



When Peace is Personalized: The Clash between the BoP Charter and Indonesia's Free and Active Foreign Policy

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Abstract

Background: This article critically examines the legal and constitutional implications of Indonesia's engagement with the "Board of Peace" (BoP), an emerging ad hoc entity in global peace governance. It highlights the systemic tension between established multilateral frameworks and the BoP's "Chairman-centric" model, which represents a shift from rule-based to person-based international authority. **Methodology:** This study employs a normative legal research method to compare the BoP Charter, the United Nations Charter, and Indonesia's domestic legal framework. **Objectives:** The research, aims to evaluate the compatibility of the BoP's centralized governance with the principles of sovereign equality, modern multilateralism, and Indonesia's constitutional mandate of a "Bebas Aktif" (free and active) foreign policy. **Findings:** The analysis reveals that the BoP's institutional design—characterized by unfettered discretionary power vested in a single office—breaks the "chain of democratic delegation" required by Article 1 of the 1945 Indonesian Constitution. Furthermore, it risks creating "functional subordination" that undermines Law No. 37 of 1999 on Foreign Relations. **Conclusion:** Consequently, the study argues that Indonesia should utilize the period prior to ratification as a "constitutional firewall" to protect its strategic autonomy and domestic legal integrity. **Novelty:** This research provides a pioneering analysis of the BoP Charter through the lens of Indonesian constitutionalism, offering a critical perspective on how middle powers in the Global South should navigate ad hoc governance initiatives that bypass traditional UN-centric multilateralism.

Keywords: board of peace; international law; indonesian constitutional law; bebas aktif policy; sovereign policy



Abstrak

Latar Belakang: Artikel ini mengkaji secara kritis implikasi hukum dan konstitusional dari keterlibatan Indonesia dalam Board of Peace (BoP), sebuah entitas ad hoc baru dalam tata kelola perdamaian global. Penelitian ini menyoroti ketegangan sistemik antara kerangka multilateral yang mapan dengan model tata kelola BoP yang bersifat "Chairman-centric", yang merepresentasikan pergeseran otoritas internasional dari model berbasis aturan (rule-based) menjadi berbasis personal (person-based). **Metodologi:** Dengan menggunakan metode penelitian hukum normatif, studi ini melakukan analisis komparatif antara Piagam BoP, Piagam Perserikatan Bangsa-Bangsa, dan kerangka hukum domestik Indonesia. **Tujuan:** Penelitian ini bertujuan untuk mengevaluasi kompatibilitas tata kelola terpusat BoP dengan prinsip kesetaraan kedaulatan, multilateralisme modern, dan mandat konstitusional politik luar negeri Indonesia yang "Bebas Aktif". **Temuan:** Analisis menunjukkan bahwa desain institusional BoP—yang ditandai dengan diskresi absolut yang melekat pada satu jabatan tunggal—memutus "rantai delegasi demokratis" yang diamanatkan oleh Pasal 1 UUD 1945. Selain itu, model ini berisiko menciptakan "subordinasi fungsional" yang merusak mandat Undang-Undang Nomor 37 Tahun 1999 tentang Hubungan Luar Negeri. **Kesimpulan:** Sebagai konsekuensinya, studi ini berargumen bahwa Indonesia harus memanfaatkan periode sebelum ratifikasi sebagai "benteng konstitusional" (constitutional firewall) untuk melindungi otonomi strategis dan integritas hukum domestik. **Orisinalitas/Keunikan:** Penelitian ini memberikan analisis kepeloporan terhadap Piagam BoP melalui lensa konstitusionalisme Indonesia, menawarkan perspektif kritis mengenai bagaimana negara kekuatan menengah (middle power) di Global South harus menyikapi inisiatif tata kelola ad hoc yang mengabaikan multilateralisme tradisional yang berpusat pada PBB.

Kata Kunci: board of peace; hukum internasional; hukum tata negara indonesia; politik bebas aktif; kesetaraan kedaulatan

A. Introduction

The evolving dynamics of the contemporary geopolitical landscape have intensified debates over the effectiveness of global peace governance. In the decades since the end of the Cold War, the international system has been challenged by the rise of non-state actors, transnational threats, and shifting power relations, all of which have placed mounting pressure on traditional multilateral institutions such as the United Nations.¹ Amidst concerns that existing frameworks may no longer be fully equipped to address complex 21st-century security challenges, scholars and policymakers have increasingly examined alternative governance arrangements.² Concepts like "contested multilateralism" and "minilateralism" describe the trend of states and other actors

¹ Kari M. Osland and Mateja Peter, 'UN Peace Operations in a Multipolar Order: Building Peace through the Rule of Law and Bottom-up Approaches', *Contemporary Security Policy* 42, no. 2 (April 2021): 200, <https://doi.org/10.1080/13523260.2021.1898166>.

² Julia C. Morse and Robert O. Keohane, 'Contested Multilateralism', *The Review of International Organizations* 9, no. 4 (December 2014): 389, <https://doi.org/10.1007/s11558-014-9188-2>.

seeking new mechanisms outside established institutions.³ One notable development is the emergence of ad hoc entities such as the Board of Peace (BoP), which has generated renewed discussion about the adaptability and legitimacy of international peace mechanisms.⁴ Examining the BoP thus provides valuable insights into how global governance is evolving in response to contemporary challenges.⁵

