

**THE IMPLEMENTATION OF HUMANITY PRINCIPLE IN MODERN
WARFARE FROM THE PERSPECTIVE OF INTERNATIONAL
HUMANITARIAN LAW**

AN UNDERGRADUATE THESIS



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BANDA ACEH
2023 M /1445 H**

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HUMANITARIAN LAW**

THESIS

**Presented to the Faculty of Sharia and Law
Ar-Raniry State Islamic University Banda Aceh
As One of the Undergraduate (S1) Study Loads
In Legal Science**

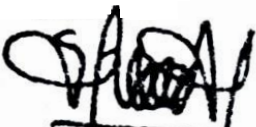
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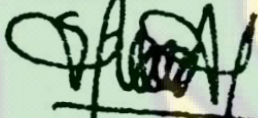

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INTERNATIONAL HUMANITARIAN LAW**

THESIS

**Has been Examined by the Munaqasyah Thesis Examination Committee
Faculty of Sharia and Law of UIN Ar-Raniry
Has Declared Passed and Accepted as One of the Study Loads
Bachelor Program (S-1)
On Day/Date: Monday, July 10, 2023 M
22 Dzulhijjah 1444
In Darussalam, Banda Aceh
Munaqasyah Thesis Examination Committee**

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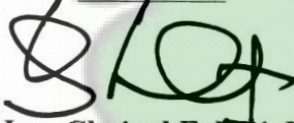
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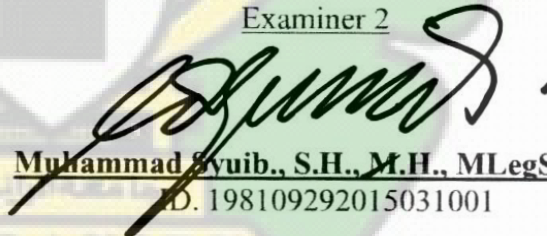
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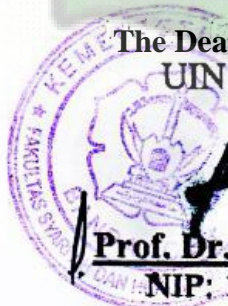
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I hereby declare that in writing this thesis, I:

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ABSTRACT

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Tittle : Implementation Of Humanity Principles In
Modern Warfare From The Perspective Of
International Humanitarian Law
Thesis Defense Date :
Thesis Thickness : 64 Pages
Advisor I : Prof. Muhammad Siddiq, M.H., Ph.D
Advisor II : Mumtazinur, M.A
Key words : *International Humanitarian Law, Humanity
Principle, Modern War*

The principle of Humanity stands as a crucial principle in the application of international humanitarian law, particularly within the context of modern warfare. This research aims to discover the intricate connection between the existence of humanity principle in international humanitarian law and its implementation in modern war practice. It delves into the existing disparities and explores potential approaches to facilitate these gaps. The primary issues addressed in this thesis include: first, an examination of contemporary practices in modern warfare, and second, an analysis of the implementation of humanity principle in modern warfare from the perspective of international humanitarian law. This study employs a descriptive legal research method combined with data collection techniques through extensive literature reviews encompassing statutory research approaches, legal concept analyses, and scholarly works. The research findings reveal the existence of both efforts and challenges in implementing humanity principle in modern warfare. The presence of International Humanitarian Law (IHL) as a legal source and humanitarian organizations stands as a significant effort. However, the disregard and violation of humanity principle in modern warfare persist as enduring challenges. Based on the research analysis, the conclusion drawn is the continued need for a more comprehensive oversight in implementing humanity principle in modern warfare. The author proposes two suggestions: heightened attention from the international community towards overseeing the application of humanity principle in contemporary warfare practices and the necessity for further field studies to generate more comprehensive resolutions.

ACKNOWLEDGEMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah the most gracious, the most merciful

Praise and gratitude to Allah SWT who has given author strength, unity and opportunities so that the author can fulfill the requirements to complete this thesis entitled "Implementation of Humanity Principle in Modern War from the Perspective of International Humanitarian Law". Peace and salutation to the presence of the Great Prophet Muhammad SAW who has brought humanity from the realm of ignorance to a realm full of knowledge.

