



Analysis of Russian War Violations in the 2022 Ukrainian Conflict Based on the Perspective of International Humanitarian Law

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Abstract. International humanitarian law is international treaties, international customs or general legal principles governing armed conflict with the main objective of protecting human beings. This study was made to analyze the violations of the Russian war in the Ukraine conflict in 2022 but based on the perspective of International Humanitarian Law. This study uses a descriptive analytical method but is still based on normative law that uses laws and regulations to analyze Russian war violations that occurred in the Ukrainian conflict and are also connected and related to events that occurred during the conflict. In addition, this research is also supported by books, journals, online newspapers, online news, or articles. From the results of the analysis, it can be concluded that there were several violations that occurred during the Russian war in the Ukraine conflict, including committing war crimes based on the Hague conventions of 1899 and 1907, violating the 1998 Rome Statute which is an international agreement related to armed conflict, using cluster bombs that is one of the bombs that are prohibited from being used under the International Treaty on Cluster Bombs in 2008. It can also be concluded that the Russian war in the Ukraine 2022 conflict is an armed conflict known as the international armed conflict which is specifically part of international humanitarian law which formerly known as the law of war, which in this law of war is aimed at the protection of innocent civilians or civilians from unnecessary suffering due to war. This is based on the fact that most of the victims of armed conflict are innocent civilians such as children, women or the elderly.

Keywords: Violations · Legislation · Russia-Ukraine · International Humanitarian Law

1 Introduction

1.1 Background

On Thursday, February 24, 2022, Russia launched its attack on Ukraine, resulting in an explosion effect in several major cities in Ukraine. More than 137 people died as a result of the explosion that occurred at that time and more than 320 people were injured [1]. The explosion came after Russian President Vladimir Putin delivered a speech

regarding the declaration of special military operations in Ukraine. There are various causes of the Russia-Ukraine war, some of the causes are past glory, NATO, to the separatism that has long been supported by Russia. Seeing the big incident between the two neighboring countries, it can even be considered a family, has attracted a lot of public attention, especially international eyes. The Russia-Ukraine war was quite surprising to the general public, despite the courage of President Vladimir Putin, the public also see from the human side. There were many violations committed by President Vladimir Putin against the Russia-Ukraine war at that time, ranging from carrying out cluster bomb attacks, violating the 1998 Rome Statute, committing war crimes during the war, and many other violations [2]. International humanitarian law which aims to prohibit war or to enact laws that determine the game of war but is more based on humanitarian reasons, to reduce or limit the suffering of individuals and to what extent areas of armed conflict are allowed. For these reasons, humanitarian law is sometimes referred to as “humanitarian rules of war”, where armed conflict or war must observe humanitarian principles.

1.1.1 Research Question

1. What caused the Russia-Ukraine conflict?
2. What are the violations that Russia committed against Ukraine in the Russia-Ukraine conflict?
3. How is International Humanitarian Law in dealing with the Russia-Ukraine conflict?

1.1.2 Research Purposes

This study aims to find out more about what violations were committed by Russia against Ukraine during the Russia-Ukraine war, to find out how the International Humanitarian Law sees cases from the Russia-Ukraine war, to find out what the goals and objectives of Russia’s declaration were. special military operations in Ukraine and find out more about the causes of the Russia-Ukraine war.

1.1.3 Research Methods

In this paper, the author uses a descriptive analytic method in which the author collects data through books, journals, newspapers, online news, expert opinions to other research supporting readings, then describes all research materials and describes in detail the title researched and provide an overview of the continuity of the research analysis but is still based on normative law that uses laws and regulations to analyze Russian war violations that occurred in the Ukrainian conflict and are also connected and related to events that occurred during the conflict.

2 Session

2.1 History of the Russia-Ukraine Conflict

Before the conflict between Russia and Ukraine, it turned out that these two countries were part of the Soviet Union which was the largest Communist country at that time.

The Soviet Union after Germany lost and WWII ended, had influence in eastern Europe. No wonder the countries in eastern Europe have also become communist countries. In 1991, the Soviet Union and the Warsaw Pact dissolved. In the same year, Ukraine voted for independence from the Soviet Union in a referendum. Russian President Boris Yeltsin that year agreed to this. Subsequently Russia, Ukraine and Belarus formed the Commonwealth of Independent States (CIS). But there was a split. Ukraine considers that the CIS is Russia's attempt to control the countries under the Russian Empire and the Soviet Union.

