



International Law in the Sudanese War 2023: An Overview of the Conflict and Law Enforcement

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Abstract

In early 2023, Sudan faced significant turmoil primarily driven by a civil war involving prominent military factions. The conflict stemmed from a power struggle and ideological differences between General Abdel Fattah Al Burhan, who assumed leadership of the armed forces and presidency, and his deputy, General Mohamed Hamdan Dagalo, who also heads the Paramilitary Rapid Support Force (RSF). This research aims to analyze the Sudanese conflict's impact on the population and the role of international law in addressing violations during the crisis. The war has exacted a heavy toll on Sudanese civilians, resulting in substantial loss of life and exacerbating humanitarian crises across the country. International law emerges as a crucial avenue for holding accountable those responsible for violations, encompassing both military and civilian populations. Employing sociolegal juridical methods, this study examines existing data pertaining to the Sudanese conflict and scrutinizes how international organizations enforce legal standards within this context. By leveraging international legal frameworks, this research advocates for applying legal sanctions to address violations committed by the Sudanese government and associated military factions. This approach seeks to provide legal recourse and justice for affected civilians while highlighting the imperative of international law in fostering accountability and peace amid ongoing conflict.

Keywords: *Civil War, Sudan, International law, International Organizations, Law Enforcement.*

A. INTRODUCTION

The civil war that erupted in Sudan in 2023 stemmed from a power struggle following the ousting of Sudanese dictator/president Omar al-Bashir, prompted by popular demands for his resignation. In the resulting power vacuum, the military, led by General Abdel Fattah Al Burhan, and the Paramilitary RSF under General Mohamed Hamdan Dagalo assumed control, which was met with widespread rejection from the Sudanese. After considerable pressure, a transitional government was established to pave the way for democratic elections. However, in 2021, the military unilaterally seized power once more, precipitating renewed unrest and conflict.

Following the successful coup, power in Sudan was consolidated by General Abdel Fattah Al Burhan as head of the armed forces and president, alongside General Mohamed Hamdan Dagalo (Hemedti), who heads the RSF. Tensions between the Sudanese military and the RSF Paramilitaries escalated due to divergent agendas and power ambitions, culminating in April 2023 when violence erupted, claiming the lives of hundreds of civilians and resulting in substantial casualties and destruction (Zahra& Iriana, 2023).

According to the World Health Organization (WHO), by early May, the conflict had claimed over 600 lives and left more than 5,000 injured, primarily due to clashes between the Sudanese military led by General Abdel Fattah al-Burhan and the RSF under General Mohammed Hamdan Dagalo (VOA Indonesia, 2023). In the face of such crises, international organizations play an important role in upholding and enforcing international law.

International law has been instrumental in addressing and mitigating conflicts globally, including those in Sudan. It serves to establish norms, mediate disputes, and

ensure accountability for violations. The involvement of international organizations such as the United Nations (UN), African Union (AU), and International Criminal Court (ICC) has been crucial in Sudan, working to facilitate peace negotiations, implement sanctions, and prosecute perpetrators of human rights abuses (Irmawati, 2022) (Latipulhayat, 2021).

Given Sudan's history of conflict and humanitarian challenges, international organizations continue to play a vital role in promoting stability, peacebuilding efforts, and the enforcement of international legal frameworks. Their collective efforts are pivotal in addressing the complex dynamics of conflict and contributing towards lasting peace in Sudan and beyond (White, 2020).

The conflict in Sudan has been in the international spotlight involving a troubling array of human rights violations, social inequality, and political and economic instability, which is clearly contrary to the objectives of the United Nations and specifically maintains world peace and protects human rights (Gurinda, 2019). Considering some of the statements above, the author is interested in conducting research to discuss the issue of International Law in the Civil War in Sudan in 2023 by reviewing and analyzing the review of conflicts that have an impact on the lives of the Sudanese people and the role of international law in law enforcement efforts in the conflict that occurs.