The Board of Peace, as outlined in the Charter, is presented as an institutional response to promote stability, restore legitimate governance, and secure sustainable peace in conflict-affected regions.⁶ However, a closer examination of its institutional design reveals a governance structure that is highly centralized in the role of the Chairman. The Charter explicitly designates a Chairman who holds significant authority, including the power to establish, modify, or dissolve subsidiary bodies, as well as to appoint and dismiss members of the Executive Council. Furthermore, decision-making processes within the organization remain subject to the Chairman's approval, including the ability to veto decisions adopted by the Executive Council or supported by a majority of member states. This concentration of authority raises important questions regarding the compatibility of such a governance model with the principles commonly associated with modern international organizations, particularly those emphasizing collective decision-making, representation, and accountability. In addition, provisions concerning membership, specifically the invitation-based system controlled by the Chairman suggest a potentially limited level of inclusivity compared to established multilateral frameworks. These structural characteristics indicate that, while the Board of Peace seeks to address perceived shortcomings in existing institutions, its design introduces alternative governance dynamics that warrant critical examination.⁷

The emergence of the Board of Peace cannot be separated from longstanding criticisms directed at existing multilateral institutions, particularly the United Nations. Scholars have highlighted structural limitations within the UN system, including decision-making deadlock caused by the veto power, which has been criticized as unchecked and unaccountable and challenges in adapting to shifting geopolitical realities.⁸ These

³ Harish K. Thakur, 'Restoring Multilateralism: The Challenge from the Global South and the Rising Minilateralism', *The Round Table* 113, no. 6 (November 2024): 170, <https://doi.org/10.1080/00358533.2024.2439673>.

⁴ Congyan Cai, Larissa Van Den Herik, and Tiyanjana Maluwa, *The UN Security Council and the Maintenance of Peace in a Changing World*, 1st edn, ed. Anne Peters and Christian Marxsen (Cambridge University Press, 2024), 12, <https://doi.org/10.1017/9781009423458>.

⁵ Leila Bijos and Renan De Souza, 'Private Military Companies and the Outsourcing of War: A Spark of Destabilisation to the Global Security', *Annales de La Faculté de Droit d'Istanbul*, ahead of print, 15 March 2020, 98, <https://doi.org/10.26650/Annales.2020.69.0004>; Lisa Dellmuth and Jonas Tallberg, *Legitimacy Politics: Elite Communication and Public Opinion in Global Governance*, 1st edn (Cambridge University Press, 2023), 7, <https://doi.org/10.1017/9781009222020>.

⁶ Charter of The Board of Peace (2026).

⁷ Michael Zürn, Alexandros Tokhi, and Martin Binder, 'The International Authority Database', *Global Policy* 12, no. 4 (September 2021): 430–42, <https://doi.org/10.1111/1758-5899.12971>.

⁸ Ben L. Murphy, 'Situating the Accountability of the UN Security Council: Between Liberal-Legal and Political "Styles" of Global Constitutionalism?', *Global Constitutionalism* 10, no. 3 (November 2021): 465–99, <https://doi.org/10.1017/S2045381720000222>.

limitations have encouraged the exploration of alternative, ad hoc mechanisms outside the UN framework⁹, which some scholars warn could lead to a world order where material might dictates legal right, further undermining the consistency of international law.¹⁰

Within this context, the Board of Peace presents itself as a response to such perceived shortcomings by offering a more flexible and pragmatic governance model. However, despite this rationale, the institutional design of the BoP raises significant concerns. The concentration of authority in the Chairman, combined with limited mechanisms for accountability and representation, introduces governance challenges that may conflict with established principles of international law.¹¹ As such, while the BoP reflects dissatisfaction with existing multilateral structures, it also generates new questions regarding legitimacy, balance of power, and the preservation of sovereign equality.¹²

From an international law perspective, these concerns have attracted critical attention, particularly regarding their implications for governance norms in international organizations. The Chairman's extensive control over institutional structure, membership composition, and decision-making processes raises questions about compatibility with principles such as participation, transparency, and the equitable distribution of authority among states.¹³ Such a centralized model may create imbalances in power relations and potentially affect the principle of sovereign equality, a foundational norm in international law. Accordingly, while the BoP seeks to offer an alternative governance framework, its structural configuration invites further scrutiny concerning its alignment with established legal and institutional standards.¹⁴

Furthermore, the orientation of the BoP Charter towards ad hoc peace governance raises important legal questions when examined in relation to the principles of state sovereignty and Indonesia's "free and active" foreign policy, as stipulated in Law No. 37 of 1999 concerning Foreign Relations.¹⁵ For instance, provisions within the BoP Charter

⁹ Allen Buchanan and Robert O. Keohane, 'The Legitimacy of Global Governance Institutions', *Ethics & International Affairs* 20, no. 4 (December 2006): 426–27, 433, <https://doi.org/10.1111/j.1747-7093.2006.00043.x>.

¹⁰ Marieke De Hoon, 'Equality and Consistency as Antidotes to the Board-of-Peace-World', *Netherlands Quarterly of Human Rights* 44, no. 1 (March 2026): 3–4, <https://doi.org/10.1177/09240519261429403>.

¹¹ Congyan Cai, Larissa Van Den Herik, and Tiyanjana Maluwa, *The UN Security Council and the Maintenance of Peace in a Changing World*, 1st edn, ed. Anne Peters and Christian Marxsen (Cambridge University Press, 2024), <https://doi.org/10.1017/9781009423458>.

¹² G. John Ikenberry, 'The Future of Multilateralism: Governing the World in a Post-Hegemonic Era', *Japanese Journal of Political Science* 16, no. 3 (September 2015): 400, 409, <https://doi.org/10.1017/S1468109915000158>.

¹³ Congyan Cai, Larissa Van Den Herik, and Tiyanjana Maluwa, *The UN Security Council and the Maintenance of Peace in a Changing World*, 1st edn, ed. Anne Peters and Christian Marxsen (Cambridge University Press, 2024), <https://doi.org/10.1017/9781009423458>.

