Scenarios for Limiting The Veto of Permanent Members of The United Nations Security Council

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Abstract

The UN's principal mission is to promote international stability and peace. To that end, the UN established the Security Council, its governing body with last say on the subject. The United States, Russia, China, and France—the five most militarily competent nations—are veto-wielding permanent members of the United Nations Security Council. The fundamental objective of this research is to determine the impact of veto power on the function of the United Nations Security Council in maintaining global peace and security. In that case, will we be attempting to have a lex expert on the right to veto? This work is classified as normative research. The results showed that the veto did not improve the Security Council's performance. The ability to veto decisions made by the Security Council on how to address critical international crises means that the council isn't always effective. Legal rules should be put in place to ensure that the right to veto as a controller is not misused and fulfils its original purpose. The power to reject a resolution in situations involving crimes against humanity or genocide is an important part of the veto system, as is the two-year limit on each non-permanent member's use of the veto, and the limitation of veto use to a single case if discussed consecutively in Security Council meetings.

I. Introduction

Looking back at its origins and stated goals, it's easy to see that the United Nations (UN) is a global organisation that sprang up to take over peacekeeping responsibilities from the League of Nations, which had previously failed in this regard.

As stated in the preamble of the charter, the United Nations community is unwavering in its determination to prevent future generations from experiencing the horrors of war, a tragedy that humanity has endured twice. Instead, they pledge to live in peace and harmony as good neighbours, to value and respect diversity, and to collaborate towards the common objective of maintaining global stability and security (Nations, n.d.). Furthermore, as stated in Article 1 Paragraph (1) of the United Nations Charter, the organization's objective is to:

In order to maintain world peace, we must: combat possible threats and violations of peace; seek peaceful resolutions to international conflicts and other situations that could jeopardise peace; and adhere strictly to the principles of justice and international law in all that we do.

The main reason for the founding of the United Nations was to promote global stability and security, as is made fairly plain in the article's preamble. The principles that all UN members had to uphold were also outlined in Article 2 of the UN Charter. As stated in the article's first paragraph, "the Organisation is based on the principle of the sovereign equality of all its Members."... The United Nations has consistently recognised the inherent equality of all its members by setting these principles.

In contrast, Article 23 discusses the United Nations Security Council, a principal institution, and its expansion from eleven to fifteen members; the United States, China, France, and Russia serve as permanent members, while the other nations serve as non-permanent members for two years. As a result of their permanent membership, the five countries in issue were likely victorious in World War II.

In contrast to the principle of community complete control, which is clearly stated in Pasal 2, Ayat (1) of the PBB, there are differences among the members of the Safety measures Council (Stephen, 2018). There appears to be a provision in one regulatory product that recognises equality based on sovereignty, however this provision is limited and extremely different from the other provisions due to the status of winning or losing World War II. The United Nations Security Council, on the other hand, is the organization's central body and plays a crucial role in carrying out the mission and

achieving its objectives.

The UN Charter does not directly mention permanent members having the privilege of veto power, although this is nonetheless the case. As stated in Article 27, paragraph (3), "the decisions of the Security Council on other matters shall be determined by an affirmative vote of the nine members including the votes of the permanent members ", which implies the veto power. Article 27, paragraph 3 of the UN Charter explains that in order to exercise the right of veto, a vote of approval from all permanent members is required. This is because, even with nine affirmative votes, a decision cannot be made if one of the permanent members disagrees or refuses.[1]

The decision to transfer the veto power to three remaining members of the Security Council was based on the reasoning that member states are those whose leaders have pledged allegiance to uphold international peace and security. This nation's flag serves as a symbol of resistance against the imposition of international sanctions and war as one of the nations that defeated World War II and participated actively in the formation of the Pacific Basin Boundary Compact. It was once thought that they 'best comprehend' the problem of war. They have the last say in all matters pertaining to the UN Security Council, which is a crucial role in preventing conflict and ensuring peace and security.

In the seventy-four years that the United Nations has been in operation, 210 resolutions have been considered, and 259 times the veto has been exercised. Russia has used its veto 116 times, more than any other country. The US has used it 82 times, the UK 29 times, France 16 times, and China 16 times, in terms of proportion (Media, 2021).