In completing the writing of this thesis, the author encountered many difficulties because the author was still in the learning stage, therefore, with great respect, on this opportunity the author expresses his highest thanks and appreciation to:

1. Prof. Dr. H. Mujiburrahman, M.Ag, as Chancellor of UIN Ar-Raniry.
2. Dr. Kamaruzzaman, as Shari'a and Law Faculty, UIN Ar-Raniry.
3. Mrs. Sitti Mawar, S.Ag., M.H as The Chair of the Legal Studies Study Program at UIN Ar-Raniry, and Mr. Riza Afrian Mustaqim, M.H. as The Secretary of the Legal Studies Study Program at UIN Ar-Raniry, as well as for all staff of the Legal Studies Study Program.
4. Prof. Muhammad Siddiq, M.H., Ph.D as 1st advisor and Mrs. Mumtazinur, M.A as 2nd advisor who has been so patience to guide and direct the author in completing this thesis.
5. All lecturers and academic staff of the Shari'a and Law Faculty, UIN Ar-Raniry, who have helped and guided the author a lot during the author's study period in the Legal Science study program.
6. Infinite thanks to my beloved parents Mr. Suhendro Koto and Mrs. Puspa Rianti and also my four younger siblings who have always been there to give moral support, attention, love and endless prayers.


7. Bank Indonesia and ITF UIN Ar-Raniry for scholarship assistance during the author's study period.
8. All friends from Class 2019 of Legal Studies, HIMAMUKUM, and GenBI Aceh who have accompanied and supported the author during studies.
9. To all my best mates Rizky, Azman, Dhava, Anggun, Juli, Ichsan, Nabila, Wilda, Nanda, Isna, rozaq, dan all other friends for all supports and assistances to the author during the process of writing this thesis.

Indeed, the author acknowledges its inability to repay all the blessings bestowed; may Allah SWT reward this kindness abundantly.

Ultimately, the author acknowledges the existing limitations within this paper and earnestly seeks constructive criticism and suggestions for its future improvement and refinement.

Banda Aceh, 15 December 2023

The Author,



Latifanny Yulanar

TRANSLITERACY GUIDELINES

Joint Decree of the Minister of Religion and the Minister of P and K

Number: 158 of 1987 – Number: 0543b/U/1987

1. Consonants

Arabic consonant phonemes which in the Arabic writing system are symbolized by letters, in this transliteration some are symbolized by letters and some are symbolized by signs, and some are symbolized by letters and signs at the same time. Below is a list of Arabic letters and their transliteration with Latin letters.

Arabic font	Name	Latin Letters	Name	Arabic font	Name	Latin Letters	Name
ا	Alīf	not symbolized	not symbolized	ط	t}ā'	t}	Ti (with a dot below)
ب	Bā'	B	Bi	ظ	z}a	z{	zi (with a dot below)
ت	Tā'	T	Ti	ع	'ain	'	inverted commas (above)
ث	S a'	s\	es (with a dot above)	غ	Gain	g	Ji
ج	Jīm	J	Ji	ف	Fā'	f	Ef
ح	Hā'	H	Ha' (with a dot above)	ق	Qāf	q	Kiu
خ	Khā'	Kh	ka and ha	ك	Kāf	k	Ka
د	Dāl	d	Di	ل	Lām	l	El
ذ	Ẓāl	ẓ	Zi (with a dot above)	م	Mīm	m	Em
ر	Rā'	r	Ar	ن	Nūn	n	En
ز	Zai	z	Zi	و	Wau	w	Double-u
س	Sīn	s	Es	ه	Hā'	h	ha
ش	Syīn	sy	es and wai	ء	Hamza	'	apostrof
ص	S{ad	s}	es (with a dot below)	ي	Yā'	y	wai

ض	D{ad	d{	di (with a dot below)				
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2. Vowels

Arabic vowels, like Indonesian vowels, consist of single vowels or monophthongs and double vowels or diphthongs.

