

# ANALYSIS OF THE RUSSIAN INVASION OF UKRAINE IN TERMS OF HUMANITARIAN LAW

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**Abstract:** This research aims to analyze the impact of Russia's invasion of Ukraine, with a specific focus on humanitarian violations and related international responses. The primary research question investigates the extent of humanitarian law breaches during the invasion and examines how the international community responds to these violations. The research adopts a field research methodology with a descriptive-qualitative approach. Data are collected through the analysis of various sources, including news reports, official documents, and interviews with experts in international relations. The analysis aims to identify humanitarian violations occurring during the conflict. Research findings indicate that Russia's invasion of Ukraine resulted in a series of humanitarian violations, including civilian casualties, forced displacements, and inhumane treatment of prisoners of war. International responses include investigations by the United Nations (UN) and the deployment of a forensic expert team by the Dutch government to gather evidence. The conclusion emphasizes the severity of Russia's invasion on global peace and underscores the importance of upholding international humanitarian law. While acknowledging Ukraine's violations as a victim, the more serious nature of Russia's actions draws sharp criticism from the international community. UN responses and diplomatic efforts highlight the crucial role of international institutions in addressing global crises. This research contributes to a deeper understanding of the impact of armed conflicts on human rights and emphasizes the necessity for collaborative global efforts to maintain world peace.

**Keywords:** *Invasion; Russia; Ukraine; International Humanitarian Law; United Nations*

**Abstrak:** Penelitian ini bertujuan untuk menganalisis dampak invasi Rusia terhadap Ukraina dengan fokus pada pelanggaran kemanusiaan dan respons internasional yang terkait. Pertanyaan penelitian utama adalah sejauh mana invasi ini melibatkan pelanggaran hukum kemanusiaan dan bagaimana tanggapan internasional terhadap pelanggaran tersebut. Metode penelitian yang digunakan adalah penelitian lapangan dengan pendekatan deskriptif-kualitatif. Data dikumpulkan melalui analisis berbagai sumber, termasuk laporan berita, dokumen resmi, dan wawancara dengan pakar hubungan internasional. Analisis dilakukan untuk mengidentifikasi pelanggaran kemanusiaan yang terjadi selama konflik. Temuan penelitian menunjukkan bahwa invasi Rusia ke Ukraina mengakibatkan serangkaian pelanggaran kemanusiaan, termasuk kerugian jiwa warga sipil, pemindahan paksa, dan perlakuan yang tidak manusiawi terhadap tahanan perang. Respons internasional mencakup investigasi oleh Perserikatan Bangsa-Bangsa (PBB) dan pengiriman tim ahli forensik oleh pemerintah Belanda untuk mengumpulkan bukti. Kesimpulan dari penelitian ini menekankan seriusnya invasi Rusia terhadap perdamaian dunia dan pentingnya menegakkan hukum kemanusiaan internasional. Meskipun Ukraina sebagai korban juga melakukan pelanggaran kemanusiaan, namun pelanggaran Rusia lebih serius dan mendapat kritik tajam dari komunitas internasional. Respons PBB dan upaya diplomatik menunjukkan pentingnya peran lembaga internasional dalam menanggapi krisis global. Penelitian ini memberikan kontribusi pada pemahaman mendalam tentang dampak konflik bersenjata terhadap hak asasi manusia dan menyoroti perlunya upaya kolaboratif global untuk menjaga perdamaian dunia.

**Keywords:** *Invasi; Rusia; Ukraina; Hukum Humaniter; Perserikatan Bangsa-Bangsa*



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## Introduction

Humanity is something inherent to humans in living a social life. Of course, because, as humans, we need good as a basis for improving social welfare. From this basis, it was agreed that one of the goodness that can be applied is to avoid conflicts with each other. Conflict arises due to an imbalance in social relations, such as social status gaps, lack of equitable prosperity, and unbalanced access, which then causes discrimination problems.<sup>1</sup>

Conflicts between countries can have an impact on global anxiety. Because if two countries experience conflict or argument, then what contributes to the conflict is a system that consists of several elements of the country by conducting self-defense to maintain territorial, protect the community, etc. Thus, a legal umbrella is needed that can overshadow and prevent conflicts between countries from occurring. In 1948 a movement was formed that showed international concern for humanitarian conditions by producing humanitarian declarations (Declaration of Human Rights 1948). The movement is the main foundation in which law enforcement and civil society protection over human rights thus held by the Geneva Convention in 1949 as part of international law, which became a milestone in international humanitarian law. The Geneva Convention is a series of protocols for treating civilians, prisoners of war, and soldiers who are injured or not in a condition ready to fight. The 1949 Geneva Convention is related to the protection of war victims.

