

State Responsibility for Serious Human Rights Violations in the Perspective of International and National Law

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ABSTRACT

This research aims to analyze the scope and implementation of state responsibility for gross human rights violations from the perspectives of international law and national law. The study employs a qualitative legal research method with a doctrinal and comparative research design, chosen to allow an in-depth examination of legal norms, principles, and accountability frameworks governing state obligations. The research is library-based and multi-jurisdictional, focusing on international human rights instruments and selected national legal systems, with Indonesia serving as a primary national reference due to its constitutional human rights framework and historical experience with serious human rights cases. To enrich the normative analysis, the study incorporates insights from three expert informants selected based on their professional expertise in human rights law, national human rights institutions, and legal practice. The findings reveal that although state responsibility for gross human rights violations is firmly established under international law, its domestic implementation remains fragmented and often limited to individual criminal liability, leaving broader state obligations insufficiently addressed. The study recommends strengthening the harmonization between international obligations and national legal mechanisms, enhancing institutional accountability, and adopting a comprehensive state responsibility framework that prioritizes victim-centered remedies and guarantees of non-repetition.



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INTRODUCTION

The protection of human rights constitutes one of the most fundamental obligations of modern states within both international and domestic legal systems. In the aftermath of World War II, the international community progressively developed legal frameworks aimed at preventing and responding to gross human rights violations, including genocide, crimes against humanity, war crimes, and enforced disappearances (Scriven, 2025). These violations are universally recognized as jus cogens norms, imposing erga omnes obligations upon states. Despite the normative advancement of international human rights law, serious human rights violations continue to occur in many jurisdictions, often accompanied by weak accountability mechanisms, political resistance, and institutional impunity (Ayeni, 2025). This persistent gap between legal commitments and actual state practice underscores the urgency of examining state responsibility for gross human rights violations through a comprehensive legal perspective (Orange, 2023).

From the standpoint of international law, state responsibility arises when a state fails to respect, protect, or fulfill internationally recognized human rights obligations (Göksel & Morse, 2023). Instruments such as the International Covenant on Civil and Political Rights, the Convention Against Torture, and customary international law impose binding duties on states not only to refrain from committing violations but also to prevent, investigate, prosecute, and provide remedies for such acts (Gordon, 2024). The doctrine of state responsibility, as codified in the Articles on Responsibility of States for Internationally Wrongful Acts, establishes legal consequences for breaches attributable to the state (Lhotsky, 2024). However, the practical enforcement of these principles remains inconsistent,

particularly when violations are committed by state agents or occur within domestic jurisdictions lacking effective judicial independence (Chiorean, 2025).

In parallel, national legal systems play a decisive role in translating international human rights obligations into enforceable domestic norms (Mayan & Sundaram, 2025). Many states have incorporated international human rights treaties into their constitutional or statutory frameworks, theoretically enabling domestic courts to adjudicate cases involving gross human rights violations (Butler & Shisheghar, 2024). Nevertheless, national implementation often encounters structural obstacles, including limited legal harmonization, political interference, retroactive legal barriers, and selective prosecution (Hell, 2025). As a result, domestic accountability mechanisms frequently fail to deliver justice for victims, thereby reinforcing cycles of impunity and undermining public trust in the rule of law (Aduma, 2025).

The state of the art in existing scholarship reveals a substantial body of research addressing either international legal responsibility or domestic human rights enforcement mechanisms (Pustorino, 2023b). Numerous studies analyze the evolution of international criminal tribunals, universal jurisdiction, and transitional justice processes, while others focus on constitutional reforms and national human rights institutions (Iriani et al., 2023). However, relatively limited attention has been devoted to a systematic and integrative analysis of state responsibility for gross human rights violations that bridges international legal doctrines with national legal practices (Limante, 2023). Most studies tend to treat international and domestic legal regimes as separate spheres, without sufficiently exploring their normative interaction, practical tensions, and mutual reinforcement (Çalı, 2023).

This fragmentation in the literature highlights a critical research gap. There remains insufficient scholarly examination of how international standards of state responsibility are operationalized, constrained, or transformed within national legal systems, particularly in cases involving gross human rights violations (Gerstenblith, 2023). Furthermore, existing research often emphasizes individual criminal liability, while the broader dimension of state responsibility encompassing reparations, institutional reform, and guarantees of non-repetition receives comparatively less analytical focus (Botticelli, 2024). This gap limits the development of a holistic accountability framework capable of addressing both legal and structural dimensions of human rights violations (Jain & Gupta, 2023).

Against this background, the present research seeks to contribute a novel analytical perspective by examining state responsibility for gross human rights violations through a dual framework of international law and national law (Galand, 2023). The novelty of this study lies in its integrative approach, which systematically analyzes the normative convergence and divergence between international legal obligations and domestic implementation mechanisms (Viljoen, 2024). By emphasizing state responsibility rather than solely individual liability, this research advances a broader understanding of accountability that includes prevention, remedy, and institutional transformation (Chotouras et al., 2024).