1) Single Vowels

A single Arabic vowel whose symbol is a sign or dignity, the transliteration is as follows:

Tanda	Nama	Huruf Latin	Nama
ـَ	<i>Fath}ah</i>	Ā	A
ـِ	<i>Kasrah</i>	Ī	I
ـُ	<i>D{ammah</i>	Ū	U

2) Double Vowels

Arabic double vowels whose symbols are a combination of honors and letters, the transliteration is a combination of letters, namely:

Tanda	Nama huruf	Gabungan huruf	Nama
...يَا	<i>Fath}ah dan yā'</i>	Ai	a and i
...وَا	<i>Fath}ah dan wāu</i>	Au	a and u

Examples:

كَتَبَ	-	<i>kataba</i>
فَعَلَ	-	<i>fa 'ala</i>
ذُكِرَ	-	<i>żukira</i>
يَذْهَبُ	-	<i>yażhabu</i>
سُئِلَ	-	<i>su'ila</i>
كَيْفَ	-	<i>kaifa</i>
هَوَّلَ	-	<i>haulā</i>

3. Maddah

Maddah or long vowels whose symbols are *harakat* and letters, the transliteration is in the form of letters and signs, namely:

Harakat and letters	Name	Letters and Signs	Name
... َا... ِي	<i>Fath{ah and alif or yā'</i>	Ā	a and a line above
... ِي	<i>Kasrah and yā'</i>	Ī	i and a line above
... ُو	<i>D{ammah dan wāu</i>	Ū	u and a line above

Examples:

قَالَ	- qāla
رَمَى	- ramā
قِيلَ	- qīla
يَقُولُ	- yaqūlu

4. *Tā' marbūtah*

There are two transliterations for *tā' marbūtah*, namely living *tā' marbūtah* and dead *tā' marbūtah*, here is the explanation

1. Living *Tā' marbūtah*
Tā' marbūtah which lives or has the harakat fathah, kasrah and dammah, the transliteration is 't'.
2. Dead *Tā' marbūtah*
Tā' marbūtah which dies or gets the harakat of breadfruit, the transliteration is 'h'.

If the word ending with *tā' marbūtah* is followed by a word that uses the article *al* and the two words are read separately, then *tā' marbūtah* is transliterated with *ha* (h).

Examples:

رَوْضَةُ الْأَطْفَالِ	- raudah al-atfāl - raudatul atfāl
الْمَدِينَةُ الْمُنَوَّرَةُ	- al-Madīnah al-Munawwarah - al-Madīnatul-Munawwarah
طَلْحَةُ	- Talhah

5. *Syaddah (Tasydīd)*

Syaddah or *tasydid* which in Arabic writing is symbolized by a sign, *syaddah* sign or *tasydīd* sign, in this transliteration the *syaddah* sign is symbolized by a letter, namely the same letter as the letter marked with the *syaddah*.

Examples:

رَبَّنَا - *rabbanā*

نَزَّلَ - *nazzala*

الْبِرُّ - *al-birr*

الْحَجَّ - *al-hajj*

نُعَمَّ - *nu‘ima*

6. Articles

Articles in the Arabic writing system are symbolized by letters, namely *al*, but in this transliteration they are differentiated into articles followed by the letter *syamsiyyah* and articles followed by the letter *qamariyyah*.

- 1) The article followed by the letter *syamsiyyah*, is transliterated according to its sound, that is, the letter /l/ is replaced with the same letter as the letter that immediately follows the article.
- 2) The article followed by the letter *qamariyyah* is transliterated according to the rules outlined at the front and according to its sound. Whether followed by *syamsiyyah* letters or *qamariyyah* letters, the article is written separately from the word that follows and is connected by a *sempang* sign.

Examples:

الرَّجُلُ - *ar-rajulu*

السَّيِّدَةُ - *as-sayyidatu*

الشَّمْسُ - *asy-syamsu*

القَلَمُ - *al-qalamu*

البَدِيعُ - *al-badī‘u*

الجَلَالُ - *al-jalāhu*

7. Hamza

It was stated up front that hamza is transliterated with an apostrophe. However, that only applies to the hamza which is located in the middle and at the end of the word. If the hamza is at the beginning of a word, it is not symbolized, because in Arabic writing it is an *alif*.

Examples:

تَأْخُذُونَ	- ta'khuḏūna
النَّوْءُ	- an-nau'
شَيْءٌ	- syai'un
إِنَّ	- inna
أُمِرْتُ	- umirtu
أَكَلًا	- akala

8. Writing Words

Basically, every word, whether subjects, nouns or letters, is written separately. Only certain words which are written in Arabic letters are commonly combined with other words because there are letters or meanings that have been omitted, so this transliteration, the writing of these words is also combined with other words that follow them.