So far, 196 countries have signed and ratified the 1949 Convention, 170 have ratified the first protocol, and 165 have ratified the second one. Any country that has ratified the Geneva Convention but does not ratify the additional protocols are still bound by the rules of the convention. For humanitarian reasons, these regulations limit

the rights of the parties involved in the conflict in terms of the selection of tools and ways to fight, as well as protecting people and property rights affected or most likely affected by the impact of conflict. International humanitarian law sourced from 2 branches, namely:<sup>2</sup>

1. Geneva Convention was formed to protect injured combatants and civil society.
2. The Hague Convention was made to determine the state's rights and obligations in fighting, and violations committed can be brought to the International Criminal Court.

Before the Geneva Convention was held in 1949, motivated by the number of wild wars and did not have protocols that could make the conflicting countries subject, an administrative body was established to maintain international peace and security under the name United Nations or the United Nations. The United Nations was established on October 24, 1945, in San Francisco after a series of failures of the League of Nations in realizing world peace which was officially dissolved on April 18, 1945. The primary purpose of the formation of this organization was reflected in the UN Charter signed on June 26, 1945, namely:<sup>3</sup>

1. To maintain international peace and security, carry out practical joint actions to prevent and eliminate threats to violations of peace and will resolve in peace and accordance with the principles of justice and international law, seeking resolution of disputes- international disputes or conditions that can disturb peace
2. Developing friendly relations between nations based on appreciation for the principles of equality of rights and the right to determine the principles of equal rights of and the right to determine their destiny, and take other actions that are

<sup>1</sup> Simon Fisher, *Working with Conflict: Skills and Strategies for Action* (New York: Zed Books, 2000).

<sup>2</sup> Mumtazinur, "Kejahatan Terhadap Kemanusiaan Dan Pelanggaran Hukum Humaniter Internasional (Konvensi Jenewa 1949) Studi

Kasus: Pelanggaran HAM Berat Untuk Bekas Negara Yugoslavia," *Jurnal Dusturiah* 8, no. 2 (2019), <https://doi.org/http://dx.doi.org/10.22373/dusturiyah.v8i2.4218>.

<sup>3</sup> Pasal 1 Piagam PBB.

- reasonable to strengthen universal peace
3. Conduct international cooperation to solve international problems in the economic, social, cultural, or humanitarian fields, as well as to advance and encourage respect for human rights and fundamental freedoms of all human beings and distinguish between races, gender, Language or religion
  4. Become the center for alignment of all actions of all nations in achieving common goals.

On Thursday, February 24, 2022, Ukraine suffered an invasion attack by Russia which Russian President Vladimir Putin officially announced.<sup>4</sup> Russian invasion of the Ukraine region began with the delivery of Russian troops to Donetsk and Luhansk. Putin claimed that the fully armed forces were placed to maintain peace in Donetsk and Luhansk.<sup>5</sup> NATO threw accusations that Russia planned an invasion of Ukraine, which was then denied directly by Vladimir Putin that what she did was a reaction to NATO's expansion in Western Russia, resulting in Russia feeling threatened by its territory and demanding Ukraine not to be allowed to join the military alliance. The impact of the Russian invasion of Ukraine was the occurrence of casualties that reached 300 people killed on March 16, 2022, at the Marian Drama Theater. The majority of victims are Ukraine civilians.<sup>6</sup> Then the Dutch government plans to send a team of forensic experts to Ukraine at the request of the ICC to gather evidence of human rights violations.<sup>7</sup> According to NATO, the estimated number of Russian soldiers killed in this invasion ranged from 7,000 to 15,000. Meanwhile, the President of Ukraine, Zelenskiy, stated that around 1,300 Ukraine soldiers had been killed in two weeks after the sale of this war<sup>8</sup>.

With the crushed space of Ukraine in response to Russian attacks, the concern of international community is needed in finding the best resolution for both parties who need an essential role for the United Nations in carrying out their functions in order to achieve world peace, from some of these things that are the background of the author in conducting research with the discussion above.

### Literature Review

Rio Dwinanda Sudiq., Levina Yustitaningtyas. (September 2022) conduct research that discusses Russian accountability in the international eyes as a gross human rights violation. His research stated that the International Criminal Court (ICC) said it would increase its investigation of alleged war crimes committed in Ukraine since the beginning of the war. So far, 10 Russian soldiers have been identified as allegedly involved in human rights violations during the gram in occupying Bucha, Ukraine. Attorney General Ukraine also mentioned that investigators had identified more than 8,000 alleged war crimes since the Russian invasion, such as killing civilians, bombarding civil infrastructure, and torturing and committing sexual crimes. Based on this study, it can be said that many violations have been committed by Russia against Ukraine since the crisis of Crimea to the Russian invasion of Ukraine. This study also mentioned that violations committed by Russia against Ukraine were the alleged genocide indicated by the Russian invasion; Arbitrary arrest and detention; enforced disappearance; torture, and other arbitrary treatment as an act of demeaning deviant human dignity. The author hopes that all the violations committed by Russia against Ukraine can be sought after the middle

<sup>4</sup> Tommy Patrio Sorongan, "6 Fakta Terkini Perang Rusia vs Ukraina, Respons PBB-Minyak," CNBC Indonesia, March 2, 2022.