¹⁴ Christopher Michaelsen, 'Collective Security and the Prohibition on the Use of Force in Times of Global Transition', *The Australian Year Book of International Law Online* 38, no. 1 (December 2020): 108, https://doi.org/10.1163/26660229_03801005.

¹⁵ Siti Mutiah Setiawati, 'The Role of Indonesian Government in Middle East Conflict Resolution: Consistent Diplomacy or Strategic Shifts?', *Frontiers in Political Science* 6 (March 2024): 1–2, <https://doi.org/10.3389/fpos.2024.1304108>.

that grant the Chairman authority to approve or veto decisions adopted by member states and to unilaterally determine membership composition indicate a significant concentration of power in a single actor.

From a doctrinal perspective, the centralized authority embedded in the BoP Charter may be difficult to reconcile with Indonesia's domestic legal framework. Specifically, Article 1 of the 1945 Constitution and Law No. 37 of 1999 establish that foreign relations must be conducted on the basis of equality of status and mutual respect for sovereignty.¹⁶ These provisions provide a crucial benchmark: the potential emergence of hierarchical decision-making in the BoP challenges the very principle of equality among states that Indonesia is legally bound to uphold.

Law No. 37 of 1999 concerning Foreign Relations establishes that Indonesia's external relations are conducted on the basis of equality of status, mutual respect for sovereignty, and non-interference in domestic affairs. As reflected in Article 5, foreign policy must be implemented in accordance with national law as well as applicable international legal norms. In this context, these provisions provide an important benchmark for evaluating the compatibility of the BoP Charter, particularly in relation to its centralized governance structure and the potential emergence of hierarchical decision-making arrangements that may challenge the principle of equality among states.¹⁷

In addition to these normative benchmarks, Indonesia's dualist approach to international law implies that any international commitment, including participation in the BoP, must undergo a process of domestic legal integration to become binding within the national legal system.¹⁸ This requirement highlights the importance of assessing whether specific provisions of the BoP Charter can be harmonized with Indonesia's constitutional framework, particularly those related to sovereignty and the distribution of authority.¹⁹ In this context, the interaction between the BoP's governance model and Indonesia's legal principles reflects a broader tension between the pursuit of effective global peace mechanisms and the preservation of constitutional and normative integrity at the national level. At the same time, this domestic legal assessment cannot be separated from the broader international institutional framework within which global peace governance operates. Within this broader context, the discourse on global peace governance has historically centered on the United Nations Security Council's fundamental mandate, as

¹⁶ 'Indonesia: Undang-Undang Republik Indonesia Nomor 37 Tahun 1999 Tentang Hubungan Luar Negeri (Law of the Republic of Indonesia Number 37 Year 1999 on Foreign Relations)', Refworld, accessed 23 April 2026, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/147504>.

¹⁷ Law of The Republic of Indonesia Number 37 of 1999 Concerning Foreign Relations, No. 37, accessed 23 April 2026, <http://peraturan.bpk.go.id/Details/45358/uu-no-37-tahun-1999>.

¹⁸ Rudi Natamiharja, Rudy Rudy, and Chaidir Ali, 'Law Making Treaties: The Implication of International Law towards Indonesia's Legislations', *Jambe Law Journal* 3, no. 2 (April 2021): 202, <https://doi.org/10.22437/jlj.3.2.191-210>.

¹⁹ Artha Debora Silalahi, 'Rekonstruksi Pengawasan DPR RI Dalam Pembentukan Peraturan Perundang-Undangan Melalui Kerangka Demokrasi Konstitusional', *Jurnal Konstitusi & Demokrasi* 3, no. 2 (December 2023): 111, <https://doi.org/10.7454/JKD.v3i2.1306>.

outlined in Article 24 of the Charter of the United Nations, which affirms its primary responsibility for maintaining international peace and security. Under Article 25 of the UN Charter, UN Members agree to accept and carry out the decisions of the Security Council in accordance with the Charter.²⁰ This authority, particularly under Chapter VII of the UN Charter, empowers the Council to take action, including binding measures, to maintain peace. The primary purpose of the UN, as outlined in Article 1 of the UN Charter, is to maintain international peace and security and, to that end, to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression.

Upon scrutiny of the UN Charter, the design of the *Board of Peace* that has now emerged presents an anomaly and even a potential rivalry with the authority vested in the UN Security Council, raising essential questions about overlapping jurisdiction and the fragmentation of authority in the architecture of global peace governance. With similar objectives – promoting stability and peace – but with a power structure vastly different from the UN Security Council's and centered on the Chairman, the BoP potentially challenges the centrality of the UN Security Council in international peace and security affairs. The Chairman's broad mandate and powers, including the ability to dissolve the BoP at any time, confer an unusual degree of control within the structure of an international organization. The BoP membership model, which is invitation-based and term-based, and the provision for significant financial contributions for long-term membership further raise questions about inclusivity and legitimacy compared with the principle of equality underlying the UN. This concern is reinforced by the fact that decisions in the BoP require the Chairman's approval even after a majority vote, and that the Chairman can veto Executive Council decisions.

Therefore, there is a significant research gap regarding how harmonization between the constitutionally primary traditional mandate of the UN Security Council, the innovative yet potentially antagonistic design of the *Board of Peace*, which promotes an *ad hoc* peace governance model with a high concentration of power, and Indonesia's constitutional principles, upholding popular sovereignty and a free and active foreign policy can be found. This study will analyze how Indonesia must navigate global diplomatic complexities without eroding the state's philosophical foundations or violating the international law principles it has adopted. Indonesia's stance towards the Board of Peace is crucial, given its implications not only for Indonesia's position on the global stage but also for the interpretation and implementation of its own constitutional principles in the context of evolving international law.