In May 1997, Russia and Ukraine signed a friendship treaty. It is an attempt to resolve disagreements. Russia is allowed to retain majority ownership of ships in Ukraine's Crimea-based Black Sea fleet. Russia also has to pay Ukraine a rental fee for using the Sevastopol port. Relations between Russia and Ukraine have been heating up again since 2014. At that time there was a revolution against Russian supremacy. The anti-government mob succeeded in overthrowing the pro-Russian former president of Ukraine, Viktor Yanukovich. Riots even broke out before making peace in 2015 with the Minsk deal. The revolution also opened up Ukraine's desire to join the European Union (EU) and NATO. This, citing Al-Jazeera, infuriated Putin at the prospect of establishing a NATO base next to his border. This is also supported by the increasingly close relations of a number of Eastern European countries with NATO. Call it Poland and the Balkan countries.

When Yanukovich fell, Russia used the power vacuum to annex Crimea in 2014. Russia also supported the separatists in eastern Ukraine, namely Donetsk and Luhansk, against the Ukrainian government [3]. The issue of attacks has been rolling since November 2021. A satellite image shows a new buildup of Russian troops on the border with Ukraine. Moscow is believed by the West to be mobilizing 100,000 troops along with tanks and other military hardware. Western intelligence says Russia will attack Ukraine.

In December, world leaders such as US President Joe Biden warned Russia of Western economic sanctions if it attacked Ukraine due to reports of increasingly intense military problems at the border. A number of European leaders such as French President Emmanuel Macron and Turkish President Recep Tayyip Erdogan also "came down the mountain" to initiate negotiations between the two. On the other hand, Russia has also started conducting large-scale military exercises since early January 2022. All navies are deployed. This exercise is also carried out on land. Russia cooperates with Belarus, its close neighbor and ally.

Various attempts were made by Ukraine to escape Russia's shadow, starting from Ukraine's efforts to escape from Russian supremacy, starting to have a pro-Western view of the government, wanting to join NATO, to other efforts that could make Ukraine free from all Russian shadows. Past victories are one of the reasons why Russia invaded Ukraine. President Putin in his speech before the invasion of Ukraine said that Ukraine is part of Russia [4]. Putin also said that the reason Russia attacked Ukraine was because Russia could not feel safe, thrive and exist. Besides, Putin also refused to call the attack a war or an invasion and genocide [1]. Putin had said that NATO expansion is an existential threat and if Ukraine joins a Western military alliance this is an act of hostility that could pose a threat to Russia. So far, Putin has emphasized his view that Ukraine is part of Russia culturally, linguistically and politically. For this reason, Putin opposed the joining

of Ukraine to NATO [5]. As we all know, the Russian government has long supported separatist movements in the countries of the former Soviet Union. It should be noted that, in 2008 Russia also invaded Georgia as a result of this separatist problem. Putin revealed his reason for fighting with Ukraine was due to requests for help from leaders of separatist groups in eastern Ukraine. “In connection with that, I made the decision to hold a special military operation. Its purpose is to protect people who were subjected to harassment and genocide from the Kiev regime for eight years,” [6].