<sup>5</sup> Fadjar Hadi, "Putin Kirim Tentara Ke Donetsk Dan Luhansk Usai Akui Merdeka Dari Ukraina," Kumparan, February 22, 2022.

<sup>6</sup> Anna Forster, "Invasi Rusia Ke Ukraina: Mayat Bergelimpangan Dan Kenangan Yang Akan

Terus Membekas Di Bucha," BBC News Indonesia, April 17, 2022.

<sup>7</sup> Nur Aivanni, "ICC Kirim Tim Investigasi Terbesar Yang Pernah Ada Ke Ukraina," Media Indonesia, May 18, 2022.

<sup>8</sup> Qena dan Cara, Anna Nebi, "NATO; 7,000 to 15,000 Russian Troops Dead in Ukraine," AP News, March 24, 2022.

ground, which is as fair as possible, especially the position of Russia as a security council which incidentally is supposed to maintain world peace, not vice versa.

Risky Moehamad Adha., Sayyidul Mubin. (August 2022) conducted research that discussed UN efforts to mediate Russian and Ukraine conflicts. In this study, the purpose of the UN is to resolve conflicts between Russia and Ukraine by maintaining international peace and security by using international cooperation to resolve conflict. Other efforts that the United Nations have made are by holding a general session that aims to determine how the steps that should be taken to resolve the Russian and Ukraine conflicts that produce votes where the United Nations condemns the action of the invasion carried out by Russia and ordered Russia to withdraw each of its troops in Ukraine. The UN took preventive measures through diplomacy in 2021 and then reported by the official website of the United Nations on January 31, 2021. Based on this research, the authors hope that the steps taken by the United Nations are appropriate and that Russia will find the same middle way to win.

## Method

Research is field research.<sup>9</sup> The type of this research is descriptive-qualitative research.<sup>10</sup> This research is descriptive analysis,<sup>11</sup> namely making systematic,<sup>12</sup>

factual,<sup>13</sup> and accurate insights about facts.<sup>14</sup> In addition, it is also intended to provide as accurate data as possible about humans<sup>15</sup> and other phenomena<sup>16</sup>.

## Results and Discussion

### Humanitarian law regulations in the Geneva Convention related to Russian-Ukraine Conflict.

The Russian invasion of Ukraine is an act of invasion of the sovereignty of other armed countries, complete with the pretext of maintaining threats from Western countries. The invasion, of course, there was a magnification that resulted in inevitable bloodshed. This widespread impact resulted in the international world being furious with Russian actions that violated several Geneva Conventions. The Geneva Convention is undoubtedly formed based on humanity governing the various humanitarian laws needed in a conflict between countries.

The Geneva Convention has also been agreed upon; as many as 196 countries have ratified the Geneva Convention, including Russia and Ukraine, unique from the two countries that ratified most of the Geneva Conventions and related conventions. However, the two countries did not ratify the 1998 International Criminal Court. The two countries cannot be sentenced in an international criminal court except through several requirements contained in the

<sup>9</sup> Fera Zasrianita, Syukri Hamza, and Hadi Winata, 'Students' Perception Of Application In Writing Of Peer-Assessment: Before And After Revision', *Nusantara Education*, 1.1 SE-Articles (2022), 94–108 <<https://juna.nusantarajournal.com/index.php/nula/article/view/28>>.

<sup>10</sup> Kurtubi, 'View of Child Playing Online Game in the Sadd Al-Zari'ah's Perspective', 2022 <<https://juna.nusantarajournal.com/index.php/juna/article/view/16/7>> [accessed 16 December 2022].

<sup>11</sup> Muhammad Kurtubi, "Child Playing Online Game in the Sadd Al-Zari'ah's Perspective," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 9–20.

<sup>12</sup> Faiz Zainuddin and Imam Syafi'i, "Environmental Jurisprudence; Environmental Preservation Efforts In Islam," *NUSANTARA:*

*Journal Of Law Studies* 2, no. 1 (March 18, 2023): 23–30.

<sup>13</sup> Muhammad Fitri Adi, "Hadhonah Rights of Children (Not Mumayyis) Based on Compilation of Islamic Law and Child Protection Act," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 9–22.

<sup>14</sup> suryaningsih, "Impact of Gadget Addicts on Family Harmony Perspective of Islamic Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 50–64.

