

ANALYSIS OF WAR CRIMES IN THE 2022 RUSSIAN-UKRAINIAN ARMED CONFLICT ACCORDING TO INTERNATIONAL HUMANITARIAN LAW

Fatiha Firdaus

University of Darussalam Gontor

fatiha.firdaus@mhs.unida.gontor.ac.id

Abstract:

This study aims to analyze the war crimes that occurred in the Russia-Ukraine conflict in 2022. The conflict that began with a military operation carried out by Russia in early 2022 was Russia's attempt to stop Ukraine from joining NATO and to protect its country from the influence of NATO and the European Union. If Ukraine joins NATO, the direct barrier between Russia and the West will disappear. Russia also has the potential to lose several border areas that can affect the country's geopolitics. In that conflict, some acts were considered war crimes and violations of the laws of war. This study uses qualitative research methods with descriptive data. The results of this study indicate that a series of violations constituting war crimes have occurred in the conflict between Russia and Ukraine. The forms of crimes that occurred were attacks on infrastructure buildings such as hospitals, theatres, schools, train stations, and power plants, as well as torture, murder, and sexual violence against civilians. The attacks launched and the many victims in the conflict show that there have been violations of article 50 of the Geneva Convention I, articles 3 and 27 of the Geneva Convention 4, article 51 of the Additional Protocol, and article 8 of the Rome Statute. Among the series of violations that occurred in the conflict, many were committed by the Russian army, but some were committed by the Ukrainian army. In some of the attacks that have hit civilians, Russia and Ukraine have blamed each other for the attacks.

Keywords: War Crimes, Armed Conflict, Russia, Ukraine, International Humanitarian Law

1. INTRODUCTION

The Cold War ended marked by the collapse of the Soviet Union in 1991. The Soviet Union was officially dissolved on December 26, 1991, following the rules written in Article 72 of the Constitution of the USSR of 1977 which reads "Each Union Republic shall retain

the right freely to secede from the USSR".¹ One of the former Soviet Union countries, Ukraine, declared its independence on August 24, 1991, and was officially independent and recognized by the international community on December 1, 1991, after more than 90% of its people approved a referendum on independence from the Soviet Union.²

In the early days after the collapse of the Soviet Union, Russia and Ukraine had good diplomatic relations by making friendship, cooperation, and partnership agreements in the social, military, economic, and political fields.³ Ukraine is also very dependent on Russia, especially in the energy sector which also involves politics and economy. Therefore, the Ukrainian economy is highly dependent on the dynamics of its relations with Russia. Ukraine is also a very important Region for Russia because Ukraine is a transit line for Russian energy exports to European countries.⁴ Then in 2002, Ukraine expressed interest in joining the *North Atlantic Treaty Organization* (NATO), after the NATO leader announced an "*Open Door*" policy that allowed other European countries to join. In 2008, the President of Ukraine, Viktor Yushchenko again voiced the *Membership action plan* (MAP) to join NATO. However, Russia opposes this because Russia's relationship with NATO were not good. Russia even threatened to target nuclear missiles at Ukraine if Ukraine joined NATO.⁵

After the end of the cold war, Russia and NATO established relations and cooperation in the military sphere, intending to create peace. In addition, they also signed other Cooperation agreements to improve world peace, ecological security, science, and also humanity.⁶ But then Russia's relations with NATO deteriorated and conflicts arose, beginning with the expansion of NATO power into Europe. This causes Russia to feel threatened because NATO's expansion into Europe could reduce Russia's exit to the Baltic and Black Seas, and will move Russia's borders to other countries to the point of damaging Russian geopolitics.⁷

Then in 2013, Ukraine experienced an economic crisis with a debt of US\$ 140 billion. The European Union (EU) and the International Monetary Fund (IMF) offered loans to Ukraine under several conditions such as changes in the legal and regulatory system. Russia

¹ *Constitution (Fundamental Law) Of The Union Of Soviet Socialist Republics* (Novosti Press Agency, 1982).

² Pazli and Alkurni Haskelindos, "Upaya Organization For Security And Co-Operation In Europe Dalam Membantu Menangani Krisis Ukraina 2013-2014" (2015).

³ Muhammad Ridha Iswardhana, "Sejarah Invasi Rusia Di Ukraina Dalam Kaca Mata Geopolitik" (2022).

⁴ Anjar Sulastri, "Politik Energi Rusia Dan Dampaknya Terhadap Eropa Terkait Sengketa Gas Rusia-Ukraina 2006-2009," *Jurnal analisis hubungan internasional* Vol. 2, no. 3 (2013): 09.

⁵ Steven Pifer, "NATO's Ukraine Challenge," *Brookings*, June 6, 2019, accessed March 3, 2023, <https://www.brookings.edu/blog/order-from-chaos/2019/06/06/natos-ukraine-challenge/>.