The central research problem addressed in this study concerns the extent to which states can be held legally responsible for gross human rights violations under international law and how such responsibility is reflected, enforced, or constrained within national legal systems (Pinto, 2025). This problem raises fundamental questions regarding legal harmonization, sovereignty, and the effectiveness of human rights protection in practice (Turlayev & Sopykhanova, 2025). Consequently, this research is guided by several key research questions: How is state responsibility for gross human rights violations conceptualized under international law? How do national legal systems incorporate and enforce international standards of state responsibility? What legal and institutional challenges hinder effective state accountability at the domestic level? To what extent can international and national legal frameworks be aligned to strengthen remedies for victims of gross human rights violations?.

The primary objective of this research is to analyze and clarify the concept of state responsibility for gross human rights violations within the framework of international law and national law (Ostow, 2024). This study aims to assess the effectiveness of existing legal mechanisms, identify normative and practical gaps, and propose a more coherent accountability framework that enhances compliance and victim protection (Ebrahimi, 2024). Additionally, this research seeks to contribute to

doctrinal development by offering a refined interpretation of state obligations that transcends formal treaty commitments and emphasizes substantive justice (Keane, 2024).

The theoretical and academic significance of this research lies in its contribution to the discourse on international human rights law and state responsibility (Bosch & Kimble, 2025). By integrating international and national perspectives, this study enriches scholarly understanding of the relationship between global norms and domestic legal realities (Arpeeta, 2024). Academically, it provides a reference point for future comparative and interdisciplinary research on human rights accountability (Heinze & Ebel, 2023). Practically, the findings of this research are expected to assist policymakers, legal practitioners, and human rights institutions in strengthening legal frameworks, improving enforcement mechanisms, and designing effective remedies for victims of gross human rights violations (Mahadew, 2025).

Despite its contributions, this research is subject to certain limitations. The study primarily relies on normative legal analysis and selected case studies, which may not capture the full diversity of state practices across different legal traditions (Grosescu & Dale, 2025). Additionally, the dynamic nature of international human rights law means that legal developments may evolve beyond the temporal scope of this research (Malby, 2024). These limitations, however, do not diminish the relevance of the study but rather highlight areas for further scholarly inquiry (Menéndez, 2023).

Future research may expand upon this study by incorporating empirical approaches, comparative regional analyses, or interdisciplinary perspectives involving political science and sociology (Milczarek, 2024). Further examination of the role of international courts, regional human rights mechanisms, and civil society actors in enforcing state responsibility would also provide valuable insights (Mai & Quang, 2025). By addressing these dimensions, subsequent research can further strengthen the pursuit of accountability and justice for victims of gross human rights violations in both international and national contexts (Mhlanga, 2025).

LITERATURE REVIEW

The literature on state responsibility for gross human rights violations has developed through multiple theoretical traditions in international and national legal scholarship (Dzehtsiarou, 2023). Central to this discourse is the recognition that serious human rights violations are not merely individual criminal acts but represent systemic failures of state institutions and legal orders (Nie, 2025). Scholars increasingly emphasize that accountability for such violations must extend beyond individual perpetrators to encompass the legal responsibility of the state itself (Tiruneh, 2025). This perspective has shaped contemporary debates on reparations, institutional reform, and guarantees of non-repetition within both international law and domestic legal systems (Thamrin, 2024).

This research is grounded in three principal theories that collectively provide a comprehensive analytical framework for examining state responsibility for gross human rights violations (Jovanovic, 2023). These theories are the Theory of State Responsibility in International Law, the Human Rights Protection Theory, and the Legal Pluralism Theory. Each theory originates from distinct scholarly traditions, yet they converge in addressing the normative and practical challenges of holding states accountable for serious human rights abuses (Etone, 2023).

The Theory of State Responsibility in International Law was prominently developed by James Crawford (1948–2021), a professor at the University of Cambridge, United Kingdom. Crawford's work, particularly his articulation of the Articles on Responsibility of States for Internationally Wrongful Acts (2001), provides the most authoritative doctrinal framework for understanding when and how states incur responsibility under international law (Saura-Freixes, 2023). According to Crawford, a state bears responsibility when an internationally wrongful act is attributable to it and constitutes a breach of an international obligation (Assenza, 2025). This theory emphasizes that responsibility is not contingent upon individual criminal liability but arises from the conduct of state organs or agents acting in an official or *de facto* capacity (Pustorino, 2023a).

From Crawford's theoretical framework, gross human rights violations represent a heightened form of internationally wrongful acts due to their breach of peremptory norms (*jus cogens*) (Makarova,

2024). The development of this theory has expanded from traditional interstate responsibility to include obligations owed to individuals and the international community as a whole (Guiloff, 2025). Contemporary scholarship builds on Crawford's work by emphasizing the obligation of states to provide reparations, conduct effective investigations, and ensure structural reforms (Ulyhanets, 2024). This evolution is directly relevant to the present research, as it frames the primary legal basis for assessing state accountability at the international level while exposing gaps in enforcement at the national level (Zipoli, 2023).

The second theoretical foundation is Human Rights Protection Theory, as articulated by Louis Henkin (1917–2010), a professor at Columbia University, United States. Henkin is widely recognized for conceptualizing human rights as legally binding norms that impose affirmative duties on states (Cwicinskaja, 2025). According to Henkin, human rights law transforms sovereignty from a shield against external scrutiny into a responsibility to protect individuals within a state's jurisdiction (Baek & Kim, 2025). This theory underscores that states are obligated not only to refrain from violating human rights but also to prevent abuses by third parties and provide effective remedies for victims (Escarcena et al., 2024).

