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The Characteristics of War Crimes under International Law **A Case Study of the Russia and Ukraine War**

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ABSTRACT

War is a physical or non-physical act of fighting over something that is important to the war participants. War crimes are violations of International Law. Therefore, there are several rules to deal with war crimes in international law as regulated in International Humanitarian Law, which has various scopes in the regulation, such as the Geneva Convention, The Hague Convention, and jurisprudence agreements and there is a existing provision or regulation to combat crimes that are considered a serious threat to humanity for crimes that occur with the need for a rule, that is International Criminal Law. In November 2013, during the Maidan protests in Ukraine, which led to the removal of the pro-Russian former president Viktor Yanukovich and the beginning of conflict over Russia's invasion of Ukraine. The objective of this research is to determine and analyze the types of International Law violations during the war between Russia and Ukraine. The method used is the normative juridical method combined with a statutory approach to analyze relevant international legal instruments and a factual approach related to the events that occurred in the invasion. The research results indicate that war crimes are criminal offenses in international law that are more specifically regulated in International Humanitarian Law. However, regarding this war crimes, data and facts based on thorough and independent investigations have not been found, but only from media information that is doubtful, so that the existence of war crimes cannot be confirmed.

Keywords: *International Law Violation, Russian Invasion, War Crimes*

INTRODUCTION

War is a physical or non-physical act of fighting over something that is important to the war participants. War is defined as a condition between two groups of people who have different opinions that lead to conflict.¹ In addition, war is also the highest level of conflict in human affairs. War crimes are violations of International Law. Since ancient times, there has been much evidence of warfare between humans. For example, the Bible describes the first murder of man on earth, the story of Qabil and Abel. Meanwhile, in the Hindu Classics, *Bhagavad Geeta* describes heroism, powerful rulers, and wars between two rival armies.² Therefore, there are several rules to deal with war crimes in international law as regulated in International Humanitarian Law, which has various scopes in the regulation, such as the Geneva Convention, The Hague Convention, and jurisprudence agreements and there is an existing provision or regulation to combat crimes that are considered a serious threat to humanity for crimes that occur with the need for a rule, that is International Criminal Law.³ Humanitarian law is not intended to prohibit war, but it is established for humanitarian reasons to reduce and limit the suffering of individuals affected by war; and to control the area of armed conflict. Therefore, humanitarian law is also called the rules of humanitarian warfare.⁴

The war between Russia and Ukraine began after the Euromaidan movement in late November 2013. There were protests in Kiev against President Viktor Yanukovich, who was elected president of Ukraine in 2010. On 22 February 2014, the National Legislature removed Viktor Yanukovich from his position with the reason that he was unable to discharge his duties, even though the legislature was less than three-quarters of the number of parliamentary seats required under the current constitution.⁵ On 4 March 2014, Russian President Vladimir Putin stated that the deployment of military forces to Crimea, Ukraine was the final option. Putin also stated that Russia has the right to use its rights to protect Ukrainian citizens of Russian descent who are terrorized in Ukraine. In addition, Putin stated that the Minsk agreements would not be valid since 22 February 2022. On the same day, the Russian Federation Assembly authorized the deployment of military forces outside Russian territory and Ukrainian President Volodymyr Zelenskyy declared martial law. The next morning on 24 February 2022, Vladimir Putin announced that Russia was initiating a special military operation to demilitarize and denazify

¹ Umar Suryadi Bakry, *Hukum Humaniter Internasional: Sebuah Pengantar*, 1st ed. (Jakarta: Prenadamedia Group, 2019).

² Hengky Ho, "Penerapan Hukum Humaniter Internasional Dalam Konflik Bersenjata Antara Palestina Dan Israel," *Lex Et Societatis* 7, no. 2 (2019).

³ Yosua Kereh, "Tinjauan Hukum Tentang Kejahatan Perang Dalam Konflik Bersenjata Menurut Hukum Internasional," *Lex Et Societatis* 7, no. 4 (2019): 95–103.

