretical perspectives and academic thought. The statutory rule approach necessitates an examination of the legal framework regulating the ratification of international law in the examined nation. Researchers will discuss laws, regulations, constitutions, court decisions, and other relevant

legal instruments about state sovereignty in the context of ratification of international law. This analysis will show how states exercise freedom when adopting international law.

Researchers may also apply qualitative analysis techniques such as content analysis, grounded theory, and thematic analysis to organize and analyze data gathered from the literature approach and statutory regulations. This research will provide an in-depth comprehension of the implications of state sovereignty on the ratification of international law through a combination of qualitative policies, literature, and statutes and regulations. This methodology permits researchers to examine theoretical frameworks, visionary ideas, and legal foundations about sovereignty issues and international law ratification within the context of the studied country.

## **RESULTS AND DISCUSSION**

### **DEFINITION OF STATE SOVEREIGNTY AND RATIFICATION OF INTERNATIONAL LAW**

The power and authority that a state possesses to control and direct the activities within its borders without intervention from other states is called state sovereignty. The notion of state sovereignty refers to the exclusive right of a state to exercise authority inside its territory and make political decisions, establish laws, carry out programs, and ensure that the nation's security is not compromised (Krasner, 1999).

The idea of state sovereignty is predicated on the idea that every nation-state is entitled to the ability to exercise authority over its own territory, population, resources, and internal policies in a manner conducive to advancing its own national interests. (Dinstein, 2016) This indicates that the state has the final authority in making decisions and taking acts within its territory and that other countries are not permitted to meddle in these processes. According to state sovereignty, the state is granted the authority to establish its type of government, as well as its legal system, economic policies, and social policies, all following the choice of its people. A state also has the right to regulate and maintain security inside its territory, as well as the right to protect the rights of its residents and manage the natural resources that are located within its area.

It is a fundamental tenet in interstate relations that the principle of state sovereignty, which is codified in international law, must always be adhered to. This indicates that states are acknowledged as separate entities and are afforded rights guaranteed by international law. This

idea also represents the notion of equality between countries, which states that no nation is inherently superior to any other government and that no government has the right to interfere in the internal affairs of another nation. Having said that, it is essential to remember that the notion of state sovereignty is neither unqualified nor unbounded in any way. When it comes to matters pertaining to international relations, governments must not only comply with the international duties placed upon them but also consider the potential effects their actions may have on other states. There may be some overlap between state sovereignty and other global concerns, such as protecting human rights, international peace and security, preserving the environment, and promoting international collaboration.

In actuality, nations frequently engage in dialogue with one another and work together in various international settings, such as the United Nations (UN), regional organizations, and international agreements. Nevertheless, in its most basic form, the idea of state sovereignty works to bolster the state's freedom and authority in managing its internal affairs in a manner consistent with the state's national interests. This concept of state sovereignty is consistent with a fundamental idea in international relations referred to as the "principle of state sovereignty." This idea acknowledges that all states possess the same rights and are on an equal footing concerning their level of sovereignty. The concept of a state's unrestricted ability to make decisions on its affairs is one of the cornerstones of international law and has long been acknowledged as such (Evans & Newnham, 1998).

## **RESTRICTIONS ON STATE SOVEREIGNTY IN ACCEPTING INTERNATIONAL OBLIGATIONS**

There are a variety of elements that have an impact on the state's ability to manage its internal affairs. As a result, state sovereignty might be restricted when accepting international responsibilities. The following are some restrictions that may apply to a state's ability to exercise its power when assuming international obligations. (Evans & Newnham, 1998), (Cassese, 2013), (Shelton, 2008).

*First:* International Law. The behaviour of governments at the global level is governed by international rules, which countries are required to comply with. The term "international law" can refer to several things, including broad principles of international law, international treaties, international norms, and decisions made by international tribunals. When nations ratify international agreements or become parties to them, they commit themselves to ensuring that

they comply with the requirements outlined in those agreements. This indicates that countries participating in international accords have a moral and legal commitment to complete and carry out the duties stipulated in the contract.