This research applied a juridical-sociolegal approach. Accordingly, the purpose of this study is to analyze the role of international organizations in the enforcement of international law related to the conflict in Sudan, focusing on the social and legal impacts of the interference of international organizations in overcoming the conflict. This research analyzes the role of international organizations in the enforcement of international law by considering aspects related to the conflict in Sudan. The data used in this study were

collected through literature studies, conflict analysis, and analysis of international organizations involved in law enforcement efforts in Sudan.

B. RESULTS AND DISCUSSION

The Effect of the Civil War in Sudan on Society

On Saturday, April 15, 2023, intense firefights took place across Sudan between military groups and militias. This incident resulted in 100 people dying, and 1,100 people were injured. The two sides are fighting over key targets in the capital, Khartoum, such as the presidential palace and the international airport. As part of the transition to democracy, there has been discussion that RSF troop members will be merged into the military. The two army generals were also fighting over the position of commander-in-chief. The military group was aware of the rise of the RSF and worried that Hemedti had a political agenda of her own. They are also looking for ways to control the RSF. Otherwise, the RSF will grow bigger than the Sudanese armed forces (Smith, 2023). The Sudanese Civil War that occurred in 2023 significantly impacted the lives of local people. Such conflicts tend to cause major social, economic, and humanitarian disturbances. The following reflects these impacts:

- a. **Social Impact;** Increased level of violence and social tension, increased level of violence and social tension is a phenomenon that refers to situations in which there is a significant increase in cases of physical violence, conflict, instability, or social strife within a particular society or region. This can include various forms of violence, ranging from street crime, inter-group violence, mass riots, and large-scale conflicts. In a social context, violence refers to the use of physical force or force that involves a physical threat to injure, hurt, or kill another person (Cau, 2020). Social violence can occur at many levels, from personal interactions to

wide-scale conflicts between groups. Social tension refers to an imbalance, conflict, or disharmony between social groups in a society. These tensions can be related to political, ethnic, religious, cultural, or economic differences between the groups. Social tensions often create conditions that are prone to conflict and violence. Armed conflict will lead to increased levels of violence and inter-group tensions in Sudan. This can result in inter-ethnic conflict, internal displacement, and widespread human rights violations. The impact of increased violence and social tension in Sudan can be very detrimental to society, including:

- i. Human costs: The increased violence in Sudan can lead to physical injury, loss of life, and trauma for the individuals and communities involved. This can be detrimental to physical and mental health and increase the risk of a worse life in the future (Schwartz et al., 2022).
- ii. Stunted development: Social tensions can hinder social and economic development. The government's focus shifted from development programs to efforts to maintain security and resolve conflicts, thus hindering social progress, education, and welfare.
- iii. Social divisions: Social conflicts and tensions can deepen divisions between societal groups. Society is becoming divided, unity and solidarity are declining, and the sense of togetherness is diminishing. This can create an environment that is not conducive to cooperation and social development (Scheffran, Ide, & Schilling, 2014).
- iv. Damage to infrastructure and damage to settlements: Armed conflict often damages infrastructure such as homes, schools, hospitals, roads, and other public facilities. This will have an impact on the people who are forced to

flee and seek shelter. This becomes a problem if the people of Sudan illegally go to another country through any means to seek protection. It also has a negative impact on the quality of life of local people and makes access to basic services more difficult. This can have serious implications for the people and economy of the country, such as instability in daily life due to mobility constraints caused by damaged infrastructure and disruption of economic activity due to damaged infrastructure, which in turn will increase the poverty rate. Settlement damage causes people to lose their homes and can force them to become refugees within the country. These conditions create serious social instability, eligibility, vulnerability and also impact health and humanitarian risks due to damage to infrastructure and disruption to education (Milton et al., 2017).