Many people think that Russia and the US utilise their significant veto powers to defend and advance their own national interests, however this practice has come under fire from other quarters. Both countries' habitual use of veto powers has led to a number of unintended repercussions, including the current situation in Syria and the ongoing Israeli-Palestinian conflict. This renders the Security Council utterly incapable of fulfilling its mandate. Conversely, China has reportedly used its veto on multiple occasions since 2007 to align with Russia's choice, citing ideological reasons as the rationale. Neither the French nor the British have used their veto power since 1986.

Many groups sought reforms to the Security Council because they believed it was incapable of fulfilling its mandate. The "Security Council reform" was started and

[1] One of the decision-making mechanisms in the UN Security Council is nine affirmative votes as stated in Article 27 paragraph (2) of the UN Charter.

expressed by the G4 (Group of Four) countries—Japan, Brazil, India, and Germany—about five years ago. The last time the G4 made reform suggestions to the Security Council was during the Intergovernmental Negotiations (IGN) conference in February 2019, according to the researchers' data search (*Joint G4 Statement by Brazil, Germany, India and Japan, Delivered by H.E. Ambassador Yasuhisa Kawamura, Deputy Permanent Representative of Japan to the United Nations, at the Informal Meeting of the General Assembly, Second Intergovernmental Meeting on Security Council Reform*, n.d.).

Previous research on reforming the Security Council has mostly focused on doing away with the veto and adding more permanent members to the body. First, academics contend that doing away with the veto is a tall order, since it would necessitate both a change to the UN Charter and the approval of the permanent members. However, the number of issues plaguing the Security Council is directly proportional to the number of permanent members, since an increase in the number of permanent members always leads to an increase in the number of conflicts of interest inside the council.

In light of this description, research into the possibility of limiting veto rights should be undertaken as a potential alternative to the current setup of the Security Council. The following issues were identified and developed for this study based on the difficulties' descriptions: (1) What effect does the veto have on the Security Council's ability to uphold and preserve global security? Additionally, the second point concerns the structure and creation of veto contracts?

2. Research Method

Scholars employ normative research, which aims to analyse literature in the form of legal principles, doctrines, and standards. Researchers identify the concept of moderation by comparing the theoretical underpinnings of a rule with its practical application using two methods: the statute approach and the case approach (Ishaq, 2017).

3. Results and Discussion

How the ability to veto resolutions affects the Security Council's ability to keep the peace

"Veto" means "I reject" in Latin, the original language of usage. Any vote that "prevents or blocks decision-making" is a veto, according to the definition. The ability to block an action by another branch of government is known as a veto, according to Black's Law Dictionary (Garner, 2011).

According to John Kagel, a veto has the power to reject a bill even though it has the support of a majority in the House or Senate. A branch of government has the privilege

of using its veto, according to Kagel. Based on his research, Kagel concluded that a committee with a veto owner will not function efficiently since reaching a resolution will be extremely difficult and time-consuming (Kagel et al., 2010).

Each member of the United Nations Security Council has the authority to use their veto once every six months. Article 27 of the United Nations Charter addresses this very topic in its drafting of decision-making procedures:

1. A single vote is allotted to each Security Council member.
2. A unanimous majority of nine members is required for the Security Council to decide on procedural matters.
3. The Security Council's judgements on other topics are decided by an affirmative vote of all nine members, including the permanent members. For decisions pertaining to Chapter VI and Paragraph (3) of Article 52, however, the party in dispute will not be allowed to vote.

The five permanent member states of the UN Security Council must agree unanimously on all issues, with the exception of procedural ones, in order for the UN Security Council to make a decision, as stated in Article 27, paragraph 3, of the Charter.

In order for the United Nations to achieve its aims, the Security Council is a crucial component. When it comes to issues of global stability and safety, the Security Council is arguably the most accountable body. The United Nations Charter's Article 24 paragraph (1) authorises the delegation of duties pertaining to the preservation of international peace and security:

> "The members agree that the Security Council should act on their behalf in carrying out the obligations for this responsibility, and they assign the primary responsibility for maintaining international peace and security to the Security Council so that the United Nations can carry out its actions properly and efficiently."