Countries commit when they ratify an international treaty to adopt and apply the norms, principles, and laws outlined in the treaty on the level of their own nation. This includes modifying or adapting national laws, policies, or practices that are appropriate to bring them into conformity with international responsibilities laid out in treaties. On the other hand, states that breach or do not comply with international obligations to which they have been obligated may face political or legal repercussions for their actions. This may take the form of legal action brought by other nations or persons adversely affected, economic or political penalties, diplomatic isolation, or the disruption of existing international connections. It is known as the *pacta sunt servanda* principle, which states that countries that are parties to international agreements obligate themselves to comply with the duties outlined in these accords. This fundamental principle of international law highlights the significance of upholding responsibilities acknowledged and accepted by governments in international agreements. It is considered one of the cornerstones of the field of international law.

*Second:* Human Rights. There are fundamental human rights principles that are universal and are generally recognized and upheld by the global community. It is expected of nations that they will respect, protect, and work to realize the human rights of their population. When governments routinely violate the rights of their citizens, they put themselves in danger of facing pressure and fines from the international community. To address human rights violations on the part of nations, the international community has developed several methods and instruments. The application of political and diplomatic pressure is one of the methods utilized. Through public comments, resolutions, or diplomatic addresses, nations or international groups can voice their concerns and denounce human rights breaches done by certain governments. They can discuss the subject at meetings that are either bilateral or multilateral, and they can issue ultimatums or warnings to nations that violate human rights. In addition, nations that violate human rights might be subjected to political or economic sanctions by the international community. Trade restrictions, bans on the export of weaponry, asset freezes, and travel bans are all potential responses against state officials who are complicit in violating human rights. The purpose of these sanctions is to exert economic or political pressure on the country in question so that it would alter its policies and become compliant with international human rights standards. (United Nations Human Rights Council, n.d.).

When resolving human rights violations, international organizations like the United Nations (UN) and regional organizations also have an essential part to play in the process. They can launch investigations, dispatch observation missions, and establish specialized courts to try those who violate human rights. The United Nations also has a Human Rights Council, which is responsible for tracking human rights violations worldwide and fighting for their protection. (International Federation for Human Rights, n.d.).

*Third:* International Organizations. Participation in international organizations like the United Nations (UN) can constrain individual states' sovereignty. The nations that become members of the United Nations commit to upholding the UN charter and the ideals it outlines. When a state violates the principles of an international organization, that state's voting rights may be limited, fines may be issued, or the international organization may take collective action. Mechanisms for taking action against nations that breach the principles of an international organization such as the United Nations (UN) or do not comply with the duties they have agreed to are in place inside international organizations such as the United Nations (UN). Sanctions, collective action, and restrictions on voting rights are all examples of the kinds of actions that the United Nations can do in various situations.

Countries that breach the organization's values or threaten world peace and security may be subject to sanctions imposed by the United Nations Security Council, the highest body in the United Nations system for matters about international security. Restrictions on commerce embargoes on the sale of armaments, freeze on assets, and travel bans may all be included in these sanctions against persons connected to the offence. (United Nations, n.d.) When dealing with urgent emergencies or dangers to international peace and security, the United Nations may also take collective action through the Security Council. This may involve deploying peacekeeping forces or other forms of military action to protect UN values and ensure continued stability. (United Nations, n.d.) In addition, the United Nations possesses processes that can reduce or revoke a state's voting rights altogether if that state violates the organization's fundamental principles. For instance, if a country is found to have committed severe human rights violations, it may be stripped of its ability to vote in the United Nations General Assembly or other organizations. (United Nations, n.d.) In addition, the United Nations can engage in diplomacy, mediation, and lobbying to pressure nations that breach organizational values to alter their behaviour. The United Nations is comprised of various agencies and groups, each of which is charged with tackling a particular concern, such as human rights, environmentally sustainable development, or global health.



*Fourth:* Global and Regional Policy. Several global and regional challenges might constrain state sovereignty, including international trade, the environment, terrorism, and security. To preserve regional stability or advance toward shared global objectives, national governments must develop and implement policies and procedures that align with applicable international norms. This is significant because many world problems, including international trade, the environment, terrorism, and security, cannot be solved successfully by a single nation acting alone. Therefore, it is vital to adopt rules that align with international standards, given the circumstances of this situation.