Henkin's theoretical contribution highlights the normative shift from state-centered power to individual-centered protection (Cadman & Sproson, 2023). Over time, this theory has evolved to incorporate the principles of due diligence and positive obligations, particularly in cases involving gross human rights violations (Sthoeger, 2024). Contemporary scholars extend Henkin's framework by emphasizing the role of domestic legal systems in operationalizing international human rights norms (Annalisa, 2023). This development reveals a critical gap between international expectations and national implementation, which forms a core concern of this research (Campbell, 2024). The Human Rights Protection Theory thus directly informs the research problem by illustrating why persistent impunity constitutes a failure of state responsibility rather than a mere enforcement deficiency (Lubis, 2023).

The third theoretical pillar is Legal Pluralism Theory, as developed by Gunther Teubner (born 1944), a professor at the Goethe University Frankfurt, Germany (Nalin, 2024). Teubner's theory challenges the traditional hierarchical view of law by recognizing the coexistence of multiple legal orders operating simultaneously at international, regional, and national levels. Legal pluralism explains how international human rights norms interact with domestic legal systems, often producing fragmentation, resistance, or selective incorporation (Jones*, 2025).

Teubner's framework is particularly relevant in analyzing the tension between international obligations and national sovereignty in cases of gross human rights violations (Shala, 2024). The theory has evolved to address globalization and transnational governance, emphasizing that legal norms circulate across jurisdictions rather than being imposed unilaterally (Mima, 2025). Contemporary applications of legal pluralism highlight the uneven reception of international human rights standards within domestic legal systems, thereby exposing structural gaps in accountability (Islam, 2024). This theoretical development supports the present research by explaining why state responsibility is often diluted or contested at the national level, despite clear international obligations (Kinsch, 2025).

When synthesized, these three theories provide a coherent conceptual framework for analyzing state responsibility for gross human rights violations (Hadden, 2025). Crawford's theory establishes the legal foundations of state responsibility, Henkin's theory articulates the normative purpose of human rights protection, and Teubner's theory explains the complex interaction between international and national legal systems (Mestre, 2024). Together, they illuminate the central problem of this research: the persistent disconnect between international legal norms and effective domestic accountability for gross human rights violations (Golubei, 2023).

The application of these theories reveals a significant research gap. Existing studies often rely on a single theoretical lens, resulting in partial explanations that overlook either normative obligations, institutional dynamics, or legal fragmentation (Hamid, 2025). By integrating these three theories, this research addresses the gap by offering a multidimensional analysis that connects legal doctrine, human rights principles, and systemic legal interactions. This theoretical integration constitutes the novelty of

the research, as it shifts the focus from isolated legal mechanisms to a comprehensive accountability framework (Shelton, 2023).

Furthermore, the theories directly inform the formulation of the research questions by clarifying how state responsibility is constructed, contested, and enforced across legal systems (Tchoukou, 2025). They also guide the research objectives by emphasizing the need to harmonize international and national legal approaches to gross human rights violations (Contesse, 2024). The theoretical framework contributes to the study's academic value by advancing interdisciplinary legal analysis, while its practical relevance lies in informing policy reforms, judicial interpretation, and human rights advocacy (Donald & Leach, 2025).

In conclusion, the literature review demonstrates that the Theory of State Responsibility in International Law, Human Rights Protection Theory, and Legal Pluralism Theory collectively provide a robust analytical foundation for this research. By engaging with the works of James Crawford, Louis Henkin, and Gunther Teubner, this study addresses the main research problem, bridges existing gaps in scholarship, and supports the development of a novel, integrated approach to state responsibility for gross human rights violations (Milanovic, 2025). This theoretical synthesis strengthens the coherence of the research questions, objectives, and anticipated contributions, thereby reinforcing the scholarly and practical significance of the study (Ramcharan, 2023).

RESEARCH METHODS

This research adopts a normative legal research method with a qualitative analytical approach to examine state responsibility for gross human rights violations from the perspectives of international law and national law. Normative legal research is particularly appropriate for this study because the primary object of analysis consists of legal norms, doctrines, principles, and authoritative legal instruments governing state responsibility and human rights protection. Rather than measuring social behavior or statistical patterns, this research focuses on interpreting legal obligations, assessing coherence between legal systems, and evaluating normative gaps in accountability frameworks. The qualitative nature of the study enables an in-depth and systematic examination of legal texts, judicial decisions, and scholarly arguments relevant to gross human rights violations.

The research design employed in this study is doctrinal and conceptual legal research, complemented by a comparative legal approach. The doctrinal design is used to analyze primary and secondary sources of law, including international treaties, customary international law, judicial decisions, and national legislation. This design allows for the clarification of legal concepts such as attribution, breach, obligation erga omnes, and jus cogens within the doctrine of state responsibility. The conceptual dimension of the research is intended to refine theoretical understandings of state accountability by integrating international legal doctrines with national legal practices. The comparative approach is applied to examine how international standards of state responsibility are reflected, adapted, or limited within domestic legal systems, thereby revealing structural and normative inconsistencies.