⁴ *Ibid.*

⁵ Nigel Walker, *Conflict in Ukraine: A Timeline (Current Conflict, 2022-Present)* (United Kingdom, 2023).

Ukraine and effectively declare war on Ukraine.⁶ The Russia-Ukraine war has no indication of ending. Both sides have been engaged in armed conflict in almost all parts of Ukraine since the invasion began on 24 February 2022.⁷ Therefore, this research was conducted to determine and analyze the types of International Law violations during the war between Russia and Ukraine.

LITERATURE REVIEW

War Crimes under International Law

The law of war, which is part of international law, is a legal provision of international law that regulates hostilities and reduces the suffering caused by war as far as military interests allow.⁸ War crimes are conceptualized as one of the first types of international crimes to be symbolized compared to other types of international crimes. International law directly includes international humanitarian law which regulates war and the perpetrators of war crimes.⁹ Crimes are offenses against the laws of war or International Humanitarian Law for violation of which individuals are criminally responsible. The International Military Tribunal in Nurnberg defined war crimes as “violations of the law or customary law.”¹⁰ A war crime is an act based on an unlawful act that occurs in an armed conflict. War crimes can be understood as serious violations of humanitarian law, not as serious violations of the laws of war. According to Humanitarian Law, there are two types of armed conflict, including (1) international armed conflict, which means when there is a conflict involving two or more countries; and (2) non-international armed conflict (domestic conflict) is a conflict that occurs within a state territory between the government and rebellious citizens.¹¹ The elements of war crimes are contextual elements, *actus reus* elements, and *mens rea* elements. There are two forms of *actus reus* in a crime, such as (1) *actus reus* which is an act prohibited by law; and (2) *actus reus* which is prohibited by law is not the act but the consequences of the act. However, there is no precise definition of the *mens rea* element, but Article 30 of the Rome Statute of the International Criminal Court explains that the *mens rea* element is specific to crimes within the jurisdiction of the international criminal court rather than being a definition that has been recognized as customary

⁶ Ida Bagus Nindya Wasista Abi, Putu Tuni Cakabawa Landra, and Anak Agung Sri Utari, “Intervensi Rusia Di Ukraina Dalam Perspektif Hukum Internasional,” *Kertha Negara: Journal Ilmu Hukum* 3, no. 3 (2015).

⁷ Wasis Susetio, Zulfikar, and Anatomi Muliawan, “Pelanggaran Hukum Internasional Dalam Perang Rusia-Ukraina,” *Lex Jurnalica* 20, no. 1 (2023): 77–86.

⁸ Herman Suryokumoro et al., *Hukum Humaniter Internasional (Kajian Norma Dan Kasus)* (Malang: UB Press, 2020).

⁹ Muhammad Khairani et al., “Tinjauan Yuridis Kejahatan Perang Menurut Hukum Internasional,” *Jurnal Indonesia Sosial Sains* 2, no. 12 (2021): 2126–2137.

¹⁰ Dian Kemala Sari, “Tinjauan Hukum Islam Terhadap Konvensi Perserikatan Bangsa-Bangsa Mengenai Kejahatan Perang” (UIN Syarif Hidayatullah, 2011).

¹¹ Adwani, “Perlindungan Terhadap Orang-Orang Dalam Daerah Konflik Bersenjata Menurut Hukum Humaniter Internasional,” *Jurnal Dinamika Hukum* 12, no. 1 (2012): 97–107.

international law.¹² Any act committed by a state, military-based group in an armed conflict or war, which acts meet the criteria of several elements of war crimes, it can be interpreted that the institutions, individuals, or states involved in the armed conflict themselves have the reputation of being criminals in war.

From the previous description, it can be concluded that the regulation of war according to International Law is the basis of treaties which are customary until now the applicable law regarding the regulation of war or how the war begins, must the party that will do it fulfill the elements of the treaty so that a civilized war can be created in human interests, especially in international circles.