At the regional level, nation-states frequently participate in cooperative endeavours and regional integration programs. They need to adopt policies that correspond with international norms agreed upon in the regional framework if they can sustain stability, peace, and cooperation between countries. This can involve adhering to regional agreements and institutions and avoiding activities that could provoke regional tension or violence. (United Nations, n.d.) While on a global scale, governments work together to accomplish shared objectives such as alleviating poverty, fostering sustainable development, safeguarding the environment, and combating climate change. Countries are required to implement policies that are in line with the international standards that are outlined in global frameworks, such as the United Nations (UN) and other international agreements that are connected. This necessitates committing to meet obligations, sharing responsibilities, and participating in international collaboration. (United Nations Framework Convention on Climate Change, n.d.).

A nation needs to adopt policies following international standards to preserve its reputation and continue to enjoy positive relations with other nations on a global scale. Countries that consistently uphold international standards and actively participate in international collaboration are more likely to earn the trust and respect of the worldwide community. This may pave the way for additional cooperation, investments, or international support. (World Trade Organization, n.d.) Countries can construct frameworks that are advantageous to one another and achieve greater results when working together to address global concerns when they implement policies that align with international norms. Both the function that states play in the framework of international politics and the amount of trust between states on a global scale can be strengthened as a result.

*Fifth:* National Law. In some nations, the national legal systems are responsible for regulating the bounds of state sovereignty. National constitutions and laws can restrict the



powers of the state to conduct specific actions that go counter to the ideals and values that are generally accepted in the country. A nation's constitution is the supreme legislation that establishes the framework of the government, the individual rights and liberties of its citizens, and the fundamental concepts that direct how the nation is run. A common feature of state constitutions is the inclusion of articles that restrict the state's authority to engage in specific activities that conflict with generally accepted norms. For instance, a constitution may stipulate that human rights are safeguarded, restrict the powers of the government, or lay down the democratic principles that must be adhered to. (Rosenbloom; Kravchuk, & Clerkin, 2018).

A country's legislature is responsible for enacting national laws, which are essentially legal rules. This law may contain provisions that limit the authority of the state to carry out specific activities that are not following nationally recognized principles and values. In addition, these provisions may be found to prevent the condition from violating nationally recognized codes and discounts. For instance, legislation regarding human rights can offer individuals legal protection and restrict the government's capacity to infringe on those rights. (Versteeg & Ginsburg, 2013) Every nation has a set of principles and values that are universally acknowledged and represent the identity, culture, history, and aspirations of the people who live there.

Many national constitutions and laws serve as protections to limit governmental behaviour that goes against these principles and values and frequently reflects these principles and values. For instance, if a nation is sincere in its devotion to the ideals of democracy and the rule of law, then that nation's legal system will include measures that stop any dictatorial or arbitrary behaviour on the part of the government. In this context, national constitutions and laws have a vital role in providing a binding legal framework for the state and ensuring that the state acts according to nationally acknowledged principles and values. This is because national constitutions and laws are established through the process of ratification by the citizens of the state. It is typically the responsibility of various organs of oversight, such as constitutional courts or legislatures, to ensure that the activities of the state do not violate the constitution or the laws of the nation.

## **THE DILEMMA OF STATE SOVEREIGNTY IN THE RATIFICATION OF INTERNATIONAL LAW**

In ratifying international law, one of the problems that frequently presents itself is one in which international duties and state sovereignty directly oppose one another. The right of a state to govern its territory, population, resources, and internal policies in line with its national interests is what is meant by the term "state sovereignty." On the other hand, international obligations relate to the responsibility that governments have to comply with and implement international agreements that they have signed. These obligations are a part of the international community. In this environment, states frequently find themselves challenging to choose between protecting their national sovereignty and meeting their commitments under international law. Separation of powers, consideration of national interests, political opposition, and uncertainty resulting from dependency are some elements that can lead to conflicts between state sovereignty and international responsibilities. (Ruskola, 2009).