<sup>15</sup> Meta Riskia, "Implementation Of Mudharabah Financing On Baitul Maal According Majelis Ulama Indonesia," *Journal of Nusantara Economy* 1, no. 1 (December 9, 2022): 1–13.

<sup>16</sup> Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi*, ALFABETA, Cv, 2017.



Roman Statute.<sup>17</sup>

From the data obtained as of May 15, 2023, since the first attack by Russia on February 24, 2022, there were 23,821 victims with a description of 8,836 killed, and 14,985 suffered injuries with the following details<sup>18</sup>: (1) 19,175 victims (6,680 were killed and 12,315 injuries- wounds) in areas controlled by the Ukraine government when the victims occurred such as in Donetsk and Luhansk which spilled 9,699 victims (4,022 killed and 5,677 injuries) or in other areas that shed 9,476 victims (2,838 were killed and 6,638 injuries); (2) 4,646 victims (1,976 were killed and 2,670 injuries) in areas controlled by the Russian Federation when victims occurred such as Donetsk and Luhansk which shed 3,113 victims (697 killed and 2,416 injuries) or in other areas 1,533 victims (1,279 killed and 254 injuries) (OHCHR, 2023). The data is also believed to continue to increase from what has been accumulated due to several locations often, there is a delay in the number of reports that are still delayed.

OHCHR once released the details of the humanitarian rights situation in Ukraine in the period of August 1 to October 31, 2022, which was the work of the Human Rights Monitoring Mission in Ukraine (HRMMU) with this report that had occurred so many violations of human rights that had an impact on civilians and also combatants.<sup>19</sup> The report said 3,505 civilian casualties, with 901 killed and 2,604 injuries expected to continue to increase. The report states that the Russian armed forces carry out significant attacks by increasing missiles, missiles, and ammunition scattered in several cities and attacking other energy supply objects. This results in an infrastructure crisis, including energy facilities and hydroelectric power plants (PLTA), which have an impact on ten regions in Ukraine and results in a lack of water and electricity sources throughout the country, including in big cities.

In addition to attacking energy supply infrastructure, the Russian armed forces also attack educational institutions and health

institutions that hamper the activities of civilians. Then, in the same report, 32 educational institutions and five health institutions were destroyed. The direct impact of damage to educational and medical facilities includes reducing adequate access to children's education and adequate health care. This report also mentioned that HRMMU received reports related to sexual violence that occurred against civilians in the Kharkiv and Kherson areas. Starting from February 24, 2022, there were 86 sexual violence incidents involving women, men, and teenage girls. These events include the actions of rape, mass rape, extending carried out by force, sexual insults in public, sexual torture, and sexual harassment. Furthermore, in 53 cases, sexual violence is a form of torture and bad treatment against resistance. The Ukraine government has also carried out mandatory evacuation as a preventive action facing attacks starting from the Donetsk region.

HRMMU reported that on October 18 and 26, Russian authorities in Kherson had evacuated residents from the western region of the Dnipro River in Kherson to other regions or even the Russian Federation region. There are additional reports that recorded a forced transfer of children, including those who were in the treatment institution in Donetsk, Kherson, Kharkiv, Luhansk, and Zaporizhzhia, which were moved to territories in Russia's shade or even deported to the Russian Federation.

HRMMU continues to reveal other facts, including services to prisoners of war, even though the Russian government does not provide access to HRMMU to visit prisoners and civilians detained under their rule. During the report, HRMMU interviewed 33 prisoners of war and civilians from the Russian armed forces and affiliated armed groups in the six pretrial detention centers used to withstand prisoners of war..

Your HRM findings show that prisoners of war and civilians often detained experience acts of violence, such as beatings

<sup>17</sup> Pasal 12 Statuta Roma.

<sup>18</sup> "Ukraine: Civilian Casualty Update 15 May 2023," March 15, 2023.

<sup>19</sup> "UPDATE ON THE HUMAN RIGHTS SITUATION IN UKRAINE 1 August to 31 October," December 2, 2022.

or kicks, when captured by the Ukrainian armed forces. The practice includes severe beating, electric shock, sexual violence, stress position, and various other forms of torture. As a result of the beating, at least one victim died. HRMMU also revealed data on 457 cases of arbitrary detention and loss of civilians (395 men, 61 women, and one small child) by the Russian Armed Forces. Of the number of victims, 20 people (19 men and one woman) lost their lives during the detention period or were finally found dead.