The Qualification of Russian and Ukrainian War Crimes

The territory of Crimea, Ukraine became the central location of the conflict between Russia and Ukraine after pro-Western Ukrainians removed the leadership of President Viktor Yanukovich. According to the State Statistics Service of Ukraine, the population in the Autonomous Republic of Crimea on 1 November 2013 totaled 1,967,119, of which more than 50 percent were Russian. According to a survey conducted by the International Institute of Sociology in Kiev in 2004, Russian is used as a language of communication by 97 percent of Crimea's population. The Russian government immediately took action by sending massive military forces to the southern Crimea.¹³ There are several factors that contributed to the war between Russia and Ukraine, such as the geopolitical factors, demographic factors, and socio-political factors.¹⁴ According to the geopolitical point of view, Ukraine is one of the Geopolitical axes in the Eurasian region, which is under the political control of the United States and its strategic allies such as the European Union and NATO.¹⁵ Meanwhile, Russia is a supplier of more than 80% of gas to European Union countries, which flows through pipelines in Ukraine. The demographic issue relates to the fact that half of Crimea's population around 58.3% are ethnic Russians, 24.3% ethnic Ukrainians, 12.1% ethnic Crimean Tartars, and around 5.3% ethnic minorities. Based on this data, most Ukrainians are of ethnic Russian descent in Crimea, which needs political and security protection from potential discrimination by Russia. Crimea is a sovereign territory of Ukraine inhabited by a majority of Russian ethnicity. From a socio-political perspective, this war was triggered by Russia's anger over the ousting of President Yanukovich who was a close ally of Russian President Vladimir Putin.¹⁶

¹² Kereh, "Tinjauan Hukum Tentang Kejahatan Perang Dalam Konflik Bersenjata Menurut Hukum Internasional."

¹³ Abi, Landra, and Utari, "Intervensi Rusia Di Ukraina Dalam Perspektif Hukum Internasional."

¹⁴ Syuryansyah and Rethorika Berthanila, "Upaya Penyelesaian Konflik Rusia-Ukraina," *PIR Journal* 7, no. 1 (2022): 97–105.

¹⁵ Bayu Naufal Muzakki, "Isu International Antara Konflik Rusia vs Ukraina," *Jurnal Universitas Islam Negeri Sunan Gunung Djati* (2022): 1–13.

¹⁶ Zulda Hendra, Imam Musani, and Ranu Samiaji, "Studi Kasus Perang Modern Antara Rusia Dengan Ukraina Tahun 2014 Ditinjau Dari Aspek Strategi Dan Hubungan Internasional Serta

These three factors are the factors that led to the beginning of the war between Russia and Ukraine in 2022. The WHO stated that hundreds of health facilities in Ukraine were destroyed due to the war, which should have discouraged both warring parties from damaging health facilities. If this is identified as deliberate damage to health facilities, then it is a war crime and violates International Law.¹⁷ In addition, Amnesty International stated that Kiev violated International Law by installing military assets in schools and residential areas, endangering civilians.¹⁸ Based on the results of the United Nations investigation, Russia and Ukraine are considered to have committed war crimes to a high degree. In addition to the Russian missile attacks on civilian neighborhoods, the war crimes committed included mass executions, internment, torture, ill-treatment and coercion, and other sexual abuses. War crimes committed by Russia and Ukraine are unjustifiable acts of international community.

RESEARCH METHODOLOGY

The type of research used in this research is normative juridical. Juridical normative is the writing of a research based on literature study by examining concepts, opinions or findings related to the research topic. In addition, the normative juridical method is a legal method that refers to the applicable laws and regulations. Furthermore, normative legal research is a type of legal research methodology that bases its analysis on applicable laws and regulations that are relevant to the legal issues that are to be researched.¹⁹ Therefore, the approach used in this research is a statutory approach (Rome Statute of the International Criminal Court, United Nations Charter, Geneva Law, and other instruments); and a case approach (analyzing related cases). The legal materials that have been collected are analyzed by referring to the qualitative descriptive method. Then a conclusion and suggestions are drawn by utilizing deductive thinking, namely drawing conclusions that are general to specific.