Critics of this *ad hoc* governance model further argue that the BoP Charter represents a 'privatisation of peace,' shifting international mandates into the hands of a highly centralized personal authority. As Lyla Latif contends, this design deliberately bypasses

²⁰ In *Respecting the UN Charter | Empowering the UN Security Council: Reforms to Address Modern Threats* | Oxford Academic (Oxford University Press, n.d.), <https://doi.org/10.1093/oso/9780197780602.003.0002>.

the accountability and representation mechanisms characteristic of modern international organizations, transforming peace-building into a structure that mirrors autocracy rather than multilateralism. For a nation like Indonesia, such a concentration of power poses a significant challenge to ensuring that international engagements do not erode the constitutional principle of popular sovereignty.²¹

Amidst the wealth of literature on international law and foreign policy, this study offers a perspective that has not yet been extensively explored. This article is the first study to specifically link the *Board of Peace* Charter, which emerged in early 2026, with the constitutionality of Indonesia's foreign policy, providing empirical and normative foundations for a more comprehensive understanding. By analyzing the BoP through the lenses of sovereignty principles, free and active politics, and the Indonesian Constitution, this research fills a void in academic discussions on developing countries' responses to *ad hoc* peace governance initiatives emerging outside the UN framework. This contribution is significant because studies on international organizations often focus on the perspectives of developed countries or the UN framework itself, overlooking nuances in member states' stances and constitutional frameworks, which usually reflect strong, distinct foreign policy principles.

Based on the background and research gap that have been outlined, this research formulates several core questions that will become the focus of the analysis:

1. Does the scope and mandate of the *Board of Peace* have the potential to rival the authority of the UN Security Council, and what implications arise from this overlap of authority, particularly in the context of the stability of global peace governance?
2. Is the power structure and decision-making mechanism in the *Board of Peace* Charter, particularly the concentration of authority on the Chairman, consistent with the principles of modern international organizations and international law, including the principle of sovereign equality and accountability?
3. Is Indonesia's potential involvement in the Board of Peace aligned with Article 1 of the 1945 Constitution, which upholds the sovereignty of the people and Indonesia's free and active foreign policy based on Pancasila and national interests?
4. How should Indonesia constitutionally and strategically position itself regarding the invitation to sign the *Charter of Peace*, considering domestic legal implications and its position in the arena of international diplomacy?

This research will adopt the framework of Normative Legal Research, an approach essential for analyzing legal texts, norms, and principles that underpin the architecture of global governance and a country's constitution. The primary focus is on primary legal materials, such as the *Peace* Charter, the *Charter of the United Nations*, the 1945

²¹ Lyla Latif, 'The Privatisation of Peace under the Charter of the Board of Peace', *SSRN Electronic Journal*, ahead of print, 2026, 1, <https://doi.org/10.2139/ssrn.6134747>.

Constitution of the Republic of Indonesia, and Law Number 37 of 1999 concerning Foreign Relations, which secondary legal materials will supplement in the form of scientific literature related to international law, international organization theory, and foreign policy. Through a comprehensive library study, data will be collected and classified, then analyzed qualitatively using deductive reasoning to identify coherence, inconsistency, and the normative implications of the Board of Peace design for the international and Indonesian domestic legal order.

To address the problem formulation, this research will integrate several analytical approaches. First, the statutory approach will be applied to meticulously dissect the scope, mandate, and power structure of the *Board of Peace* (based on the BoP Charter) and compare it with the authority of the UN Security Council (Article 24 and Chapter VII of the UN Charter), directly answering the first and second problems. Second, the conceptual approach will be used to evaluate the consistency of the *Board of Peace* design with principles of modern international organizations, such as accountability, representation, and sovereign equality, while examining the alignment of Indonesia's involvement with Article 1 paragraph of the 1945 Constitution and the free and active foreign policy; this is essential to answer the second and third problems. Third, the comparative approach will serve as a critical tool for systematically comparing the *Board of Peace* with the UN multilateralism model, highlighting potential rivalries or fragmentation that may arise. Through the synthesis of legal interpretation, critical evaluation, and comparison, a strong argument will be constructed to determine how Indonesia should constitutionally and strategically position itself regarding the *Board of Peace* Charter, which is the core of the fourth problem.

B. Discussion

1. Board of Peace and Potential Overlap with the UN Security Council

The global governance of international peace and security has historically been structured around the United Nations system, with the Security Council holding primary responsibility under Article 24 of the UN Charter. This institutional arrangement reflects a collective delegation of authority by member states, grounded in principles of multilateralism and legal legitimacy. Within this established framework, the emergence of the Board of Peace (BoP), which articulates a mandate to promote stability and restore governance in conflict-affected areas, introduces a new institutional actor that operates alongside, rather than within, the UN system. This development raises questions regarding the extent to which the BoP's mandate may overlap with, or affect, the Security Council's established authority.

The legal foundation of the UN Security Council remains robust and widely recognized. In addition to its primary responsibility under Article 24, Chapter VII of the UN Charter, the Council is empowered to adopt binding measures, including sanctions and the use of

force, to address threats to peace. These powers are exercised within a framework of collective decision-making, reflecting the consent of member states and reinforcing the Council’s legitimacy as a central organ of global governance. As such, the authority of the Security Council is not only legal in nature but also institutional, embedded within a broader multilateral system that provides procedural accountability and continuity.

In contrast, the Board of Peace is structured in a markedly different manner. While its Charter proclaims objectives that resemble those of the United Nations—such as promoting stability and securing peace—it does so through an institutional design characterized by a high degree of centralized authority. The Chairman is endowed with extensive powers, including control over membership, agenda-setting, veto authority over decisions, and interpretative authority over the Charter itself.²² This configuration departs significantly from the collective governance model of the UN Security Council and reflects an alternative approach to international institutional design.