HRMMU also widely documented the practices of torture and bad treatment against civilians detained at the pretrial detention facility in the Russian Federation. In some cases, it states that detained civilians are included in the same cell as prisoners of war, even though international humanitarian law policy states that prisoners and civilians should be separated. In the Kharkiv area, HRMMU found 34 cases of civilians subject to forced disappearances and arbitrary detention by the Russian Armed Forces. Seven released said they were tortured and received lousy treatment for being beaten and sexual harassment during detention. HRMMU also revealed that there were 53 cases of arbitrary detention, and 32 of them were likely to be forcibly eliminated by the Ukraine Armed Forces. Of these 36 cases, the inevitable torture and poor treatment were carried out by the Ukraine Security Services Agency to dig up information related to detention facilities.

The data from August 1 to October 31 show whether Russia and Ukraine have violated many international humanitarian laws, especially the 1949 Geneva Convention. The number of lives civilians caused by the Russian Armed Forces has violated the Geneva IV Convention on the protection of civilians contained in Article 15, which discusses the neutral zone in the conflict stating "any party to the conflict may, either direct or through a neutral state or some humanitarian organization, propose to the adverse party to establish, in the regions

where the fighting is taking place, neutralized zones Intended to Shelter from the Effects of War the Following Persons, Without Distinction: a) Wounded and Sick Combatants or Non-Combatants; b) Civilian Persons Who take no part in hostilities, and who, while they reside in the zones, performance no work of a military character, "in this article it is mentioned in letter b that civilians who do not play a role in hostility and do not do work Military are included in a neutral zone that is prohibited from conflicting.

Other violations, such as the destruction of energy suppliers, are listed in Article 53 of the Geneva Convention IV mentions "any destruction by the occupying power of real or personal property belonging individuals or collectively to private persons, or to the state, or to other public authorities, or to social or social Co-operative organizations, is prohibited, except where such destruction is rendered absolutely necki by military operations, "this provision shows clearly in the form of a prohibition of damaging private property, public and state except very much needed in military operations such as the destruction of electric towers because it has been damaged and want to be moved to a safer place.

### **The role of the United Nations in resolving the conflict between Russia and Ukraine**

In the escalation of the conflict between Russia and Ukraine, which is a severe international conflict, there is the worst potential that could trigger a third world war. Therefore, the international community's participation is essential in mediating international conflict, and these efforts can be channeled through the involvement of the United Nations. The United Nations (UN) is an international organization whose aspirations are for the entire world community to achieve a state of global peace.<sup>20</sup> Following the reflection in the opening of the UN charter, namely, "We the peoples of the united nations determined to

<sup>20</sup> Risky Moehamad Adha and Sayyidul Mubin, "UPAYA PERSERIKATAN BANGSA-BANGSA (PBB) SEBAGAI ORGANISASI INTERNASIONAL DALAM

MENENGAHI KONFLIK RUSIA DAN UKRAINA PADA TAHUN 2022," *Pena Wima* 2, no. 2 (2022).

save succeeding generations from the scourge of war.." which, if interpreted by the UN, is here to save the next generation from the threat of conflict. The UN Charter also contains important points in supporting the goals and mission of the organization, including in Article 2, paragraph 1, which reads, "The organization is based on the principle of sovereign equality of all members" This article states that the position of every country is parallel based on the principle of equal sovereignty among all member states of the United Nations. State sovereignty is a fundamental concept of international humanitarian law.<sup>21</sup>

In international relations, member states should implement self-restraint or, in other words, control themselves and comply with international law. This is in line with the provisions of Article 2, paragraph 4 in the UN Charter, which reads, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations," this statement means the prohibition for countries around the world to use violence or specific force that threatens the territorial integrity or independence of other countries, such as invasion, genocide, or expansion without any apparent reason under the goals of the United Nations -The nation itself. Thus, the United Nations does not allow countries to invade to maintain world peace and international security or because of an emergency. All countries that are members of the UN must comply with international law, including the UN Charter itself. Thus, countries that are members of the United Nations are bound by international law that applies to an international community.

Countries in the international

community have a responsibility if they violate it. State responsibility arising from violations of international law includes several aspects. First, states that violate international law are responsible for stopping these acts and avoiding the recurrence of such violations in the future. Second, the country compensates countries that have suffered losses due to these violations. This component includes restitution, material compensation, and rehabilitation..

In addition, countries that violate international law also must cooperate with other countries and international institutions in resolving disputes and recovering from affected situations. Countries that violate international law must also admit their responsibilities openly and transparently. State responsibilities that can also arise from international violations by states are<sup>22</sup>:

- Committing human rights violations, neglecting to take no action, or making omissions against human rights violations

State responsibility stems from two main principles: the principle of equality (doctrine of equality) and the principle of state sovereignty (doctrine of state's sovereignty). The principle of equality emphasizes that every country has the same position in the international community, and every country must respect the sovereignty and rights of other countries. This principle means no country can enjoy its rights without respecting other countries. Meanwhile, the principle of state sovereignty states that the state has the highest authority to carry out activities to fulfill its interests freely. However, this power remains subject to international law, and state action must not conflict with international law.<sup>23</sup> In other words, even though states have full sovereignty, they also must comply with

<sup>21</sup> Koesrianti, *Kedaulatan Negara: Menurut Hukum Internasional* (Surabaya: Airlangga University Press, 2021).