RESULT AND DISCUSSION

Basically every human being on earth expects a life in a peaceful, safe, serene, and prosperous atmosphere, in fact there is not a single creature on this earth who likes suffering and torment. Due to the relationship that is increasingly widespread from individuals between individuals to countries between countries to cause

Manfaatnya Bagi TNI AL,” *JMPIS: Jurnal Manajemen Pendidikan dan Ilmu Sosial* 2, no. 2 (2021): 730–746.

¹⁷ Khisna Kamalia Zulfa, Puguh Toko Arisanto, and Khansa Rulif Mahadana, “Analisis Sanksi Ekonomi Terhadap Rusia Atas Invasinya Di Ukraina 2022,” *Jurnal Transformasi Global* 9, no. 2 (2022): 154–165.

¹⁸ Scott Olsen, “Ukraine: Ukrainian Fighting Tactics Endanger Civilians,” *Amnesty.Org*.

¹⁹ Agus Budianto, “Legal Research Methodology Reposition in Research on Social Science,” *International Journal of Criminology and Sociology* 9 (2020): 1339–1346.

conflicts caused by differences in perceptions of each nation. Based on this matter, International Law makes a set of provisions regarding war and other acts of violence. International Humanitarian Law has issued various rules in order to provide legal protection to victims of armed conflict, especially protection to the civilian population. The term humanitarian law or in full is called international humanitarian law applicable in armed conflict originated from the term law of war, which then developed into the law of armed conflict. However, in order to avoid the trauma of war atrocities, it was replaced with the word armed conflict and we now call it humanitarian law. According to Mochtar Kusuma Atmadja, humanitarian law is part of the law of war that regulates the provisions for the protection of victims of war in contrast to the part of the law of war that regulates the war itself and everything related to how to conduct the war, such as prohibited weapons.²⁰ In addition, Mochtar also stated that the law of war is divided into two types, (1) *jus ad bellum* (law of war) which regulates how the state is justified in using armed violence; (2) *jus in bello* (law applicable in war) explains how to conduct war. These matters are generally referred to as the Hague laws. Meanwhile, regulations governing the protection of people who become victims of war are regulated in the Geneva Law. The International Committee of the Red Cross (ICRC) also often uses the term law of armed conflict. International Humanitarian Law according to the ICRC is an international arrangement formed from international agreements between states which is specifically used to solve humanitarian problems that have resulted from international and non-international armed disputes.²¹ The principles applied in international humanitarian law are the principles of humanity, the interests of the people, proportionality, and distinction when conducting war.²²

The three fundamental maxims of International Humanitarian Law relevant to the conduct of hostilities are as follows: (1) to weaken the military power of the enemy; (2) in achieving this purpose, the belligerents have the right to choose unlimited methods or means of warfare; and (3) the civilian population receives general protection from casualties of military operations.²³ Therefore, International humanitarian law that regulates the conduct of hostilities can be considered to also seek to realize the two basic objectives of ensuring the protection of civilians and civilian objects from the effects of warfare; and imposing restrictions on certain methods and means of warfare. Although the activities organized by the ICRC are humanitarian but in reality it is not easy to do. Because humanitarian interests are often not accepted by the warring parties and often put ICRC personnel in danger,

²⁰ M. Iqbal Asnawi, "Konsistensi Penegakan Hukum Humaniter Internasional Dalam Hubungan Antar Bangsa," *Jurnal Hukum Samudra Keadilan* 12, no. 1 (2017): 111–122.

²¹ Michael Olugbenga, "Education and Humanity," *ACITYA WISESA (Journal of Multidisciplinary Research)* 1, no. 2 (2022).

²² Nils Melzer, *Hukum Humaniter Internasional Sebuah Pengantar Komprehensif* (Jakarta: ICRC Indonesia, 2019).

