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UNITED STATES HEGEMONY IN THE PERSPECTIVE OF INTERNATIONAL LAW AND GLOBAL POLITICS: AN ANALYSIS OF STATE SOVEREIGNTY AND HUMAN RIGHTS ENFORCEMENT

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Abstract

This article aims to analyze the collision between the principle of sovereign equality of states under the UN Charter and the reality of American hegemony within the international legal order. Employing a normative juridical research method with conceptual and case approaches, this research evaluates the phenomenon of American Exceptionalism that generates sovereignty asymmetry. The findings demonstrate that a wide gap exists between de jure status, in which all states are equal before the law, and de facto reality, in which hegemonic power is capable of undertaking unipolar actions such as unilateral withdrawal from international agreements such as the JCPOA and the use of veto rights in service of national interests. This hegemony has caused international law to undergo a functional shift from a universally binding regulator into a transactional political instrument that is "sharp downward yet blunt upward." Furthermore, the enforcement of Human Rights is frequently instrumentalized as a geopolitical tool to pressure political adversaries through double standards. This research concludes that the legitimacy of global law is in crisis as a result of the cherry-picking policies of hegemonic states that undermine the rule of law. The recommendations of this research emphasize the importance of strengthening impartial multilateral mechanisms and reforming global institutional structures to minimize the politicization of law in order to preserve human dignity and international stability.

Keywords: *American Exceptionalism; Hegemony; Human Rights; State Sovereignty; Unipolarity*

I. Introduction

The international legal order established after World War II is founded on the principles of sovereign equality and the rule of law enshrined in the UN Charter. However, the emergence of international organizations, decolonization processes, and the strengthening of individual human rights now challenge the dominance of states as the sole subjects of international law.[1]

[1] Dwi Putri Lestarika, Wevy Efticha Sary Anjar Rusadi, "Pengaruh Kedaulatan Negara Dan Yurisdiksi Mahkamah Pidana Terhadap Efektivitas Penegakan Hukum Atas Kejahatan," *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 1, no. 3089–7084 (June 3, 2025): 240–48, https://jurnal.globalscients.com/index.php/jkhpk.

In the dynamics of contemporary global politics, this legal idealism often clashes with the reality of unipolarity that positions the United States as the sole hegemon. As the dominant power in military and defense capabilities, economic and business factors, and political influence, the United States plays a contradictory dual role: on one hand, acting as the principal architect and guarantor of stability in the liberal international order, while on the other hand, frequently placing its national interests above globally agreed-upon legal norms.[2]

The phenomenon of American Exceptionalism has become a crucial point in international law debates. The United States' tendency to selectively cherry-pick international treaties it wishes to comply with, along with its rejection of global jurisdiction such as the International Criminal Court (ICC), raises fundamental questions regarding the effectiveness of international law as an instrument for controlling power.[3] The hegemonic state factor causes international law to lose its character as binding rules, transforming law from a regulator into a transactional political instrument (both short-term and long-term). When a state possesses the capacity to act outside the legal framework without meaningful sanctions, the sovereignty principle of other states often becomes vulnerable to intervention, whether through military governance instruments or unilateral economic pressure.[4]

Furthermore, the enforcement of Human Rights is often at a crossroads between humanitarian missions and instrumentalization within political culture.[5] Although the United States consistently promotes standards of democracy and human rights globally, its policy of double standards toward allies versus political adversaries, powerful states versus weak states, creates a legitimacy deficit in international human rights relations. This reinforces the assumption that international law often functions as a legitimizing tool for great powers to intervene in the sovereignty of other states that are weak in military power capacity and economic factors. On the other hand, this dynamic is complicated by the rise of nationalism in the era of globalization, where economic inequality and identity politics actually trigger populist-nationalist movements as a form of defense against global interconnectedness perceived as threatening national identity.[6]

From the perspective of Political Realism, this theory is primarily rooted in the works of Charles Kindleberger and Robert Gilpin, who assert that hegemonic power is essential for maintaining

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[2] Kardina Hamado and Rahmat Sikky, "Analisis Kebijakan Demokratisasi Sebagai Instrumen Kekuasaan Dalam Politik Luar Negeri Amerika Serikat," *Journal of Integrative International Relations* 7, no. 2 (2022): 156–74, https://doi.org/10.15642/jiir.2022.7.2.156-174.

[3] Salim Siregar et al., "Antara Idealisme Dan Realitas: Analisis Kritis Peran Ganda PBB Dalam Menegakkan Dan Melemahkan Hukum Internasional Di Tengah Kompleksitas Global [Between Idealism and Reality: A Critical Analysis of the UN's Dual Role in Upholding and Undermining Internat," *Journal Of Social Science Research* 4, no. 4 (2024): 3929–44.

