

# The Role of the International Court of Justice in Resolving Disputes Between Countries

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<b>Article History</b> Received : 2020-07-07 Revised: 2020-07-16 Published: 2020-07-30  <b>Keywords:</b> <i>International Court of Justice; International Disputes; International Law; ICJ</i>	The International Court of Justice (ICJ) is the principal organ of the United Nations, authorized to peacefully resolve disputes between states. This study aims to analyze in depth the role, function, and effectiveness of the International Court of Justice in resolving international disputes. The research method used is normative legal research with a conceptual approach, legislation, and case studies. The results show that the International Court of Justice has made a significant contribution to maintaining global stability through legal dispute resolution, although it still faces various challenges such as limited jurisdiction and low levels of state compliance with its decisions. Going forward, the International Court of Justice has the opportunity to expand its role in global issues such as environmental disputes, human rights, and maritime conflicts.

## I. INTRODUCTION

The International Court of Justice (ICJ) is the primary judicial organ of the United Nations, playing a crucial role in peacefully resolving legal disputes between nations. In the practice of international relations, disputes often arise from differing interests related to territorial boundaries, the use of natural resources, or violations of international treaties. Therefore, the existence of a legal dispute resolution mechanism is crucial for maintaining global stability and peace (Huala, 2008).

The International Court of Justice not only functions as a dispute resolution institution but also has the authority to provide legal opinions (advisory opinions) to United Nations organs and other international institutions. This role demonstrates the ICJ's contribution to the broader development and enforcement of international law (Ambarawati et al., 2022). Furthermore, through its various decisions, the International Court of Justice has reinforced fundamental principles, such as the peaceful resolution of disputes and the prohibition of the use of force in international relations (Nasser, 2018).

Nevertheless, the effectiveness of the International Court of Justice still faces several challenges, including limited jurisdiction that relies on state consent and low levels of compliance with its decisions (Gea et al., 2024). This situation demonstrates that the ICJ's role is determined not only by its legal authority but also by the commitment of states to uphold international law. Therefore, studying the role of the International Court of Justice is crucial for assessing its contribution to creating global peace and identifying opportunities for its future strengthening.

## II. RESEARCH METHODS

This research employs a normative legal research method with a qualitative approach. This method was chosen because this research focuses on the study of international legal norms related to the role of the International Court of Justice in resolving interstate disputes. This approach is conducted through library research, namely by examining various legal sources such as international legislation, legal literature, scientific journals, and relevant decisions of the International Court of Justice.

The approaches used in this research include a statute approach and a case approach. The statute approach is carried out by examining the provisions of the United Nations Charter and the Statute of the International Court of Justice, while the case approach is carried out by analyzing several interstate dispute cases that have been handled by the International Court of Justice as material for empirical study within a normative framework.

Data collection techniques were conducted through documentary studies of primary, secondary, and tertiary legal materials. Primary legal materials included the UN Charter and the Statute of the International Court of Justice, secondary legal materials included books, journals, and previous research, and tertiary legal materials included legal dictionaries and encyclopedias. The data obtained were then analyzed descriptively and analytically, systematically outlining and interpreting the data to gain a comprehensive understanding of the role of the International Court of Justice in resolving disputes between countries.

### III. RESULTS AND DISCUSSION

#### A. Research result

Based on research findings, it is known that the International Court of Justice holds the position of the primary judicial institution within the United Nations system, functioning to peacefully resolve legal disputes between nations. In carrying out its functions, the International Court of Justice has the authority to adjudicate cases brought by states and to provide consultative legal opinions to international bodies (Ambarawati et al., 2022).

Research also shows that the dispute resolution mechanism through the International Court of Justice is based on the agreement of the disputing parties. This confirms that the Court's jurisdiction is not automatic, but rather depends on a state's willingness to submit to its authority (Gea et al., 2024). Therefore, the success of

dispute resolution is greatly influenced by a state's commitment to respecting international law.

Furthermore, it was found that the International Court of Justice has handled various important cases related to interstate disputes, such as territorial disputes, intervention, and violations of international law. The Court's decisions have contributed to clarifying the principles of international law, including the principle of non-intervention and the peaceful settlement of disputes (Nasser, 2018).