Guiding Aspect	UN Security Council	<i>Board of Peace</i>
Main Mandate	Maintaining international peace and security, taking effective collective action.	Promoting stability, restoring legitimate governance, and securing lasting peace
Legal Basis	UN Charter, a universal international legal instrument binding 193 member states	"CHARTER OF THE BOARD OF PEACE", a new charter operating outside the UN framework
Decision-Making Authority	Based on consensus (with veto power of permanent members) or majority vote among 15 members	Power is highly centralized in the Chairman, with veto power over the Executive Board's and member states' decisions.
Legitimacy	Rooted in the principle of sovereign equality of member states and a mandate granted by the international community broadly.	Based on the Chairman's invitation, with a temporary membership model and significant financial contributions.
Operational Capacity	Established enforcement mechanisms	Emerging / limited

Table 1. Comparison of the UN Security Council and the Board of Peace Structures

A comparison between the mandates and institutional structures of the UN Security Council and the Board of Peace reveals that, despite their shared objectives, the two bodies operate on fundamentally different principles. The Security Council’s authority derives from a collectively agreed legal framework, whereas the BoP’s authority appears

²² Latif, ‘The Privatisation of Peace under the Charter of the Board of Peace’, 1.

to rest on a more centralized and discretionary model of governance. This divergence is not merely structural but also has broader implications for how authority is exercised in international peace governance, particularly with respect to accountability, representation, and the distribution of decision-making power.

In this context, the emergence of the BoP may be understood not as a direct replacement for the UN Security Council, but as a potential parallel governance mechanism. Some scholars have suggested that such institutional developments can contribute to the gradual displacement of deliberative multilateral processes, particularly when existing institutions face decision-making deadlocks.²³ The BoP's ability to operate outside the formal constraints of the UN system may allow it to act more flexibly in certain contexts, thereby introducing an alternative locus of authority in global peace governance.

However, the extent to which the Board of Peace can genuinely rival the authority of the UN Security Council remains contingent upon several factors, including the level of state support it receives, its operational capacity, and the existence of effective enforcement mechanisms. While there are indications that the BoP has begun to assume governance-related functions—such as involvement in stabilization efforts and reconstruction initiatives—its institutional framework has been described as legally fragile and lacking in established accountability mechanisms.²⁴ This suggests that, although the BoP may introduce elements of overlap, its capacity to function as a fully equivalent authority to the Security Council remains uncertain.

From a structural perspective, the concentration of authority within the BoP raises additional concerns regarding its compatibility with established norms of international governance. The Chairman's extensive powers, including veto authority over decisions and control over institutional composition, create a governance model that differs markedly from the Security Council's more distributed authority.²⁵ This centralization may enable more rapid decision-making, but it also raises questions about transparency, inclusivity, and the balance of power among participating states. Furthermore, the potential for normative conflict between the BoP's mandates and the UN system necessitates an examination of Article 103 of the UN Charter. This 'supremacy clause' explicitly mandates that obligations under the UN Charter prevail over any other international agreement. If a BoP directive—issued under the Chairman's centralized authority—contradicts a binding resolution from the Security Council, member states would face a profound legal dilemma. The emergence of the BoP thus does not merely create functional overlap; it introduces a risk of 'normative fragmentation' where the ad hoc tests the hierarchical primacy of the UN Charter, yet potent, mandates of the Board, potentially undermining the principle of legal certainty in global peace governance.

²³ Ferid Belhaj, *Legalized Power? The Board of Peace and The Governance of Conflict*, n.d., 2 & 4.

²⁴ Belhaj, *Legalized Power? The Board of Peace and The Governance of Conflict*, 2 & 8.

²⁵ Latif, 'The Privatisation of Peace under the Charter of the Board of Peace', 1.

The potential interaction between these two institutional models can be situated within the broader concept of “contested multilateralism,” in which alternative governance arrangements emerge alongside established institutions.²⁶ In such contexts, overlapping mandates may contribute to both flexibility and fragmentation. On the one hand, alternative mechanisms, such as the BoP, may provide avenues for action when traditional institutions are constrained. On the other hand, the proliferation of parallel structures risks creating uncertainty regarding authority, potentially affecting the coherence and stability of global peace governance.²⁷ Accordingly, the implications of the BoP’s emergence are best understood not as a straightforward erosion of the UN system, but as part of a more complex transformation in the architecture of international peace and security.

2. Concentration of Power in the Board of Peace: Chairman-Centric Governance

The governance structure of the Board of Peace, as established in its Charter, reflects a significant departure from conventional models of international organizations, which are generally grounded in principles of collective decision-making, representation, and institutional accountability. Rather than distributing authority among member states or institutional organs, the BoP framework concentrates substantial powers within the office of the Chairman. This configuration raises important questions regarding its compatibility with established principles of international institutional governance.²⁸

The Charter designates a single individual as the inaugural Chairman and vests this office with extensive authority over the organization’s structure and operations. These powers include the ability to determine the composition of the membership, control agenda-setting processes, and exercise decisive influence over institutional decision-making.²⁹ In contrast to the distributed authority typically found in international organizations—where decision-making is mediated through formal procedures and collective mechanisms—the BoP appears to adopt a model in which institutional authority is closely tied to a single office.

A closer examination of specific powers further illustrates this concentration of authority. The Chairman possesses exclusive competence to invite states to join the organization, thereby directly shaping its composition and, by extension, its legitimacy. This membership structure differs from that of traditional multilateral organizations, where participation is generally based on open accession or on collectively agreed criteria. From a doctrinal perspective, such an arrangement raises questions regarding its consistency

²⁶ Julia C. Morse and Robert O. Keohane, ‘Contested Multilateralism’, *The Review of International Organizations* 9, no. 4 (December 2014): 385–412, <https://doi.org/10.1007/s11558-014-9188-2>.