<sup>22</sup> Gaizka Ayu Satura, "PERTANGGUNGJAWABAN RUSIA ATAS INVASI TERHADAP UKRAINA," *Jurnal Ilmu Hukum: ALETHEA* 5, no. 1 (June 21, 2022): 73–90,

<https://doi.org/10.24246/alethea.vol5.no1.p73-90>.

<sup>23</sup> AA Muhammad Insany Rachman and Evi Dewi Hastri, "IMPLIKASI PRINSIP RIGHT OF EXTERNAL SELF DETERMINATION TERHADAP KEDAULATAN NEGARA INDIK SEBAGAI SUBJEK HUKUM INTERNASIONAL," *Jurnal Jendela Hukum* 8, no. 2 (2021).

international laws governing relations between states. These principles form the basis of the conception of state responsibility. State responsibility involves the obligation to respect the sovereignty of other countries. States are also expected to comply with international law and act according to the principles of equality in international relations.

As a world peace organization, the UN is responsible for achieving peace between the two sides involved in the conflict. In addition, the UN is also responsible for restoring the economic and political situation in regional areas affected by the conflict. The United Nations can also mediate and facilitate peace between the parties involved through dialogue, negotiation, and diplomacy. The United Nations seeks to de-escalate tensions, build trust and create a framework that allows for the peaceful resolution of conflicts. The United Nations can also send peacekeeping troops to maintain security and facilitate the implementation of peace agreements in conflict countries.

Therefore, when Russia officially declared war in February 2022 and launched an offensive military attack on Ukrainian territory, the United Nations classified the attack as an act of violence that violated the integrity and sovereignty of Ukraine's territory because this was contrary to the principles stated in the UN Charter, namely the doctrine of state's sovereignty or the principle of state sovereignty. The UN condemned this action as a severe violation of international law and a threat to peace and security in the Region. By classifying the attack as a violation of UN principles, this organization also emphasizes the importance of maintaining the integrity and sovereignty of a country and upholding the principles of peace, justice, and international security.

According to UNRIC (United et al. Centre), four days after Russia launched the first military attack, the International Criminal Court (ICC) started investigating alleged war crimes and human rights violations in Russia's

conflict with Ukraine. This investigation was carried out as a first step to collect evidence that could be used in the judicial process against individuals or parties responsible for crimes committed during the conflict. In addition, in response to the escalation of the conflict and the escalation of the war on the territory of Ukraine, another UN body, namely the United Nations Human Rights Council (UNHRC), has issued an urgent resolution.

On March 4, 2022, they agreed to form an international independent commission to investigate the conflict. This commission, known as the Independent International Commission of Inquiry in Ukraine, will be responsible for investigating human rights violations and potential war crimes. They then followed the ICC statement on March 16, 2022, to ask Russia to stop its military operations in Ukraine immediately. On April 7, 2022, the UN General Assembly officially adopted a resolution calling for Russia to stop military action to maintain humanitarian principles and world peace. The Human Rights Council announced this decision. This resolution succeeded in gaining majority support by producing 93 countries agreeing and 24 countries disagreeing with the resolution, achieving more than two-thirds of the votes or substantive voting. According to Kazansky and Andrassy, conflict resolution is a social situation in which the parties involved in an armed conflict voluntarily seek peace and live side by side by resolving root causes for the common good. This aims to stop the violence that occurred<sup>24</sup>.

The role of the United Nations as an international body consisting of countries worldwide is vital in achieving successful conflict resolution between the two countries. The United Nations serves as a forum for member states to dialogue, negotiate and work together to find peaceful solutions to conflicts. Through the institutions and agencies within it, the UN provides a forum for various countries to communicate and work together in resolving

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<sup>24</sup> Rastislav Kazanský and Vladimír Andrassy, "Conflict Resolution Approaches towards Smart Sustainability of Internal Relations \*,"

*Entrepreneurship and Sustainability Issues* 6, no. 3 (2019): 1468–84, [https://doi.org/10.9770/jesi.2019.6.3\(29\)](https://doi.org/10.9770/jesi.2019.6.3(29)).



existing differences and conflicts. The United Nations has other functions, including Protection, Integration, Outreach, Conflict Control, Cooperative, Negotiation, and Arbitration.<sup>25</sup>

In the conflict between Russia and Ukraine, the United Nations has a vital role in carrying out these functions: Conflict Control, Arbitration, and Negotiation. As a Conflict Controller, the United Nations acts as a mediator that encourages cooperation between Ukraine and Russia to stop the escalation of the conflict that has occurred. The goal is to prevent the situation from escalating and find the best solution. In this case, the UN is tasked with being a supervisor and regulator to ensure that the conflict does not continue and get worse. The United Nations has involved various organs and related organizations to achieve this goal. In addition, the UN also plays a role in utilizing arbitration institutions and mechanisms to resolve disputes between Russia and Ukraine. For example, the United Nations can use the International Criminal Court (ICC) as a neutral forum to resolve legal disputes that arise. The establishment of the ICC as a UN tool is evidenced in UN General Assembly Resolution No. 260 on December 9, 1948, which adopted the "Convention on the Prevention and Punishment of the Crime of Genocide"<sup>26</sup>.