In some nations, the three branches of government—executive, legislative, and judicial—are allowed to communicate with one another, and all have a part in the ratification procedure. A clear distinction of roles and responsibilities can lead to conflict between national authorities wanting to protect their sovereignty and international institutions encouraging people to comply with treaties. When it comes to deciding whether or not to ratify international legislation, nations are frequently required to consider their national interests. When the policies or interests of a country come into conflict with the duties imposed by international accords, the state in question is forced to choose between upholding its sovereignty and honouring its international commitments. Domestic opposition to the ratification of international law might sometimes represent a barrier to fulfilling international duties. Opposition like this may come from within the country, from interest groups that fear the agreement will erode sovereignty or be incompatible with national values. In addition, the ratification of international accords has the potential to restrict the flexibility of individual nations in the future decision-making process. States may be concerned that global responsibilities may constrain their activities in specific policy areas, decreasing their sovereignty to deal with developing conditions. This fear is understandable, given the nature of international duties.

When confronted with this problem, countries frequently engage in complicated deliberations. They are obligated to consider national interests, international duties, and the effects that the ratification decision will have in the long run. Therefore, when it comes to finding a solution to this problem, having a comprehensive comprehension of the implications and results of ratifying international law on state sovereignty is of the utmost importance.

Vol 08, No 2, July 2023

The following are some of the benefits that ratification brings to the concept of state sovereignty: (Franck, 1992).

*First:* The Role in Setting International Standards. States can participate in establishing international standards in fields such as human rights, the environment, commerce, and data protection when they ratify international treaties. This enables the state to take an active role in decision-making and exert influence over global regulations following national objectives.

*Second:* Access to the Benefits of International Collaboration. The benefits of international cooperation can become available to countries after they have ratified the relevant international accords. This includes accessing foreign resources and receiving technical assistance or support from international organizations on topics such as development management, health, or disasters. Countries also can get access to global dispute resolution processes, which can make it easier for them to settle conflicts with other nations.

*Third:* Improving Reputation and Diplomatic Relations. It is possible for a nation's reputation to improve while simultaneously strengthening its diplomatic connections with other states if it ratifies international treaties. It is common practice to view as reliable potential partners in international cooperation those states who consistently comply with their international obligations. As a result, the potential for improved economic, political, or security cooperation is increased.

*Fourth:* Access to International Cooperation. If they ratify international treaties, countries can have greater access to international cooperation in various domains, including trade, the environment, human rights, and security. As a result, nations are allowed to take part in international forums, participate in the exchange of information and experiences, and collaborate on the accomplishment of global objectives.

*Fifth:* Legal Protection and Certainty. The ratifying international agreements can offer countries increased legal protection and clarity in their ties with other nations. When this happens, the state automatically becomes a party bound by the generally accepted rules and principles of international law. This can provide countries with the legal capacity necessary to exercise their rights, preserve their national interests, and participate in the resolution of international disputes.

*Sixth:* Increasing Reputation and Influence. Countries that are proactive in ratifying international accords and completing their international commitments have a greater tendency

to create a positive reputation in the eyes of the international community. This can lead to a rise in a state's influence in global decision-making processes, strengthening diplomatic connections and opening doors to more comprehensive forms of bilateral and multilateral collaboration.

Meanwhile, the disadvantages of ratification for the sovereignty of a country are: (Kingsbury; Krisch & Stewart (Eds.), 2005), (Nollkaemper & Plakokefalos, 2016)

*First: Limitation of Sovereignty and National Policy.* The ratification of international treaties can jeopardize a state's sovereignty when making judgments about its affairs or determining its policies. The forms must comply with the internationally agreed-upon duties, which may limit their freedom of action in some aspects of national policy.

*Second: Conflict with National Policy or Traditional Values.* A country's national policies or traditional values can conflict with the ratification of international treaties. This could result in tensions within the country or opposition to the implementation of the agreement, both of which could have a negative impact on the country's overall political and social stability.