[4] Jason Alexander Wilhem Umbas Mamentu, J. Ronald Mawuntu, and Thor Bangsaradja Sinaga, "Kajian Hukum Tentang Pembatasan Intervensi Dalam Hubungannya Dengan Kedaulatan Negara," *Lex Privatum | Jurnal Fakultas Hukum Unsrat* 13, no. 2 (2024): 1–13, https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/54004.

[5] Alifa Ulfiyyati et al., "DEMOKRASI: TINJAUAN TERHADAP KONSEP, TANTANGAN, DAN PROSPEK MASA DEPAN" 1, no. 4 (2023): 435–44.

[6] Sus Eko Zuhri Ernada, Honest Dody Molasy, and Adhiningasih Prabhawati, *Nasionalisme Dan Etnopolitik Dalam Hubungan Internasional: Konsep, Teori, Dan Aplikasi* (Bandung: Indonesia Emas Group, 2024).

international order and preventing systemic chaos.[7] In this context, the United States serves as a provider of "global public goods," such as maritime security and a stable financial system. However, this theory posits that in the international arena, economic stability is determined by the existence of leadership capable of regulating and possessing dominant or hegemonic power. The power dominance referred to here is the power of a state or leader possessing superior authority in various aspects, such as world political power, economic investment power, and military and weapons power as instruments of power (law as an instrument of power).[8]

The case study of the United States' unilateral withdrawal from the JCPOA in 2018 under Donald Trump's leadership demonstrates the dominance of national political interests over multilateral agreements. Despite the IAEA verifying Iran's compliance, the US reimposed economic sanctions to force renegotiation, reflecting an attempt to change global rules for the hegemon's interests.[9] This move created legal uncertainty and weak bargaining positions for other states (P5+1), while simultaneously proving that international law often functions as an instrument of power (law as an instrument of power) rather than as an equally binding regulator.

The analysis of this article employs two contradictory theoretical lenses Realism and Idealism. From the Realism perspective in International Relations, the meaning of conflict undergoes deeper diversification. Thus far, conflict has tended to be trapped in a narrow dichotomy that only associates it with physical contact or its culmination point: war. As a result, global conflict is often reduced to high politics issues assumed to be rooted in national interests. However, upon critical examination, this concept of national interest may merely be an illusion ageneralization of phenomena constructed by rational actors to justify their actions.[10] International law is only obeyed as long as it does not conflict with state security and survival. The Gramscian perspective is examined through three aspects: first, hegemony of power controlled physically and institutionally through alliances between corporations with formal state government institutions and the military. Second, hegemony of thought opinion shaping so that society voluntarily accepts domination as natural. Third, hegemony of media the utilization of information channels to shape values and norms that legitimize the interests of power.[11]

Idealism, by definition, views relations between political entities as cooperative rather than conflictual, and believes in progress based on shared state ideals.[12] The argument holds that international institutions and law must become the supreme authority binding all states, without

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[7] Nnanyere Chukwu, Matthew Ndubuisi, and Kenneth Igbo, "DISSECTING HEGEMONIC STABILITY THEORY AND ITS RELEVANCE IN AFRICA'S INTERNATIONAL RELATIONS," 2024.

[8] Zulhaikal Damansyar and Munjin Syafik Asy'ari, "Hegemonic Stability in a New Era: China as a Global Competitor to the United States," *Hasanuddin Journal of Strategic and International Studies (HJSIS)* 3, no. 2 (2025): 152–56, https://doi.org/10.20956/hjsis.v3i2.45561.

[9] Makruf Baiturohim, "IMPLIKASI PENARIKAN DIRI AMERIKA SERIKAT DARI JOINT COMPREHENSIVE PLAN OF ACTION (JCPOA)," n.d.

[10] Yustina Prita Andini, "RASIONALISASI KONFLIK INTENASIONAL TERHADAP EKONOMI GLOBAL," *EKSYA : Jurnal Ilmiah Ekonomi Syariah* 1 (2024): 71–82.

[11] Syahdidatul Faizah Maulidiastuti and Anas Ahmadi, "Representasi Hegemoni Gramsci Dalam Novel Teruslah Bodoh Jangan Pintar Karya Tere Liye," *ENOIA (Jurnal Pendidikan Bahasa Indoesia)* 5, no. 1 (2023): 50–64.

[12] Ridwan Rosdiawan, *Respons Muslim Terhadap War on Terror (2001-2008)* (Pontianak: IAIN Pontianak Press, 2022).

exception. This perspective critiques hegemony that disregards multilateral procedures as it is deemed to damage the legitimacy of the international legal system itself.

The principle of sovereign equality as stipulated in Article 2, paragraph (1) of the UN Charter states that all states have equal rights and obligations under international law (Knapp, 2021).[13] However, theoretically, there exists a gap between de jure (legally) where all states are equal and de facto (in fact). Hegemony creates conditions of sovereignty asymmetry, where the hegemonic state possesses greater leeway to interpret law, while smaller states are often forced to strictly comply with these norms.

