

Legality of The Use of Lethal Autonomous Weapon System In The International Humanitarian Law Perspectives

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Abstract

International law in the world involves most international treaties as a step to limit the violations that occur. Where recently emerged new autonomous weapons. Where this weapon can choose and aim at targets without human intervention. The weapon is the Lethal Autonomous Weapon System, which, once activated, cannot isolate any of it to be attacked, whether combatants or non-combatants will even attack wherever they are regardless of the situation. This research is legal research that aims to examine how the legality of the Lethal Autonomous Weapon System is seen from International Humanitarian Law. This paper uses a normative legal research method with a qualitative approach to descriptive data analysis. The weapon's mechanism is to defend when war is not to become an arena of unnecessary destruction and even cause casualties to civilians. There is a need for legal rules that limit or prohibit these weapons from operating. The Lethal Autonomous Weapon System is still very far away to fulfill the principles of International Humanitarian Law. It is unlikely that this weapon would be legal if there were no human intervention in its operation.

Keywords: Lethal Autonomous Weapon System, International Humanitarian Law, Autonomous Weapons.

Introduction

Since 1860 until now, International Law has become a scientific discipline in Europe, and Americans have been taught separately from philosophically, civil law, and also written by professional academics or diplomats . The body of international law is the mixing of practices, traditions, and treaties between nations . Chosen from the development of technology that even this time, the development of international law will also develop. It has affected the work of the agreement and the trade that continues to change as developments continue to occur. International law covers all such as the resolution of the internal and international laws in the country, the agreement of each country, the politics of the country, the international relations of the country ;. The existing international relations this moment make the relation between countries work well as it goes , as well as wars and conflicts that will involve countries with poor relations.

After the agreement and the international relations that are governed in international law in various countries, international law also deals with ongoing conflicts in various countries. For example, it occurs internally in various countries, namely in Kosovo, weapons being part of the culture of the population . In Australia, which changed the regulation of weapons legislation due to shootings at the Arthur Post , or in America, many young armed conflicts occur by young men . Meanwhile, in the ongoing armed conflict between countries, the use of the military's power to defeat and win is to be granted, as long as those weapons are permitted and follow humanity principles . One point of the armed forces in the battle is to reach victory, no matter what it takes to reach victory. At this time, weapons used in armed conflict have continued to develop significantly. This factor makes the countries competing to gain more technologically advanced from the other countries. Thus the whole world competes to develop new kinds of weapons.

Currently, the United States and Israel are the most advanced countries among other countries related to weapons, especially drones

whose systems are unmanned (unmanned military systems) . Even this drone is seen as a new terror in conflicts between countries . Not only the United States and Israel are developing and competing to be number one related to weapons, but European countries are also following their backwardness. The main focus is the Autonomous Weapons System, which is used for maritime weapons in the United States and Israel. Furthermore, it seems that there is no policy to ban or limit weapons .

AWS is classified into two systems, namely the Fully Autonomous Weapons System and the Semi-Autonomous Weapons. In certain circumstances, the Semi-Autonomous Weapons can be overwritten by humans and reduce the Autonomous characteristic. While the Fully Autonomous Weapon System is once the system is activated, it will run independently with human's hands-off.

Some countries in the world will be carrying out the autonomous Weapon System in their military. For example, the United States will continue to operate it in the future. Another example is the supervised human autonomous response system, the Iron Dome Israel, which received a large amount of attention because it effectively destroyed the incoming rocket fire.

Internationally while consultations on the Lethal Autonomous Weapon System have soared, at present, it seems that there is no firm global position for or against them. The 2016 Meeting of Experts on Lethal Autonomous Weapons was held under the auspices of the Conventional Conventions on Certain Weapons (CCW) which discussed four main issues of definition, human control, accountability, and weapon review, and recommended further exploration.

This research aims to analyze legal issues related to the development of weapons technology affecting the army, which must

continue to prioritize recognized principles, namely principles regarding military interests and humanitarian principles, which are permitted without further discussion. This thesis's primary focus is to discuss an autonomous weapons system (AWS) which is fully operational without human intervention and how this will challenge international humanitarian law.

If there are no specific rules or laws to regulate the legality of the AWS usage, the legality must be checked, given the general principles of the International Humanitarian Law. It must be appropriate and cannot be violated by all forms of warfare and all types of weapons used while fighting. Researchers refer to accountability for the Lethal Autonomous Weapon System's actions when entering their out-of-the-loop momentum and before their passive operators can intervene to regulate their behavior.