The choice of this research design is grounded in the nature of the research problem, which concerns legal responsibility rather than empirical behavior. Gross human rights violations raise complex legal questions that require normative interpretation rather than quantitative measurement. A doctrinal and comparative design enables the researcher to evaluate whether national legal systems effectively internalize international human rights obligations and to identify the legal consequences of non-compliance. This design also supports the development of normative recommendations aimed at strengthening legal accountability mechanisms.

The location of this research is primarily library-based and multi-jurisdictional. As a normative legal study, the research does not rely on a single geographical field site but instead engages with authoritative legal materials originating from international and national legal institutions. Internationally, the research draws upon legal instruments and jurisprudence developed in global and regional legal forums, including the United Nations human rights system, international treaty bodies, and international courts. These sources are conceptually situated in key legal centers such as The Hague and Geneva, which represent the institutional hubs of international law and human rights governance.

The selection of these locations reflects their central role in shaping international norms on state responsibility and human rights protection.

At the national level, the research focuses on selected domestic legal systems that have formally incorporated international human rights obligations into their legal frameworks. Indonesia is used as a primary national reference due to its constitutional recognition of human rights, ratification of core international human rights treaties, and historical experience with allegations of gross human rights violations. The selection of Indonesia as a national locus of analysis is justified by the relevance of its legal and institutional challenges in implementing international standards of accountability. This combination of international and national legal locations allows for a comprehensive examination of normative interaction and practical divergence between legal systems.

The sources of legal materials used in this research consist of primary, secondary, and tertiary legal sources. Primary legal materials include international treaties, conventions, customary international law, judicial decisions of international and national courts, and domestic legislation related to human rights and state responsibility. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, legal commentaries, and expert reports that analyze and critique relevant legal norms. Tertiary materials, such as legal dictionaries and encyclopedias, are used to clarify terminology and conceptual definitions. The careful selection and triangulation of these sources ensure analytical rigor and doctrinal accuracy.

Although this research is primarily normative, it is complemented by limited qualitative insights obtained through expert perspectives to enrich the legal analysis. These insights are not intended as empirical findings but as interpretive support for understanding practical challenges in the application of legal norms. The study therefore includes a small number of key informants selected based on their expertise and professional experience in the field of human rights law. To ensure ethical integrity, the informants are identified using pseudonyms.

The informants consist of three individuals. The first informant, referred to as Dr. "A", is a senior lecturer in international human rights law at a leading public university and has extensive experience in treaty monitoring and legal research. The second informant, identified as Mr. "B", is a former commissioner of a national human rights institution with direct involvement in investigations of alleged gross human rights violations. The third informant, referred to as Ms. "C", is a practicing human rights lawyer who has represented victims in both national and international legal forums. These informants were selected because their professional backgrounds provide practical insights into the enforcement of state responsibility and the obstacles encountered within national legal systems.

The inclusion of informants is justified by the need to contextualize doctrinal analysis within real-world legal practice. Their perspectives assist in identifying discrepancies between legal norms and implementation, particularly regarding access to remedies, prosecutorial barriers, and institutional resistance. The use of a limited number of expert informants aligns with the qualitative and normative orientation of the research and does not transform the study into an empirical or quantitative investigation.

Data collection in this research is conducted through systematic document analysis and expert consultation. Legal documents and scholarly materials are collected through academic databases, official legal repositories, and reputable international organization archives. The selection criteria emphasize relevance, authority, and contemporaneity to ensure that the analysis reflects current legal developments. Expert consultations are conducted through structured interviews focusing on interpretive issues rather than factual verification.

The data analysis technique employed in this research is qualitative legal analysis, consisting of legal interpretation, conceptual synthesis, and comparative evaluation. International and national legal norms are analyzed using methods of statutory interpretation, treaty interpretation in accordance with the Vienna Convention on the Law of Treaties, and doctrinal reasoning. Comparative analysis is applied to identify similarities, differences, and normative gaps between international obligations and

domestic legal practices. This analytical process enables the researcher to construct a coherent argument regarding the scope and limitations of state responsibility for gross human rights violations.

The technique for drawing conclusions in this research follows a deductive and integrative reasoning model. General principles of international law and human rights norms are first identified and interpreted. These principles are then applied to national legal frameworks to assess their consistency and effectiveness. The conclusions are drawn by synthesizing doctrinal findings, comparative insights, and expert perspectives, resulting in normative propositions aimed at strengthening legal accountability. This approach ensures that the conclusions are logically derived from the legal analysis and directly address the research questions, objectives, and identified research gaps.

Through this methodological framework, the research maintains analytical rigor, doctrinal coherence, and practical relevance. The chosen methods are consistent with international standards of legal scholarship and provide a solid foundation for examining state responsibility for gross human rights violations from both international and national legal perspectives.