Russian Violations Against Ukraine in the Russia–Ukraine Conflict

The UN’s human rights agency OCHCR has accused Russia of “massive human rights violations” during its invasion of Ukraine. In order to stop it, Russia was asked to immediately carry out a ceasefire and withdraw all its troops. OCHCR Commissioner Michelle Bachelet spoke to the UN Human Rights Council in Geneva, calling on Russia to withdraw its troops. He also said his office had received allegations that Russian troops had used banned weapons in Ukraine 24 times. “Houses and administrative buildings, hospitals and schools, water stations and electrical systems were unavoidable from the Russian attack,” Michelle said. Russia has denied targeting civilians in the so-called special disarmament and denazification invasion. Bachelet said his office, which has nearly 60 UN human rights monitors in Ukraine, had verified 77 incidents in which medical facilities were damaged, including 50 hospitals. “Indiscriminate attacks are prohibited under international humanitarian law and can be considered a war crime,” he added. “The massive destruction of civilian objects and the high number of civilian casualties strongly indicates that the basic principles of distinction, proportionality and prudence have not been sufficiently adhered to by Russia,” he said. Bachelet referred to the rules of war contained in the Geneva conventions. The Ukrainian people “In the besieged city of Mariupol, people live in sheer terror,” he said. Matilda Bogner, head of the UN human rights mission in Ukraine, said in Geneva, on Tuesday, that thousands may have died during the month-long siege of Mariupol, a squandered southern port city of 400,000. Russia’s invasion of Ukraine suddenly changed the world. Millions of people have fled. The new Iron Curtain is being milled into place. The economic war deepened, as military conflicts escalated and civilian casualties increased. The World Health Organization (WHO) has confirmed that there have been at least 49 attacks by Russia on Ukrainian health facilities since the invasion began. The attack was deemed unwarranted. On March 9, 2022, Russia reportedly attacked a maternity and children’s hospital in the city of Mariupol. The same thing happened on March 3 earlier in the city of Zhytomyr. The airstrikes destroy the hospital, while the new mother is evacuated to the basement. President Volodymyr Zelenskyy said a child was crushed under the rubble and denounced the act as a war crime. Russia’s attacks are incessant. On March 12, Russian troops stormed the city of Mariupol. During the operation, a mosque was reportedly the target of the attack. As many as 80 people, including some of them children, were inside the mosque, the Ukrainian government said. Many of them are Turkish citizens. The mosque became a base of protection for residents during the attack. There was no further word on the number of victims from the attack. “They are bombing it (Mariupol) 24 hours a day, launching missiles. This is hate. They kill children,” Zelenskyy said.

On March 6, Russian troops bombarded an intersection in a road used by hundreds of civilians to flee Russian troops in northern Ukraine to Kiev, Human Rights Watch said in its report. The attacks were carried out repeatedly and killed eight civilians. This action is seen as a violation under international humanitarian law not to carry out indiscriminate and disproportionate attacks that harm civilians. According to witnesses, dozens of members of the Ukrainian security forces and at least two military vehicles were at the crossing during the attack, but they were outnumbered by the fleeing civilians. Several Ukrainian security forces helped civilians carry their belongings and children. Witnesses said they heard and saw gunfire between Ukrainian and Russian troops not far from there, but did not know the exact location.

Ukrainian authorities on Sunday, March 20, said that the Russian military bombed an art school in Mariupol that was housing about 400 people. There was no further word on the number of victims from the attack that targeted the school.

Elsewhere, a video posted on Radio Free Europe's website on March 5 shows several schools across Ukraine being the target of the attack. One of them is school number 21 in the city of Chernihiv, Northern Ukraine. The building looked shattered and almost razed to the ground.

A student who became a victim in the video uploaded told how he survived the bombing. He hopes that other people can also be safe wherever they are. "Why I made a video of this and then uploaded it (to Instagram) is because there are a lot of school kids out there. I don't know if they survive or not. I was just trying to send this video to a Russian friend," said the student, who was not identified.

on March 15, just before dawn, a huge explosion rumbled across the city of Kiev. Russian artillery strikes hit a residential neighborhood and sparked a massive fire and rescue effort in the 15-story apartment. At least four people were killed and others trapped, said Mayor Vitali Klitschko. Emergency services earlier said 27 people had been rescued. The shockwave from the explosion also damaged the entrance to the downtown subway station that had been used as a shelter. City authorities tweeted a picture of the building's facade and said trains would no longer stop at the station.

The missile attack also hit another public facility, namely the opera house in north-eastern Kharkiv on March 1. The attack took place in the heart of Ukraine's second largest city. In addition to the opera house, the attack also hit government buildings. At least 10 people were killed and 35 injured, local authorities said. Zelenskyy called the act an act of terror because there were no military targets in the area. The attack came when the Ukrainian president said Russia had committed war crimes [7].