Considering the current war requirements are between military soldiers and officers whose members are human. However, here more and more war has changed since the Geneva Convention was written in August 1949. Now the war is increasingly carried out with machines or virtual networks that are controlled by humans remotely. This autonomous weapons system will cause difficulties in terms of accountability for law implementation when many individuals are involved, and when robots are the main factor in this weaponry. Therefore, a fundamental question arises regarding legal liability if the weapon is used.

Weapons must be judged not to violate the law. In practice, judging violations of constitutional law must be per the principles of international humanitarian law consisting of three limiting elements: weapons cannot be arbitrary, must not cause unnecessary suffering, or cause excessive and dangerous injury, meaning that they must be able to be controlled. In this case, it can be seen whether it will be used in practice against the law, the principles of international humanitarian law concerning discrimination, proportionality, and preventive actions in a fundamental attack. All of these

factors must be able to limit whether AWS can be under these principles, whereas seen from its operation alone, there is no human intervention on its control.

It is a humanitarian legal obligation Article 36 of Additional Protocol I of the 1977 Geneva Convention concerning the development of new weapons, which may violate international law. This article provides limitations on the requirement that new weapons should be assessed or tested to ensure the legality of the weapons . It is an important issue because the involvement of civilians in armed conflicts is very dangerous. For example, what happened recently in Yemen with more than 100 people killed was missile attacks and Houthi drones. With this incident, although artificial intelligence was made to develop weapons to strengthen the country's defense, it should be adjusted to humanitarian law.

International humanitarian law will play a critical role in the future, mainly to keep abreast of science and technology, including modern weapons, which can still be controlled by humans. International Humanitarian Law functions dynamically to control technological development in conflict, especially in armed conflicts and roles since the Den Haag convention, limiting the right to war, endangers the enemy.

Based on the background above, this article argues that Lethal Autonomous Weapon System requires the rule of law to decide whether this weapon may operate or not as much as this will be used as a result of this damage. This study aims to analyze the legality of the use of AWS-made weapons in armed conflict in Humanitarian Law and to understand and understand the importance of human control of the humanitarian system in the internal humanitarian law.

Research methods

This research is normative legal research conducted by the writer using a short quantitative analysis. Using a qualitative approach can help find concepts to related processes in helping to construct life experiences, cultural rituals, and oppressive actions . This approach collects and utilizes all information related to the subject matter to get an overview and facts related to the Lethal Autonomous Weapon System being studied.

The data used by normative law researchers include some of the Additional Protocols I, international treaties and rules in international humanitarian law; secondary legal materials in the form of books, research results and the internet related to the subject matter and tertiary legal materials such as the Legal Dictionary and the Large Indonesian Dictionary.

The analysis is in a descriptive analysis that analyzes the data used, is not out of the scope of the problem, and follows general theories or concepts used to explain the autonomous weapon that is the Lethal Autonomous Weapon System.

Result and Discussion

International Humanitarian Law has limited and regulated several conditions of war, weapons which are allowed to fight, even what is allowed and not allowed to attack during a war. It is undeniable that the Autonomous Weapons Systems emergence has become one of the severe issues that International Law immediately addresses. The emergence of conventional weapons has become one of the international community's fears caused by these weapons attacking and targeting targets without intervention.

Therefore, there is a need for basic rules for the legality of weapons to become weapons systems that are inherently legal or not legalized. So far, some weapons have been fulfilled and are per Article 35 II AP I; references are made to weapons that cause excessive injury or

unnecessary suffering to fighters. This rule relates to the nature of the weapon itself and its design objectives, whether following regular use . The narrow reading of this clause is supported by the example of dazzling laser prohibitions in Article 1 AP IV, which is strictly limited to laser weapons specifically designed as a sole combat function or as one of the functions of their combat equipment, which causes permanent blindness.

The nature of weapons permitted must be distinguished from the potential operational uses, where the Autonomous Weapons System itself cannot distinguish between civilians and combatant members. It has been stipulated in International Humanitarian Law that the conflicting parties must be able to distinguish which objects to be attacked, such as military groups of enemy countries and which must not be attacked like civilians . The essence of this problem is that this weapon does not distinguish the two—very little chance this weapon will meet the standards explicitly specified for the Autonomous Weapons System.