The principle of sovereign equality enshrined in Article 2 paragraph (1) of the UN Charter frequently amounts to little more than rhetoric in the face of the reality of power asymmetry. De jure, all states possess equal legal standing, yet de facto, a wide gap exists that affords hegemonic states considerably greater latitude in interpreting international law. This asymmetric structure is further compounded by the existence of veto rights in the UN Security Council, which institutionally creates a hierarchy between permanent and non-permanent member states. This imbalance results in international law frequently becoming "sharp downward yet blunt upward," wherein hegemonic actors are rendered virtually immune from legal sanction even when committing manifest violations.

In examining the dynamics of power dominance more closely, the Gramscian perspective provides an essential framework for understanding how the United States maintains its influence not only through military force, but also through institutional control and the shaping of public opinion. This hegemony operates subtly through three primary pillars: physical control exercised through corporate and military alliances, the molding of thought so that global society accepts such dominance as something natural, and the use of media channels to legitimize the interests of power. This phenomenon explains why unipolar policies frequently receive moral justification on the international stage despite juridically violating the principle of sovereign equality.

The gap between de jure and de facto aspects in international law persists due to the dominance of veto power and hegemonic powers, such as the United States, which paralyzes law enforcement mechanisms against major states. This condition creates an asymmetric unipolar world reality, where law tends to become an instrument of power that is sharp downward but blunt toward hegemonic actors, rendering the principle of sovereign equality mere rhetoric. Consequently, humanitarian narratives and human rights are often instrumentalized as moral justifications for military intervention and unilateral governance, ultimately eroding the legitimacy of international law and transforming it into a tool of geopolitical interests rife with double standards.

This article transcends the classical Realism Idealism debate by focusing on contemporary juridical implications for the authority of global law. The novelty of this study lies in its critical analysis of how American Exceptionalism creates sovereignty asymmetry in the latest geopolitical dynamics. Its primary focus is to evaluate whether international law is still capable of maintaining its legitimacy as the supreme authority or has been reduced to an instrument of hegemonic power in the current reality of unipolarity.

[13] Manfred Knapp, "Charter of the Un," *A Concise Encyclopedia of the United Nations*, 2021, 21–25, https://doi.org/10.1163/ej.9789004180048.i-962.33.

Although studies on American hegemony and its impact on international law have been conducted extensively, there remains a crucial gap that warrants deeper exploration. The majority of prior literature tends to be confined within a narrow dichotomy between military effectiveness or economic dominance alone. This article fills that void by conducting a cross-disciplinary analysis that connects the concept of American Exceptionalism with sovereignty asymmetry within the dynamics of contemporary geopolitics. The novelty of this study lies in its sharp critique of how international law no longer functions as an impartial regulator, but has instead undergone a functional shift into a transactional political instrument that is "sharp downward yet blunt upward." By dissecting the case of unilateral withdrawal from the JCPOA and the use of veto rights that paralyze global law enforcement, this research offers a new perspective on the legitimacy crisis confronting global legal authority amid the reality of unipolarity.

II. Legal Materials and Research Method

This research relies on secondary legal materials consisting of the following primary Legal Materials:Encompassing fundamental international norms such as the Charter of the United Nations, particularly Article 2 paragraph (1) concerning the principle of sovereign equality, as well as international conventions related to Human Rights. Secondary Legal Materials:Comprising textbooks, scientific journals, reports from international institutions such as the IAEA, and other legal documents that provide explanations regarding hegemony, American Exceptionalism, and the dynamics of global politics. Tertiary Legal Materials:Supplementary guidance or explanations drawn from legal dictionaries or encyclopedias relevant to international legal terminology.[14] Research Approaches. The analysis is conducted using several approaches to obtain a comprehensive picture Comparative Approach: Comparing de jure legal norms (sovereign equality) with de facto realities (power asymmetry). Conceptual Approach: Drawing on theories of international relations such as Realism and Idealism, as well as Gramscian Hegemony theory, to dissect the instruments of power within law. Case Approach: Analyzing concrete events such as the unilateral withdrawal of the United States from the JCPOA and military intervention in Iraq to examine the juridical implications of unipolar actions. Techniques of Legal Material Collection and Analysis. Legal materials are collected through library research using documentation techniques. Once the materials are gathered, analysis is conducted qualitatively through a deductive method, drawing conclusions from general statements concerning principles of international law toward specific facts regarding the hegemonic practices of particular states.

III. Results and Discussion

Equality American Unilateralism versus the Principle of Sovereign Equality

The principle of sovereign equality constitutes the normative foundation of the modern international legal system, affirming that every state possesses equal legal standing within international society.[15] This principle does not assess equality on the basis of military strength, economic capacity, or political influence, but rather on the basis of legal status as a sovereign entity. Historically, this idea developed from the Westphalian system of 1648, which affirmed the exclusivity of state sovereignty over its territory and non-intervention in domestic affairs. In the contemporary context, sovereign equality functions as a prerequisite for the creation of stable international relations, as it guarantees that both small and large states hold the same formal legitimacy in diplomatic interactions and the formation of international norms.