In addition, as is well known, the Humanitarian Law Resources consist of The Hague Laws and the Geneva Laws. The law of The Hague is a provision of humanitarian law that regulates the means and means of fighting. The law of The Hague consists of the Hague Conventions of 1899 and the Hague Conventions of 1907 [8]. Meanwhile, Geneva Law is a provision of Humanitarian Law which regulates the protection of war victims from both combatants and civilians [9]. In the Russia-Ukraine conflict, Russia is considered to have committed war violations which were later called war crimes with details of the violations as follows:

1. Violating the humanitarian law in the Geneva Conventions of 1949 and classified as serious violations which are then regulated in articles 50–51, where Russia commits

violations in the form of intentional killing, inhumane treatment that causes many deaths and injuries, and damages facilities and infrastructure. protected.

2. Violating the Humanitarian Law in the Hague Convention 1907 which was later called the Hague Regulation (HR) on the Method of War, regulated in article 25 h, where Russia carried out bombings against cities in Ukraine.
3. Violating the Humanitarian Law in the Hague Convention 1907, which was later called the Hague Regulation (HR) on the Means (Tools) of War, regulated in article 71, where Russia uses methods of war and suffering, so that it is mentioned in article 23e HR Russia causes serious injuries. Superfluous, which these articles are refined and contained in Additional Protocol I, 1949 Geneva Conventions article 35 Additional Protocol I
4. Violating humanitarian law in Additional Protocol I 1977, which is contained in article 54, where Russia allows civilians in war to death and destroys and destroys civilians in the form of food, agriculture, and drinking water.

From all the descriptions above, it can be concluded that Russia has committed many violations which are then referred to as war crimes. But until now, there has been no firm action that says that Russia has committed acts of war crimes.

International Humanitarian Law

International humanitarian law is international treaties, international customs or general legal principles governing armed conflict with the main objective of protecting human beings [10]. The stages of development of International Humanitarian Law are as follows:

a. Ancient Times

In this era Humanitarian Law has been known but is still in the form of Customary Law. The customary law governing the laws of war or humanitarian law can be seen from the fact that military leaders ordered their troops to rescue captured enemies, treat them well, save the enemy's civilian population, and at the time of cessation of hostilities the warring parties usually agreed to treat prisoners of war well. Before the war begins, the enemy is warned beforehand to avoid excessive damage. So to avoid this, the tip of the arrow will not be directed to the heart. If someone is already killed and injured then the fighting will stop for 15 days.

b. Medieval

In the Middle Ages, humanitarian law was influenced by the teachings of Christianity, Islam and chivalry. Christian teachings contribute to "just war", Islamic teachings view war as a means of self-defense and abolish evil and the principle of chivalry that developed in the Middle Ages, teaches about the importance of proclaiming war and prohibiting the use of certain weapons.

c. Modern Era

The development of international humanitarian law in modern times is marked by the efforts of the international community to codify the laws and customs of war into written international treaties. One of the important milestones in the development of humanitarian law was the establishment of the Red Cross organization and the signing of the Geneva Conventions, 1864 which later this Convention initiated the birth of other Geneva conventions that regulate the protection of war victims.

As mentioned earlier, the sources of international humanitarian law in the form of international treaties are divided into 2, namely the law of The Hague and the law of Geneva. In addition, there are several other sources of humanitarian law, namely:

1. Paris Declaration (16 April 1856)
2. Declaration of ST. Petersburg (29 November–11 December 1868)
3. Draft Hague Regulations on War in the Air (1923)
4. Geneva Protocol (17 June 1925)
5. The London Protocol (6 November 1936)
6. The Hague Convention 1954
7. Convention on Certain Conventional Weapons (10 October 1980)

If in a case there is no legal source that can be applied or there is no legal source, then according to humanitarian law it can refer to the Martenz Clause. The Martenz clause includes principles accepted in customary law, principles of humanity and principles of human conscience.

The principles of humanitarian law are divided into 3, namely:

- a. The principle of military interest, namely the disputing parties are justified in using violence to subjugate prisoners in order to achieve the goals and success of the war.
- b. The principle of humanity, namely the parties to the dispute are required to pay attention to humanity where they are prohibited from using violence that can cause excessive injury or unnecessary suffering.
- c. The principle of chivalry, namely in the war honesty is prioritized. The use of dishonorable means, all kinds of deceit, and treasonous means are prohibited.