In International Humanitarian Law, it is necessary to have a new weapon's legality so that a weapon can be limited in its use and limited as to what impact will occur if the weapon is used. The Declaration of St. Petersburg of 1868 known as the Declaration of St. Petersburg St. Petersburg 1868 governs:

"The Contracting or Acceding Parties reserve to themselves to come hereafter to an understanding whenever a precise proposition shall be drawn up in view of future improvements which science may affect in the armament of troops, in order to maintain the principles which they have established and to conciliate the necessities of war with the laws of humanity."

If related to Article 36 of Additional Protocol I 1977, it is intended to maintain the development of weapons used both by the state and international organizations so that they will continue to respect, protect and not cross the boundaries of existing international humanitarian law principles. It includes the scope of weapons, facilities, and new methods of warfare in the article's rules that are so broad that they can cover all types of weapons.

The Martens Clause contains principles of humanity and general awareness. If there is a weapon that is not in agreement or relevant with international law, AWS as a new weapon will be reviewed legally based on provisions following International Humanitarian Law, International treaties and the Martens Clause. International Humanitarian Law itself limits the means and methods of fighting in conflict with the general principles of International Humanitarian Law.

Like all weapons, assessing the validity of an autonomous weapons system will depend on specific characteristics given that these characteristics can be used under the rules of Humanitarian Law in all circumstances in the hope of being used according to the wishes of humanitarian law by principles. In particular, the legal review must consider treaties and customary prohibitions and restrictions on certain weapons and general International Humanitarian Law rules that apply to all weapons, means, and methods of warfare. It includes rules aimed at protecting civilians from the effects of weapons and combatants indiscriminately from excessive injuries and unnecessary suffering. Such a review's ability requires the ability of weapons and estimating effects, primarily through verification and testing.

Since the commander or operator must assess the legality of an attack using an autonomous weapons system at an early stage. If the selection and target attacks are under direct human control, the legal review must demand a very high level of confidence. Once activated, the autonomous weapons system will be predictable, and if it operates, you

will know what will happen. It poses a unique challenge in ensuring that predictability and reliability are tested and verified for all predictable uses.

CCW Chairperson's April 2016 informal meeting of experts stated that "the view of proper human involvement with regard to turning off the power and the problem of delegating its use is very important for further consideration of the rule of law (lethal autonomous weapons system)". The ICRC called for human control to be maintained over weapons systems and the use of force for legal and ethical requirements.

A specific level of human control or involvement is inherent in implementing the rules of International Humanitarian Law concerning the conduct of battles. In comparison, International Humanitarian Law creates obligations for States and parties when there is an armed conflict. The rules of International Humanitarian Law are ultimately applied by human subjects responsible for complying with these rules in carrying out attacks, including having to take responsibility for violations. It follows that human control over the functioning of the autonomous weapons system, translating the user's intentions into the weapons system's operation, will always be needed to ensure compliance with International Humanitarian Law. It can, indeed, limit the legitimate level of autonomy.

1. The core components of human control include:
2. Predictability and reliability of weapons systems under conditions of expected or expected use
3. Human intervention in the functioning of the weapons system during its development, activation, and operation
4. Knowledge and information about the functions of weapons systems and their use environments
5. Accountability for the ultimate operation of the weapons system.

6. For autonomous weapons systems, as defined by controls carried out by humans can take various forms at various stages of development, deployment, and use, including the following:
7. Development and testing of weapons systems (development stage)
8. The commander's or operator's decision to activate the weapon system (activation phase)
9. Operation of an autonomous weapons system where he independently chooses and attacks the target (stage of operation)

Human control can be carried out at the development stage, including technical design and weapons system programming. Decisions taken during development must ensure that the weapons system can be used following International Humanitarian Law and other International Laws in force in Indonesia.

At this stage, the weapon system's predictability and reliability must be verified through testing in a realistic environment. Operational parameters for the use of weapons must be integrated into military instructions for their use, for example, to limit their use for specific situations, to limit their movement in space and time, or to activate human surveillance. For example, vehicles with active weapons protection (which attack rockets or incoming mortars) will need to be tested against the intended use state. Operational limits must be set so that the weapon is only activated in situations where the effect will be predictable.