[14] And Sri Mamudji Soerjono, Soekanto, "Penelitian Hukum Normatif Suatu Tinjauan Singkat" 1, no. 1 (2014): 21–30.

[15] Zulherman Idris and Radian Suparba, "Jurnal Kajian Pemerintah (JKP) Journal of Government, Social and Politics THE PRINCIPLE OF SOVEREIGN EQUALITY" 9 (2023): 1–13, https://investor.id/business/319508/ri-kalah-dalam-kasus-larangan-ekspor-nikel-ini-.

Juridically, the primary foundation of this principle is set out in Article 2, paragraph 1 of the Charter of the United Nations, which states that the organization is based on the principle of the sovereign equality of all its members. This provision is reinforced by international practice and decisions of the International Court of Justice affirming the importance of respect for the territorial integrity and political independence of states. Furthermore, this principle is closely correlated with the prohibition on the use of force and the obligation to settle disputes peacefully. Sovereign equality is therefore not merely a political doctrine, but a positive legal norm that is binding within the international legal order.

As the dominant power in the post-Cold War era, the United States has frequently practiced a foreign policy of a unilateral character as a reflection of its hegemonic position within the international system. Such unilateralism is evident in the tendency to make strategic decisions without prioritizing multilateral consensus or collective legitimacy through the mechanisms of the United Nations. The "America First" policy during the era of Donald Trump serves as a concrete example of a nationalistic orientation that prioritizes domestic interests over global commitments. Withdrawal from a number of international agreements demonstrates that the United States is willing to set aside shared frameworks when they are deemed inconsistent with its strategic interests. From the perspective of hegemony theory, these actions reflect the capacity of a dominant state to shape, interpret, and even disregard international norms according to its own preferences.[16]

Furthermore, the manifestation of unilateralism is also visible in the unilateral use of military force and economic instruments. The military intervention in Iraq in 2003 without an explicit mandate from the Security Council constitutes an important precedent in debates over the legality of the use of force.[17] In the economic sphere, the application of extraterritorial sanctions against certain states demonstrates how financial supremacy and control over the global financial system are leveraged as tools of political pressure. This pattern affirms that hegemony does not take the form of military dominance alone, but also encompasses normative and institutional influence. Accordingly, American unilateralism can be understood as an expression of structural power that enables the hegemonic state to act beyond the ideal boundaries of multilateralism and sovereign equality.

The normative collision between unilateralism and the principle of sovereign equality is clearly visible in the institutional structure of the United Nations. Formally, the UN Charter affirms that all member states hold equal standing. In practice, however, the existence of veto rights in the Security Council creates an institutionalized structural imbalance. As a permanent member, the United States possesses the authority to block resolutions that are inconsistent with its national interests, even when the majority of states support such resolutions. This structural imbalance has been analyzed by international law scholars, who demonstrate that the veto rights held by the five permanent members of the UN Security Council are frequently employed to protect their national interests, thereby creating obstacles to collective resolution and standing in contradiction to the principle of sovereign equality guaranteed by the UN Charter.[18]

Beyond the institutional dimension, normative collision also arises in the practice of humanitarian intervention associated with the doctrine of the Responsibility to Protect (R2P). The United States and its Western allies have frequently advocated a post-Westphalian approach that positions the protection of human rights as a moral and legal justification for

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[16] Wenzhu Dong, "A Comparative Study of Unilateralism and Multilateralism in Trump Administration Period," *Proceedings of the 2022 8th International Conference on Humanities and Social Science Research (ICHSSR 2022)* 664, no. Ichssr (2022): 2644–47, https://doi.org/10.2991/assehr.k.220504.480.

[17] Nsama Jonathan Simuziya, "The (Il)Legality of the Iraq War of 2003: An Analytical Review of the Causes and Justifications for the US-Led Invasion," *Cogent Social Sciences* 9, no. 1 (2023), https://doi.org/10.1080/23311886.2022.2163066.

[18] Muhammad Wendra and Andri Sutrisno, "Tantangan Penyelesaian Konflik Internasional Yang Dilematik Mengenai Hak Veto Dalam Dewan Keamanan PBB (Studi Kasus Palestina Dengan Israel)," *Journal of Contemporary Law Studies* 2, no. 2 (2024): 171–80, https://doi.org/10.47134/lawstudies.v2i2.2373.

intervening in states deemed to have failed in protecting their citizens. This approach, however, is viewed with skepticism by states such as Russia and China, which hold that such intervention has the potential to serve as an instrument of political expansion and geopolitical pressure. This debate reflects a fundamental conflict between two core values of international law, namely the universality of human rights protection and respect for state sovereignty as a foundational principle of the international order.