Examples:

وَإِنَّ اللَّهَ لَهُوَ خَيْرُ الرَّازِقِينَ

Wa innallāha lahuwa khair ar-rāziqīn

Wa innallāha lahuwa khairurrāziqīn

وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ

Wa auf al-kaila wa-almīzān

Wa auful-kaila wal-mīzān

إِبْرَاهِيمَ الْخَلِيلَ

Ibrāhīm al-Khalīl

Ibrāhīm al-Khalīl

بِسْمِ اللَّهِ مَجْرَاهَا وَمُرْسَاهَا

Bismillāhi majrahā wa mursāhā

وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ

Walillāhi 'alan-nāsi hijju al-baiti

Walillāhi 'alan-nāsi hijjul-baiti

مَنْ اسْتَطَاعَ إِلَيْهِ سَبِيلًا
man istatā 'a ilaihi sabīla.
Manistatā 'a ilaihi sabīlā

9. Capital Letters

Although in the Arabic writing system capital letters are not recognized, in this transliteration they are used too. The use of capital letters is what applies in EYD, including: Capital letters are used to write the initial letters of personal names and the beginning of sentences. If a proper name is preceded by an article, then the first letter of the proper name is written in capital letters, not the first letter of the article.

Examples:

وَمَا مُحَمَّدٌ إِلَّا رَسُولٌ
Wa mā Muhammadun illā rasūl
إِنَّ أَوَّلَ بَيْتٍ وَّضِعَ لِلنَّاسِ لَلَّذِي
Inna awwala baitin wudi 'a linnāsi lallażī
بِبَكَّةَ مُبَارَكَةً
bibakkata mubārakan
شَهْرُ الرَّمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ
Syahru Ramadān al-lażī unzila fih al -Qur 'ānu
Syahru Ramadānal-lażī unzila fihil Qur 'ānu
وَلَقَدْ رَأَاهُ بِالْأُفُقِ الْمُبِينِ
Wa laqad ra 'āhu bil-ufuq al-mubīn
Wa laqad ra 'āhu bil-ufuqil-mubīni
الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ
Alhamdu lillāhi rabbi al- 'ālamīn
Alhamdu lillāhi rabbil 'ālamīn

The use of capital letters for Allah only applies if the Arabic writing is complete and if the writing is combined with other words so that a letter or dignity is omitted, capital letters are not used.

Examples:

نَصْرٌ مِنَ اللَّهِ وَفَتْحٌ قَرِيبٌ
Nasrun minallāhi wa fathun qarīb
لِلَّهِ الْأَمْرُ جَمِيعًا
Lillāhi al-amru jamī'an

Lillāhil-amru jamī'an
وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ
Wallāha bikulli syai'in 'alīm

10. Tajweed

For those who want fluency in reading, this transliteration guide is an inseparable part of Tajweed Science. Therefore, the inauguration of these transliteration guidelines needs to be accompanied by tajweed guidelines.

Notes:

Modification

- 1) The names of Indonesian nationals are written as usual without transliteration, such as M. Syuhudi Ismail. Meanwhile, the other names are written according to translation rules. Example: Samad ibn Sulaim ān.
- 2) The names of countries and cities are written according to Indonesian spelling, such as Egypt, not Misr; Beirut, not Bayrūt; etc.
- 3) Words that have been used (absorbed) in the Big Indonesian Dictionary are not transliterated. Example: Sufism, not Sufism.

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CHAPTER ONE INTRODUCTION

A. Background of Study

International humanitarian law (IHL), is known as the law of armed conflict. It aims to minimize the effects of war and safeguard non-combatants. This set of rules and principles exist to limit the impact of armed conflict and protect individuals who have not or are no longer participating in armed conflict.¹ IHL contains various rules that regulate many aspects of warfare, from both the combatant and civilian sides.