⁶ Ahmad Fahrurudji, *Rusia Baru Menuju Demokrasi* (Yayasan Pustaka Obor Indonesia, 2005), 226.

⁷ Fadiah Silmina, "ALASAN RUSIA MENGANGGAP NATO SEBAGAI ANCAMAN DALAM SISTEM PERTAHANAN ANTI RUDAL PASCA PERANG DINGIN TAHUN 2008-2015," n.d.

then also offered a larger loan to Ukraine, on the condition that Ukraine should reject Cooperation with the EU and join a Russian-made Custom Union. Ukraine's president, Viktor Yanukovich, later agreed to accept aid from Moscow, Russia and postponed a deal to build closer ties with the EU. This then led to massive demonstrations by the Ukrainian people, causing ethnic divisions.⁸

In early 2022, Russia conducted a large-scale military operation in Ukraine. This is because Russia feels threatened after Ukraine's president, Volodymyr Zelensky, registered Ukraine to become an official member of the North Atlantic Treaty Organization (NATO). If Ukraine joins NATO, then the barrier between Russia and NATO will disappear because the territory of Ukraine is directly adjacent to Russia and this is a threat to Russia.⁹ In addition, the attachment between Russia and Ukraine is also marked by historical factors.¹⁰ This then adds to Russia's rationale for conducting military operations to change the policy of the Ukrainian state not to join NATO.

Relations between Russia and Ukraine have heated up since 2014, when then-Ukrainian president, Viktor Yanukovich, canceled an agreement with the west in favor of joining Russia.¹¹ The incident then caused conflicts that occurred in Crimea, Donetsk, and Luhansk. The conflict between Russia and Ukraine at that time ended with the Minsk II agreement as a replacement for the Minsk I agreement which had not been implemented, which contained the withdrawal of weapons from the front lines of the conflict and a truce.¹²

In February 2022, the President of Russia, Vladimir Putin, announced that Russia recognizes the independence of Donetsk and Luhansk. This makes the Minsk agreement invalid. Russia then also sent military forces to Donbas to perform "peacekeeping missions".¹³ This recognition of sovereignty was made by Russia because Russia felt threatened by the NATO movement, and forced changes in Ukraine so that Ukraine would not join NATO.¹⁴ In 2008, NATO promised Ukraine permanent membership.¹⁵ Then

⁸ Syahbuddin and Tati Haryati, "Kompleksitas Konflik Ukraina-Rusia," *JURNAL PENDIDIKAN IPS* 12, no. 1 (2022): 39–48.

⁹ Gaizka Ayu Satura, "Pertanggungjawaban Rusia Atas Invasi Terhadap Ukraina," *Jurnal Ilmu Hukum: ALETHEA* 5, no. 1 (2021): 73–90.

¹⁰ Emanuel Sani de Ornay and Nur Azizah, "Kepentingan Keamanan Nasional Rusia Dalam Serangan Militer Terhadap Ukraina Tahun 2022," *Communitarian: Jurnal Prodi Ilmu Politik* 4, no. 1 (2022).

¹¹ Muhammad Ridha Iswardhana, "Sejarah Invasi Rusia Di Ukraina Dalam Kaca Mata Geopolitik" (2022).

¹² Kristian Atland, "Destined for Deadlock? Russia, Ukraine, and the Unfulfilled Minsk Agreements," *Post-Soviet Affairs* 36, no. 2 (2020): 122–139.

¹³ Syahbuddin and Haryati, "Kompleksitas Konflik Ukraina-Rusia."

¹⁴ Sefti Oktarianisa, "Kronologi Dan Latar Belakang Konflik Rusia Dan Ukraina," *CNBC Indonesia*, last modified March 4, 2022, accessed March 3, 2023, <https://www.cnbcindonesia.com/news/20220304134216-4-320044/kronologi-dan-latar-belakang-konflik-rusia-dan-ukraina>.

following change in anti-Russian leadership in 2014, Ukraine made NATO its main foreign policy object.¹⁶ After a series of attacks carried out by Russia and Ukraine in Russian military operations to Ukraine in early to mid-2022, on September 30, 2022, the President of Ukraine announced that Ukraine had officially registered itself with NATO. The inauguration of Ukraine's registration to NATO came after president Putin declared the annexation of four provinces in Ukraine.¹⁷

In the conflict between Russia and Ukraine, there has been a series of attacks that caused in many casualties from both military and civilian circles. This shows that Russia has committed violations contrary to the humanitarian principles set out in the Geneva Conventions.¹⁸ Those violations can be said to be war crimes. Serious violations and violations of human rights are qualified as war crimes based on the idea that violations that occur in armed conflict are acts that are contrary to the principle of balance between the principle of military interests and the principle of humanity which is recognized as customary law of war.¹⁹ Arrangements on war crimes are provided for in article 50 of the 1949 Geneva Conventions.²⁰

In one of the previous studies written by Muhammad Adam Firdaus²¹ on the Russian invasion of Ukraine, it was stated that the invasion violated the principles of *Ius ad Bello* (the law on the validity of war) and *Ius in Bello* (the law in force at the time of the war). This is because the invasion carried out by Russia is not based on the reasons that have been authorized by the UN. In addition, in the invasion, there were also allegations of attacks that were violations of International Humanitarian Law. Therefore, the author wants to conduct a deeper study of the violations that occurred in a series of attacks carried out by Russia against Ukraine.