The enforcement of Human Rights now stands at a crossroads between a universal humanitarian mission and a tool of geopolitical pressure. The United States, despite consistently promoting global democratic standards, frequently practices double standard policies that generate a legitimacy deficit. This is evident in the differential treatment afforded to human rights violations committed by allies as compared to those committed by political adversaries. The use of instruments such as the Global Magnitsky Act is frequently unilateral in character and lacks any universal dimension, thereby functioning more as a political tool to discredit opponents than as a genuine accountability mechanism. This practice of favoritism, or cherry-picking, causes international law to lose its essence as a binding rule and transforms it into an instrument of short and long-term political transaction.

Human Rights: Between Universal Protection and Geopolitical Instrument

Debates on contemporary human rights exist within a spectrum that reveals two major orientations: human rights understood as a universal instrument for protecting human dignity, while simultaneously perceived as a tool within the configuration of global geopolitical interests. Normatively, the architecture of the international human rights regime rests on the principle of dignity inherent in every individual, as enshrined in the Universal Declaration of Human Rights of 1948 along with its various derivative conventions that affirm guarantees of civil and political rights as well as economic, social, and cultural rights without discrimination of any kind.[19] Recent developments have introduced approaches such as dignity neuroscience, which seeks to provide an empirical foundation for human rights universalism by linking it to the neurobiological characteristics of human beings, including the need for autonomy, freedom from fear, and protection for vulnerable groups, so that claims of universality are not based solely on political consensus but also on the inherent dimensions of human nature itself.[20] In the realm of implementation, international institutions, regional organizations, and non-governmental organizations continue to pursue strengthened accountability for human rights violations, even though the dynamics of state political interests frequently limit the effectiveness of these mechanisms.[21]

In the contemporary global political landscape, human rights do not only function as a universal ethical norm, but also emerge as both a variable and an instrument within the configuration of interstate pressure. The international relations literature reveals a tendency among states to employ human rights issues selectively, whereby sharp criticism is directed at violations committed by geopolitical rivals, while a more accommodating stance is frequently shown toward allies, so that the dynamics of human rights enforcement in forums such as the Universal Periodic Review under the auspices of the United Nations are often trapped within the logic of global power distribution.[22]

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[19] Deepti Yadav, "Human Rights Protection," *Human Rights Protection* 7, no. 4 (2024): 1–20, https://doi.org/10.4135/cqresrre1968040300.

[20] Laurence Burgorgue-Larsen, Álvaro Paúl, and Nsongurua Udombana, "Regional Human Rights Mechanisms and Courts Under Pressure," *Proceedings of the ASIL Annual Meeting* 118 (2024): 325–33, https://doi.org/10.1017/amp.2024.34.

[21] Tara L. White and Meghan A. Gonsalves, "Dignity Neuroscience: Universal Rights Are Rooted in Human Brain Science," *Annals of the New York Academy of Sciences* 1505, no. 1 (2021): 40–54, https://doi.org/10.1111/nyas.14670.

[22] Dr. Savita Pandey, "The Politics of Human Rights: International Norms and National Sovereignty," *International Journal of Advanced Academic Studies* 6, no. 8 (2024): 130–35, https://doi.org/10.33545/27068919.2024.v6.i8b.1263.

A similar pattern is also reflected in human rights-themed sanctions regimes such as the Global Magnitsky Act, which is normatively presented as an accountability mechanism for human rights violations, yet various analyses of its implementation reveal its unilateral character and the absence of any universal dimension, such that the instrument functions more as a geopolitical tool that potentially politicizes the human rights protection agenda and disrupts international cooperation in this field.[23] Across various conflict contexts, ranging from the dynamics in the Middle East to cross-regional refugee crises, interventions framed on the basis of human rights protection are frequently interpreted as strategies to maintain or expand the strategic influence of particular states.[24]

Geopolitical Dynamics: From Political Asylum to Human Rights Diplomacy

At a more concrete level, a number of classical human rights mechanisms have undergone a functional shift, becoming instruments of negotiation within geopolitical contestation. Studies on the practice of political asylum reveal that the granting of protection to defectors is no longer understood solely as an effort to shield individuals from persecution, but also as an instrument of pressure capable of sharpening diplomatic relations and serving as a medium for conveying political messages to the country of origin.[25] This situation places states in a dilemmatic position between their normative commitment to guaranteeing individual protection and the calculation of national interests amid a complex configuration of multiregional tensions.[26]

At the discursive level, analyses of the concept of rights as weapons demonstrate that the language of human rights is frequently exploited by various actors, both governments and social movements, to mobilize support, diminish the legitimacy of opponents, or obscure controversial agendas, so that rights are no longer positioned solely as an ethical end but also as a rhetorical device within the arena of political struggle.[27] Shifts in the global distribution of power have further reshaped debates over the meaning of universality. The rise of China, for instance, has reinforced the articulation of a conception of human rights that emphasizes economic and social rights, development, stability, and state sovereignty, with a defensive tendency toward criticism targeting civil and political freedoms.[28]

An examination of millions of recommendations within the Universal Periodic Review mechanism reveals that China, together with a number of states in the Global South, has become increasingly proactive in advancing economic and social rights agendas, while the patterns of foreign aid they pursue have influenced how other states evaluate the human rights practices of Western nations, thereby producing a shift in the landscape of global human rights discourse .[29] This condition affirms that claims of universality are frequently negotiated through a state's economic capacity and geopolitical networks, and do not arise solely from an ideal process of normative deliberation.