International Humanitarian Law is rooted in several main principles. One of the important principles emphasized in IHL is the principle of humanity. This principle recognizes the inherent worth and dignity of every human being, even in the situation of armed conflict. This principle aims to reduce the suffering caused by war and ensure that human rights are respected and protected. IHL is based on the belief that even in the midst of war, there are certain limitations and prohibitions that must be observed to safeguard the lives, dignity and well-being of those affected by armed conflict.²

International Humanitarian Law or commonly known as the law of war, has a long history in human civilization. In its evolution, we notice the gradual emergence of numerous practices aimed at establishing a codified set of rules in warfare. Until the 19th century, the international world which fused by several countries, budged to unite their opinions in order to create global standard rules of war. This effort generate to the first international law of war convention known as the Geneva Convention. This rules created because humans realize the

¹ Haryomataram, *A Little Bit of Humanitarian Law*, Surakarta: Sebelas Maret University Press, 1994, p. 8.

² Ria Wierma Putri, *International Humanitarian Law*, Bandar Lampung: Lampung University, 2011, p 79.

fact that war cannot be prevented, but humans can strive to reduce casualties and create wars that do not ignore humanity principle.

IHL has some fundamental principles. The first one goes to Humanity Principle which stand to protect and guarantee human respect. This principle also regulates on how to provide equal assistance without discrimination to the injured on the battlefield. Second, the Principle of Military Interest, which stand that the targets used for attacks on the battlefield are only military targets or objectives. However, there are also civilian targets that become military targets with certain requirements. Third, the Principle of Proportionality, stand to ensure that the invasion will not result in additional civilian casualties in the form of loss of life or injuries suffered by the victims. Fourth, the Principle of Distinction, stand to regulate that the parties involved must differentiate between combat participants and others. Fifth, the Principle of Prohibition of Causing Suffering, stand to prohibit unnecessary suffering. Sixth, the Principle of Separation, stand to separate between Ius Ad Bellum and Ius In Bello.³

These six basic principles must be upheld and implemented by all parties involved in armed conflict, including acts of terrorism because these six principles are the basic protection for humans as creatures gifted by the Almighty God. These principles stand as guiding principles for interpretation. It is intended that armed conflict can still be conducted with respect for human life, dignity and humanity principle, even in the middle of the chaos and violence of war.

International Humanitarian Law promotes in assistance of humanitarian aid to those in need, regardless of their affiliation, ensuring the fulfillment of basic needs and providing medical care for the injured and sick. It operates on the premise that, even in the middle of armed conflicts, there are certain principles that must be upheld.

³ Danial. The Principle of Distinction in International Humanitarian Law: Protecting Victims in Modern Armed Conflict. *Legal Media Journal*, Vol. 23, No. 2, Dec. 2016.

In contemporary times, warfare has evolved into a multifaceted and intricate landscape. One of the most significant wars that occurred is Modern War. Modern war refers to the characteristics and dynamics of warfare in contemporary times, especially in the context of the post-World War II era. It covers the evolution of military technology, tactics, strategy, and the socio-political context driving conflicts. Modern warfare embodies distinctive traits: technological advancements, asymmetric warfare, urban conflict, involvement of non-state actors, humanitarian challenges, information warfare, as well as international intervention and multinational operations.⁴

The revitalization of military concepts, methodologies, and technologies, along with the modernization of combat feasibility, underpins the difference between modern warfare and the other wars. Asymmetric warfare, for instance, represents a novel form of non-conventional conflict with greater destructive potential and impact compared to traditional military engagements. This heightened impact stems from the damage inflicted on a state's system, ideology, vulnerabilities in vital resources like food, and other internal structures. As we see from the other examples of modern warfare, like urban warfare which makes cities a habitat for armed contact, which will bring many difficulties to civilians or non-combatants.

With numerous and various armed conflicts that happens nowadays, it becomes necessary to reevaluate their implementation. The aspiration remains that warfare should consistently prioritize the six international humanity principle for the collective welfare, particularly in terms of application. These humanity principle hold vital significance in modern warfare, substantiated by evidence and cases that underscore their pivotal role.⁵ The proliferation of human rights abuses, including torture and various humanitarian violations, has

⁴ Ahmad Ruhardi, et al. *Humanitarian Law*, (Bandung: Widina Bhakti Persada Bandung, 2022), p. 23.

⁵ Shaymin A. K, *International Humanitarian Law 1 (General part)*, Bandung: CV Armico, 1985, p. 8.

underscored the urgent necessity to prioritize the protection of human principles, safeguard human rights, and prevent violations thereof.