¹⁵ “Rice, Kouchner, Comment NATO Ministerial’s Decision | UNIAN,” accessed March 3, 2023, <https://www.unian.info/world/167959-rice-kouchner-comment-nato-ministerials-decision.html>.

¹⁶ “New Ukraine Coalition Agreed, Sets NATO As Priority,” accessed March 3, 2023, <https://www.rferl.org/a/ukraine-parliament-coalition-agreement/26703123.html>.

¹⁷ Luke Harding and Isobel Koshiw, “Ukraine Applies for Nato Membership after Russia Annexes Territory | Ukraine | The Guardian,” *The Guardian*, last modified September 30, 2022, accessed March 3, 2023, <https://www.theguardian.com/world/2022/sep/30/ukraine-applies-for-nato-membership-after-russia-annexes-territory>.

¹⁸ Muntazinur, “KEJAHATAN TERHADAP KEMANUASIAAN DAN PELANGGARAN HUKUM HUMANITER INTERNASIONAL (Konvensi Jenewa 1949) Studi Kasus: Pelanggaran HAM Berat Untuk Bekas Negara Yugoslavia,” *Dusturiyah: Jurnal Hukum Islam, Perundang-undangan dan Pranata Sosial* 8, no. 2 (2019): 117–128.

¹⁹ Anis Widyawati, “Hukum Pidana Internasional” (2019).

²⁰ “THE GENEVA CONVENTIONS OF 12 AUGUST 1949.Pdf,” n.d., accessed March 14, 2023, <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>.

²¹ Muhammad Adam Firdaus, “PELANGGARAN PRINSIP IUS IN BELLO DAN IUS AD BELLO ATAS INVASI RUSIA TERHADAP UKRAINA,” *Ganesha Law Review* 4, no. 1 (2022): 11–15.

Some of the reasons for the need for this research are that war crimes are gross violations of International Humanitarian Law and can have a major impact on civil society. In addition, war crimes can present humanitarian threats from the security of individuals, and communities, to the environment and the economy. Russia is also a country that ratified the Geneva Conventions, so it is not supposed to commit violations of International Humanitarian Law. Therefore, this study aims to discuss in more depth about war crimes and violations of International Humanitarian Law committed by the conflicts parties.

2. RESEARCH METHODS

This research written using qualitative research methods using descriptive data²² in the form of articles from official journals, theses, and other previous research. Research is conducted to analyze and explain individual or group phenomena, events, social dynamics, attitudes, beliefs, and perceptions. So the research is carried out with the development of basic assumptions to be further linked to the rules of thought used in research.²³ The object of research in this study is war crimes in the armed conflict between Russia and Ukraine in 2022. The data collection in this study was carried out using the literature study method by taking sources from books, journals, and scientific articles, as well as readings from other sources. These data sources are secondary data sources, namely data sources related to the object of research, but do not provide thoughts about the object of research directly.²⁴

Data analysis techniques in this study are qualitative by discussing the conceptual basis of the problem formulation. This research analysis was carried out in three stages, namely by collecting data from various primary and secondary sources that are relevant to the research, analyzing data by directing and organizing data by drawing and verifying conclusions, and presenting valid data resulting from the research conducted.²⁵

3. RESULT AND DISCUSSION

3.1 Analysis of War Crime in Russian-Ukrainian Conflict

Attacks on Civil Society

On April 2, 2022, news emerged that reported that in Bucha, an administrative city in Ukraine, corpses were found in civilian dressed in the streets of the city, and some of them were found in a bound hand. The victims were

²² Soerjono Soekanto, "Penelitian Hukum Normatif: Suatu Tinjauan Singkat" (2007).

²³ John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

²⁴ Ibid.

²⁵ Ibid.

expected to be attacked by being shot in the back of their heads.²⁶ Then on April 5, 2022, the Ukraine government stated that they had found a torture space in the city. The Ukraine government also said that thousands of people had been tortured, killed, and women were raped, to children who were also killed. They even showed the press some victims who were in the "torture room", and gave information that the victims had been tortured before being killed by Russian army.²⁷

In addition to attacks in Bucha, there were several attacks in the form of shootings carried out by military forces against civil society. On February 28, 2022, a 62-year-old civilian was killed by a Russian tank commander named Vadim Shishimarin. Then in March 2022, a CCTV camera video recorded showing a group of Russian soldiers fired on two unarmed Civil Civilians. The CCTV footage was then reinforced by the testimony of the people who were contacted by the victim before finally the victim died due to loss of blood.²⁸