*Third: Administrative and Legal Complexity.* Extensive administrative and legal work may be required to put signed international accords into effect. The applicable national laws should be amended or adopted by countries, institutional capacity should be built, and many stakeholders should be involved in the implementation process. This may need a large investment of both time and resources.

## **IMPACT OF RATIFICATION ON THE NATIONAL LEGAL SYSTEM IN SPECIFIC CASES**

Impact of ratification on the national legal system in specific cases. The following are some examples of these impacts: *First: Impact of Ratification on Human Rights.* The ratification of international human rights treaties has the potential to have a considerable effect on the legal systems of individual nations. For instance, ratifying specific Human Rights Conventions, such as the International Covenant on Civil and Political Rights (ICCPR) or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), might drive nations to change or enact suitable national laws. Other examples are the Convention on the Elimination of Discrimination Against Children and the Convention on the Protection and Promotion of Child Rights. Norms of human rights that are recognized on an international level. This can

potentially enhance the degree to which human rights are protected inside the national legal system. (United Nations Human Rights Office of the High Commissioner, 2019)

Second: Impact of Ratification on the Environment. In terms of environmental protection, ratifying international agreements such as the United Nations Framework Convention on Climate Change (UNFCCC) or the Convention on Biological Diversity (CBD) can affect a nation's legal system. Governments that ratify the treaty may be required to revise their environmental policies and pass new laws to meet their international duties for the preservation of the environment, the administration of natural resources, and the mitigation of climate change. (United Nations Treaty Collection, n.d.)

Third: The Impact of Ratification on the Protection of Workers' Rights. Ratification of international agreements such as the International Labor Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize and the ILO Convention No. 98 on the Right to Organize and Organize Collective Bargaining can affect the national legal system concerning the protection of workers' rights. This agreement's ratification can encourage countries to implement laws protecting the right to organize, collectively bargain, and other worker rights. (International Labour Organization. (n.d.), 1948).

## **MAINTAINING STATE SOVEREIGNTY IN THE CONTEXT OF RATIFICATION OF INTERNATIONAL LAW**

In the context of the ratification of domestic legislation, it is required to carry out some mechanisms for the decision-making process of ratification. In addition, it approaches for analyzing and modifying international law. To preserve state sovereignty, either one of these methods must be carried out.

Efforts to protect state sovereignty in the mechanism for making decisions on the ratification of international agreements can be carried out through the following mechanisms; First, the National Legislation Process. A state can engage in the process of national legislation prior to ratifying an international treaty. This allows the state to confirm that the treaty is in accordance with its national interests and the principles of state sovereignty. During this phase of the procedure, the national legislature is responsible for studying, enacting, or amending the national laws required to implement the treaty. (Global Administrative Law Project, 2009) Second, Consultation and Public Participation. It is possible for nations to incorporate dialogue and public participation in the decision-making process for ratification in order to guarantee

that the interests of society and public opinion are taken into account. This approach may include holding public discussions or hearings, as well as inviting members of civil society organizations to participate in the decision-making process. (United Nations Development Programme, 2018) Third, Impact Evaluation and Legal Analysis. The state may conduct an impact study and legal analysis of the repercussions of ratification of an international treaty on state sovereignty before deciding whether or not to go through with the process of ratifying the treaty. This includes determining whether or not the agreement is compatible with the national legal systems, determining whether or not there are policy consequences, and determining the potential risks and advantages of ratifying the agreement. (Crawford, 2011).

As for developing mechanisms for evaluating and adjusting international law, the following steps can be taken: (Akande, 2014), (Boisson & Romano (Eds.), 2013) First, Background Analysis. Conduct an exhaustive investigation into the pertinent global legal concerns and any necessary modifications. Analyze the current state of affairs, recent developments, and difficulties facing the functional area of international law. Second, Consultation and Collaboration. Participation in the evaluation and adjustment process should be required from legal professionals, scholars, and practitioners of international law as well as other stakeholders. Obtain feedback and points of view from various parties by holding open consultations and engaging in inclusive conversation. Third, Legal Review. Conduct a thorough examination of the applicable international legal instruments, such as treaties, conventions, protocols, and declarations.