Because this article is in place, the Security Council has the authority to take action on the UN's behalf to ensure the safety of all nations. Chapters VI, VII, VIII, and XII of the Charter have detailed the duties of the UNSC as stated in Article 24 of the Charter. International disputes can be peacefully resolved according to the provisions of Chapter VI, articles 33–38. The use of force or violence to resolve international conflicts is outlined in Chapter VII, articles 39–54. The area agreement is governed by Chapter VIII, Articles 55–60. Articles 75–85 of Chapter XII regulate the system of international trustees. In order to fulfil its mandate, the Security Council may resolve conflicts that it

deems as a danger to global peace and security using peaceful or forceful means (Council, 1969).

Chapter VI, articles 33–38, of the United Nations Charter address the topic of peaceful settlement of conflicts. Negotiation, enquiry, mediation, conciliation, arbitration, legal settlement, or any other peaceful method are all encompassed in Article 33 of the UN Charter. Articles 39–54 deal with settlements that involve violence or coercion. Economic contacts, access to railways, sea, air, postal, telegraph, radio, and other forms of communication, and diplomatic relations can all be severed as acts of aggression under Article 41. In the event that this does not succeed in resolving the conflict, the Security Council may resort to the use of land, sea, or air force through blockades, demonstrations, or other military actions in accordance with Article 42 of the Charter.

During Security Council sessions, the next steps in resolving international problems are decided. A resolution, which is a common legal document, will detail the outcome of the hearing. Two United Nations bodies, the General Assembly and the Security Council, have the authority to pass resolutions.

While resolutions passed by the Security Council are legally enforceable, recommendations made by the General Assembly are only applicable to certain matters, such as the selection of non-permanent members of the Security Council, the selection of members of the Economic Council, member spending, and the budget. “The members of the United Nations agree to accept and implement the decisions of the Security Council in accordance with this charter.” (Article 25, UN Charter) states as much in Section 10.Article 2 point 6 of the UN Charter states that: "this organisation ensures that states that are not members of the United Nations act with these principles when deemed necessary for international peace and security." This means that UN Security Council resolutions apply both internally and to states that are not members of the UN (hard law)”.

After reviewing all cases ever addressed by the Security Council, a total of 25,60 resolutions have been issued, according to statistics acquired from the official United Nations website. The Security Council's earliest resolution, with the number S/RES / 1_ (1946), and most recent resolution, with the number S/RES / 2560_ (2020), dealt with the Military Staff Committee (Wouters & Ruys, 2005).

At a meeting, the Security Council will deliberate on a matter brought before it and decide what to do next. The Security Council often meets when something needs their attention, but they can convene whenever they see fit. The Security Council may be

consulted by any UN member state over any matter or issue. Even states that aren't part of the UN can bring a disagreement to the Security Council's notice if they're willing to live with the results of a resolution.Article 99 of the United Nations Charter grants the Secretary-General the authority to bring matters to the attention of the Security Council, while Article 11 paragraph 3 of the United Nations Charter grants the same authority to the General Assembly.

One of the topics of study and extensive debate in international dynamics is the influence of the veto. In many cases, the majority of the parties involved believe that the veto power frequently goes against its intended use. This article begins by revealing that the veto power has been exercised 259 times on 210 different subjects that have been debated by the Security Council. The following is an attempt by the researcher to analyse the veto, however it is not exhaustive or detailed:

1945-1970. Following its formal foundation in October 1945, the United Nations, acting in compliance with the mandate of Article 47 of the UN Charter, first established A Military Staff Committee on January 25, 1946, through a resolution voted by the Security Council. Shortly thereafter, on February 16, 1946, the veto became apparent. In accordance with Article 27 (3) of the United Nations Charter, Russia became the first permanent member state to use its veto power. At the time, Russia rejected proposals that would have required the French and British to withdraw their forces from Lebanon and Syria using its veto power (Security Council Report, 1946).

Russia (80 times), the UK (5), France (2), and the US (1) were the most frequent veto users in the first quarter of a century of the UN (1945–1970) (Zuhriyah, n.d.)· There are 85 different scenarios in which the Security Council can exercise its veto power (and 3 of those scenarios involve 2 members still using their veto).