Then in early April 2022, on the road between Mria and Myla, two cities in the western part of Ukraine, found 13 bodies suspected of death from an attack from the Russian army. And on April 10, 2022, Russia fired on civil society in the Donetsk region. In the shooting, five civilians died and five people were injured in the attack.²⁹

In addition to torture and murder of civil society, in the conflict there is also sexual violence. On Thursday, October 13, 2022, Pramile Patten, a special representative of the United Nations revealed that Russia had used sexual violence as a strategy in his military operation to Ukraine. In an interview conducted with the Agence France-President (AFP), Patten said that the women were held for days and were harassed. He also revealed that the United Nations had verified more than

²⁶ "Hundreds Buried in Mass Grave in Bucha, near Kyiv: Mayor," accessed March 14, 2023, <https://www.aljazeera.com/news/2022/4/2/almost-300-buried-in-mass-grave-in-bucha-near-kyiv-mayor>.

²⁷ Graeme Massie, "Ukraine Says 'Torture Room' Found after Russian Troops Withdrawal from Bucha," *The Independent*, last modified April 5, 2022, accessed March 14, 2023, <https://www.independent.co.uk/news/world/europe/ukraine-russia-torture-room-bucha-b2050946.html>.

²⁸ Sarah Rainsford, "Rekaman CCTV tunjukkan tentara Rusia tembak warga sipil Ukraina," *BBC News Indonesia*, last modified May 13, 2022, accessed March 14, 2023, <https://www.bbc.com/indonesia/dunia-61432592>.

²⁹ Adhyasta Dirgantara, "Pasukan Rusia Tembaki Warga Sipil di Donetsk Ukraina, 5 Orang Tewas," *detiknews*, accessed March 14, 2023, <https://news.detik.com/internasional/d-6025227/pasukan-rusia-tembaki-warga-sipil-di-donetsk-ukraina-5-orang-tewas>.

100 cases of sexual harassment and sexual violence that occurred in Ukraine. And he believes that there are more cases that actually occur and are not reported.³⁰

These attacks show that in the conflict between Russia and Ukraine there have been violations of Article 27 and Article 147 of the 1949 Geneva Convention and Article 51 of additional protocols that explain the protection of civilians in war. In those articles, it is stated that those who should not be attacked in war, have their rights, and protection for them. In connection with these articles, the attacks that occurred in the Russian-Ukrainian conflicts were proven to be war crimes, seen from the many deaths from civil society, as well as attacks and deprivation of rights against individuals, as well as sexual violence that occurred in the conflict.

Attacks on Infrastructure

In the early days of the Russian attack on Ukraine, Russia surrounded Mariupol, one of the cities in Ukraine, and attacked the city with artillery, rockets, and missiles so that the city was destroyed. Then they also cut off access to electricity, heating, clean water, food, and medical supply, creating a humanitarian disaster in the city.³¹ Then in March 2022, Russia attacked the maternity hospital,³² theater which was used as a shelter for civilians,³³ as well as apartment buildings in residential areas. The destruction of Mariupol City was one of the worst impacts of the conflict between Russia and Ukraine after being trapped in the siege and battle for more than three months and swallowed as many as 20,000 fatalities.³⁴

³⁰ C.N.N. Indonesia, "PBB: Kekerasan Seksual Jadi Siasat Militer Rusia di Ukraina," *internasional*, accessed March 14, 2023, <https://www.cnnindonesia.com/internasional/20221017073249-134-861356/pbb-kekerasan-seksual-jadi-siasat-militer-rusia-di-ukraina>.

³¹ Frank Gardner, "Perang Ukraina: Pertempuran Sengit Di Mariupol, Mengapa Merebut Kota Ini Sangat Penting Bagi Rusia? - BBC News Indonesia," accessed March 14, 2023, <https://www.bbc.com/indonesia/dunia-60830714>.

³² Bernadette Aderi Puspaningrum, "Serangan Udara Rusia Hantam Rumah Sakit Bersalin Ukraina, 17 Terluka Halaman All - Kompas.Com," accessed March 14, 2023, <https://www.kompas.com/global/read/2022/03/10/081500770/serangan-udara-rusia-hantam-rumah-sakit-bersalin-ukraina-17-terluka?page=all>.

³³ Natalia Zinets, David Ljunggren, and Rami Ayyub, "Ukraine Says Russia Strikes Mariupol Theatre Sheltering Residents, Moscow Denies Attack | Reuters," accessed March 14, 2023, https://www.reuters.com/world/russian-bombing-hits-theatre-mariupol-sheltering-residents-city-council-2022-03-16/?utm_source=twitter&utm_medium=Social.