Determine any non-conformances, gaps, or adjustments that need to be made in order to guarantee conformity with any changes that may occur in the political, social, or economic situation. Fourth, Impact Evaluation. Analyze the potential effects that alterations in international law could have on nations, society, and any other relevant industries. Conduct a thorough analysis of the potential political, economic, social, and environmental repercussions that could result from changes to international law. Fifth, Renewal and Harmonization. National laws must be urgently updated in order to reflect relevant changes in international law. In addition, ensure that international and national laws are harmonized to guarantee uniformity and compliance with both rules. Sixth, Monitoring Mechanism. It is imperative that an efficient monitoring system be established in order to guarantee implementation and compliance with current international legislation. In order to implement this system, the relevant government agencies, independent entities, or international organizations may all be involved. Seventh, Research and Development. Conduct ongoing study and development in order to gain an

Vol 08, No 2, July 2023

understanding of the dynamics of international law, as well as new trends and recent developments. Make use of study to discover fresh problems that could call for additional assessment and adjustment.

## **FUTURE CHALLENGES AND PERSPECTIVES**

The process of ratifying international law frequently entails a variety of political concerns, each of which might present a unique difficulty and impact how one thinks about the future. Several political challenges, such as political resistance, competition for national interests, the influence of public opinion, and the dynamics of international politics, frequently surface throughout the ratification process. (Koh, 1997), (Brown & Harman (Eds.), 2013).

Nations can experience political opposition within their borders to adopt international accords. The resistance may be voiced for various reasons, including political considerations, worries about state sovereignty, or divergent political opinions regarding the agreement to be ratified. The ratification process may be hampered or slowed down due to political resistance. Despite this, the fact that different countries' national interests can present obstacles throughout the ratification process. There is a possibility that governments will be concerned about the economic, political, or security implications that could result from the ratification process. These conflicting interests can stymie agreement and make the ratification process more difficult.

Public opinion can become a significant political factor when it does not support the ratification of international agreements. When there is a considerable increase in negative public opinion against the treaty, the government may face political pressure to delay or modify its decision to ratify the pact. The impact of public opinion can be a barrier to achieving political consensus to ratify the treaty. Medium The ratification process is also susceptible to being influenced by the dynamics of international politics. A country's desire to approve an agreement or to continue with the ratification process can be affected by shifts in its relations with other nations, political conflicts, or changes in its approach to foreign policy. The ratification process can also be impacted by political issues connected to geopolitics or tensions in the region.

In ratifying international law, prospects relating to political concerns involve several different things, such as enhancing discourse and diplomacy, public awareness and education,



Vol 08, No 2, July 2023

regional and multilateral collaboration, and reform of international institutions. (Stürchler & Zürn, (Eds.), 2014), (Nollkaemper & Plakokefalos, 2016).

During the ratification process, increasing the amount of conversation and diplomacy between countries can help to overcome political disputes. Discussions that are not only open but also constructive can assist in better comprehending each country's perspective and lead to improved agreements. Meanwhile, enhancing public understanding of the significance of international law and the advantages of treaty ratification can assist in overcoming political opposition. Moreover, education on international law and its effects can also help influence perceptions and enhance public support for ratifying international agreements.

It may be possible to reconcile clashing national interests by promoting regional and international collaboration. Countries can develop solutions that benefit both parties and come to broader accords if they intensify their cooperation and conversation. In the meantime, changing international institutions like the United Nations (UN) can effectively resolve political concerns that arise throughout the ratification process. Moreover, more inclusive and transparent reforms can boost institutions' credibility and encourage greater participation in decision-making.

There must be a more robust understanding and awareness of the implications of state sovereignty on the ratification of international law. The protection of human rights, conformance with international accords, taking responsibility for the global community, and international collaboration are some reasons why this is required. (Franck, 1992), (Kingsbury; Krisch, & Stewart, (Eds.), 2005), (Nollkaemper & Plakokefalos, 2016).