Russia made more use of its veto to block the admission of new UN members during this time. Using its veto power, Russia was able to nullify 36 resolutions concerning the admission of new UN members. Starting in 1947, Russia would repeal the resolution requesting Italy's admission to the United Nations until 1952, when it was done for the fifth time. Vietnam, Mauritania, Japan, Cambodia, Laos, Libya, Transjordan, Nepal, Portugal, Ireland, and Transjordan were among the other nations that did not join the United Nations during the first quarter of a century. The resolution that would have allowed these nations to become UN members never passed because of the veto vote by Russia, one of the permanent members of the UN Security Council.

Reportedly driven by national interests, the rejection lacked mature and reasonably obvious justifications. Russia, for instance, voted against the resolution that would have admitted Japan as a new member because of the Cold War that existed between his nation and the US. Russia views Japan as being excessively reliant on American influence, which is why this is the case. One more was to fight back against the anti-communist policies of the Western nations at the time.

During that period, Britain utilised its veto power three times to prevent resolutions about the
situation in Southern Rhodesia (now Zimbabwe) from being discussed. The 1963–1972 conflict was finally resolved in 1972. Since Southern Rhodesia had its own government when it was still a British colony, its denial was also motivated by protecting national interests. **1970-1995.**

The United States' global domination started to reveal its fangs during this time. During this time, in 1972, China also used its veto for the first time. At this point in time, a variety of conflicts in the Middle East started to colour veto power. During this time, the topic of India and Pakistan shifted to the forefront. Russia rejected all three attempts at discussing the matter in December 1971.

The United States used its veto in September 1972 to block a resolution on Israeli aggression against Lebanon from being discussed. Once again in 1973, a resolution on Latin American peace and security was rejected due to the use of the veto. After that, four separate resolutions that would have recognised Vietnam as a new UN member were vetoed by the US in August and September 1975 (Hardianti, 2015). There have been a total of five U.S. vetoes on the Vietnam issue, as the resolution was once again cancelled in 1976. This meant that Vietnam could not join the United Nations until 1977. One possible explanation for exercising the veto is to safeguard Israel's interests as an ally and the country's state power in relation to the wars in Latin America and Vietnam.

During this time, the United States used its veto authority 65 times, most recently in May 1995, to nullify a resolution that dealt with Arab territory control. The expansion of Jerusalem's boundaries by Israel is condemned in the resolution made by Rwanda, Indonesia, Bostwana, Honduras, Nigeria, Oman, and Oman (“A2. United Nations Security Council, Draft Resolution S/1995/394 on Land Expropriations in Jerusalem, New York, 17 May 1995,” 1995). The United States used its veto power to cancel the resolution once again, this time in order to protect its allies. Over this time, the US has used its veto power 30 times, each time involving a resolution pertaining to the Middle East.

At the same time that it was frequently utilised to halt resolutions about matters in the Middle East, the United States also utilised it five times during this time to reject a resolution proposal concerning Nicaragua. In this instance, the use of a veto to shield its own government from the interference of majority nations condemning U.S. sanctions against Nicaragua is very much in play. It is well-known that the United States' actions against Nicaragua constitute a violation of Article 2 Paragraph (4) of the UN Charter, and the International Criminal Court has stated that the United States must comply with this ruling. The rejected resolution sought the Security Council to urge the United States to do just that. However, the veto gives the US the upper hand and makes its decisions unmoveable.

1996-now People all throughout the world are paying close attention to the situation and rapid changes in the Middle East region as the most pressing worldwide issue. Everyone in every nation, with the exception of infants and young toddlers, needs to be aware of the problems plaguing the area. In the last twenty years, the Middle East has grown into a global news hub, providing readers and viewers with the most recent and trending stories across a variety of platforms. While the United Nations Security Council has played an essential role in ensuring global stability, recent events in the Middle East, such as the Israel-Palestine conflict and the ongoing Syrian revolt, have cast doubt on the efficacy of international justice systems.

Since 1996, the Middle East problem has risen to the top of the list of topics discussed in Security Council meetings. Unfortunately, many of these meetings have resulted in resolutions that were never adopted due to the delegation of veto rights. There have been thirty-one instances of the veto being exercised since 1996 concerning matters pertaining to the Middle East. The United States was the only country to use its veto from 2001 to 2004, and as many as six times in a row, the rejections were related to concerns in the Middle East, notably the Israel-Palestine conflict. This information can be found in the table of veto uses. From 2006 until June 2018, the United States consistently used its veto to block any further discussion of resolutions pertaining to the same issue. Russia and China also played a role, cancelling resolutions concerning Middle Eastern issues, most notably Syria. The most recent occurrence of this was yesterday, in July 2020 (Lubis, 2018).