As in the case of the Syrian Civil War, we have witnessed numerous violations of humanitarian principle, with the reports of indiscriminate bombings, chemical attacks and mass displacement. These actions have resulted in the loss of countless lives. Similarly, we can see from the armed conflict between Israel and Palestine, which is still happening, truly cause many civilian victims who are tortured for no reason, including civilian women, blockades and so on. All these reasons, deserve to be an important urgency for a review of the implementation of humanity principle in today's modern wars.

The effort to ensure the significance of International Humanitarian Law through humanity principle appears to be important concerning its implementation in the prevalent landscape of modern warfare. This effort represents a renewal and revitalization of humanity principle, aimed at preventing their disregard in the middle of contemporary warfare.

Based on the background of the problem that the author has described, the author is deeply motivated to conduct research under the title "**The Implementation of Humanity Principle in Modern Warfard from the Perspective of International Humanitarian Law**".

B. Problem Formulation

1. How are the current practices of modern warfare?
2. How is the Implementation of Humanitarian Principles in Modern Warfare from the perspective of International Humanitarian Law?

C. Research Objectives and Significances

This research aims to:

1. Analyzing the ongoing continuity of modern warfare.

2. Analyzing the Implementation of Humanity Principle in Modern War from the perspective of International Humanitarian Law.

The benefits derived from this research can be categorized into two types, including :

1. Theoretical Significance

Theoretically, it is hoped that this research writing will be useful in order to know and increase the understanding of the Humanity Principle, the regulation of every provision of international law, and its relevance to contemporary warfare and armed conflicts. In today's context, where warfare has shifted towards urban settings, blurring the line between civilian and military targets, maintaining these distinctions has become challenging. Through this work, the reader can understand the position of the principles of distinction and humanity in such circumstances.

2. Practical Significance

Practically, this research writing hope to be able to provide leadership guidance that can create a meaningful contribution to the development of international humanitarian law.

D. Definition of Key Terms

Several variable terms included in this research can be defined by:

- a. International Humanitarian Law is a part of international law. International law is the law governing the relations of each country. International law is found in agreements between countries, often called agreements or conventions, and countries accept them with the principles and in practice of legal obligations. According to Jean Pictet, the meaning of international humanitarian law in the wide sense is a constitutional legal provision, whether written and customary, ensuring

respect for the individual and his well being.⁶ This means that international humanitarian law in the broadest sense is the provisions of constitutional law, both written and customary, ensuring respect for individuals and their welfare.

- b. The principle of humanity or Humanity Principle is a movement that was born from a desire to provide assistance without discrimination to war victims who were injured on the battlefield, who strive with international and national capabilities to prevent and alleviate human suffering everywhere. The aim of this Movement is to protect life and Health, and ensure respect for humanity.
- c. Modern War is a war that is different based on previous military concepts, methods and technology, emphasizing how combatants must be modernized in order to maintain war capabilities.⁷ Therefore, modern warfare is an ongoing subject that is viewed differently at different times and in different places.

E. Literature Review

Throughout the researcher's investigation of this study, several related studies can be described, including the following :

Dovan Saut Parulian Sihombing (2021), "Legal Analysis of the Balance between Humanity Principle and Military Interest Principle in the Armed Conflict between Israel and Palestine", Soegijapranata Catholic University Thesis. This research discusses about humanitarian law that regulates military law and humanitarian law and how the principles of military interests and humanity principle are applied in the armed conflict between Israel and Palestine. The existence of the Israeli and Palestinian cases is highlighted with

⁶ Jean Pictet, *The Principles of International Humanitarian Law*, International Committee of the Red Cross, 1967, p. 13

⁷ Creveld, Martin Van (2000). "Technology and War I: To 1945". In Charles Townshend. *The Oxford History of Modern War*, New York, USA: Oxford University Press. p. 206.

an interesting background due to the fact that there are many violations of humanitarian rights and attacks on non-combatants, aka civilians, by the military/war combatants.

Candra Adji Waskito (2021), "Implementation of Humanity principle by the Indonesian Red Cross as the National Red Cross Association According to International Humanitarian Law During the Physical Revolution 1945-1949", Legal Media Journal. This research explains how humanity principle are regulated in international humanitarian law and the role of the Indonesian Red Cross in implementing the humanity principle of international humanitarian law in Indonesia during the physical revolution. Apart from that, it also clarifies the meaning of the humanity principle itself.