- b. Economic Impact. The civil war that occurred disrupted economic stability in Sudan. Investment is reduced, business is disrupted, and employment is reduced because people are reluctant to invest or work in an unstable environment. Civil War can also disrupt agricultural production and access to markets, which in turn impacts food security in Sudan. This instability can lead to hunger and malnutrition, especially among children and other vulnerable groups (Hochman et al., 2022). Civil War conflict in Sudan can hinder food trade and distribution, disrupting food distribution and trade. This can disrupt food supply lines, leading to food scarcity and increased food prices. The distribution of humanitarian assistance can also be hampered, making access to food more difficult for conflict-affected populations, especially for refugees and isolated groups who face serious

challenges in obtaining sufficient food. Conflict can lead to vulnerability to disease and malnutrition. Poor health conditions can affect the availability, accessibility, and quality of food. Infectious diseases can also spread more easily due to the limited clean water and sanitation availability. Hunger and malnutrition can increase, especially among children and pregnant women (Nour & Abdalla, 2021).

- c. Humanitarian impact; civil war can trigger a widespread humanitarian crisis, ranging from murder, violence and so on. As a result of the Sudanese civil war, millions of people also need humanitarian assistance, such as food, clean water, protection, and health services. The humanitarian crisis resulting from the war in Sudan presents a serious challenge to the life and well-being of the population in that country. This crisis can cover several aspects involving urgent and complex humanitarian issues such as Refugees and displaced persons. The conflict in Sudan has left millions of people becoming refugees or internally displaced. They are fleeing the violence, killing, and extermination in conflict. The difficult conditions of displacement and the lack of access to basic resources, such as clean water, food, housing, and health services, have led to a dire humanitarian crisis. The war has also damaged health infrastructure, including hospitals, clinics, and medical facilities. Many residents in areas affected by civil war have difficulty getting adequate medical care. This has a negative impact on public health, increasing the risk of spreading communicable diseases and exacerbating pre-existing health conditions. Conflicts often trigger human rights violations, including sexual violence, arbitrary executions, and forced evictions. Vulnerable groups in society, such as women, children, and the elderly, are especially

affected. Protection against violence and harassment is an urgent issue in this humanitarian crisis (Abay et al., 2023). In the context of civil war, serious human rights violations frequently occur, including sexual violence and killings. This caused unimaginable suffering to many people. Sexual violence is a serious violation of human rights that can have a long-term, damaging impact on victims. Sudan, like many other countries in the world, also faces problems of sexual violence. The sexual violence resulting from the war in Sudan has had a devastating and widespread impact on individuals, families, and society. Sexual violence that occurs during war can trigger a continuous cycle of violence. Injustice in bringing perpetrators to justice and failure to provide justice for victims can reinforce a culture of violence, encouraging more sexual violence in the future. Large-scale or organized killings during the war can cause significant loss of life. Whether it's civilians or parties to the conflict, every death has a deep emotional and social impact. Murder can create widespread fear and trauma among the affected communities. Individuals who survive or witness killings often experience long-term psychological impacts, such as post-traumatic stress disorder, anxiety, and depression. Killings that occur on a large scale can destroy social and community structures. This can result in the breakdown of social relations, increased distrust between community members, and deep social divisions. It is very clear that this is not in accordance with human rights, and the parties involved in the Sudanese civil war must receive sanctions for this (Walsh, Conrad, & Whitaker, 2023).

There are many unfinished crimes against humanity in the country of Sudan. Some of the problems that are not spared in the Sudan area are terrible crimes and torture for

women, food crises for children, loss of freedom of expression and association, and inhuman killings. Even though South Sudan became independent after breaking away from the Republic of Sudan on July 9, 2011, and going through various dynamics and various upheavals, true independence cannot be felt by the people of South Sudan, especially women, children, and civilians. This conflict started with the dismissal of the entire government cabinet. The conflict is between the two largest ethnic groups in the region, Dinka and Nuer. As a result of the outbreak of the conflict, the armed groups targeted their attacks on civilians by committing rape and sexual violence, destroying property belonging to residents, looting, and recruiting children as troops in their groups. Children recruited into these troops were subjected to torture. Minors were forced to witness the rape of their own tribe and inhumane torture such as eye gouging, slashing, beheading, and, worst of all, being burned and mutilated alive. This child abuse also takes away the right to food, the right to education, and the right to education. These violations of the right to food resulted in more than half of eight million countries suffering from extreme hunger and malnutrition. Civilians also experience brutal international class crimes. Many residents were hacked to death with machetes and burned alive. A number of eyewitnesses in Sudan also said how government troops and allied militias deliberately killed civilians without a second thought. In the case of South Sudan, Human Rights Watch immediately acted. One of its steps in dealing with crimes against humanity and sexual violence that occurred in Sudan was to send a summons to President Omar AL-Bashir to be tried at the International Criminal Court (ICC) so that he can say that the role of Human Rights Watch here is an attempt to urge the president of South Sudan to be tried within the