Operational requirements and technical mechanisms for human surveillance and deactivate weapons will need to be established. The activation phase in which human control occurs is at the point of activation, which involves the decision of the commander or operator to use a particular weapons system for a particular purpose in a particular attack or to respond to a general threat for a specified period (for example, defending against an incoming rocket). This decision on the part of the commander or operator must be based on adequate knowledge and

understanding of the function of weapons in granting circumstances to ensure that it will operate as intended and following International Humanitarian Law. It must suffice situational awareness of the operational environment, particularly concerning potential risks to civilians and civilian objects.

The weapons system will operate within the constraints of International Humanitarian Law after activating will depend on the technical performance of specific weapons under certain conditions, especially their predictability and reliability as determined and tested at the development stage. However, that will also occur depending on various operational parameters, most of which will set at the development stage, and some will be set or adjusted at the activation stage. It includes the following:

1. The weapons system gives tasks.
2. Types of targets that can be attacked by weapons systems
3. Types of strength and ammunition employed (and related effects)
4. The environment where the weapon system operates.
5. Mobility of weapons systems in space
6. The time frame of the operation
7. Level of human supervision and ability to intervene after activation

Lessons could be drawn from the autonomy of existing weapons systems, such as missile and rocket defense systems. Human control is mostly carried out through technical performance and operational constraints, such as target limits, geographical space limits and duration of

operations, physical control of the environment and human surveillance, and the ability to disable.

This stage of operation of the weapons system may have the risk that international humanitarian law will be violated and reduced by manipulating these operational parameters to the point of activation. However, to ensure compliance with International Humanitarian Law, it may be necessary to have additional human control during the operation phase, when weapons automatically select and attack targets. The last operational parameter listed above requires a level of human scrutiny and the ability to intervene afterward. Activation, providing further how-to control can be given, is given to the attack.

Where the technical performance of weapons and operational parameters established during the development and activation phase is not sufficient to ensure compliance with International Humanitarian Law in carrying out attacks, it will be necessary to maintain human control and decision making during operations. Examples will be through weapons control systems and target areas and two-way communication links that allow adjustments to the engagement criteria and ability to cancel attacks. For example, several counter-rockets exist.

Artillery and mortar weapons maintain the ability, even with incoming projectiles, for human operators to visually verify projectiles on-screen and decide to cancel attacks if necessary. In short, the type and level of human control over an autonomous weapons system are needed to ensure compliance with International Humanitarian Law in the presence of:

- A. The technical performance of weapons verified by the system for intended use, as specified in the development
- B. Manipulation of operational parameters at the development and activation stages
- C. Human surveillance and the potential for intervention and deactivation during the operation phase.

It shows that compliance with international humanitarian law requires limiting the level of legitimate autonomy in the weapons system. The importance of predictability for International Humanitarian Law fulfillment in the function of weapons in the state of intended use is central to compliance with International Humanitarian Law. The commander or operator needs a high level of confidence that, upon activation, an autonomous weapons system will operate predictably, which demands a high level of prediction in terms of technical performance, environment, and interaction between the two.

The more uncertain, the higher the risk that International Humanitarian Law might be violated. Predicting the results of using an autonomous weapons system will become increasingly difficult if it becomes very involved in its function (for example, sensor hardware and software algorithms) and given significant freedom of operation in the task. In autonomous weapons, the legal assessment system performs one task against a particular target in a simple environment. It is silent and limited in the duration of its operation. It is overseen by human operators with the potential to intervene at any time (for example, there is a missile and rocket defense system). An acceptable level of predictability allowing for human operators to ensure compliance with International Humanitarian Law.

However, the conclusion may be very different for autonomous weapons systems that perform multiple tasks or adjust their functions to various types of targets in complex environments. Search for targets in extensive areas for long periods, and that is unattended. Increased flexibility in tasks or mobility over time and space will increase uncertainty about when and where specific attacks will occur, and uncertainties in the environment are encountered. Increasing complexity, such as a system

controlled by software that combines an artificial intelligence algorithm to set its own goals or to learn and adjust its functions, will be practically inherently unpredictable, especially when combined with an often unpredictable and hostile environment.

Overall this analysis shows that under International Humanitarian Law will be limited to legitimate autonomy in the weapons system. The state must now begin to determine where internationally agreed boundaries must be placed by assessing the type and level of human control needed, in the use of weapons to carry out attacks, to ensure compliance with International Humanitarian Law. This assessment must also consider the level of human control needed to satisfy ethical considerations, which may require additional restrictions.

In the absence of international regulations or agreements governing the use of the Autonomous Weapons System as military weapons in armed conflict, the legality of using the Autonomous Weapons System assessed through the basic principles of International Humanitarian Law .