International Humanitarian Law in dealing with the Russia-Ukraine case

Violations of international humanitarian law are also known as war crimes. Greenspan says:

“In its restricted or conventional meaning, the term war crimes had been used to denote violations of the laws or customs of warfare wheter committed by members of the enemy armed forces by civillas” [11]. Based on Greenspan’s opinion, the term war crime has two meanings, namely a broad meaning and a narrow meaning. In a broad sense, war crimes include violations of the laws and customs of war, crimes against humanity and crimes against genocide. Meanwhile, in a narrow sense, war crimes are violations of the laws and customs of war.

International humanitarian law as a branch of public international law does not have a body or highest authority authorized to make and enforce or maintain the validity of

the provisions of humanitarian law. As well as the legislative, executive, judicial institutions known in the national laws of countries. Therefore, this will cause problems, namely who has the authority to uphold the provisions of international humanitarian law or in other words who is authorized to examine and prosecute parties who have violated the provisions of international humanitarian law [12]. If you look at the provisions of the four Geneva conventions, 1949, the party who has the authority as law enforcers whose task is to maintain the enforcement of the provisions of international humanitarian law or is authorized to examine or prosecute parties who violate the provisions of international humanitarian law is Geneva, 1949. The legal basis used is Geneva, 1949. Stipulating the participating countries of the Geneva Convention, 1949 as law enforcers who guarantee and maintain the enforcement of the provisions of international humanitarian law, regulated in article 1 of the Geneva Conventions, 1949 which is a concurrent provision, stipulating as follows: this convention in all circumstances [13]. According to Arlina Permanasari, respect means that the country concerned must implement the provisions contained in the Convention, while guarantee means that the state must take the necessary actions in the event of a violation of the provisions of the Convention, including imposing sanctions if necessary [14]. According to Mochtar Kusumaatmadja, guaranteeing respect also means that the signatory country must take all necessary measures for that, including statutory or other regulatory actions to carry out obligations under the Convention [15]. Based on these opinions, it can be concluded that Article 1 of the Geneva Conventions, 1949 provides three obligations that must be carried out by countries participating in the Convention, namely:

1. States Parties to the Convention are obliged to implement the entire contents of the provisions of the Convention;
2. States Parties to the Convention shall take preventive measures against violations of the provisions of the Convention;
3. States Parties to the Convention are obliged to carry out legal processes and punish violators of the Convention.

The obligations of States Parties to the Convention can be carried out through the actions formulated in Article 49 kJ I, 50 kJ II, 179 kJ III, and 146 kJ IV which are concurrent provisions, stipulating as follows:

- The High Contracting Parties undertake to enact legislation necessary to provide effective criminal sanctions against persons who commit any of the grave breaches of this Convention as provided for in Article.
- Each High Contracting Party is obliged to search for persons suspected of having committed or ordered to commit the intended serious offences and must prosecute such persons regardless of their nationality. The High Contracting Party may also if it wishes and in accordance with the provisions of its own laws and regulations, submit it to other interested High Contracting Parties and these persons for trial provided that the High Contracting Party can show a prima facie case.
- Each High Contracting Party shall take the necessary measures to eradicate, other than the grave breaches specified in the Article, all acts contrary to the provisions of this Convention.

- In all circumstances the accused persons shall receive judicial guarantees and a reasonable defense which shall not be less debt than the guarantees provided by the Geneva Conventions concerning the Prisoners of War of 17 August 1949 as provided for in Article 105 onwards.

In order to carry out law enforcement against violators of International Humanitarian Law, the provisions of Article 49-50-129-149 of the Geneva Conventions, 1949 have actually explicitly stipulated four actions that must be carried out by States Parties to the Convention, namely:

1. The obligation to take legislative action, namely the obligation to enact laws that regulate the legal process and effective criminal sanctions for parties committing and or ordering serious violations of the Convention
2. The obligation to find and prosecute people who commit and or order to commit serious violations without regard to their nationality. Including the act of “searching” here is making arrests, searches, detentions and confiscations in addition to these actions including requests for extradition and or extradition of the perpetrator to the country concerned. In order to request for extraction or to extradite the perpetrator to another interested country, the extradition conditions must be met, namely:
 - a. The existence of a real serious violation (prima facie case)
 - b. There are provisions of national legislation governing the surrender of people who violate the Geneva Conventions, 1949
 - c. There must be an extradition treaty with the country concerned
 - d. If there is no extradition treaty, extradition can be carried out based on the principle of reciprocity (reciprocity). While the act of adjudicating is an action related to the process of investigation and investigation, prosecution and examination and imposition of a decision by the court
3. The obligation to try the perpetrators, namely, to eradicate all acts that are not classified as serious violations of the Convention, such as imposing disciplinary and administrative penalties as well as the obligation to guarantee fair treatment for prisoners of war at the time of trial, such as the right to obtain legal assistance, the right to present witnesses. -witnesses or other evidence as well as the right to obtain the services of an interpreter. In addition to state efforts to enact laws in the context of enforcing International Humanitarian Law, the countries participating in the Convention can also establish an International Court of Justice to try parties who violate humanitarian law if nationally a country is unable to carry out its obligations to prosecute the violators.

In the process of enforcing international humanitarian law against violators of international humanitarian law, it can be done through two courts, namely:

- a. National Courts of Convention States

The process of law enforcement against people who commit and or order to commit serious violations of international humanitarian law through a national judicial process is based on the national law of each country. For countries that have not yet established courts that are specifically given jurisdiction to examine and hear cases related to violations of international humanitarian law, this authority can be exercised by the general court if the perpetrator is a civilian population and/or military court if the perpetrator is a military person and can also exercise authority. Human rights courts or if necessary the country establishes ad hoc courts. Although the process of law enforcement against serious violators of international humanitarian law between countries participating in the Convention is certainly different because it is based on the national law of each country, at least the law enforcement process cannot be separated from the following stages:

- Investigation stage
- Investigation stage
- Prosecution stage
- The stage of examination and making a decision by the court.

b. International Court of Justice

As has been described in the previous description, that if a State party to the Convention is unable to prosecute perpetrators of serious violations of humanitarian law, then the mechanism for law enforcement against the perpetrators of the violation can be carried out by the mechanism of an international court, both ad hoc and permanent. In the history of the development of humanitarian law, the international community has succeeded in establishing two international military tribunals which were given the authority to try criminals of World War II, namely the Nuremberg trial which was formed to try war criminals in Nazi Germany and the Tokyo court established to try Japanese war criminals. The Nuremberg Military Court was established based on the London Charter on August 8, 1945 by Britain, France, Russia and the USA, while the Tokyo Military Court was established on January 19, 1946 based on a statement or proclamation of the Supreme Commander of the Allied Forces in the Far East, General Douglas MacArthur. Then the United States drafted a charter for this Court which basically refers to the Nuremberg Court Charter. The jurisdiction of the Nuremberg and Tokyo military courts is to examine and prosecute three crimes, namely crimes against peace, war crimes and crimes against humanity. The organizational structure of the Nuremberg military court consists of four Chief Prosecutor serving as prosecutors from each of the four countries and four judges plus four substitute judges who are tasked with examining, prosecuting and passing judgment on war criminals. Meanwhile, the organizational structure of the Tokyo Military Court consists of a Chief Prosecutor from the United States assisted by ten Associate Prosecutor as a prosecutor and eleven judges, each from eleven countries involved in the Pacific war [16]. In addition to the Nuremberg and Tokyo military courts, the international community has succeeded in establishing two other international military tribunals in 1993 and 1994 which were given the authority to try criminals, namely:

1. The Criminal Court of the Ex Yugoslavia

The Criminal Court of the Ex Yugoslavia was established based on UN Security Council resolutions No. 808 dated 22 February 1993 and No. 827 dated 25 May 1993. 827 of 1993 was later amended by UN Security Council Resolution No. 1166 of 1998. The full name of this court is The International Criminal Tribunal for the Former Yugoslavia (ICTY) and is domiciled in The Hague, Netherlands. The jurisdiction of the former Yugoslavia court is regulated in articles 1–5 of the court’s statutes, namely the authority to adjudicate:

- Serious violations of humanitarian law
- Serious violations as referred to in the Geneva conventions, 1949
- Violation of the laws and customs of war
- Genocide
- Crimes against humanity.