scope of the ICC because only the ICC has jurisdiction or authority to try him internationally (Melissa, Nadida, Sari, & Kurnia, 2021).

The Role of International Law in the Civil War in Sudan

The conflict in Sudan has a long history. Sudan's civil war began in 1983 after the Arab-dominated Sudanese government introduced a law imposing Sharia law nationwide. The Sudanese conflict also spilled over into the western Darfur region from 2003 to 2020, when rebel groups in the region rebelled against the central government, condemning the discriminatory treatment and marginalization experienced by the non-Arab population there. The conflict in Darfur has been one of the world's largest and most protracted conflicts, with very serious impacts on the civilian population, including war crimes, crimes against humanity, and reported genocide (Szabó, 2021). Apart from conflicts in the south and Darfur, Sudan also faces other conflicts in regions such as South Kordofan, Blue Territory, and Nuba Mountains. Besides that, there was also a conflict between Sudan and South Sudan that occurred in connection with the separation of South Sudan from Sudan in 2011. This conflict has long historical roots and various complex problems (Skårås, 2019). Conflicts in these areas are often intertwined with complex ethnic, religious, and political issues. In early 2023, another civil war was caused by disagreements and a power struggle between two military groups in power in Sudan.

International organizations have a very important role in the enforcement of international law. International organizations such as the United Nations serve as a forum for states to interact, negotiate, and adopt international legal treaties (Robertson, 2021). In addition, international organizations may also have a specific mandate to monitor and enforce compliance with international law. The role of international organizations in the enforcement of international law related to the conflict in Sudan is very important and

has a significant impact. The conflict in Sudan has resulted in serious human rights violations, humanitarian crises, and violence involving various parties. In these situations, international organizations play a role in facilitating conflict resolution, protecting civilians, and filing lawsuits against perpetrators of crimes. In this paper, we will discuss the role of the United Nations (UN) as an international organization in the Sudanese context.

The United Nations has played a crucial role in dealing with the conflict in Sudan. The United Nations established a peacekeeping mission in Sudan, known as the United Nations Mission in Sudan (UNMIS), in 2005. UNMIS aims to support the implementation of the Comprehensive Peace Agreement between the Sudanese government and the Sudan People's Liberation Movement (SPLM), which ended more than two decades of civil war between North and South Sudan. The mission helps facilitate the process of reconciliation, post-conflict recovery and monitors ceasefires. Furthermore, in the face of Darfur's volatile situation, the UN and AU worked together to establish the United Nations-African Union Mission in Darfur (UNAMID) in 2007. UNAMID is a joint mission that aims to protect civilians, facilitate political dialogue, and provide humanitarian assistance to those affected by the conflict in Darfur. UNAMID is made up of military and civilian personnel from UN and AU member states and operates under the mandate of both organizations. The existence of UNAMID has provided protection to vulnerable civilians and helped reduce violence in the region. In addition, the ICC also plays an important role in international law enforcement related to the conflict in Sudan. The ICC is an international tribunal tasked with trying individuals responsible for war crimes, crimes against humanity, and genocide. The ICC has issued a number of arrest warrants against individuals suspected of committing serious crimes in Sudan, including

the former Sudanese President, Omar al-Bashir. Although the ICC trial process against the perpetrators of these crimes is still ongoing, this step has signaled that acts of human rights violations will not escape legal responsibility (Sakarombe, 2023).