Since 1996, the Israeli-Palestinian case has used the veto 14 times, each time reaping the ability to annul or reject. There have been seventeen uses of the veto in relation to Syria. These two matters are handled by the same country—the United States and Russia—and on occasion, China will also exercise its veto in accordance with Russia. Despite its

opposition to the Syrian situation, China has made it clear that it is willing to use its veto once again (Fung, 2018).

As the researcher indicated at the outset of this study, the utilisation of veto rights in relation to issues that persist to this day is only motivated by the national interests of the nations involved.

Not only did these two issues arise, but there were also wars in different parts of the world from 1995 to 2013 that faced challenges when trying to be resolved. Disputes involving armed forces between states, contests for political control within a country, internal political violence, and so on. Russian-Chechen wars, Serbo-Bosnian in Eastern Europe, Iraqi invasion of Kuwait, Israeli-Lebanese wars, U.S. invasion of Iraq in the Middle East, Tupac Amaru's Peruvian uprising, Liberia's civil war, Zaire's power struggle, Siera Lion, and Algeria's political bloodshed are all examples of such conflicts (Omba, 2007). Death tolls, property losses, displacement, and exorbitant expenditures are all results of these wars. The United Nations Security Council has a lot on its plate as it tries to fulfil its mandate.

The Security Council's duty to contribute to the preservation of world peace and security has grown cumbersome and inefficient in its execution. The right of veto is one factor that makes it difficult to carry out such duties. Researchers claim that there have been gaps in the execution of veto rights based on an investigation of their use. Instead of rendering the Security Council helpless in the face of an internally difficult crisis, the veto power should empower it to carry out its responsibilities. Thus, the researchers in this discussion came to the conclusion that the veto has no beneficial effect on the Security Council and really reduces the effectiveness of its work. Researchers have come to the conclusion that the veto should be renewed in light of these thoughts. Taking into account that the veto power is not mentioned in the UN Charter, the renewal in question is a continuation of the explanation of the veto power in the form of special arrangements (lex specialis) that provide rules for when to use the veto. This is found in Article 27, paragraph (3) of the UN Charter. What follows is an attempt by the researcher to provide a description of the arrangement, with regard to the suggestions made regarding it.

Rules governing the use of veto power by permanent UN Security Council members

In Indonesia, a rule of law, sometimes known as the law, should have its origins, goals, and rationale laid down before it is enacted. To fully grasp its objective, engage in a serious conceptual argument leading to academic truth, and comprehend its historical,

philosophical, legal, and sociological underpinnings, it is advised that these be included in the explanation (UUD, 2019). Accordingly, the following scholars will provide a concise history of the veto dispute that occurred during the early stages of the UN Charter's development before proposing a legislative framework for the UN Security Council's veto power.

When the United Nations Charter was being drafted in Dumbarton Oaks, Yalta, and San Francisco, among other early meetings, the veto power of the big countries was first routinely debated. In exchange for their duty to ensure world peace and security, the five nations adjudged to have had the greatest impact in ending World War II would have permanent seats on the Security Council and the power to veto any resolution that pertains to them (*primary responsibilities*).

The privileges bestowed upon the permanent members of the United Nations Security Council constitute the powers that they hold, according to the law. However, the law does not impose any duties or obligations on them that are not shared by all UN member nations. The only thing the charter says about the permanent members of the Security Council is that they aren't the ones primarily responsible for keeping the peace on Earth. There were disagreements over the veto article's wording during the Dumbarton Oaks discussions.

For example, in cases of order, the United States demands regulations that restrict the use of the veto. Similarly, permanent member states of the Security Council are unable to use their veto power, and the votes of governments that are parties to the issues considered therein do not carry any weight either. Back then, Russia disagreed with US policy and desired an unrestricted full veto.

Discussions on this veto persisted in Yalta. In cases when they are involved in the debate, permanent members of the Security Council with the authority to veto must refrain from voting on the resolution.