The Principle of Proportionality

The essential rules in using means or tools to conduct war (methods or means of warfare) in an armed dispute are unlimited. The international community understands that although war can be used to resolve disputes, the disputing parties using means or methods of war are not unlimited. Based on these regulations, the warring parties have limitations in choosing tools and methods of war. The parties cannot use weapons, which can cause excessive suffering or unnecessary suffering. The use of the Autonomous Weapons System itself causes damage not only to its target objects or military objects but also causes excessive damage to civilians injured and even dead. It can occur because of the implications of logic differences in war from both sides of the different countries.

The limits in choosing the tools and methods of war are related to the basic principles of International Humanitarian Law, the principle of proportionality. This principle further stated in detail in Article 23 of the Den Haag Regulations of 1907 concerning the laws and customs of war inland. In connection with the use of the Autonomous Weapons System, the principle of proportionality contained in article 23 of Den Haag Regulations of 1907 could be his reference that it is forbidden to use weapons, bullets, or tools expected to cause excessive suffering. The article's explanation means that the parties in war must pay attention to the principle of proportionality. This principle has the purpose of balancing military interests with additional damage. The principle of proportionality can also be seen in Article 57, paragraph 2a (iii) Additional Protocol 1 of 1977. The principle of proportionality is primarily intended so that there are no victims of non-military and non-combatant objects. Based on the use of the Autonomous Weapons System, which is considered a more effective weapon used for warfare, in fact, many casualties from civilians and excessive damage to civilian objects.

The Principle of Distinction & the Principle of Humanity

One of the principles that must be considered in armed conflict is the principle of humanity. In the book entitled Development and Principle of International Humanitarian Law, Jean Pictet interpreted the meaning of humanity as the arrest is preferred rather than wounding the enemy. Hurting the enemy is better than killing him, that non-combatants must be kept as far away from the battlefield as possible. Injured victims must be kept to a minimum so that they can be treated so that the injuries occurred must be as light as possible without causing pain.

The UN International Court interprets the principle of humanity as a provision to assist without discrimination to people injured on the battlefield, working with international and national capacities to reduce human suffering everywhere. This principle aims to protect and guarantee respect for humans. This humanitarian principle can be said as the beginning or basis of other restrictive principles, requiring parties to the conflict not to carry out attacks that can cause excessive damage and unnecessary suffering, even though the attacks are following the principles of importance, differentiation, and proportionality.

Provisions concerning the means and methods of warfare in Additional Protocol I contained in section III of the Protocol entitled "Methods and Means of Warfare Combatant Status and War Prisoner" (Ways and Tools of Combat and Prisoner of War Status Status) of articles 35-47. Article 35 paragraph 1 states that:

"In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited...".

The verse states that in every armed conflict, the right of the disputing parties to choose the means and means of war is unlimited.

Whereas in paragraph 2, it stated:

"It is prohibited to employ weapons, projectiles, and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering."

When there is an armed conflict, it must also pay attention to the principle of distinction. This principle is vital in International Humanitarian Law. The principle of differentiation is a principle or principle that distinguishes or divides the population of a country that is at war or is involved in an armed conflict, into two groups, namely combatants and civilians. Combatants are groups of people who actively participate in

hostilities, while civilians are groups of people who do not participate in hostilities.

Then article 52 (2) of Additional Protocol I defines military objects as objects that are by their nature, location, purpose, or usefulness to contribute effectively to military action. If it is destroyed in part or whole, seized or neutralized, it will provide a military advantage when the conditions prevail.

The need for such a distinction is to know those who may participate in hostilities so that they may be targeted or objects of violence. Those who do not participate in hostilities may not be targeted or objects of violence. Article 48 of Additional Protocol I requires the disputing countries to differentiate between civilians and combatants at any time, and between civilian and military objects.

The use of the Autonomous Weapons System is deemed not to have fulfilled the principle of differentiation because, in practice, the Autonomous Weapons System attacks cause many casualties from civilians. Another example of weapons involving crewless operations is between 2008 and 2015. An estimated 384 drone attacks have occurred in Pakistan. They have inflicted 1,296 injuries and 3,387,155 fatalities not just from the military alone but also from the military alone victims from the civilian population.