Moreover, the United Nations can also actively stimulate negotiations between the two parties to reach a peace agreement. The United Nations may organize high-level meetings, conferences, or negotiations involving leaders and diplomats from Russia and Ukraine to reach an agreement that resolves the conflict. The United Nations is striving to achieve sustainable peace and resolve the conflict between Russia and Ukraine through effective conflict control, arbitration, and negotiations.

On March 2, 2022, the UN General Assembly passed a resolution against Russia to stop its military operations immediately. This resolution also emphasizes respecting and protecting human rights in conflict-affected areas.<sup>27</sup> The resolution received approval from 141 member countries, while only five countries rejected it, and the remaining 35 countries voted to abstain. This decision reflects the significant level of support from the majority of UN member states for the resolution. The UN Security Council has also made many efforts to negotiate and hold meetings with other members to intensively discuss this situation and ask Russia to withdraw its troops and equipment from Ukraine.

However, in its efforts, the UN Security Council faced obstacles because Russia used its veto rights as a member of the UN Security Council at will or made a negative vote. This veto right allows Russia to block the proposed resolution if it is contrary to its national interests, which affects the results of UN Security Council resolutions that cannot be accepted as valid.

Since 2021, the United Nations has adopted a diplomatic approach to overcoming this conflict. The official UN report released on January 31, 2021, stated that the UN was working with the Organization for Security and Co-operation in Europe (OSCE) to discuss the Russia-Ukraine conflict. The UN also calls on all parties to refrain from provocative actions and rhetoric that could exacerbate the situation.

Reporting to the official UN report, on February 23, 2023, the UN General Assembly was held to discuss ending the war in Ukraine and asking Russia to withdraw its military forces. In this General Assembly, 141 agreed, 7 rejected the resolution, and 32 chose to abstain. Thus, the United Nations can use an institution under its auspices, the

<sup>25</sup> Stanley Meisler, *United Nations: A History* (New York: New York Grove/Atlantic Incorporated, 2011).

<sup>26</sup> Novy Septiana Damayanti, "Peran Perserikatan Bangsa-Bangsa Dalam Kaitannya Dengan Penegakan Hukum Oleh Mahkamah Pidana Internasional (Prospek Dan Tantangan),"

*Sasi* 26, no. 2 (2020): 251, <https://doi.org/10.47268/sasi.v26i2.253>.

<sup>27</sup> Adha and Mubin, "UPAYA PERSERIKATAN BANGSA-BANGSA (PBB) SEBAGAI ORGANISASI INTERNASIONAL DALAM MENENGAHI KONFLIK RUSIA DAN UKRAINA PADA TAHUN 2022."

International Court of Justice (ICJ), to immediately bring this case to this international court. The ICJ can resolve legal conflicts submitted by UN member states based on International Law.

## Conclusion

Russia's invasion of Ukraine is a serious event and threatens world peace. A series of violations committed by Russia has resulted in its position being criticized by the international community. Violations, such as the loss of life of civilians, forced transfers and deportations, poor service to detainees, and so on, have made the international community, through the UN, move to investigate collecting data relating to international humanitarian violations. Not only did Russia commit violations of international humanitarian law, Ukraine, as a victim of the conflict, committed international humanitarian violations, although not as seriously as Russia did. In dealing with this conflict, the United Nations has an essential role in maintaining security, upholding international law, and seeking a solution that benefits both. Various UN efforts have been carried out, such as a diplomatic approach and negotiations to issue a resolution containing pressure to stop military operations. However, Russia never stopped and instead used its veto power to reject the resolution at the UN General Assembly. However, the United Nations, which has aspirations to create a situation of world peace, continues to seek various ways that can be done, such as cooperating with other international agencies or organizations that can assist the role of the United Nations in creating global peace, such as the ICC, NATO, etc. The United Nations has demonstrated the importance of this organization by committing to remain firm in upholding international humanitarian law. This conflict can also be a reminder of the need for awareness for countries in the world to be able to comply with the principles set out in the UN Charter, such as the principle of equality (doctrine of equality) and the principle of state sovereignty (doctrine of state's sovereignty).