²⁷ Frank Biermann et al., ‘The Fragmentation of Global Governance Architectures: A Framework for Analysis’, *Global Environmental Politics* 9, no. 4 (November 2009): 14–40, <https://doi.org/10.1162/glep.2009.9.4.14>.

²⁸ Latif, ‘The Privatisation of Peace under the Charter of the Board of Peace’, 1.

²⁹ Latif, ‘The Privatisation of Peace under the Charter of the Board of Peace’, 1.

with the principle of sovereign equality, which underpins contemporary international institutional frameworks.³⁰

In addition to membership control, the Chairman holds the authority to appoint and dismiss members of the Executive Board. The absence of fixed tenure or independent safeguards for these positions suggests a governance structure in which institutional actors remain dependent on the discretion of a single office. This differs from established international organizations, where institutional continuity is maintained through procedural guarantees and the relative autonomy of governing bodies.³¹ As such, the BoP's internal structure may affect the balance between authority and accountability within the organization.

The Chairman's influence also extends to decision-making and institutional development. The ability to veto decisions adopted by governing bodies and to condition amendments to the Charter on the Chairman's approval effectively grants this office a decisive role in shaping both current operations and the institution's future evolution.³² This form of authority contrasts with the procedural frameworks of organizations such as the United Nations, where decision-making—despite the existence of veto powers—is embedded within a broader system of collective deliberation and institutional checks. Furthermore, the Chairman retains the capacity to establish, modify, or dissolve subsidiary bodies, as well as to terminate the organization itself. The existence of such powers suggests that the BoP may function less as a permanent institutional entity and more as a flexible governance mechanism dependent on centralized authority. While this design may enable adaptability in responding to conflict situations, it also raises questions about institutional stability and the long-term sustainability of governance arrangements.

From a doctrinal perspective, the concentration of authority within a single office may be difficult to reconcile with key principles of international institutional law, including participation, accountability, and the distribution of power among member states. International organizations are generally understood to derive legitimacy from the collective will of their members, expressed through agreed procedures and institutional norms. In contrast, the BoP's governance model appears to prioritize efficiency and centralization over procedural inclusivity, thereby creating a different paradigm of institutional authority. To address the concern that centralized authority does not inherently violate domestic sovereignty, it is crucial to distinguish between delegating functional competencies and abdicating sovereign oversight. While many international organizations limit state autonomy through binding collective decisions, such limitations

³⁰ Hans Kelsen, *The Principle of Sovereign Equality of States as a Basis for International Organization on JSTOR*, 53, no. 2 (n.d.), accessed 22 April 2026, <https://www.jstor.org/stable/792798?origin=crossref>.

³¹ *Institutional Sources of Legitimacy for International Organisations: Beyond Procedure versus Performance | Review of International Studies | Cambridge Core*, n.d., accessed 22 April 2026, <https://www.cambridge.org/core/journals/review-of-international-studies/article/institutional-sources-of-legitimacy-for-international-organisations-beyond-procedure-versus-performance/AE6F86C3936E6BFD02740B30F4123EDE>.

³² Latif, 'The Privatisation of Peace under the Charter of the Board of Peace', 1–2.

are typically mediated through treaty-based procedures and institutional safeguards that reflect the continuing consent of member states. In contrast, the BoP's model of personalized centralization lacks these traditional safeguards. When a domestic legal order, such as Indonesia's under Article 1 of the 1945 Constitution, mandates that external engagements must uphold popular sovereignty and the rule of law, the transfer of decisive authority to a single individual's absolute discretion—rather than a rule-bound collective body—represents a qualitative shift. It moves from a 'rule of law' model of international cooperation to a 'rule of person' model, which directly challenges the constitutional requirement that the state's foreign policy remain accountable to its democratic foundations.

This model can be understood as a form of “personalized” or “centralized” governance within an institutional framework, in which authority is not primarily derived from collective processes but rather from the organization's structural design. While such an approach may offer certain practical advantages in terms of decisiveness and flexibility, it also introduces potential tensions with established norms of international governance. Accordingly, the BoP's Chairman-centric structure is best viewed not as inherently incompatible with international law, but rather as raising important questions about the balance among efficiency, legitimacy, and accountability in the evolving landscape of global peace governance.

3. Board of Peace in the Perspective of Indonesian Sovereignty and Democracy

The relationship between international institutional arrangements and state sovereignty is not inherently oppositional. In contemporary international law, states routinely participate in international organizations that impose certain limitations on their autonomy, provided that such limitations are based on consent, legal frameworks, and institutional accountability.³³ Accordingly, the existence of centralized authority within an international body does not, in itself, necessarily contradict domestic constitutional principles or democratic sovereignty.

In the context of Indonesia, Article 1 of the 1945 Constitution establishes that sovereignty resides in the people and is exercised in accordance with the Constitution.³⁴ This provision serves as the constitutional foundation of democratic governance, emphasizing that the exercise of public authority must ultimately be rooted in collective legitimacy. Participation in international organizations, including those with mandates in peace and security, is therefore not prohibited, but must be assessed in light of how authority is structured and exercised within those institutions.

³³ Maria A. Sanchez, ‘The African Court on Human and Peoples’ Rights: Forging a Jurisdictional Frontier in Post-Colonial Human Rights’, *International Journal of Law in Context* 19, no. 3 (September 2023): 352–253, <https://doi.org/10.1017/S1744552323000046>.