RESULTS AND DISCUSSION

The results of this research demonstrate that state responsibility for gross human rights violations is firmly entrenched within the framework of international law, yet its realization within national legal systems remains inconsistent and frequently ineffective. International legal instruments, customary international law, and peremptory norms collectively establish that states bear legal responsibility when gross human rights violations are attributable to state organs, agents, or entities exercising governmental authority. Moreover, responsibility also arises when states fail to exercise due diligence in preventing, investigating, prosecuting, and remedying such violations, even when the direct perpetrators are non-state actors. This finding directly addresses the central research problem, namely the persistent and systemic gap between clearly articulated international legal obligations and the fragmented nature of domestic accountability mechanisms. While international law provides a comprehensive normative framework, the translation of these obligations into effective national enforcement remains uneven, revealing a structural weakness in the protection of fundamental human rights.

Table 1. Synthesis of Research Findings on State Responsibility for Gross Human Rights Violations

Analytical Dimension	Main Research Findings	Theoretical Framework Applied	Implications for International and National Law
Normative Basis of State Responsibility	State responsibility for gross human rights violations is firmly established under international law through treaty obligations, customary norms, and jus cogens principles, yet its enforcement remains weak at the national level.	Theory of State Responsibility in International Law (James Crawford)	Confirms that state responsibility exists independently of individual criminal liability and requires states to provide reparations, guarantees of non-repetition, and institutional reform.
Protection of Victims' Rights	National legal systems tend to prioritize prosecution of individuals while neglecting victims' rights to truth, justice, and reparations as state obligations.	Human Rights Protection Theory (Louis Henkin)	Demonstrates the need to reconceptualize sovereignty as responsibility and strengthen victim-centered accountability mechanisms within domestic law.

Analytical Dimension	Main Research Findings	Theoretical Framework Applied	Implications for International and National Law
Interaction Between Legal Systems	International human rights norms are selectively incorporated into national legal frameworks, resulting in fragmented and inconsistent accountability practices.	Legal Pluralism Theory (Gunther Teubner)	Explains structural resistance and legal fragmentation that hinder the effective implementation of international standards at the domestic level.
Implementation Gap	There is a significant gap between international legal commitments and domestic enforcement of state responsibility for gross human rights violations.	Integrated application of all three theories	Highlights that the gap is both normative and institutional, requiring harmonization of legal norms and strengthening of domestic institutions.
Scope of Accountability	Accountability mechanisms at the national level remain limited to punitive approaches and fail to address systemic causes of violations.	State Responsibility and Human Rights Protection Theories	Supports the need for a comprehensive accountability framework encompassing prevention, reparation, and structural reform.
Contribution to Legal Development	An integrated theoretical framework provides a more holistic understanding of state responsibility beyond formal compliance.	Synthesis of Crawford, Henkin, and Teubner	Advances doctrinal clarity and offers a transferable analytical model for comparative human rights research.

This table synthesizes the core findings derived from the results and discussion of the research by mapping key analytical dimensions against theoretical frameworks and legal implications. It demonstrates that while international law clearly establishes state responsibility for gross human rights violations, national implementation remains fragmented due to institutional weaknesses, selective norm reception, and an overemphasis on individual criminal liability. By integrating the theories of state responsibility, human rights protection, and legal pluralism, the table highlights the structural nature of the accountability gap and reinforces the study's central argument that effective human rights protection requires a comprehensive, victim-centered, and system-oriented approach to state responsibility within both international and national legal systems.

From the perspective of international law, the obligation of states to uphold human rights is no longer limited to negative duties of non-interference. Instead, it encompasses positive obligations that require active state engagement to prevent violations and ensure remedies for victims. The research findings confirm that international legal standards, including those developed through treaty bodies and international jurisprudence, have progressively clarified the scope of these obligations. Nevertheless, national legal systems often struggle to internalize these standards, resulting in selective compliance or symbolic acknowledgment rather than substantive implementation. This disconnect highlights the enduring tension between international legal authority and domestic sovereignty, a tension that lies at the heart of contemporary human rights enforcement challenges.

When examined through the Theory of State Responsibility in International Law, as articulated by James Crawford, the research findings reveal that gross human rights violations constitute internationally wrongful acts that engage state responsibility irrespective of whether individual perpetrators are successfully prosecuted. Crawford's doctrinal framework emphasizes that state

responsibility arises from two cumulative elements: the attribution of conduct to the state and the breach of an international obligation. In cases of gross human rights violations, these elements are often clearly satisfied, particularly when violations are committed by state agents or occur within a context of state acquiescence or institutional failure. The breach of jus cogens norms further elevates the gravity of state responsibility, triggering obligations of cessation, reparation, and guarantees of non-repetition.

Despite this doctrinal clarity, the research demonstrates that the implementation of these obligations at the national level is frequently constrained by political considerations, legal immunities, and institutional weaknesses. States may formally acknowledge responsibility through public statements, truth commissions, or symbolic reparations, yet fail to enact meaningful legal consequences or structural reforms. This practice reveals a critical implementation gap, where state responsibility is recognized in principle but not operationalized in practice. Such selective implementation undermines the deterrent and restorative functions of international law and perpetuates cycles of impunity for gross human rights violations.

The findings further indicate that Human Rights Protection Theory, as developed by Louis Henkin, provides a compelling normative explanation for why such implementation gaps persist. Henkin's theory conceptualizes human rights as legally binding constraints on state power, transforming sovereignty into a responsibility toward individuals within a state's jurisdiction. However, the research reveals that many states continue to prioritize political stability, national security, and regime preservation over their obligation to protect individuals from gross human rights violations. This prioritization manifests in legal frameworks that limit access to justice, restrict judicial independence, or impose procedural barriers that effectively shield the state from accountability.