Rekonsiliasi Between Legitimacy Crisis and Reconciliation Efforts

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[23] Isabelle Cristinne, Alves Azevedo, and Guilherme Saldanha Santana, "Magnitsky Act : An International Political Accountability Tool Against The Violation Of Human Rights" 27, no. 9 (2025): 1–7, https://doi.org/10.9790/487X-2709050107.

[24] Cristinne, Azevedo, and Santana.

[25] Dyah Rosiana Puspitasari and Fakhry Muhammad Ibrahim, "Political Asylum as a Geopolitical Instrument: A Study of Defection and Its Implications for Foreign Policy," *Journal of Legal Contemplation* 1, no. 2 (2025): 96–104, https://doi.org/10.63288/jlc.v1i2.9.

[26] Georgios Tr Topalidis et al., "New Developments in Geopolitics: A Reassessment of Theories after 2023," *Social Sciences* 13, no. 2 (2024), https://doi.org/10.3390/socsci13020109.

[27] Salvador Santino F Regilme, "The Instrumentalization of Human Rights in World Politics," *International Studies Review*, 2019, 176–77, https://doi.org/10.1093/isr/viz061.

[28] Titus C. Chen and Chiahao Hsu, "China's Human Rights Foreign Policy in the Xi Jinping Era: Normative Revisionism Shrouded in Discursive Moderation," *British Journal of Politics and International Relations* 23, no. 2 (2021): 228–47, https://doi.org/10.1177/1369148120957611.

[29] Ryan Mitchell, "The Emerging Chinese Model of Statist Human Rights," *American University International Law Review* 37, no. 3 (2022).

An increasingly competitive geopolitical configuration has given rise to a legitimacy problem concerning claims of human rights universality. A number of studies indicate that the inability of Western states to consistently apply the standards they promote, as seen in policies such as the war on terror, selective military intervention practices, and the continuation of patterns of economic colonialism, has led certain quarters to view the human rights regime as a normative cover for hegemonic interests.[30] The dynamics of authoritarian regionalism and waves of populism have further reinforced such pressures through the reassertion of absolute sovereignty claims in response to what is perceived as universal intervention in the name of human rights.[31] Within the same context, research on regional mechanisms demonstrates that even when confronted with political pressure and state non-compliance, human rights courts and commissions across various regions continue to strive to maintain their institutional capacity by strengthening networks with parliaments, national human rights institutions, and civil society.[32] Efforts to bridge the tension between human rights as universal ethics and as a geopolitical instrument have developed in two primary directions.

At the conceptual level, approaches such as dignity neuroscience and cross-civilizational dialogue between Islam and the West seek to affirm that human rights universalism must be grounded in human dignity as a shared foundation, while acknowledging criticism of human rights instrumentality as a means of domination and encouraging critical reflection from within each tradition.[33] At the institutional level, calls are growing to strengthen more impartial multilateral mechanisms, limit the use of unilateral sanctions, and deepen the internalization of human rights values in domestic practice through education, legal reform, and the active engagement of civil society.[34] Accordingly, the future prospects of human rights are largely determined by the capacity of the international community to reduce transactional politicization without neglecting the fundamental role of human rights as a universal protector of every human being's dignity.

The Implications of Exceptionalism for the Authority of Global Law

According to Mohamad Rosyidin in his work on the role of ideas in foreign policy, Gaullism and French military intervention in Libya in 2011, it is stated that France's defense doctrine as outlined in the Livre blanc sur la defense nationale (1972) emphasizes pillars of national excellence, defense spirit (esprit de defense), and exceptionalism. Through its nationalist exclusive deterrence character, France asserts its position as a global actor bearing great responsibility.[35]

This demonstrates that, similar to the United States, French exceptionalism serves as an ideological foundation for expanding its influence and strategic role on the international stage. Exceptionalism in the international realm constitutes an anomaly to the principle of sovereign equality that forms the foundation of modern law. Characteristically, legal immunity exceptionalism manifests in five ways: First, Messianic mission claiming special responsibility to lead and impose universal principles upon the world. Second, legal immunity feeling free from rules or international norms that bind other states. Third, defensive perspective viewing the world as a threat, thus often universalizing their fears. Fourth, identity dichotomy sharply distinguishing between one's own identity (the exceptional state) and "the other" (ordinary

[30] Tim Dunne and Nicholas J. Wheeler, "Great Illusions or Great Transformations? Human Rights and International Relations a Hundred Years On," *International Relations* 33, no. 2 (2019): 338–56, https://doi.org/10.1177/0047117819851256.