³⁴ Ikhsan Abdul Hakim, "Kengerian Pertempuran Mariupol Terus Tersingkap, 200 Mayat Ditemukan di Reruntuhan Apartemen," *KOMPAS.tv*, accessed March 14, 2023, <https://www.kompas.tv/article/292264/kengerian-pertempuran-mariupol-terus-tersingkap-200-mayat-ditemukan-di-reruntuhan-apartemen>.

The attack also occurred at the train station in Kramatorsk,³⁵ military facilities,³⁶ and residential buildings in Odessa,³⁷ as well as a prison in Olenivka.³⁸ The attacks were in the form of missile attacks and caused many casualties and injuries. Ukraine military officials then accused Russia of using inaccurate Soviet-era missiles. This attack was carried out the day after Russia said that it would withdraw its troops from the region. Russia also accused Ukrainian troops by saying that they were preparing attacks using toxic chemicals that could be blamed on Russia.³⁹

On May 8, 2022, Russia made a bombing of a school that was used as a shelter for around 90 civil society in Bilohorivka Village, Sievierodonetsk. The attack killed 2 people and caused dozens of injured victims. In the evacuation carried out by Ukraine, 30 people have been rescued from the ruins of the building, and it is estimated that there are still around 60 people who are still buried in the ruins.⁴⁰ In addition, infrastructure in the city was destroyed and around 60% of residential buildings could not be repaired.⁴¹ For this attack, Ukraine and the West stressed that Russian troops targeted civil society in their attacks and had committed war crimes.⁴²

Other missile attacks were also carried out by Russia on the city of Kharkiv which had been targeted by Russian attacks since the beginning of military operations in early 2022. On the stairs of July 11, 2022, Russian troops launched a missile attack on the city of Kharkiv, Ukraine, and caused three people to be killed

³⁵ “‘An Abomination’: World Reacts to Deadly Kramatorsk Attack | Russia-Ukraine War News | Al Jazeera,” accessed March 14, 2023, <https://www.aljazeera.com/news/2022/4/8/an-abomination-world-reacts-to-deadly-kramatorsk-attack>.

³⁶ Surya Lesmana, “Serangan Rudal Rusia Hantam Odesa, 5 Tewas dan 18 Terluka,” *beritasatu.com*, accessed March 14, 2023, <https://www.beritasatu.com/news/919837/serangan-rudal-rusia-hantam-odesa-5-tewas-dan-18-terluka>.

³⁷ Yurika Nendri Novianingsih, “Rudal Rusia Hantam Wilayah Odesa, 18 Orang Tewas, Termasuk Anak-anak,” *Tribunnews.com*, last modified March 13, 2023, accessed March 14, 2023, <https://www.tribunnews.com/internasional/2022/07/01/rudal-rusia-hantam-wilayah-odesa-18-orang-tewas-termasuk-anak-anak>.

³⁸ Matt Murphy, “Ukraine War: Russia and Ukraine Trade Blame over Prison Blast,” *BBC News*, July 29, 2022, sec. Europe, accessed March 14, 2023, <https://www.bbc.com/news/world-europe-62344358>.

³⁹ “Mother and Baby ‘Killed in Missile Attack on Ukraine’s Odesa,’” accessed March 14, 2023, <https://www.aljazeera.com/news/2022/4/24/mother-and-baby-killed-in-attack-on-ukraines-odesa-officials>.

⁴⁰ “60 Believed Killed after School Attack by Russia in East Ukraine,” accessed March 14, 2023, <https://www.aljazeera.com/news/2022/5/8/more-than-60-believed-killed-after-school-strike-in-east-ukraine>.

⁴¹ Tommy Patrio Sorongan, “Rusia Gempur Wilayah Severodonetsk, Ukraina Bakal Menyerah?,” *CNBC Indonesia*, accessed March 14, 2023, <https://www.cnbcindonesia.com/news/20220530143642-4-342903/rusia-gempur-wilayah-severodonetsk-ukraina-bakal-menyerah>.

⁴² Teti Purwanti, “Rusia Bom Sekolah di Ukraina, Puluhan Warga Sipil Jadi Korban,” *CNBC Indonesia*, accessed March 14, 2023, <https://www.cnbcindonesia.com/news/20220508164004-4-337255/rusia-bom-sekolah-di-ukraina-puluhan-warga-sipil-jadi-korban>.

and around 30 people and around 30 People are injured quite badly. Governor Kharkiv stated that the attack regarding a school, shopping center, warehouse, and houses until some fires occurred.⁴³ Then on September 4, 2022, Russia again attacked the Kharkiv region and caused 16 houses to be destroyed.⁴⁴

The attacks were violations of Article 50 of the 1949 Geneva Convention which mentioned serious violations in conflicts and violations of the points written in the 1998 Roman Statute Article 8 paragraph 2, which mentioned forms of war crimes. In connection with these articles, attacks on infrastructure are violations of Article 50 of the Geneva Convention and Article 8 of the Roman Statute. This is evidenced by the destruction of public facilities that cause the paralysis of the transportation, electricity, and clean water networks in Ukraine. And the paralysis of city infrastructure then also added to the suffering of the victims.