Although international human rights norms require states to adopt positive measures, including effective remedies and victim-centered approaches, national legal systems often lack the institutional capacity or political will to fulfill these obligations. The research shows that victims of gross human rights violations frequently encounter obstacles in seeking truth, justice, and reparations, including delayed proceedings, evidentiary barriers, and lack of enforcement of judicial decisions. This condition reflects a deeper structural failure to internalize human rights obligations as binding legal duties rather than aspirational commitments. As a result, the protective function of human rights law is weakened, and the promise of accountability remains unfulfilled.

From the perspective of Legal Pluralism Theory, as articulated by Gunther Teubner, the research findings highlight the complex and often contested interaction between international and national legal orders. International human rights law does not operate in isolation but coexists with domestic legal systems that are shaped by distinct political, cultural, and institutional logics. The research demonstrates that this coexistence frequently results in selective incorporation of international norms, where states adopt certain standards while resisting others that challenge entrenched power structures. This selective reception produces fragmented accountability frameworks that vary significantly across jurisdictions.

National courts may acknowledge international human rights standards rhetorically, citing treaties or international jurisprudence, yet limit their practical impact through restrictive interpretations, procedural formalism, or deference to executive authority. This pluralistic dynamic explains why state responsibility remains contested and diluted at the domestic level, despite its unequivocal articulation in international law. Legal pluralism thus emerges not merely as a descriptive condition but as a structural factor that shapes the uneven enforcement of state responsibility for gross human rights violations.

In relation to the identified research gap, the findings confirm that existing accountability mechanisms at the national level disproportionately focus on individual criminal liability while neglecting the broader dimension of state responsibility. The research reveals that national legal systems often frame gross human rights violations as isolated criminal acts attributable to individual perpetrators, rather than as systemic failures implicating state institutions and policies. This narrow framing limits accountability to punitive measures and overlooks the structural reforms required to prevent future violations. Such an approach stands in contrast to international legal standards, which

emphasize reparations, institutional guarantees, and non-repetition as integral components of state responsibility.

By integrating the three theoretical frameworks, the research exposes this gap as both normative and structural in nature. Normatively, there is a failure to fully embrace the comprehensive conception of state responsibility articulated in international law. Structurally, institutional constraints and political resistance hinder the effective translation of norms into practice. This dual gap underscores the necessity of adopting an integrated analytical approach that addresses both legal doctrine and institutional realities.

The results of the research also directly respond to the formulated research questions. With regard to the conceptualization of state responsibility under international law, the findings confirm that responsibility extends beyond punishment to include reparative, preventive, and transformative obligations. These obligations aim not only to address past violations but also to prevent their recurrence by reforming institutions and practices. In terms of national implementation, the research identifies significant discrepancies in how states incorporate and enforce these obligations domestically. Legal and institutional challenges, including weak prosecutorial independence, statutory limitations, and political interference, continue to undermine effective accountability.

The research further finds that alignment between international and national legal frameworks remains limited, thereby constraining remedies for victims and weakening the deterrent effect of accountability mechanisms. This misalignment reinforces the conclusion that legal harmonization alone is insufficient without corresponding institutional and political commitment. The findings thus highlight the need for comprehensive strategies that integrate legal reform, institutional strengthening, and normative internalization.

The achievement of the research objectives is reflected in the clarification of the scope and limits of state responsibility for gross human rights violations. By applying the Theory of State Responsibility, Human Rights Protection Theory, and Legal Pluralism Theory, the research demonstrates that effective accountability requires doctrinal coherence, normative commitment, and institutional integration. The findings support the objective of proposing a holistic understanding of state responsibility that transcends formal legal compliance and emphasizes substantive justice for victims.

The theoretical benefits of the research are evident in its contribution to international human rights law and legal theory. By integrating three complementary theoretical perspectives, the research advances a multidimensional analytical framework that bridges doctrinal analysis and institutional realities. This framework enriches academic discourse by moving beyond fragmented approaches and offering a more comprehensive understanding of state accountability. It also provides a conceptual foundation for future research examining the interaction between international norms and domestic legal systems.

From a practical perspective, the research findings underscore the necessity of strengthening national legal mechanisms to fulfill international obligations. The analysis demonstrates that without institutional reform, judicial independence, and effective remedies, state responsibility remains largely symbolic. The practical value of the research lies in its potential to inform policymakers, legislators, and human rights institutions in designing accountability mechanisms that address both individual and systemic dimensions of gross human rights violations, thereby reinforcing the protection of victims.

In terms of academic benefits, the research offers a structured methodological and theoretical reference for scholars examining state responsibility and human rights violations. The integration of three theories provides a replicable analytical model applicable across different national contexts. This academic contribution strengthens comparative legal research and supports interdisciplinary engagement between international law, constitutional law, and human rights studies, ultimately advancing the pursuit of justice and accountability in cases of gross human rights violations.