Russia battled tooth and nail to ensure it could use its veto in every single case, but in the end, everyone agreed that permanent members of the Security Council should not vote on issues in which they had a stake. Next, arrange everything according to what the United Nations Charter says in Article 27. An additional intriguing aspect of the article's content, as per the researcher's analysis, is the separation of procedural and non-procedural issues, which is not explicitly addressed in the UN Charter.

In their literature review, the researchers discovered that the four main nations—China, Russia, the US, and Britain—mentioned procedural issues as examples of decisions based on issues of order (articles 28–32 of the Charter) and questions pertaining to the agenda for delaying the meeting at the San Francisco meeting. Decisions regarding action or violence, as well as suggestions for Dispute Resolution, are examples of non-procedural concerns. It becomes a non-procedural challenge when it is unclear if the matter is procedural or not (Suwardi, 2004).

Researchers can make sense of the abundance of remarks, whether in the form of brief writing or scientific research, whose substance concerns the reform of the Security Council, by examining the veto power's early history, as stated above, and continuing to examine the dynamics of its usage. While I have no desire to cast aspersions on any prior works, I will say that the sound reasoning of scholars suggests that, of all the possible solutions to the issues plaguing the UN, restructuring the Security Council presents the greatest challenge. For the simple reason that doing so necessitates revising the United Nations Charter, which in turn requires the assent of the Security Council's permanent members.

The pact is seen as a challenge to the power and control of the five countries involved, making its acquisition extremely challenging. On top of that, if the plan for changing the UN Charter involves adding more permanent members or doing away with the veto, then yeah.

Eliminating the veto is an extremely extreme proposal, and any attempt to implement it is sure to fail. If it were feasible to do away with it, the five member states would have a much harder time working together on any UN policy or initiative (Hosli et al., 2011).

While casting doubt on the idea of adding more permanent members to the Security Council is certainly within the realm of possibility, doing so would only serve to exacerbate existing tensions within the body. A rise in the number of permanent members is a step in the wrong direction, even though proponents of world peace argue that non-permanent membership limits the efforts of nations that are serious about making peace rather than merely participating in international diplomacy (Purba & Anugerah, 2019).

The number of veto-wielding nations is directly proportional to the number of permanent members, as stated by the academics. A higher concentration of special interests inside the Security Council is associated with a larger number of veto holders. Because of this, the process to resolve a council-discussed issue may take more time

and be more complicated. The number of resolutions that the council has failed to adopt because members were motivated to use their veto powers to protect and advance their country's interests may also grow.

Because the veto is not explicitly stated in the UN Charter, the researcher's thought map follows a logical and rational path that ultimately leads to the creation of additional arrangements outside of the Charter that provide a more detailed explanation of the veto. Researchers found that this phase had the highest percentage of possible options out of all of them, and it was also very exact.

The fundamental arguments must be put forward in "**Veto Protocol Requirements"** It pertains to limitations. There need to be a cap on how long the veto can be used for. When it comes to matters of exceptional importance, the use of the veto power is strictly forbidden. The use of the veto power on matters requiring specific provisions is subject to limitation.

The United Nations Charter lays out the organization's principles and goals. It is believed that the founding nations' shared goal is to prevent future generations from experiencing the horrors of war, which has befallen humanity twice, to promote mutual understanding and harmony through tolerance and good neighbourly relations, and to work together for the sake of world peace and security.

It is imperative that the principles outlined in the UN Charter's Preamble be carefully considered when deciding how to handle situations of genocide (mass murder) and other crimes against humanity, as well as measures that undermine the inherent dignity of every human being. Keeping in mind that the United Nations and other regional and international organisations do not accept members who do not uphold human rights (Tijow et al., 2017). As with other areas of criminal law, crimes against humanity, defined as serious breaches of human rights, are considered unusual crimes because of the far-reaching consequences they entail (Badu, 2010).

The veto should be limited in use within a certain period of time on one issue with certain provisions, considering that it has been used for the same issue and in the same year 10 times by Russia regarding the admission of new members throughout 1949, 5 times regarding the issue of Syria in 2017, and 4 times regarding Namibia in 1981. Each veto holder is limited to a maximum of three times in a two-year period, according to the researcher working on the same issue. When non-permanent members of the Security Council are elected, the two-year duration is also computed at the same time.