In addition, the attack on civil society, from persecution, and murder, to sexual harassment is also a violation of Article 50 of the 1949 Geneva Convention which mentions forms of war crimes, including persecution and inhumane treatment, and the 1998 Rome Statute, Article 8 paragraph 2 (b) About savage acts that demean human dignity, as well as sexual harassment, and other acts of sexual violence, and verse 2 (c) regarding murder, cruel treatment, and torture of individuals, and treatment that demean dignity.

Excessive attack

On October 8, 2022, the Krech Bridge, the main bridge between Crimea and Russia was destroyed after a truck that crossed the bridge exploded. The explosion caused seven fuel tanks on the train to Crimea to fire. Some of the two paths on the bridge also collapsed, and three people were found dead due to the explosion.⁴⁵ Putin then accused Ukraine of the explosion of the truck and called the attack an act of terrorism.⁴⁶

⁴³ Ferry Ndoen, "Rumah Penduduk Dan Pusat Perbelanjaan Hancur Pasca Rusia Luncurkan Rudal Ke Kharkiv, Ini Kondisinya - Pos-Kupang.Com," accessed March 14, 2023, <https://kupang.tribunnews.com/2022/07/12/rumah-penduduk-dan-pusat-perbelanjaan-hancur-pasca-rusia-luncurkan-rudal-ke-kharkiv-ini-kondisinya>.

⁴⁴ "Serangan Militer Rusia Gempur Kota Kharkiv, 16 Rumah Hancur - Metrotvnews.Com," accessed March 14, 2023, <https://www.metrotvnews.com/play/kWDCOjDe-serangan-militer-rusia-gempur-kota-kharkiv-16-rumah-hancur>.

⁴⁵ "Key Bridge Linking Russia to Crimea Damaged in Explosion," accessed March 14, 2023, <https://www.aljazeera.com/news/2022/10/8/fuel-tank-ablaze-at-bridge-linking-russia-to-crimea-reports>.

⁴⁶ Paul Adams, "Perang Ukraina: Siapa Dan Apa Yang Menyebabkan Ledakan Di Jembatan Krimea? - BBC News Indonesia," accessed March 14, 2023, <https://www.bbc.com/indonesia/articles/c72j9y3eq31o>.

The day later, on October 10, 2022, Russia fired a cruise missile into several cities in Ukraine. The missiles destroyed buildings and community settlements, as well as hitting important infrastructure such as power plants and electrical substations, and caused many casualties. Ukraine emergency services stated that the attack took at least 14 fatalities, and around 100 people were injured.⁴⁷ This attack was allegedly in return for Putin for the explosion of trucks on the Kerch Bridge.

In the attack, Russia launched more than 83 missiles and around 17 Drones made by Iran into several cities such as Kyiv, LVIV, Topil, Zhytomyr, Dnipro, Kremenchuk, Zaporizhzhia, and Kharkiv. Deputy Minister of Defense Ukraine stated, of the 83 missiles fired by Russia, Ukraine managed to shoot 43 missiles.⁴⁸ Putin said that the attacks were targeted at the energy infrastructure and military facilities, but some missiles also hit civil regions such as children's playgrounds and a university.⁴⁹ The Minister of Energy Ukraine also stated that the Russian missile attack had destroyed 30% of Ukraine's energy infrastructure.⁵⁰ Most of Ukraine's electricity flow died so the distribution of water to the Ukraine community was also stopped. This attack is the biggest attack that occurred since the launch of Russian military operations.⁵¹

This attack then continued until the months afterward. In mid-November 2022, Russia attacked the cities and energy facilities in Ukraine with missiles. The attack was carried out on the same day during the G20 High-Level Conference (Summit) in Bali, Indonesia. The missiles were launched at the capital city of Ukraine, Kyiv, LVIV, Rivne, Kharkiv, Kryvyi Rih, Poltava, Odesa, and Zhotomyr. The attack caused half the electricity of the capital to be cut off, and several buildings collapsed. The Mayor of Kyiv also added that the death toll had been found in one of the buildings affected by Russian attacks. In addition to

⁴⁷ “Rusia Lancarkan Serangan Besar-besaran di Ukraina – DW – 11.10.2022,” *dw.com*, accessed March 14, 2023, <https://www.dw.com/id/rusia-lancarkan-serangan-besar-besaran-di-ukraina/a-63399793>.

⁴⁸ “Ukraine Says It Has Shot down at Least 43 Russian Missiles | Reuters,” accessed March 14, 2023, <https://www.reuters.com/world/europe/ukraine-says-it-has-shot-down-least-43-russian-missiles-2022-10-10/>.

⁴⁹ “Dozens of Russian Missiles Hit Multiple Ukrainian Cities,” accessed March 14, 2023, <https://www.aljazeera.com/news/2022/10/10/explosions-rock-ukraine-capital-kyiv-in-apparent-missile-strikes>.