[31] Topalidis et al., "New Developments in Geopolitics: A Reassessment of Theories after 2023."

[32] Burgorgue-Larsen, Paúl, and Udombana, "Regional Human Rights Mechanisms and Courts Under Pressure."

[33] White and Gonsalves, "Dignity Neuroscience: Universal Rights Are Rooted in Human Brain Science."

[34] Yadav, "Hum. Rights Prot."

[35] Mohamad Rosyidin, *Peran Gagasan Dalam Politik Luar Negeri: Gaulism Dan Intervensi Militer Perancis Di Libya Tahun 2011* (Semarang: CV. Alinea Media Dipantara, 2022).

states). Fifth, victim mentality positioning oneself as the innocent party and target of other states' wrongdoing.[36]

When superpowers or regional powers implement cherry-picking policies only complying with international law when advantageous and ignoring it for national interests international law loses its essence as binding rules. Under such conditions, international law is reduced to a transactional political instrument. This cherry-picking practice constitutes a form of logical fallacy where a leader deliberately selects only evidence supporting their position while ignoring other stronger facts. Within these five criteria, the mission of world leaders often becomes justification for violating international law rules.[37]

Exceptionalism often manifests through formal mechanisms such as veto power, which creates hierarchy among states that should be legally equal. The inequality of veto power existence causes real capability differences between permanent and non-permanent members of the UN Security Council.[38] This creates inconsistency with the principle of sovereign equality, which guarantees equal standing for all states.

The impact of veto power usage, such as in the Crimea Referendum case, resulted in international failure to halt actions deemed legally invalid.[39] This exacerbates conflict because law is unable to provide clear legal status for affected territories.

The application of double standards by authorities or the international community represents one of the most damaging manifestations of exceptionalism to the authority of law. In terms of abuse of power, double standards are considered a form of discrimination because they differentiate between two similar situations that should receive fair treatment.[40] This differentiation is often based on political interests that contradict the law.

The disparity between the principle of sovereign equality and the reality of global politics is most visibly apparent in the UN's collective security architecture. Although Article 2(1) of the UN Charter explicitly guarantees sovereign equality for all member states, the existence of veto rights for the five permanent members of the Security Council creates a permanent legal hierarchy. This veto power is frequently employed as a shield to protect the national interests of major powers, which in turn paralyzes the enforcement of international law against violations committed by those states themselves or by their allies.

The failure of the international community to adequately respond to crises such as the Crimea Referendum illustrates how law frequently loses its binding force when confronted with veto-holding actors. This produces a condition in which international law no longer functions as a fair regulator for all legal subjects, but instead operates as a selective political instrument. Within this asymmetric framework, the sovereignty of smaller states becomes deeply vulnerable to military intervention and unilateral economic pressure exerted by hegemonic powers.

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[36] Isti Nur Rahmahwati, Seftina Kuswardini, and Mayang Dini Candrawati, "Strategic Leverage Indonesia Terhadap Eksepsionalisme Tiongkok-Amerika Serikat Di Laut Cina Selatan," vol. 18, 2025.

[37] Adjitra Saragih Simarmata Baren Sipayung, James Sinaga, Esen Hower Sinaga, "LEMBAGA PENINJAUAN KEMBALI UNTUK MENCIPTAKAN MIRACLE OF JUSTICE DALAM SISTEM PERADILAN DI INDONESIA," *IJSH: Indonesian Journal of Social and Humanities* 02, no. 03 (2024): 1–10.

[38] Battista Pridana Adventura, "HAK VETO DEWAN KEAMANAN PERSERIKATAN BANGSA-BANGSA DAN ASAS EQUALITY OF THE STATES DALAM ERA GLOBALISASI," n.d., https://www.kompas.com/global/.

[39] Lailatil Maya, Muh Risnain, and Lalu Guna Nugraha, "PEMBATASAN PENGGUNAAN HAK VETO DEWAN KEAMANAN MELALUI MEKANISME UNITING FOR PEACE MAJELIS UMUM PERSERIKATAN BANGSA-BANGSA RESTRICTIONS ON THE USE OF SECURITY COUNCIL VETO RIGHTS THROUGH THE UNITED NATIONS GENERAL ASSEMBLY'S UNITING FOR PEACE MECHANISM," *Mataram Journal of International Law* 3, no. 1 (2025), https://doi.org/10.29303/majil.v3i1.6175.

[40] Mas'odi, "White Supremacy, Discourse Violence, and Injustice: Double Standard Political Analysis of the Western World in Conflict Palestine and Ukraine," *Al-Irfan: Journal of Arabic Literature and Islamic Studies* 5, no. 2 (2022): 178.