²³ *Ibid.*

for example in the case of the conflict between the Federal Government of Nigeria and Biafra in 1967-1970, the ICRC had to lose 14 members of its delegation in the conflict. According to the Geneva Conventions, humanitarian activities require impartiality and must benefit people regardless of ethnicity, skin tone, religion or belief, sex, descent or wealth, or other similar criteria. Therefore, no one should be deprived of assistance or protection simply because he or she has a particular faith, and no community should be left out simply because it is under the control of a party that the international community seeks to exclude. The only order of priority that can be established must be based on the needs of the victim, and this order of priority for the provision of humanitarian assistance must match the urgency of the victim's predicament that the humanitarian assistance is intended to alleviate.²⁴ The Russian invasion of Ukraine is a set of events that began when Russia moved troops and military equipment near the Ukrainian border. The increase in Russia's movement has triggered a counter-response not only from Ukraine, but also from European countries and NATO organizations.

Historically, Russia and Ukraine have had diplomatic relations as two countries that were once one country under the Soviet Union. In general, the tensions between Ukraine and Russia were triggered by domestic problems that occurred in Ukraine that affected the governance and foreign policy of Ukraine. An important point of domestic events in Ukraine that became a contributing factor to the invasion of Ukraine was the revolutionary wave in Ukraine in 2005 and 2014.²⁵ In 2014, there was political instability in Ukraine due to differences between the Ukrainian parliament and the Ukrainian government. The Ukrainian parliament chose to be pro-western interests, that is, the European Union and United States. Meanwhile, the Ukrainian government led by President Viktor Yanukovich chose to support Russian interests. Domestic political instability started to peak when President Yanukovich canceled the European Association Agreement contract unilaterally, which eventually led to massive protests from the pro-western Ukrainian people. The protesters demanded that President Yanukovich resign as president of Ukraine. The demonstrations lasted for 48 hours. This demonstration of rejection lasted for 3 months and ended with the resignation of President Yanukovich from the presidency of Ukraine. After the resignation of President Yanukovich, it caused a backlash from the people in Crimea, which is ethnically 59% dominated by Russian descent. On this cultural basis, most of the Crimean population rejected the new leadership of President Oleksandr Turchynov who was pro-western politically oriented and demanded to secede from Ukraine. One of the cities in Crimea, Sevastopol is the only military base used by Russia to conduct military exercises and the headquarters of a naval fleet that is very important for

²⁴ Lona Puspita, "Perlindungan Hukum Terhadap Relawan Kemanusiaan Berdasarkan Hukum Humaniter Internasional," *Jurnal Normative* 5, no. 1 (2017): 1–12.

²⁵ Fransiskus Atok, "Analisis Konflik Rusia Dan Ukraina (Studi Kepustakaan Status Kepemilikan Krimea)," *Jurnal Poros Politik* (2022): 1–5.

Russia's defense. Responding to the escalating situation, Russia launched various strategies for political intervention and annexation in Crimea. The Crimean people held a referendum vote on 16 March 2014 to secede from the Ukrainian part of the country and choose to join Russia. Although President Putin rejected western accusations of involvement in the conflict, the voting results indicated that 97.8% of Crimeans voted to join Russia. The Ukrainian government reported the issue to the UN to determine the validity of the referendum result. After going through the United Nations Security Council Resolution, 3 veto holders i.e. the United States, the United Kingdom and France did not agree to Crimea joining Russia. China chose to absent itself from the vote.²⁶

Furthermore, the United Nations through Ban Ki Moon, who served as UN Secretary General issued a call to all countries in the world to condemn Russia's actions in Crimea and called for rejecting the Crimean Referendum. The United States, together with Eastern European countries, conducted joint military exercises as a retaliatory response to Russia's actions that did not heed the condemnation of the UN and the international community, as a bluff to Russia to immediately withdraw from Ukraine's domestic politics. The domestic conflict that involves many outside actors, as a snowball effect, eventually leads the United States and the European Union to join the circle of conflicts of interest that have not ended until now. Moreover, Russia has been infuriated by the actions of Ukrainian President Volodymyr Zelenskyy, who was appointed in 2019. Zelenskyy had campaigned for peace during his election, but did not implement the Minsk agreements to station Russian military on Ukraine's borders. Until the fall of 2021, Russia had stationed a larger number of its military forces in Southern Crimea and Belarus. The highlights of this diplomacy are as follows (1) any new aggression in Ukraine will be met with harsh economic sanctions and increased NATO forces near Russia's borders; (2) if Russian forces withdraw, Western Governments are prepared to negotiate new limits on activities, exercises and deployments in Europe. Responding to Western demands, Russia requested that NATO and the US sign a binding agreement pledging not to expand the alliance further, especially not to former Soviet colonies, to relocate all military forces to countries that were already NATO members when the Soviet Union collapsed, and to avoid the deployment of US intermediate-range missiles and nuclear weapons in Europe.²⁷ This was rejected by NATO, which stated that they would allow any European country to join the alliance²⁸, while western leaders tried to compromise this difference of interest by revealing that they had no plans to allow Ukraine or Georgia to join. Western leaders requested that Russia and NATO could limit each other's deployment,