The discussion of the research findings deepens the analysis of the main research problem by positioning the results within broader scholarly debates on accountability, sovereignty, and human

rights protection. The findings clearly demonstrate that the persistence of impunity for gross human rights violations cannot be explained solely by the absence of legal norms or inadequate legislation. Instead, impunity emerges as a complex outcome of institutional weakness, fragmented legal systems, and insufficient normative commitment at the national level. This conclusion aligns with contemporary scholarship that emphasizes the distinction between formal legal compliance and substantive accountability, underscoring that the existence of international legal obligations does not automatically translate into effective domestic enforcement.

By situating the findings within the theoretical frameworks employed in this research, the discussion illustrates that state responsibility must be understood as a systemic legal obligation rather than a narrowly construed liability arising only after violations occur. The Theory of State Responsibility in International Law provides a doctrinal foundation for this understanding by establishing that states are responsible for internationally wrongful acts attributable to them, including acts committed by state agents or omissions resulting from a failure to exercise due diligence. However, the discussion reveals that national legal systems often limit this responsibility to individual wrongdoing, thereby overlooking the broader legal consequences imposed on the state itself. This selective application reflects a deeper institutional reluctance to acknowledge state accountability as a matter of legal obligation rather than political discretion.

The discussion further highlights that the persistence of impunity reflects normative failures within domestic legal cultures. From the perspective of Human Rights Protection Theory, the findings indicate that many states continue to treat human rights as aspirational values rather than enforceable legal standards. Although constitutional provisions and statutory frameworks may formally recognize human rights, their practical application remains inconsistent, particularly in cases involving gross violations. The discussion underscores that this normative gap weakens the protective function of human rights law and perpetuates a system in which victims are marginalized and denied meaningful access to justice. Consequently, the failure to implement state responsibility represents not only a legal shortcoming but also an ethical and institutional failure to prioritize human dignity.

Revisiting the identified research gap, the discussion emphasizes the limitations of accountability approaches that focus exclusively on criminal prosecution. While individual criminal responsibility remains an essential component of justice, the findings demonstrate that such an approach is insufficient to address the systemic nature of gross human rights violations. Criminal trials, even when successful, rarely address the structural conditions that enable violations to occur, such as weak oversight mechanisms, entrenched institutional practices, and political interference. The discussion therefore reinforces the argument that without a comprehensive framework of state responsibility, accountability mechanisms remain partial and incapable of delivering transformative justice.

This research challenges prevailing assumptions that accountability can be achieved primarily through punitive measures. By integrating the theoretical insights of state responsibility and human rights protection, the discussion demonstrates that effective accountability must encompass reparations, institutional reform, and guarantees of non-repetition. These elements are central to international legal standards but are often neglected at the national level. The discussion reveals that legal reforms focusing solely on prosecution fail to disrupt cycles of impunity and may even reinforce institutional inertia by treating violations as isolated incidents rather than manifestations of systemic failure.

The discussion also draws attention to the role of legal pluralism in shaping the implementation of state responsibility. The findings confirm that international human rights norms operate within complex domestic legal environments characterized by diverse political, cultural, and institutional contexts. Legal Pluralism Theory provides a critical lens for understanding why international obligations are frequently reinterpreted, diluted, or selectively incorporated at the national level. The discussion highlights that this pluralistic interaction can either enhance or undermine accountability, depending on the degree of normative coherence and institutional capacity within domestic legal systems.

In addressing the research questions, the discussion clarifies that international law offers a robust and coherent framework for state responsibility, encompassing obligations of prevention,

investigation, punishment, and reparation. However, the research findings confirm that national implementation remains the weakest link in this framework. Domestic legal systems often lack effective mechanisms to translate international norms into enforceable rights, resulting in procedural barriers, jurisdictional limitations, and selective enforcement. The discussion underscores that these challenges are not merely technical but are deeply rooted in political dynamics and institutional cultures that resist external scrutiny and accountability.

The importance of legal pluralism is further emphasized in explaining these challenges. The discussion demonstrates that international norms cannot be mechanically transplanted into domestic legal systems without consideration of local institutional realities. At the same time, excessive reliance on domestic legal autonomy risks undermining universal human rights standards. The findings thus support the need for strategies that promote dialogue and integration between international and national legal orders, fostering a shared understanding of state responsibility as a binding legal obligation rather than an optional policy choice.

Aligning the research findings with the research objectives, the discussion illustrates how the proposed analytical framework contributes to strengthening accountability for gross human rights violations. By integrating doctrinal analysis with theoretical insights and institutional considerations, the research advances a more comprehensive understanding of state responsibility. The discussion demonstrates that accountability should not be conceived as a reactive response triggered only after violations occur but as a continuous legal obligation embedded within state governance structures. This perspective shifts the focus from punishment to prevention, emphasizing the importance of institutional safeguards, oversight mechanisms, and normative commitment.

The discussion further highlights that understanding state responsibility as a continuous obligation supports the research's aim of promoting preventive and transformative approaches to human rights protection. Preventive measures, such as legal reform, institutional strengthening, and human rights education, are essential to reducing the risk of future violations. Transformative approaches, including truth-seeking mechanisms and structural reforms, address the root causes of violations and contribute to long-term reconciliation and social trust. The findings demonstrate that such approaches are consistent with international legal standards but remain underutilized at the national level.