The matter must then be referred to the General Assembly for prompt action in accordance with the standards outlined in Article 11 of the UN Charter if, after five consecutive meetings uninterrupted by other matters, the Security Council is unable to reach a resolution despite having the power to veto. The General Assembly's subsequent resolution must be made binding rather than merely a recommendation in order to comply with this clause.

The three-point system that limits the veto power is based on the principles and goals that led to the creation of the United Nations, as stated in the Preamble to various sections of the Charter. All of this leads us to point number three, which is based on research into past and present events and observations about how the Security Council will evolve in the future: the international community's sociological conditions are very different, which explains why the majority's desire to renew the Council is in flux, particularly over veto rights. By stressing once again that this is a procedural concern, the researcher is of the opinion that real measures can be done to restrict the use of the veto, with the following roughly serving as an overview of the limiting points:

1. The use of the veto power is forbidden in cases involving crimes against humanity.
2. In the same vein, non-permanent members have two years to use their veto power before it expires, and each veto holder can only use it three times.
3. In the same vein, the Security Council is seen to have failed if the resolution fails to pass after five consecutive talks due to vetoes, and the burden of solving the situation is then placed on the General Assembly.

Considering the background of the topics discussed in this study, including the UN's formation and the veto in particular, the researchers have come to the conclusion that a document outlining veto rights in greater depth would be the most practical course of action to take at the moment. Because the veto can be circumvented by the presence of lex specialis, which can meet the demands of all parties and the will of the world community as a whole. Thus, this study's comprehensive depiction of the discussion from start to finish addresses the idea's urgency and satisfies its historical, philosophical, legal, and sociological elements.

4. Conclusion

It is common practice for permanent members of the United Nations Security Council with the power to veto decisions in order to safeguard and promote the interests of their respective countries. The outcome is that the Security Council has had a hard time reaching consensus on measures to keep the peace on a global scale. As a result of the

US veto, which has consistently been utilised to safeguard Israel, the Israeli-Palestinian conflict persists to this day. Russia is deliberately protecting Syria by wielding its veto, therefore the Syrian conflict has not ended despite widespread calls for it to.

These events provide enough evidence to conclude that the veto hinders the Security Council's ability to fulfil its mission of preserving international peace and security, rather than helping it.

Restricting veto privileges through special arrangements (lex specialis) is the solution to this problem and the future of the Security Council. In the long run, this is the best course of action that can satisfy the needs of the global community as a whole and ensure everyone's right to live in peace.

The UN has to hire a lex specialist right away to help with veto procedures and provide guidance. The following is a general outline of the lex specialis's substance:

1. The use of the veto power is forbidden in cases involving crimes against humanity.
2. Each veto holder is limited to three uses per problem, with the duration of each use being equivalent to the tenure of non-permanent members (two years).
3. Concerning the same matter, the Security Council is deemed to have failed and the General Assembly is tasked with finding a solution if the resolution fails to pass after five consecutive deliberations due to a veto.

Refrences

A2. United Nations Security Council, Draft Resolution S/1995/394 on Land Expropriations in Jerusalem, New York, 17 May 1995. (1995). *Institute for Palestine Studies*, *24*(4). https://www.palestine-studies.org/en/node/40171

Badu, L. (2010). *Pengaturan Dan Perlindungan HAM Dalam UUD 1945 Serta Aspek Pidana Nasional Dan Internasional*. State University of Gorontalo. http://download.garuda.kemdikbud.go.id/article.php?article=1907925&val=3585&title=PENGATURAN%20DAN%20PERLINDUNGAN%20HAM%20DALAM%20UUD%201945%20SERTA%20ASPEK%20PIDANA%20NASIONAL%20DAN%20INTERNASIONAL

Council, U. N. S. (1969). *Provisional rules of procedure of the Security Council* (Vol. 69). UN.

Fung, C. J. (2018). Separating Intervention from Regime Change: China's Diplomatic Innovations at the UN Security Council Regarding the Syria Crisis. *The China Quarterly*, *235*, 693–712. https://doi.org/10.1017/S0305741018000851

Garner, B. A. (2011). *Garner's Dictionary of Legal Usage*. Oxford University Press.