²⁶ Al Mukhlis, "Konflik Ukraina Dan Rusia Terkait Masalah Status Krimea" (Universitas Satya Negara Indonesia, 2016).

²⁷ Ingrid (Wuerth) Brunk and Monica Hakimi, "Russia, Ukraine, and The Future World Order," *The American Society of International Law* 116, no. 4 (2022): 687–697.

²⁸ NATO, "Founding Treaty," *NATO: North Atlantic Treaty Organization*.

exercises and activities of medium-range missiles. For these unfulfilled demands, Russia is becoming increasingly aggressive. Weeks before its invasion of Ukraine, Russia attacked Ukrainian websites with the hope of crippling the country's telecommunications. However, Ukraine handled this by providing resistance by mobilizing the Ukrainian army's IT team to attack Russian websites.²⁹ The Ukrainian people also support their country. Other independent groups (including anonymous and cyber partisans) have stated they will take responsibility for attacks against Russian banks, state media, and the Belarusian railroad network used to relocate troops from Russia to Ukraine.

The Russian Air Force invaded Ukraine on 24 February 2022, invading the northern front from Belarus towards Kiev, the northeastern front towards Kharkiv, the southern front from Crimea, and the southeastern front from Donbas. Due to the invasion, Ukraine imposed martial law and ordered general mobilization. In general, there are several other reasons for Russia's war on Ukraine, such following below:

1. Historical Reason, Russia considers Ukraine to be one nation, one race, and one language with shared traditions. In addition, Kiev used to be the capital of Russia around the 10th-11th centuries AD.
2. Political Reason, which Ukraine joined NATO, while Russia has long resisted it.
3. Economical Reason, Ukraine is actually a strategic country in Russia's economic traffic with Western Europe, including Russian oil and gas pipelines to Western Europe and there are about 50% of gas needs in Western Europe supplied from Russia.
4. Safety Reason, Ukraine is also Russia's gateway to the western region and a buffer state against western threats, where it is known that Russia supports separatists in South Ossetia and Abkhazia, which triggered a strong response from Georgia.

Military Intervention is an act of interference by a state realized by sending a military mission to support a government or rebel group, which cannot be justified under international law or in the *Jus Cogens* principle.³⁰ The non-interference principle is one of the basic principles of international law that is closely related to national sovereignty. This principle is the opposite of the attitude of a country that wants to act and control a country based on various aspects of the existing state.³¹ According to Suntana and Mahmud, expansionism of every country, has always

²⁹ M. Yusuf Samad and Pratama Dahlian Persadha, "Memahami Perang Siber Rusia Dan Peran Badan Intelijen Negara Dalam Menangkal Ancaman Siber," *Jurnal IPTEK-KOM (Jurnal Ilmu Pengetahuan dan Teknologi Komunikasi)* 24, no. 2 (2022): 135–146.

³⁰ Sandy Kurnia Christmas and Joko Setiyono, "Intervensi Militer Terhadap Kudeta Politik Menurut Prinsip Jus Cogens," *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 308–321.