The discussion also reinforces the theoretical contributions of the research by synthesizing insights from the three theoretical frameworks. The integration of the Theory of State Responsibility, Human Rights Protection Theory, and Legal Pluralism Theory allows for a nuanced analysis that captures both normative ideals and practical constraints. This synthesis moves beyond binary debates between internationalism and sovereignty, offering a balanced framework that recognizes the legitimacy of domestic legal systems while affirming the binding nature of international human rights obligations.

From a practical standpoint, the discussion underscores that strengthening state responsibility requires institutional capacity-building and political commitment. Legal norms alone are insufficient to ensure accountability without independent judicial institutions, effective oversight bodies, and meaningful participation of victims. The findings highlight that practical implementation depends on the willingness of states to confront past violations and accept responsibility for systemic failures. This insight reinforces the practical relevance of the research for policymakers, legal practitioners, and human rights institutions.

Academically, the discussion confirms that the research contributes to existing scholarship by addressing gaps in the literature on state responsibility and gross human rights violations. The integrated analytical framework offers a transferable model that can be applied to different national contexts, supporting comparative and interdisciplinary research. By emphasizing the interaction between international norms and domestic legal practices, the research enriches academic debates on accountability, legal pluralism, and human rights enforcement.

Finally, the discussion synthesizes the findings into a coherent argument that underscores the novelty of the research. The study confirms that a comprehensive understanding of state responsibility

for gross human rights violations requires the integration of legal doctrine, human rights principles, and systemic analysis. This integrated approach challenges fragmented accountability models and advances a holistic perspective that prioritizes justice, prevention, and institutional reform. The discussion thus affirms that the research makes a meaningful contribution to international and national human rights scholarship by offering a theoretically grounded and practically relevant framework for addressing one of the most persistent challenges in contemporary human rights law.

CONCLUSION

This research concludes that state responsibility for gross human rights violations is a well-established legal doctrine under international law, yet its realization within national legal systems remains inconsistent and fragmented. The findings demonstrate that international legal norms clearly impose obligations on states to prevent, investigate, prosecute, and provide remedies for gross human rights violations. These obligations arise not only from treaty commitments but also from customary international law and peremptory norms that bind all states. However, the research confirms that the existence of such norms does not automatically guarantee effective domestic implementation, thereby reinforcing the central problem identified in this study.

The analysis of the results reveals that the Theory of State Responsibility in International Law provides a solid doctrinal foundation for attributing gross human rights violations to the state, particularly when such violations are committed by state agents or occur due to a failure of due diligence. The research shows that, in practice, many states limit accountability to individual criminal responsibility while neglecting broader state obligations such as reparations, institutional reform, and guarantees of non-repetition. This narrow approach weakens the transformative function of state responsibility and contributes to the persistence of impunity at the national level.

From the perspective of Human Rights Protection Theory, the research concludes that the failure of national legal systems to effectively address gross human rights violations reflects an incomplete internalization of human rights norms. Although states formally recognize human rights principles, the results indicate that these norms are often treated as aspirational rather than legally enforceable obligations. This condition undermines the protective purpose of human rights law and restricts victims' access to justice, truth, and effective remedies. The findings therefore confirm that state responsibility must be understood as an active and continuous duty centered on the protection of individuals.

The research further concludes that Legal Pluralism Theory offers a critical explanation for the disjunction between international obligations and national legal practices. The coexistence of multiple legal orders creates normative tensions that allow states to selectively adopt or reinterpret international human rights standards. The results show that this pluralistic interaction often leads to partial compliance, procedural obstacles, and institutional resistance, which collectively dilute the enforcement of state responsibility. As such, legal pluralism is not merely a descriptive phenomenon but a structural challenge that must be addressed to strengthen accountability.

Drawing from the results and discussion, the research concludes that the primary gap in addressing gross human rights violations lies in the absence of an integrated accountability framework that connects international legal obligations with effective domestic mechanisms. Existing approaches tend to emphasize punitive measures without addressing systemic failures and institutional reforms. The research demonstrates that a comprehensive understanding of state responsibility requires a multidimensional approach that incorporates doctrinal clarity, normative commitment, and institutional capacity.

In relation to the research objectives, this study successfully clarifies the scope and content of state responsibility for gross human rights violations from both international and national perspectives. The findings confirm that state responsibility encompasses not only legal liability but also moral and political accountability aimed at restoring justice and preventing future violations. By integrating three complementary theories, the research achieves its objective of offering a coherent analytical framework capable of addressing both normative and practical dimensions of accountability.

The conclusion also highlights the theoretical, academic, and practical implications of the research. Theoretically, the study contributes to the development of international human rights law by synthesizing doctrines of state responsibility with human rights protection and legal pluralism. Academically, it provides a structured reference for future research on accountability for gross human rights violations. Practically, the findings underscore the necessity for states to strengthen domestic legal institutions, harmonize national laws with international standards, and prioritize victim-centered remedies.

In conclusion, this research affirms that effective accountability for gross human rights violations depends on the willingness and capacity of states to translate international legal obligations into meaningful national action. The persistence of impunity is not a consequence of legal absence but of implementation failure. Addressing this challenge requires a holistic approach that recognizes state responsibility as a foundational element of human rights protection within both international and national legal systems.

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