The organizational structure of the former Yugoslav criminal court consisted of two chambers, namely the trial chambers consisting of three judges and the appeals chambers consisting of five judges, the public prosecutor, and the clerk. While the procedural law used is the common law legal system. In carrying out the process of enforcing the law of the former Yugoslav military court because it did not have its own police, the process of arresting the perpetrators of the court used the assistance of NATO troops or in collaboration with the government of a country. After the perpetrator is arrested, the process of investigation and prosecution will be carried out by the public prosecutor. Furthermore, after the completion of the investigation and prosecution process, the public prosecutor delegates his case file to the judge for trial and if proven, he will be sentenced. Since the establishment of this court, people who have been named suspects as a result have been suspected of committing serious violations and 20 of them have been detained. On 3 March 2000 the court sentenced the Bosnian Croatian general Tihomir Blaskic to 45 years in prison for being accused of grave breaches of the Geneva Conventions, 1949, violations of the laws and customs of war and crimes against humanity [18].

2. Criminal Court For Rwanda

This Court is domiciled in Arusha, Tanzania which was established based on UN Security Council Resolution No. 955 November 1994. The purpose of the establishment of this tribunal is to prosecute persons who committed genocide in Rwanda and to prosecute Rwandan nationals who committed genocide and other similar offenses on the territory of neighboring countries and in Rwanda which were committed from January 1, 1994 to December 31, 1994 The jurisdiction of this Rwandan criminal tribunal is for the following crimes:

- Genocide
- Crimes against humanity
- Violation of article 3 of the Geneva Conventions, 1949 and Additional Protocol II 1977

3. International Criminal Court

When compared to the military courts of Nuremberg, Tokyo, Yugoslavia and Rwanda, the international criminal court is one of the permanent international courts. The international criminal tribunal was established on July 17, 1998 based on the Rome statutes agreed upon through the Rome Conference which took place on July 15, 1998 and this tribunal is located in The Hague, Netherlands, but trials can be held in other countries. The jurisdiction of the ICC covers four crimes namely genocide, crimes against humanity, war crimes and crimes of aggression. Meanwhile, the organizational structure of the ICC Court consists of the President, the Pretrial Forum, the courts of first instance, and the courts of appeals, public prosecutors, and the registration committee. The Court will have one judge who is elected by the general assembly of the states parties for a period of 9 years. Judges who have just completed their duties cannot be re-elected and each state party will only nominate one candidate for judge. Furthermore, the ICC judges will choose the President while the public prosecutors will be selected through a closed ballot by the general assembly.

The judge's decision is the end of a law enforcement process against the perpetrators of international humanitarian law violators which is the imposition of a decision or verdict by a judge. In principle, there are 2 possibilities for judges' decisions in national and international courts, namely:

1. An acquittal, meaning that what has been charged or accused against the perpetrator is not proven at all in court
2. The decision in the form of punishment or punishment means that what has been indicted against the perpetrator has been legally and convincingly proven.

If the decision handed down is in the form of punishment or punishment, the type of punishment imposed may be in the form of:

1. The death penalty. However, the type of death penalty will increasingly be abolished because the international community has agreed on a second optional protocol of the international covenant on civil and political rights aimed at the abolition of the death penalty.
2. Imprisonment, which can be in the form of life imprisonment or temporary imprisonment.

3 Conclusion

Based on the description submitted by the author, it can be concluded that:

1. That the Russian war in the Ukraine 2022 conflict is an armed conflict known as the international armed conflict which is specifically part of international humanitarian law which formerly known as the law of war, which in this law of war is aimed at the protection of innocent civilians or civilians from unnecessary suffering due to war. This is based on the fact that most of the victims of armed conflict are innocent civilians such as children, women or the elderly.

2. That Russia has committed many violations which are then referred to as war crimes. But until now, there has been no firm action that says that Russia has committed acts of war crimes.

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If in this writing the writer makes a lot of mistakes in writing, wording, translation, vocabulary, additional words or other things, I hope the reader can forgive the author because this is a new beginning for the author. If there are suggestions, criticisms or corrections from readers, please contact the email contact listed on the first page of this scientific paper.

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