## Reference

- Adha, Risky Moehamad, and Sayyidul Mubin. "UPAYA PERSERIKATAN BANGSA-BANGSA (PBB) SEBAGAI ORGANISASI INTERNASIONAL DALAM MENENGAHI KONFLIK RUSIA DAN UKRAINA PADA TAHUN 2022." *Pena Wima* 2, no. 2 (2022).
- Aivanni, Nur. "ICC Kirim Tim Investigasi Terbesar Yang Pernah Ada Ke Ukraina." *Media Indonesia*, May 18, 2022.
- Amnesty International. "Amnesty International Report 2022/23: The State of The World's Human Rights," n.d.
- Damayanti, Novy Septiana. "Peran Perserikatan Bangsa-Bangsa Dalam Kaitannya Dengan Penegakan Hukum Oleh Mahkamah Pidana Internasional (Prospek Dan Tantangan)." *Sasi* 26, no. 2 (2020): 251. <https://doi.org/10.47268/sasi.v26i2.253>.
- Firdaus, Muhammad Adam, Dewa Gede, and Sudika Mangku. "PELANGGARAN PRINSIP IUS IN BELLO DAN IUS AD BELLO ATAS INVASI RUSIA TERHADAP UKRAINA." *Ganesha Law* 4, no. 2 (2022). <https://doi.org/https://doi.org/10.23887/glr.v4i1.1498>.
- Fisher, Simon. *Working with Conflict: Skills and Strategies for Action*. New York: Zed Books, 2000.
- Forster, Anna. "Invasi Rusia Ke Ukraina: Mayat Bergelimpangan Dan Kenangan Yang Akan Terus Membekas Di Bucha." *BBC News Indonesia*, April 17, 2022.
- Hadi, Fadjar. "Putin Kirim Tentara Ke Donetsk Dan Luhansk Usai Akui Merdeka Dari Ukraina." *Kumparan*, February 22, 2022.
- Kazanský, Rastislav, and Vladimír Andrassy. "Conflict Resolution Approaches towards Smart Sustainability of Internal Relations \*." *Entrepreneurship and Sustainability Issues* 6, no. 3 (2019): 1468–84. [https://doi.org/10.9770/jesi.2019.6.3\(29\)](https://doi.org/10.9770/jesi.2019.6.3(29)).
- Koesrianti. *Kedaulatan Negara: Menurut Hukum Internasional*. Surabaya: Airlangga University Press, 2021.
- Meisler, Stanley. *United Nations: A History*. New York: New York Grove/Atlantic

- Incorporated, 2011.
- Mumtazinur. “Kejahatan Terhadap Kemanusiaan Dan Pelanggaran Hukum Humaniter Internasional(Konvensi Jenewa 1949)Studi Kasus : Pelanggaran HAM Berat Untuk Bekas Negara Yugoslavia.” *Jurnal Dusturiah* 8, no. 2 (2019).  
<https://doi.org/http://dx.doi.org/10.22373/dusturiyah.v8i2.4218>.
- Nebi, Qena dan Cara, Anna. “NATO; 7,000 to 15,000 Russian Troops Dead in Ukraine.” AP News, March 24, 2022.
- Pasal 1 Piagam PBB, PBB § (1945).
- Pasal 12 Statuta Roma (1998).
- Philip, Christanugra. “TANGGUNG JAWAB NEGARA TERHADAP PERLINDUNGAN HAK ASASI MANUSIA MENURUT HUKUM INTERNASIONAL.” *Lex Administratum* 4, no. 2 (2016).  
<https://ejournal.unsrat.ac.id/index.php/administratum/article/view/11293>.
- Rachman, AA Muhammad Insany, and Evi Dewi Hastri. “IMPLIKASI PRINSIP RIGHT OF EXTERNAL SELF DETERMINATION TERHADAP KEDAULATAN NEGARA INDUK SEBAGAI SUBJEK HUKUM INTERNASIONAL.” *Jurnal Jendela Hukum* 8, no. 2 (2021).
- Satura, Gaizka Ayu. “PERTANGGUNGJAWABAN RUSIA ATAS INVASI TERHADAP UKRAINA.” *Jurnal Ilmu Hukum: ALETHEA* 5, no. 1 (June 21, 2022): 73–90.  
<https://doi.org/10.24246/alethea.vol5.n01.p73-90>.
- Sorongan, Tommy Patrio. “6 Fakta Terkini Perang Rusia vs Ukraina, Respons PBB-Minyak.” CNBC Indonesia, March 2, 2022.
- “Ukraine: Civilian Casualty Update 15 May 2023,” March 15, 2023.
- “UPDATE ON THE HUMAN RIGHTS SITUATION IN UKRAINE 1August to 31 October,” December 2, 2022.