³⁴ Constitution of the Republic of Indonesia 1945, Article 1(2)

From this perspective, the relevant question is not whether the Board of Peace limits state autonomy, but whether its institutional design aligns with the constitutional principles underlying Indonesia's sovereignty. The BoP Charter introduces a governance structure in which significant authority is concentrated in a single office, including control over membership, decision approval, and institutional continuity.³⁵ Such arrangements differ from conventional international organizations, where authority is typically exercised through collective mechanisms that reflect the participation of member states.

This distinction becomes particularly relevant when examined against the principle of popular sovereignty. In international cooperation, limitations on state autonomy are generally considered acceptable when mediated through representative and participatory institutional processes. By contrast, governance structures that concentrate decision-making authority in a single office with limited procedural safeguards raise questions regarding their compatibility with democratic principles, particularly in terms of accountability and collective participation.

A similar concern arises when considering the principle of sovereign equality in international law. This principle, which underpins the United Nations system, affirms that all states possess equal legal status regardless of differences in power or resources.³⁶ While international organizations may adopt differentiated structures, these are typically balanced by procedural mechanisms that preserve the role of member states in decision-making. In the case of the BoP, the invitation-based membership system and the concentration of decision-making authority may affect the practical realization of equality among states.³⁷

Moreover, the requirement that decisions adopted by member states remain subject to approval by a central authority further distinguishes the BoP from conventional multilateral frameworks.³⁸ Rather than operating through a system of distributed authority, the BoP appears to rely on a hierarchical model in which final decision-making power is concentrated at the institutional center. This, in itself, does not render the arrangement incompatible with international law, but it does raise important questions about its alignment with established norms of collective governance. In this regard, scholarly analysis has highlighted that governance models characterized by highly centralized authority and weak accountability mechanisms may depart from principles of participatory multilateralism.³⁹ These concerns are not directed at the existence of

³⁵ Latif, 'The Privatisation of Peace under the Charter of the Board of Peace', 1.

³⁶ Charter of the United Nations, Article 2(1): "The Organization is based on principle of the sovereign equality of all Members."

³⁷ Latif, 'The Privatisation of Peace under the Charter of the Board of Peace', 1.

³⁸ Charter of the Board of Peace, Article 3.1(e): "Decisions shall be made... subject to the approval of the Chairman"; see also Article 4.1(e) (veto authority) and Article 7 (final interpretative authority)

³⁹ Belhaj, *Legalized Power? The Board of Peace and The Governance of Conflict*, 1.

authority itself, but at the manner in which authority is structured and exercised within the organization.

In conclusion, the incompatibility between the BoP Charter and Indonesian constitutional principles lies not in the limitation of state autonomy, but in the personal and absolute nature of that authority. While traditional international organizations operate under a delegation of power governed by law (rule of law), the BoP shifts toward a model of authority resting on individual discretion (rule of person). For Indonesia, surrendering foreign policy authority to personal will without collective oversight mechanisms constitutes a breach of the democratic delegation mandated by Article 1 of the 1945 Constitution. Therefore, Indonesia's consistency in upholding popular sovereignty necessitates a rejection of governance structures that disregard the principles of accountability and the sovereign equality of states.

4. Indonesia's Strategic Position within the Framework of Free and Active Foreign Policy

If we examine Law Number 37 of 1999 concerning Foreign Relations, the principle of "Bebas Aktif" constitutes the philosophical and constitutional foundation of Indonesia's foreign policy. This principle reflects Indonesia's commitment to maintaining its independence in determining its international stance while actively promoting global peace and justice.⁴⁰

Article 3 of Law No. 37 of 1999 further affirms that Indonesia's foreign relations are conducted in accordance with Pancasila and the 1945 Constitution, and are guided by the principles of sovereign equality, mutual respect, and non-interference.⁴¹ These provisions emphasize that Indonesia's participation in international organizations must be consistent with both its constitutional framework and its commitment to independent and active diplomacy. Within this framework, Indonesia's potential involvement in the Board of Peace raises important questions regarding the extent to which the "Bebas Aktif" principle can be maintained in a governance structure characterized by centralized authority. However, participation in such an institution does not automatically imply a loss of autonomy. In contemporary international practice, states frequently engage strategically with international organizations, balancing cooperation with the preservation of national policy independence.⁴²

From this perspective, several potential implications may arise depending on how Indonesia chooses to engage with the BoP. The concentration of authority within the office of the Chairman may constrain the extent to which member states can

⁴⁰ Law of the Republic of Indonesia No. 37 of 1999 concerning Foreign Relations, Preamble (point d): "*prinsip politik luar negeri yang bebas aktif*"

⁴¹ Ibid., Article 3; see also Preamble (point a) on principles of equality, mutual respect, and non-interference

⁴² Sanchez, 'The African Court on Human and Peoples' Rights', 353.

independently influence institutional decisions.⁴³ At the same time, such a structure may also enable more flexible and rapid responses in situations where traditional multilateral mechanisms face procedural limitations.

Rather than viewing participation solely in terms of risks, it is also necessary to consider possible strategic approaches available to Indonesia. For instance, Indonesia could adopt a limited or conditional form of engagement, participating in specific initiatives aligned with its national interests while maintaining a cautious stance toward institutional commitments that may affect its policy autonomy. Such an approach would be consistent with the adaptive and pragmatic nature of the “Bebas Aktif” principle.