⁵⁰ Lidia Kelly, “Russian Missiles Hit 30% of Ukraine’s Energy Infrastructure in Two Days - Minister,” *Reuters*, October 12, 2022, sec. Europe, accessed March 14, 2023, <https://www.reuters.com/world/europe/russian-missiles-hit-30-ukraines-energy-infrastructure-two-days-minister-2022-10-12/>.

⁵¹ “Rusia Lancarkan Serangan Besar-besaran di Ukraina,” *dw.com*, accessed March 14, 2023, <https://www.dw.com/id/rusia-lancarkan-serangan-besar-besaran-di-ukraina/a-63399793>.

extinguishing electricity in the city, important infrastructure facilities were also damaged so land and metro electricity transportation had to be stopped. This attack even had an impact on neighboring Ukraine, and Moldova. As a result of this attack, the country's main electricity supply was paralyzed.⁵²

In a series of attacks carried out by Russia on Ukraine, Russia also attacked the Zaporizhzhia nuclear power plant (PLTN). On November 20, 2022, there was a shooting between Russian troops and Ukraine around the nuclear facility. This then raises concerns about the potential for severe accidents. The International Atomic Energy Agency (IAEA) states that there has been damage to several buildings, systems, and equipment in the power plant.⁵³

On Christmas, December 25, 2022, Russia again launched more than 10 rocket attacks on the Kharkiv region and fired on more than 25 cities in Ukraine. The attack killed 16 people and caused 64 people to suffer serious injuries.⁵⁴ Then on December 29, 2022, Russia reportedly launched 100 air strikes on cities in Kyiv. In Odessa, the government immediately announced electricity enrichment to minimize the potential damage to energy infrastructure. Ukraine said that the daily bombing carried out by Russia had destroyed cities and state infrastructure such as electricity to medical.⁵⁵

These attacks are a form of violation of Article 35 of Additional Protocol I of 1977 which regulates restrictions on tools and ways of war. In the attack carried out in the conflict, many attacks cause sufficient suffering for the victims. This is due to the massive attacks carried out which caused casualties and caused injuries, and damage to the country's infrastructure so that the suffering felt by the victim was getting heavier. This violates the article above which states that the use of the method or tool of war to result in severe damage is an act of violation. That all ways that deliberately add unnecessary suffering are invalid.

⁵² “Barrage of Russian Missiles Causes Blackouts across Ukraine,” accessed March 14, 2023, <https://www.aljazeera.com/news/2022/11/15/barrage-of-russian-missiles-causes-blackouts-across-ukraine>.

⁵³ Kompas Cyber Media, “PLTN Zaporizhzhia Ukraina Ditembaki, PBB Beri Peringatan,” *KOMPAS.com*, last modified November 20, 2022, accessed March 14, 2023, <https://www.kompas.com/global/read/2022/11/20/205315470/pltn-zaporizhzhia-ukraina-ditembaki-pbb-beri-peringatan>.

⁵⁴ Mersiha Gadzo, “Russia-Ukraine Updates: Putin Says Moscow Is Ready for Talks,” accessed March 14, 2023, <https://www.aljazeera.com/news/liveblog/2022/12/25/russia-ukraine-live-emergency-workers-killed-de-mining-kherson>.

⁵⁵ Tommy Patrio Sorongan, “Update Rusia-Ukraina! Putin Menggila Lagi, Tembak 100 Rudal,” *CNBC Indonesia*, accessed March 14, 2023, <https://www.cnbcindonesia.com/news/20221229164449-4-401249/update-rusia-ukraina-putin-menggila-lagi-tembak-100-rudal>.

Violations mentioned above also violate the basic principles of international humanitarian law, including:⁵⁶

1. Humanity, namely the necessity to keep non-combatants from the battle arena to minimize victims;
2. Interests, namely only military objects that can be targeted by attacks;
3. Proportionality, namely the necessity to ensure that the attack to be carried out will not cause victims and excessive damage;
4. Distinction, namely the necessity to distinguish between combatants and civilians;
5. Restrictions, namely the prohibition causes suffering that is not supposed to be;
6. Separation of *ius in Bello* and *ius ad Bellum*;
7. Minimum HHI provisions, namely the 1949 Geneva Convention;
8. The obligation to respect HHI for conflicting parties.