However, the role of international organizations in upholding international law related to the conflict in Sudan also faces several challenges. One of the main challenges is the lack of compliance by the parties involved in the conflict with the sanctions and lawsuits imposed by international organizations (Shodunke, 2022). Sometimes, the perpetrators of crimes can still avoid accountability or get protection from countries that do not recognize the ICC's powers. The complexity and escalation of the conflict in Sudan is also a challenge for international law enforcement. International organizations need to deal with complex situations and often engage in long and difficult negotiations with conflicting parties (Sassi, 2021). Coordination between international organizations is also a challenge due to the differences in priorities and approaches between them. To address this challenge, closer cooperation and coordination between international organizations, member states, and parties to the conflict is essential. Joint efforts are needed to ensure that human rights violations in Sudan do not happen again, perpetrators of crimes are tried fairly, and sustainable peace can be achieved. The complex challenges of resolving the conflict in Sudan require stronger cooperation and joint efforts to achieve sustainable peace and justice for conflict victims.

The United Nations has a very important role in law enforcement and law enforcement related to human rights violations due to the civil war in Sudan. Several efforts can be made to try to stop the civil war. The following are some examples of measures that the United Nations can create, such as Mediation and Diplomacy: The UN may send mediation or negotiating missions to speak with the parties to the conflict. UN

mediators can try to reach all parties involved to reach a peace agreement and stop the bloodshed. Furthermore, The UN Security Council can pass resolutions calling for a cessation of violence and imposing sanctions against parties who violate the peace. Such resolutions can exert political and economic pressure on parties involved in a civil war. And Peacekeeping Operations: The United Nations can send peacekeepers to monitor ceasefires, protect civilians, and facilitate peace processes. These forces operate in conflict areas with a mandate from the United Nations Security Council and aim to minimize the escalation of violence.

C. CONCLUSION

The humanitarian crisis resulting from the civil war for power in Sudan in 2023 has had a broad and complex impact on people's lives. The armed conflict in this country has changed the socio-economic landscape and caused untold suffering to the Sudanese people. Millions of people have been forced from their homes to escape violence and threats to their lives, increasing the risk of communicable diseases, malnutrition, and violence. In addition, this humanitarian crisis is also marked by a severe problem of food security. The conflict disrupted food production, distribution, and access to agricultural resources. As a result, hunger and malnutrition hit children in Sudan especially. Access to health services is limited, and the lack of adequate medical care increases the risk of death from serious injury, communicable diseases, and preventable medical conditions. In addition, violence and human rights violations occurred during the conflict, including sexual violence. The significant impact of the conflict was the disruption of the education system. Schools in conflict areas are often closed or destroyed, and students and teachers are forced to leave education. The impacts mentioned above created an urgent and complex humanitarian crisis in Sudan. Sudanese people affected by the conflict face

tremendous challenges in meeting their basic needs, such as food, clean water, housing, health, and education. In addition, they also face the risk of violence, human rights violations, and psychological trauma.

In conclusion, the role of international organizations in international law enforcement related to the conflict in Sudan has a significant impact. Through peace missions, monitoring, and international tribunals, international organizations such as the UN and ICC have played a role in protecting civilians, facilitating reconciliation, and ensuring legal accountability for perpetrators of crimes. The UN, through its agencies or authorities, must immediately give strict sanctions to Sudan in the form of military sanctions or non-military sanctions, but Article 2 paragraph 4 of the UN Charter prohibits the use of force except for law enforcement actions by the UN security council (Dizaji & Farzanegan, 2021). The United Nations can also make calls on other countries to support ending the civil war in Sudan, which has claimed lives. We also suggest that other States should be actively involved in efforts to bring about world order. Other States are also expected to be able to support peace efforts in Sudan by carrying out diplomatic protests or actions such as severing diplomatic relations and withdrawing voluntary aid programs to the Sudanese government if they do not stop the civil war in their country.

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