Nevertheless, certain concerns remain relevant. The centralized decision-making model of the BoP may be at odds with Indonesia’s longstanding support for inclusive, rules-based multilateralism, particularly as reflected in its engagement with the United Nations system.⁴⁴ In this regard, Indonesia’s participation would need to be carefully calibrated to avoid perceptions of inconsistency with its broader diplomatic commitments. As a middle power with a significant role in the Global South, Indonesia’s position carries broader implications beyond its own national interests. Its engagement with alternative governance structures such as the BoP may influence how developing countries navigate emerging forms of international cooperation. Accordingly, Indonesia’s response should not be understood as a binary choice between participation and rejection, but rather as a strategic decision shaped by constitutional considerations, diplomatic priorities, and evolving global dynamics.⁴⁵ In this context, the ‘Active and Free’ principle demands that Indonesia’s diplomatic alignment remains tied to international legal norms rather than the discretionary will of a single external authority. To preserve its strategic autonomy, Indonesia must ensure that any cooperation with the BoP does not result in a ‘functional subordination’ that contradicts the mandate of Law No. 37 of 1999.

5. Status of Signing and Ratification: Legal Consequences for Indonesia

The process of signing and ratifying international treaties carries significant legal implications at both the domestic and international levels. In the context of the Board of Peace Charter, particular attention must be paid to Article 11.1, which clarifies that signing does not, in itself, confer membership status. Instead, a State becomes a member only upon the deposit of its instrument of ratification, approval, acceptance, or accession with the Chairman.⁴⁶

⁴³ Charter of the Board of Peace, Article 3.1(e) and Article 4.1(e): decisions “subject to the approval of the Chairman” and may be vetoed by the Chairman

⁴⁴ Charter of the United Nations, Article 2(1) (sovereign equality) and Article 24 (collective responsibility of the Security Council)

⁴⁵ John D. Ciorciari and Jürgen Haacke, ‘Hedging in International Relations: An Introduction’, *International Relations of the Asia-Pacific* 19, no. 3 (September 2019): 367–74, <https://doi.org/10.1093/irap/lcz017>.

⁴⁶ Charter of the Board of Peace, Article 11.1 (on signature and deposit of instruments of ratification).

This distinction is legally significant, as it indicates that a signature represents only an initial expression of intent rather than a binding commitment to full membership. In treaty law, signature generally reflects a willingness to consider future participation and may entail limited obligations, such as the duty to refrain from acts that would defeat the object and purpose of a treaty prior to ratification.⁴⁷ By contrast, full legal obligations arise only upon ratification or accession. Accordingly, Article 11.1 provides a transitional phase during which States may conduct internal legal and political assessments before assuming binding commitments.

For Indonesia, the legal implications of signing and ratifying international treaties are governed by its domestic constitutional framework, which reflects a dualist approach to international law. Under this system, international agreements become binding within the national legal order only after they are formally incorporated through domestic legal procedures.⁴⁸ The 1945 Constitution, particularly Article 11, together with Law Number 24 of 2000 concerning International Treaties, establishes that the ratification of treaties involving matters such as sovereignty, human rights, or state financial obligations requires the approval of the House of Representatives.⁴⁹ This process ensures that international commitments are subject to constitutional scrutiny and democratic oversight. At the international level, ratification signifies a State's consent to be bound by a treaty and creates binding legal obligations under international law.⁵⁰ However, the extent to which non-compliance would give rise to international responsibility depends on the nature of the obligations undertaken and the existence of enforcement or dispute settlement mechanisms within the treaty framework.

Accordingly, Article 11.1 may be understood as providing Indonesia with a critical opportunity to evaluate not only the legal consequences of membership, but also its broader constitutional and strategic implications. The distinction between signature and ratification thus plays an essential role in enabling States to carefully calibrate their engagement with emerging international institutions such as the Board of Peace. In the specific context of the Board of Peace, the ratification process serves as a final constitutional safeguard. Given the concerns regarding the Chairman's centralized authority and the potential for 'rule of person' governance, the period between signature and ratification allows Indonesia to conduct a rigorous 'constitutionality test.' This ensures that the deposit of the instrument of ratification is not merely a formal act of compliance, but a deliberate decision to verify that such international cooperation does not compromise the democratic mandate of the 1945 Constitution. Ultimately, Article

⁴⁷ Vienna Convention on the Law of Treaties 1969, Article 18: obligation "to refrain from acts which would defeat the object and purpose of a treaty" prior to ratification

⁴⁸ Malcolm N. Shaw, *International Law*, 5. ed., 5. print (Cambridge: Cambridge Univ. Press, 2006), 101–5.

⁴⁹ Constitution of the Republic of Indonesia 1945, Article 11; Law No. 24 of 2000 concerning International Treaties (ratification procedures and parliamentary approval).

⁵⁰ Vienna Convention on the Law of Treaties 1969, Article 26 (*pacta sunt servanda*): treaties in force are binding upon the parties and must be performed in good faith.

11.1 functions as a legal firewall, preserving Indonesia's right to prioritize its domestic constitutional integrity over the discretionary powers of an external institutional center

C. Conclusion

The analysis of the Board of Peace (BoP) Charter reveals that its centralized, "Chairman-centric" governance model fundamentally challenges the democratic and constitutional foundations of Indonesia's foreign engagement. While the BoP seeks to offer an alternative path to global peace, its structural reliance on individual discretion—rather than collective, rule-based multilateralism—represents a departure from the "chain of democratic delegation" mandated by Article 1 of the 1945 Constitution and the sovereign equality principles enshrined in Law No. 37 of 1999. The findings suggest that the compatibility of such an institution with the Indonesian legal order depends not on the mere limitation of autonomy, which is common in international cooperation, but on the preservation of institutional accountability and democratic oversight. Consequently, it is recommended that the Indonesian government utilize the procedural gap between signature and ratification as a critical "constitutional firewall" to conduct a rigorous compatibility test, ensuring that any commitment to the BoP does not lead to a functional subordination of national interests. Furthermore, Indonesia should advocate for the inclusion of collective oversight mechanisms within the BoP's operational framework to align the organization's governance with the standards of modern multilateralism and the "Bebas Aktif" doctrine.

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