³¹ Wasis Susetio et al., "Perang Rusia-Ukraina: Mencari Keseimbangan Dunia Baru," *Jurnal Pengabdian Masyarakat: ABDIMAS* 8, no. 5 (2022): 333–339.

tended to subjugate other countries. The tendency to unify the world according to one ideology and one system is part of the process of conquering other nations. The idealistic model idealizes the world as peaceful and working together to complement each other. Therefore, the goal of international relations is to achieve a peaceful and cooperative world order.³² The principle of non-interference is a part of customary international law and is based on the concept of respect for national territorial sovereignty.³³ This principle is specifically stipulated in Article 2(7) of the United Nations Charter. The Charter provision clearly states that interference between states is not allowed. Sovereign states are not only independent, they have the same standards as other states.³⁴ Human rights violations committed by Russia against Ukrainian citizens, according to the principles of the Restatement of the Foreign Relations Law of the United States third edition, that is, the Ukrainian state can file a claim using human rights norms to underlie it derived from general principles of law recognized by civilized nations. It is known that the Ukrainian state has sued the Russian state to the International Court of Justice for the Russian invasion which indicated an alleged act of genocide. Genocide is a violation of the right to life because it causes death, the right to life is one of the rights regulated in the European Convention for the Protection of Human Rights and Fundamental Freedoms. Arbitrary arrest and detention; enforced disappearance; torture and other ill-treatment as degrading acts that deviate from the fundamental covenants as mentioned in the preamble of the United Nations charter, whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and reaffirmed in Article 1 that “all human beings are born free and equal in dignity and rights.” The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly as the most dogmatic international definition of human rights and as a contemporary interpretation of the treaty regarding the obligation of all UN member states “to take joint and separate action in promoting universal respect for, and observance of, human rights...”, Article 3 of the UDHR states “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”³⁵

The response of the United Nations to the Russia-Ukraine conflict has issued or proposed a resolution containing seven points including the following (1) deplore in the strongest terms the aggression of the Russian Federation against Ukraine; (2) condemn the declaration of 24 February 2022 by the Russian Federation regarding special military operations in Ukraine; (3) demand that the Russian Federation

³² Ija Suntana and Mahmud, “International Relation Paradigm: A Perspective of Islamic Political Science,” *The Social Sciences* 13, no. 4 (2018): 859–861.

³³ Malcolm N. Shaw, *Hukum Internasional Terjemahan Derta Sri Widowatie, Imam Baehaqi, M. Khozim*, 2nd ed. (Bandung: Nusa Media, 2013).

³⁴ Dewa Gede Sudika Mangku, *Pengantar Hukum Internasional*, ed. Ni Putu Rai Yuliantini, 1st ed. (Klaten: Lakeisha, 2021).

³⁵ Majelis Umum PBB, *Deklarasi Universal Hak-Hak Asasi Manusia*, 1948.

immediately and unconditionally revoke the decision regarding the status of some areas of Ukraine in Donetsk and Luhansk; (4) demand that the Russian Federation immediately stop using force against Ukraine; (5) cease any extrajudicial threats or use of force against Member States; (6) the United Nations affirms that it will not recognize territories seized by military force and recalls the responsibility of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State; and (7) expressing concern also about the potential conflict impact of growing global food insecurity, condemns the decision of the Russian Federation to increase the readiness of their nuclear forces

CONCLUSION

War crimes are criminal offenses in international law which are more specifically regulated in the International Humanitarian Law which has issued various kinds of regulations that establish legal protection against victims of conflicts, especially protection of civilians, including the 1949 Geneva Convention IV, 1977 Protocols-1, the 1989 Convention on the Rights of the Child. In general, although the war has the rules as mentioned, however, in reality there are always criminal acts that violate the rights of especially civilians, and the Russia-Ukraine war is no exception in this case. The reasons for the occurrence of the Russian-Ukrainian war are based on historical, political, economic, security and parliamentary factors, all of which are related to the Ukrainian government's allegiance to the Western Alliance or NATO. Russia's actions violate several international laws, including the bilateral law between the two countries of Russia and Ukraine, which has been agreed to by Russia. Russia has violated several rules of international law, including the bilateral law between the two countries of Russia and Ukraine, which has been agreed on by both countries. However, regarding these war crimes, data and facts based on thorough and independent investigations have not been found, but only from media information that is doubtful, so that the existence of war crimes cannot be confirmed.

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