However, research also reveals obstacles to the implementation of International Court of Justice decisions, particularly related to the level of state compliance. Although the Court's decisions are binding, not all states consistently implement them due to the lack of a coercive enforcement mechanism (Gea et al., 2024). This is one factor influencing the effectiveness of the Court's role in the international legal system.

#### B. Discussion

The role of the International Court of Justice in resolving disputes between nations essentially reflects the international community's efforts to uphold the supremacy of international law. The International Court of Justice serves not only as a dispute resolution institution but also as an instrument for maintaining global stability and peace through the application of fair and objective legal principles (Huala, 2008). In this context, the Court's existence is crucial, particularly in preventing the escalation of conflicts that could potentially lead to violence between nations.

Furthermore, the effectiveness of the International Court of Justice can be seen in its contribution to clarifying and developing international law through its decisions. The decision in *Nicaragua v. United States*, for example, reaffirmed the principle of non-intervention as a key pillar of international relations (Gea et al., 2024). This demonstrates

that the Court not only resolves disputes but also establishes legal precedents that serve as a reference for future states

On the other hand, the principle of peaceful dispute resolution promoted by the International Court of Justice aligns with the provisions of the United Nations Charter. States are encouraged to use legal channels to resolve disputes to avoid the use of violence that could threaten world peace (Nasser, 2018). Thus, the International Court of Justice serves as a legitimate and credible forum for resolving international disputes.

However, several challenges hinder the optimal role of the International Court of Justice. One major obstacle is the inherent nature of its jurisdiction, which relies on state consent, preventing all disputes from being brought before the Court (Ambarawati et al., 2022). Furthermore, the weak enforcement mechanism for its decisions means that some states still fail to comply with the Court's decisions, thus reducing its effectiveness in practice (Gea et al., 2024).

Despite facing various obstacles, the International Court of Justice still has significant opportunities to strengthen its role in the future. Increasing global awareness of the importance of international law and the development of transnational issues, such as the environment and human rights, create opportunities for the Court to contribute more broadly to the resolution of international disputes (Ambarawati et al., 2022). Therefore, a stronger commitment from states to support the authority and implementation of the International Court of Justice's decisions is needed to establish an effective international legal order.

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

The International Court of Justice plays a crucial role in resolving disputes between nations through peaceful legal mechanisms based on the principles of international law. Its existence as the

principal judicial organ of the United Nations demonstrates the international community's commitment to maintaining global peace and stability through non-violent dispute resolution. In addition to its function as a judicial institution, the International Court of Justice also plays a role in providing legal opinions that contribute to the development of international law.

However, the effectiveness of the International Court of Justice still faces various challenges, particularly related to its limited jurisdiction, which relies on state consent, and low levels of compliance with its decisions. This situation demonstrates that the Court's success is determined not only by its legal authority but also by states' commitment to complying with international law.

Thus, strengthening the role of the International Court of Justice in the future requires greater support from states, both in terms of accepting jurisdiction and implementing decisions. This is crucial for the International Court of Justice to function optimally as an effective dispute resolution institution and as a guardian of order and justice in the international legal system.

##### B. Suggestions

Based on the research and discussion, it is recommended that United Nations member states strengthen their commitment to recognizing and complying with the jurisdiction of the International Court of Justice as a legitimate and credible dispute resolution institution. Compliance with the Court's decisions needs to be strengthened to ensure the effective enforcement of international law and maintain global stability and peace.

Furthermore, efforts are needed to strengthen international mechanisms, particularly through the role of the UN Security Council, to encourage the implementation of International Court of Justice decisions, ensuring they are not only

normative but also have more effective coercive power. This is crucial to addressing the low level of state compliance with Court decisions.

For the International Court of Justice itself, it is recommended to continue improving transparency, accessibility, and efficiency in the judicial process to strengthen state confidence in this institution. Furthermore, capacity development in addressing contemporary global issues, such as environmental disputes and human rights, also needs to be strengthened.

Finally, for future researchers, it is recommended to conduct a more in-depth study using an empirical or comparative approach in order to obtain a more comprehensive picture of the effectiveness of the International Court of Justice in the practice of resolving disputes between countries.

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