



The Legal Analysis concerning African Union Resistance to Cooperate with the International Criminal Court in the Cases of Omar Al – Bashir and Uhuru Kenyatta

By:

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ABSTRACT

This research is aimed to gain comprehensive knowledge on the extent of power of international organizations; balancing obligations of States between complying with International Criminal Court (ICC) and African Union (AU) decisions respectively; the role of *jus cogens* in balancing such obligations; and the effect of Security Council resolutions for international organizations.

The method of research is normative. In this sense, the writer conducted library research. The data compiled was later used to analyze the issues at hand.

The analysis focused on three perspectives. First, the extent of power of the African Union, based upon the theories of power and its limitation. Second, on the exercise of jurisdiction of the ICC. Lastly, on the role of international organizations in international law namely in the campaign of maintaining international peace and security. Based on the analysis of these perspective, conclusions were that powers of international organizations, the AU in particular, are limited by *jus cogens*, by the balance of obligations of its member states and its respective role in international law.

Keywords: African Union, International Criminal Court, Al-Bashir, Uhuru Kenyatta, *jus cogens*, Security Council.

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INTISARI

Penelitian ini bertujuan untuk mendapatkan pemahaman komprehensif terkait kewenangan organisasi internasional; keseimbangan pemenuhan kewajiban yang harus dilakukan oleh negara negara anggota African Union (AU) dan International Criminal Court (ICC) terkait dengan keputusan kedua organisasi internasional tersebut; serta analisa terhadap dampak dari Resolusi Dewan Keamanan PBB mengenai organisasi internasional.

Penelitian ini menggunakan metode normatif. Dimana, penulis melakukan studi pustaka. Data yang telah terkumpul, kemudian akan digunakan untuk menganalisa permasalahan yang dikemukakan.

Analisa ini difokuskan pada tiga aspek. Pertama, terkait dengan kewenangan African Union, yang dimana berdasarkan teori kewenangan dan batasan-batasannya. Kedua, bagaimana ICC melaksanakan yurisdiksinya. Ketiga, mengenai peran dari organisasi internasional di hukum internasional dalam rangka mempertahankan keamanan dan perdamaian internasional. Berdasarkan dari ketiga analisis tersebut, penulis mendapatkan kesimpulan bahwa kewenangan organisasi internasional dibatasi oleh konsep jus cogens, oleh kewajiban negara anggota yang seimbang, dan peran organisasi tersebut dalam hukum internasional.

Kata Kunci: African Union, International Criminal Court, Al-Bashir, Uhuru Kenyatta, jus cogens, Security Council.

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