When a country ratifies an international treaty, it is imperative that it fully comprehend the effects that the treaty will have on its sovereignty. To accomplish this, one must grasp the potential repercussions and obligations of such agreements, as well as how they may affect governments' internal policies and activities. In the meanwhile, it is essential, in the framework of preserving human rights, to have an awareness of the implications of state sovereignty. States are responsible for comprehending that when they consistently violate human rights, and the international community may exert pressure and impose sanctions. This demonstrates that asserting state sovereignty as a justification for breaching human rights is unacceptable.

Understanding the consequences of state sovereignty is essential for appreciating the necessity of collective action when confronted with global concerns such as climate change,

the proliferation of nuclear weapons, or pandemics. This awareness is vital because it allows one to appreciate these challenges' interconnected nature better. Countries need to know that the standard global objective of generating better results worldwide and sustaining stability in their regions must be considered when formulating policies and taking action. Meanwhile, it is essential for the framework of international cooperation for efforts to be made to improve comprehension and awareness of the implications of state sovereignty. Countries are responsible for educating their people on the importance of international cooperation, as it can result in the attainment of standard benefits and a strengthening of their standing in the international arena.

## CONCLUSION

In conclusion, it is possible to assert that the ratification of international law carries with it important repercussions for the sovereignty of states. Although governments have the right to control and regulate their territories, people, resources, and internal policies per their national interests, they are also obligated to comply with the duties outlined in any international treaties they ratify. This is the case even though states have the authority to do so. The ratification of international treaties can confer benefits on state sovereignty, such as the opportunity to participate in international cooperation, the improvement of a state's standing and reputation in the international community, and an increase in the protection of human rights. On the other hand, potential drawbacks could occur, such as limitations on the freedom to act and the ability to make decisions autonomously, as well as dependency on international authorities and institutions.

The importance of the study on the implications of state sovereignty for the ratification of international law resides in the fact that a greater understanding of the interplay between state sovereignty and international duties is required to appreciate its significance fully. This research can help countries develop mechanisms for evaluating and adjusting international law, strengthen understanding and awareness of the implications of state sovereignty, and seek ways to maintain the existence of national legal authority in the context of international treaties. All of these goals can be accomplished with the assistance of this research.

The act of ratifying international law has significant repercussions for the sovereignty of individual states. Countries that ratify international agreements are legally obligated to comply with the responsibilities outlined in these agreements, despite the concept of state sovereignty being an essential component of the national legal system. Because of this, the authority of the

state to execute certain activities that conflict with widely acknowledged principles and values may be restricted as a result. The ratification of international accords can also give benefits to the countries that participate in them, including the enhancement of their worldwide prestige, the strengthening of their diplomatic connections, and the promotion of global collaboration. On the other hand, there is the possibility of drawbacks, such as less freedom of action on the part of states and increased dependence on international oversight systems. As a result, nations have an obligation to thoughtfully assess and modify existing international law and contemplate the implications of state sovereignty during the ratification process.

Governments must find a happy medium between the competing demands of maintaining their national sovereignty while still meeting their duties to the international community. A method for making decisions regarding ratification that is open to participation, transparent, and incorporates consultation with various stakeholders can be used to protect the sovereignty of states. In addition, to preserve national legal authority and achieve common global goals, policymakers and the general public need to grasp better the implications of state sovereignty over the ratification of international law. This understanding is very crucial for both parties. sustainability.

## **BIBLIOGRAPHY**

- Akande, D. (2014). How to do Things with International Law. *European Journal of International Law*, 25(3), 647-680.
- Boisson de Chazournes, L., & Romano, C. (Eds.). (2013). *International Law and the Changing Character of War*.
- Brill Nijhoff. Brown, C., & Harman, S. (Eds.). (2013). *The Changing Politics of Foreign Policy*. Palgrave Macmillan.
- Cassese, A. (2013). *International Law*. Oxford University Press. Crawford, J. (2011). *Brownlie's Principles of Public International Law*. Oxford University Press.
- Denzin, N. K., & Lincoln, Y. S. (Eds.). (2011). *The SAGE Handbook of qualitative research*. Sage Publications.
- Dinstein, Y. (2016). *War, Aggression and Self-Defence*. Cambridge University Press.
- Evans, M. D., & Newnham, J. (1998). *The Penguin Dictionary of International Relations*. Penguin Books.
- Franck, T. M. (1992). *The Power of Legitimacy Among Nations*. Oxford University Press.
- Global Administrative Law Project. (2009). *The Role of National Parliaments in International Law*. Diakses dari <https://www.iilj.org/publications/2009-12-15-national-parliaments-in-international-law/> International Federation for Human Rights. (n.d.). *Advocacy*. Retrieved from <https://www.fidh.org/en/issues/human-rights-defenders/advocacy> International Labour