Regarding threats to the rule of law, it is explicitly stated that double standards contradict what is called the supremacy of law.[41] A clear example is seen in FIFA's differential treatment toward the Russian and Israeli federations, demonstrating inequality in the application of international sanctions. In the Rohingya case study, the Myanmar government rejected accusations of gross human rights violations by exploiting international double standards in resolving the case. Despite the existence of human rights protection laws, ethnic discrimination persists because international law is often used as a political instrument, proving that human rights enforcement frequently submits to political interests.[42]

The Fiction of Sovereign Equality in the Reality of Asymmetric Power, which is systematically constructed although the principle of sovereign equality is the foundation of international law, in practice this principle often becomes a "fiction" due to geopolitical pressures.[43] Economic and Geopolitical Asymmetry The asymmetric framework is used by economically dominant states to strengthen their authority and reshape the international legal order for their own interests.[44] Inequality in consent in international agreements (such as investment treaties) is often not a purely voluntary act, but rather the result of economic asymmetry and geopolitical pressure that is difficult to distinguish from coercion. Threats in Investment Law In the investment sector, demands for the principle of sovereign equality are often threatened by differential treatment of investors, which can harm developing countries through arbitration mechanisms or courts.[45]

American Exceptionalism is not merely a political doctrine, but an anomaly with respect to modern legal principles that triggers global legal uncertainty. The primary characteristic of this phenomenon is a sense of freedom from the rules that bind other states, coupled with a belief in a messianic mission to lead the world. When a superpower perceives itself as possessing legal immunity, it undermines the rule of law and creates a pattern of thinking rooted in a "victim mentality," wherein the state perpetually positions itself as the righteous party even when acting outside the legal framework. As a consequence, in cases such as the Crimea Referendum or the Rohingya issue, international law fails to provide clear legal standing because it frequently submits to or defers to the political interests of major powers.

IV. Conclusion

This research demonstrates a fundamental contradiction in the modern international legal system, wherein the principle of sovereign equality the normative foundation of the UN Charter frequently becomes mere fiction in the face of American hegemony and unilateralism. While all states are formally equal de jure, a stark asymmetry of sovereignty exists de facto, driven by the phenomenon of American Exceptionalism.

Shift in the Function of International Law International law has undergone a functional transformation from a universally binding regulator to a transactional political instrument that

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[41] Bintang Mandala Karyudi and Nuril Firdausiah, "Lex Et Lustitia IMPLEMENTASI SUPREMASI HUKUM DALAM PENEGAKAN HUKUM DI INDONESIA," *Universitas Moch. Sroedji Jember*, vol. 1, 2024, https://ejournal.umsj.ac.id/index.php/lel/index.

[42] Desvita Dwinanti Rahayu et al., "Perlindungan Hak Asasi Manusia Dalam Hukum Internasioal," *Lentera Ilmu* 1, no. 2 (2025): 87–93, https://doi.org/10.59971/li.v1i2.56.

[43] Jeffry Alexander Christanto Likadja, *Revitalisasi Sistem Pertahanan Dan Keamanan Nasional Sebagai Pilar Kedaulatan Negara*, *Revitalization On National Defence System as a Foundation of Sovereignty* (Kupang: Fakultas Hukum - Undana, 2023).

[44] Josepus Julie Pinori, Donna Okthalia Setiabudhi, and Toar Kamang Ronald, "Kerangka Desentralisasi Asimetris Dalam Memperkuat Hubungan Internasional Di Wilayah Perbatasan Asia- Pasifik," *Amanna Gappa* 32, no. 1 (2024): 54–69.

[45] terhadap Kepentingan Nasional Indonesia -Juan Pahala Christian and Juan Pahala Christian, "Tinjauan Kritis Sistem Penyelesaian Sengketa Investasi Internasional Dan Dampaknya Tinjauan Kritis Sistem Penyelesaian Sengketa Investasi Internasional Dan Dampaknya Terhadap Kepentingan Nasional Indonesia," *Judge : Jurnal Hukum* 06 (2025), https://doi.org/10.54209/judge.v6i02.1359.

is "sharp downward yet blunt upward." This is evidenced by unipolar actions such as unilateral withdrawal from international agreements (e.g., the JCPOA) and the use of the Security Council veto to serve narrow national interests, effectively paralyzing global legal enforcement.

Instrumentalization of Human Rights Human rights enforcement has frequently been weaponized as a geopolitical tool to pressure political adversaries through double standards and selective application. Instruments such as the Global Magnitsky Act tend to operate unilaterally, stripping human rights of their universal dimension and rendering them tools of political discrediting rather than genuine mechanisms of accountability.

Impact of Exceptionalism on Legal Authority A belief in a messianic mission and perceived exemption from international rules generates systemic global legal uncertainty. This practice erodes the rule of law and produces discriminatory treatment of comparable situations most visibly in the inconsistent application of international sanctions across different conflicts.

Global Legitimacy Crisis The inability of international law to provide clear and consistent legal determinations as demonstrated in cases such as the Crimea Referendum and the Rohingya crisis confirms that legal enforcement remains subordinate to the political interests of major powers

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