3.2 War Crimes According to Islam

In Islam, war is the way to carry out the obligation of *jihad* in the way of Allah Almighty. It is also a form of self-defense against the attacks that have taken place against Muslims. War is conducted to resist enemy attacks, defend rights deprived by the enemy, or protect the security of proselytizing, not to seize, occupy, or make the damage a territory.⁵⁷

This is in line with the verse in the Qur'an regarding the order of war:

أُذِنَ لِلَّذِينَ يُقَاتَلُونَ بِأَنَّهُمْ ظَلِمُوا وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ (٣٩) الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ بِغَيْرِ حَقٍّ إِلَّا أَنْ يَقُولُوا رَبُّنَا اللَّهُ وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَهَدَمَتْ صَوَامِعُ وَبِيَعٌ وَصَلَوَاتٌ وَمَسَاجِدُ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا وَلَيَنْصُرَنَّ اللَّهُ مَنْ يَنْصُرُهُ إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ (40) (سورة الحج: ٣٩-٤٠)

"It has been allowed (to fight) for the people who are fought because indeed they have been persecuted. And indeed God is truly almighty to help them, (that is)

⁵⁶ Denny Ramdhany, *Hukum Humaniter Internasional Dalam Studi Hubungan Internasional* (Rajawali Pers, 2008).

⁵⁷ Atjep Djazuli, *Fiqh Siyarah: Implementation of the Benefit of the People in Shari'a Signs* (Kencana, 2003).

those who have been driven out of their hometowns for no good reason, except because they say, "Our Lord is only God." And if God had not rejected (the ferocity) of some men with others, it would have been torn down by Christian monasteries, churches, Jewish synagogues, and mosques, in which many were called the name of Allah. Indeed, God must have helped the one who helped His (religion). Indeed, God is truly omnipotent again. " (Q.S. Al-Hajj: 39-40)

Islam does not want arbitrary acts against enemies. In war, several rules are noble behaviors that must be firmly adhered to by a Muslim, namely the prohibition of killing children, the elderly, and women who do not participate in the war, as well as harassing them, and the prohibition of cutting and damaging trees, rice fields, and fields, not damaging livestock except for eating, not destroying other places of worship, prohibitions on cutting the corpses of enemies, It is forbidden to kill priests and workers who do not participate in the war, as well as to be patient and not to go beyond the limits.⁵⁸

In Islam, several rights have been established as protection for prisoners and victims of war. Prisoners and victims of war as well as from the enemy side must be secured from all forms of abuse, protected, and treated humanely. Their rights must also be granted, such as the right to live, dress, and the right to continue to perform their religious rituals.⁵⁹

4. CONCLUSION

Since the collapse of the Soviet Union, relations between Russia and Ukraine have experienced up and down. At the beginning of Ukraine's independence, the two countries were still building cooperation and diplomatic relations. This is also supported by the condition of Ukraine which still depends on Russia in the economic field. Ukraine is also an important region for Russia because it is the main transit of Russian energy exports to other European countries. Then the relationship between the two countries began to deteriorate when Ukraine expressed its interest in joining NATO. This is very much about Russia because the joining of Ukraine with NATO will eliminate the boundary of her country with NATO.

The relationship between the two countries is getting worse and conflicts begin to emerge. Starting from the internal conflict that occurred due to the emergence of Russian

⁵⁸ Ibid., p.146.

⁵⁹ Dian Kemala Sari, "Review of Islamic Law against the United Nations Convention on War Crimes" (UIN Syarif Hidayatullah, 2011), <https://repository.uinjkt.ac.id/dspace/handle/123456789/5704>.

influence in Ukraine, conflicts regarding the transit path of Russian energy exports, the struggle for territory between the two countries, to the emergence of separatism movements in several regions in pro-Russian Ukraine. The emergence of separatist movements in Ukraine then made the situation in Ukraine chaotic. And to resolve conflicts between the two countries, finally, the Minsk I and II agreements were made. However, finally, the agreement was canceled and did not apply because, in early 2022, Russia announced that its country recognized the sovereignty of Donetsk and Luhansk, two cities in Ukraine that wanted to separate since 2014.

The recognition of sovereignty carried out by Russia was then followed by the start of a special military operation in Ukraine. This was done by Russia after previously Ukraine announced its desire to join NATO. In the military operation, there were large-scale attacks that not only targeted military facilities, but also state infrastructure without regard to the safety of civil society, including attacks on infrastructure such as hospitals, theaters, schools, train stations, and power plants, as well as torture, murder, and sexual violence against civil society.

This is a violation of IHL. The attacks have violated the articles written in the Geneva Convention and the Rome Statute, namely Articles 3 and 27 of the 1949 Geneva Convention and Article 51 Additional Protocols governing the protection of civilians in war, as well as Article 50 of the 1949 Geneva Convention and Article 8 Rome Statutes which explain things that are prohibited in the war which include war crimes such as intentional murder, attacks on state infrastructure, and inhuman actions such as torture, sexual harassment, and murder. Violations that occurred, as well as the large number of casualties in this military operation, showed that in this military operation, there had been war crimes.

War crimes are a breach of war law in the form of serious violations and human rights violations that cause severe suffering against their victims. In Islam, acts that include war crimes are also very much about, because Islam upholds peace. Islam also regulates the procedures for war and strongly emphasizes what things are prohibited in war, including war crimes, because in Islam, the purpose of war is not to get the victory, but to fight enemies that first attack, and to defend religion.

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