Hardianti, S. D. (2015). *Akibat Penggunaan Hak Veto oleh Amerika Serikat terhadap Kasus Agresi Israel di Gaza* [PhD Thesis, Brawijaya University]. http://download.garuda.kemdikbud.go.id/article.php?article=314147&val=6466&title=AKIBAT%20PENGGUNAAN%20HAK%20VETO%20OLEH%20AMERIKA%20SERIKAT%20TERHADAP%20KASUS%20AGRESI%20ISRAEL%20DI%20GAZA

Hosli, M. O., Moody, R., O'Donovan, B., Kaniovski, S., & Little, A. C. H. (2011). Squaring the circle? Collective and distributive effects of United Nations Security Council reform. *The Review of International Organizations*, *6*(2), 163–187. https://doi.org/10.1007/s11558-011-9101-1

Ishaq, H. (2017). *Metode penelitian hukum dan penulisan skripsi*. ALFABETA.

Joint G4 Statement by Brazil, Germany, India and Japan, Delivered by H.E. Ambassador Yasuhisa Kawamura, Deputy Permanent Representative of Japan to the United Nations, at the Informal Meeting of the General Assembly, Second Intergovernmental Meeting on Security Council Reform. (n.d.). Ministry of Foreign Affairs of Japan. Retrieved March 9, 2024, from https://www.un.emb-japan.go.jp/itpr_en/kawamura022519.html

Kagel, J. H., Sung, H., & Winter, E. (2010). Veto power in committees: An experimental study. *Experimental Economics*, *13*(2), 167–188. https://doi.org/10.1007/s10683-010-9234-8

Lubis, A. (2018). *Sejarah politik Islam modern*. UIN Jakarta Press. https://repository.uinjkt.ac.id/dspace/handle/123456789/45672

Media, K. C. (2021, October 21). *Sejarah Hak Veto PBB dan Kontroversi di Baliknya Halaman all*. KOMPAS.com. https://internasional.kompas.com/read/2021/10/21/171610170/sejarah-hak-veto-pbb-dan-kontroversi-di-baliknya

Nations, U. (n.d.). *Preamble*. United Nations; United Nations. Retrieved March 9, 2024, from https://www.un.org/en/about-us/un-charter/preamble

Omba, M. (2007). Tanggungjawab dan Peranan Dewan Keamanan Perserikatan Bangsa-Bangsa dalam Memelihara Perdamaian dan Keamanan Internasional. *Indonesian Journal of International Law*, *5*, 766.

Purba, J., & Anugerah, B. (2019). Mendefinisikan (Kembali) Peran Indonesia di Dewan Keamanan PBB: Penjelajahan Teoretikal dan Praktikal Dalam Mewujudkan Perdamaian. *Jurnal Lemhannas RI*, *7*(1), Article 1. https://doi.org/10.55960/jlri.v7i1.48

Security Council Report. (1946). *S/PV.23: UN Documents: Security Council Report*. https://www.securitycouncilreport.org/un-documents/document/spv23.php

Stephen, M. D. (2018). Legitimacy Deficits of International Organizations: Design, drift, and decoupling at the UN Security Council. *Cambridge Review of International Affairs*, *31*(1), 96–121. https://doi.org/10.1080/09557571.2018.1476463

Suwardi, S. S. (2004). *Pengantar Hukum Organisasi Internasional*. Universitas Indonesia.

Tijow, L. M., Sudarsono, R. S., & Sugiri, B. (2017). *THE BINDING AUTHORITY OF HUMAN RIGHT LAW AS GUARANTEE OF LEGAL PROTECTION TOWARD THE BODY INTEGRITY OF WOMAN AS THE VICTIM OF NOT-FULFILLED PROMISE TO MARRY*. http://www.savap.org.pk/journals/ARInt./Vol.8(1)/ARInt.2017(8.1-10).pdf

UUD, D. N. A. K. (2019). Denyut Nadi Amandemen Kelima UUD1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution The Pulse of the Fifth Amendment. *Jurnal Konstitusi*. https://www.academia.edu/download/106083452/pdf.pdf

Wouters, J., & Ruys, T. (2005). Security Council Reform: A New Veto for a New Century. *Military Law and Law of War Review*, *44*, 139.

Zuhriyah, U. (n.d.). *Apa Itu Hak Veto PBB & Mengapa Hanya 5 Negara yang Memiliki?* tirto.id. Retrieved March 9, 2024, from https://tirto.id/apa-itu-hak-veto-pbb-dan-daftar-negara-anggotanya-gTK5