- Organization. (n.d.). Ratifications of C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948. Diakses dari [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:312170](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312170)
- Kingsbury, B., Krisch, N., & Stewart, R. B. (Eds.). (2005). *The Emergence of Global Administrative Law*. Oxford University Press. Koh, H. H. (1997). Why Do Nations Obey International Law? *Yale Law Journal*, 106(8), 2599-2659. Merriam, S. B. (2009). *Qualitative research: A guide to design and implementation*.
- John Wiley & Sons. Nollkaemper, A., & Plakokefalos, I. (2016). *Principles of Shared Responsibility in International Law: An Appraisal of the State of the Art*. Cambridge University Press.
- Patton, M. Q. (2014). *Qualitative research & evaluation methods: Integrating theory and practice*. Sage Publications.
- Rosenbloom, D. H., Kravchuk, R. S., & Clerkin, R. M. (2018). *Public administration: Understanding management, politics, and law in the public sector*. McGraw-Hill Education.
- Ruskola, T. (2009). The sovereignty of states in international law. In *The Oxford Handbook of International Legal Theory* (pp. 572-594). Oxford University Press.
- Shaw, M. N. (2014). *International Law* (7th ed.). Cambridge University Press.
- Shelton, D. (2008). *International Law and Domestic Legal Systems: Incorporation, Transformation, and Persuasion*. Oxford University Press. Sovereignty: Organized Hypocrisy oleh Stephen D. Krasner, Princeton University Press, 1999. Definisi ratifikasi hukum internasional
- Stürchler, N., & Zürn, M. (Eds.). (2014). *Law and Governance in an Enlarged European Union*. Routledge.
- United Nations Development Programme. (2018). *Public Consultation in Law-Making: AUNDP Guide*. Diakses dari [https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Engagement%20and%20Dialogue/UNDP\\_Public\\_Consultation\\_in\\_Law\\_Making\\_Guide\\_2018.pdf](https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Engagement%20and%20Dialogue/UNDP_Public_Consultation_in_Law_Making_Guide_2018.pdf) United Nations Framework Convention on Climate Change. (n.d.). What is the UNFCCC? Retrieved from <https://unfccc.int/process-and-meetings/the-convention/what-is-the-unfccc> United Nations Human Rights Council. (n.d.). Retrieved from <https://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>
- United Nations Human Rights Office of the High Commissioner. (2019). Ratification Status for Indonesia. Diakses dari [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Treaty.aspx?CountryID=83&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Treaty.aspx?CountryID=83&Lang=EN)
- United Nations Treaty Collection. (n.d.). Parties to the United Nations Framework Convention on Climate Change. Diakses dari [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-7-d&chapter=27&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en)
- United Nations. (n.d.). General Assembly. Retrieved from <https://www.un.org/en/ga/>
- United Nations. (n.d.). Peacekeeping. Retrieved from <https://peacekeeping.un.org/>
- United Nations. (n.d.). Sanctions. Retrieved from <https://www.un.org/securitycouncil/sanctions/>
- United Nations. (n.d.). Sustainable Development Goals. Retrieved from <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

Vol 08, No 2, July 2023

Versteeg, M., & Ginsburg, T. (2013). *The structure of constitutional rights*. Cambridge University Press.

World Trade Organization. (n.d.). *What We Stand For*. Retrieved from [https://www.wto.org/about/whatwedo\\_e/what\\_stand\\_for\\_e.htm](https://www.wto.org/about/whatwedo_e/what_stand_for_e.htm)