Danial (2016), "Revitalization of the Principle of Distinction as an Effort to Protect Conflict Victims in Modern Armed Conflict", Legal Media Journal. This research explains that the revitalization of the principle of distinction in international humanitarian law can effectively protect combatants and civilians if parties that involved in the conflict can simultaneously respect the principle of distinction, the principle of proportionality and the principle of humanity in armed conflict. Not only that, the reform of international humanitarian law that protects victims of armed conflict must also be implemented, because if it does not implemented, it will not effectively protect combatants and civilians in modern armed conflicts at the design and implementation level.⁸

Wahyu, Priyanto (2018) "The Implementation of the Distinction Principle in the Protection of Civilians in the Armed Conflict in Syria". Diploma Thesis, Andalas University. This research explains how civilians can be protected in armed conflict, by applying the principle of separation. The armed conflict in Syria which has been going on since 2011 has claimed the lost lives of many civilians. The main purpose of the principle of separation is to protect

⁸ Danial (2016), "Revitalization of the Distinction Principle as an Effort to Protect Conflict Victims in Modern Armed Conflict", Legal Media Journal.

civilians by discriminating or separating those who can be attacked and those who cannot be attacked. In this study the author discusses how the protection of civilians is regulated in international humanitarian law and how conflict parties should apply the principle of separation aimed at protecting civilians.⁹

Alkautsar Prawira Sailanov, (2010). "Overview of International Humanitarian Law Regarding the Implementation of the Distinction Principle in Modern War", Thesis: Faculty of Law, University of North Sumatra Medan. The writing in this thesis discusses the principles of international humanitarian law which separate or divide the people of a country that is at war or involved in armed conflict into two main groups, namely combatants and civilians.¹⁰

Kevin Kohler and Irawati (2017), "Implementation of the Distinction Principle in the Armed Conflict in Syria According to International Humanitarian Law. Implementation of the Distinction Principle in Syria Armed Conflict According to International Humanitarian Law", Proceedings of Legal Studies: Faculty of Law, Bandung Islamic University . This research aims to clarify and determine whether the armed conflict in Syria is an indiscriminate attack from the perspective of international humanitarian law. In addition to state responsibility for victims of indiscriminate attacks by the Syrian government - Russian airstrikes are acts of culpable aggression provided for in Additional Protocols 51(4) and 51(5) of the Geneva Conventions. State responsibility for victims of these indiscriminate attacks is cessation, non-return and reparation, in accordance with Articles 30 and 31 of the Project on State Responsibility for International Offensive Action (2001). In international humanitarian assistance, due to law and the principle of differentiation and

⁹ Wahyu, Priyanto (2018), "Application of the Distinction Principle in the Protection of Civilians in the Armed Conflict in Syria". Diploma Thesis, Andalas University.

¹⁰ Alkautsar Prawira Sailanov, (2010). "Overview of International Humanitarian Law Regarding the Application of the Distinction Principle in Modern War", Thesis: Faculty of Law, University of North Sumatra Medan.

forms of responsibility, states are obliged to pay compensation based on Article 91 of Additional Protocol I to the 1977 Geneva Conventions.¹¹

Several studies that have been carried out by previous researchers are clearly different from the author's research, several things that differentiate it from previous research are that it starts with the problem identification raised by the author, then the research object and the most urgent thing is the research method and research approach that will be used. This conclude that this research is different from previous research that has been carried out.

F. Research Method

The research method is the most important influence on research in obtaining appropriate data based on research objectives, making it easier to develop data for a seamless preparation of legal writing.¹²

1. Research Type

The research in preparing this thesis is normative legal research. That means, law that examines positive legal norms and normatively examines positive legal instruments used as sources of legal material. In normative legal research, researchers do not have to look for information directly in the field, just collect secondary data and then compile it into a set of research results.¹³

2. Research Approaches

The type of research approach in this research uses various types of approaches, including :

¹¹ Kevin Kohlerdan Irawati (2017), "Application of the Distinction Principle in the Armed Conflict in Syria According to International Humanitarian Law. Implementation of the Distinction Principle in Syria Armed Conflict According to International Humanitarian Law", Legal Science Proceedings: Faculty of Law, Bandung Islamic University.

¹² Sutrisno Hadi, Legal Research Methods, Surakarta : UNS Press, 1989, p.4.

¹³ Bambang Sungono, Legal Research in Practice, Jakarta : Sinar Graphics. 2002, p.15.

- a) Legal Approach or known as "Statutory Approach" is an approach through legislation, where the basic material for this research is statutory regulations.
- b) Conceptual Approach "Conceptual Approach" is a study that uses various legal concepts such as legal sources, functions and others as a tool for analysis. This approach is different from the views and doctrines that have developed in legal science. This approach is often the most important thing in legal research because it can be the foundation or basis for the construction of legal arguments in resolving pending legal problems. Views/doctrines explain ideas by defining laws, concepts and legal principles related to the problem topic.¹⁴

3. Data Sources

The data source in writing normative legal research is a secondary data source, meaning it comes from materials or library references in the form of documents, books, reports, archives and literature relating to the problem being studied.¹⁵ Secondary data sources in this research consist of:

a. Primary Legal Materials

The primary legal material in this research is the rule and regulation of International Humanitarian Law, focusely in Geneva Conventions of 1864.

b. Secondary Legal Materials

The secondary legal material in this research is researched from previous researchers in the form of journals and scientific papers.

c. Tertiary Legal Materials

¹⁴ Johan Nasution, *Legal Research Methods*, Bandung: Mandar Maju, 2008, p. 96.

¹⁵ Zainuddin Ali, *Legal Research Methods*, Cet-V, Jakarta : Sinar Graphics, 2015, p.105.

This tertiary legal material exist to support secondary data from primary and secondary legal materials, such as dictionaries and encyclopedias.

4. Data Collection Techniques

The stages of collecting data in this research are:

- a. Literature study is collecting secondary data. "The author collects secondary data from books, academic papers, essays, articles, newspapers, magazines and documents."
- b. Digital media is "collecting data via internet sites by downloading various articles in the form of reading sources related to armed conflict".

5. Data Objectivity and Validity

Validity is a test of the data validation which explains whether the researcher pays attention to what is in accordance with what is actually observed in the real world, and then whether the explanation presented regarding the reality is in line with what actually happened. In qualitative research, the findings or data obtained can be said to be "valid" if there is no difference between what the researcher tells us and what actually happened in the research object.¹⁶

6. Data Analysis Techniques

Qualitative analysis methods are used when analyzing research data; group/combine data according to the aspects examined, discuss it and describe it in the form of conclusions and sentences according to the problem. Before being analyzed, the collected data must be sorted into categories and then the data obtained is then analyzed using analytical descriptive techniques, meaning that the evaluation carried out on this

¹⁶ Muhammad Tegun, "Economic Research Methods (Theory and Application)" Jakarta: PT Raja Grafindo Persada, 2005, p. 11.

research is using qualitative techniques. Thus, conclusions drawn in research are written using a deductive method, namely the reasoning stage starts with various general things and then chooses specific things to reach a conclusion.

7. Writing Guideline

In writing this thesis, adherence is based on the General Guidelines of Indonesian Language Spelling, the Great Dictionary of the Indonesian Language, and the Thesis Writing Guide of the Faculty of Sharia and Law published by the Faculty of Sharia and Law, Universitas Islam Negeri Ar-Raniry Banda Aceh, Academic Year 2020/2021.

G. Systematic Expalanation

To ensure this research writing to be systematic and easily understood in its flow, it's better if the systematic discussion has been elaborated beforehand. The author then divides the content into 4 (four) chapters, organized from general aspects to specific ones.

Chapter One is an introduction. This chapter will then be divided into various subtitles, including explanation of the background of the problem, formulation of the problem, objectives and significances of research, explanation of terms, literature review, research methods and systematic explanation.

Chapter Two is a Theoretical Foundation. This chapter will describes research on International Humanitarian Law, Humanity Principles, and the concept of Modern War itself.

Chapter Three is the research results. This chapter will be discussing about problem identification using normative research methods, that is the application of humanity principle in international humanitarian law, and an overview of aspects of humanity in modern war from the perspective of international humanitarian law.

Chapter Four is the closing or final chapter. This chapter will outline and deliver a concise and lucid summary of the findings and conclusions from the preceding section. Additionally, it includes recommendations and critiques, aiming to offer constructive insights and responses to the identified research issues.