Collateral Damage

The United States military describes deaths or damage that were not expected to occur to civilians as "collateral damage." Even though now is an era of global positioning satellites (GPS) and weapons of control, collateral damage or casualties remains a prominent problem of international conflict in the world. In practice, all military actions can create

unexpected collateral damage . However, Brexit and Ireland were also considered to have collateral damage . The International Committee for the Red Cross (ICRC) defines unlawful collateral damage as attacks that cause accidental or unintentional loss of civilian lives. Injuries to civilians, civilian objects, or a combination of all, which is too much compared to the real military advantage gained from the attack. It is prohibited.

In the law of armed conflict, there is a rule known as the "collateral damage rule," namely the operational rules of the law governing armed conflict. This rule derived from the fundamental rule of distinction between military members (combatants) and military objects on one side and civilians and civilian objects. The combatants and military objects may be attacked. Even if a civilian population or civilian object may be killed, injured, or destroyed in the war, these victims can be tolerated as long as it happens accidentally or intentionally to attack a legitimate military object and then only when civilian casualties are not considered excessive compared to military benefits derived from the attack because indeed civil war has not yet occurred .

There are several "collateral damage rules" governing additional victims or additional damage to change the nature of war and change the imbalance of civilian casualties found in the jus in Bello to date, including:

A. Restrictions on the Way to War

Limiting the means and means of warfare can be found in the St. Petersburg Declaration, which establishes the only legitimate goal that must be sought to achieve in war is to weaken the military power of the opponent. From this principle comes the necessity for weapons, which cause excessive injury and unnecessary suffering to be banned. Of course, combatants have the authority to kill enemies, but their methods are limited to ways that increase the military advantage. Causing unnecessary injuries, more than is needed to win, is unnecessary because

it is considered to be more than what is needed to obtain the military advantage.

B. The Principle of Distinction

This principle requires the parties in armed conflict to distinguish between civilians and civilian objects from combatants and military objects. Civilians and civilian's objects must not be attacked. Each weapon must be a weapon that can distinguish between these two categories. The principle of distinction, of course, depends on the definition of what and who is included in military combatants or targets, what is included in the civilian population and civilian objects. In general, combatants are members of the armed forces of the conflicting parties (except medical and religious personnel) and several other categories of people who participated directly in hostilities. Military objects or military targets are interpreted to be interpreted as objects which, by their nature, location, and purpose or usefulness, make a useful contribution to military actions which, if destroyed, captured or disarmed, at that time, must have provided a military advantage. Civilians mean people who do not participate in war and are not members of the armed forces. If civilians are active or participate in war, they lose their status as civilians and all their protections. Civilian objects mean all objects that are not military objects.

C. Formulation of Collateral Damage Rule

To provide better protection for civilians and civilian objects, several other rules are developed, including: (a) "Prohibition of Offensive Feathers" which is an attack that is not directed at combatants or military targets or cannot distinguish between members of the military and military objects with civilians and civilian objects, for example in the middle of a

city; (b) "Proportional attacks" which forbid launching attacks on military targets that can cause casualties, injuries to civilians, damage to civilian objects, or a combination of these, which are excessive compared to military benefits gained; (c) "Precaution Actions in Conducting Attacks" is in launching attacks calling on the parties to the conflict to make every effort to minimize civilian casualties with warnings to be given in advance, and when there is a choice of targets, the targets must be targets that are likely to be victims of fewer civil parties; (d) "Preventive Measures Against the Effects of an Attack" which requires the parties to the conflict to protect civilians and civilian objects from the dangers of military operations.

D. The Principle of Military Necessity

The principle of military interests here is more focused on the parties to the conflict to use the weapons and violence needed to achieve the decisive military advantage, namely by weakening, defeating, or destroying enemy forces. In implementing the principle of military interests, there must be restrictions with other principles that must be met, namely the principle of proportionality and the principle of restriction. Meanwhile, Judith Gardam sees that military power needs to be adjusted to the principles of interests and proportionality .

Based on this principle limitation, the Autonomous Weapon System must be able to attack and release attacks on targets, namely the military, not attacking civilians and places other than the military, to benefit the military. If the Autonomous Weapon System itself cannot distinguish between civilians and the military in releasing attacks, then the Autonomous Weapon System, in the course of attacking the Autonomous Weapon System military targets, positively cannot benefit military targets. Judging from the principles of International Humanitarian Law, the review of the Autonomous Weapon System law has not met the principles of International Humanitarian Law. Furthermore, AWS will be based on international treaties that come close to the characteristics of AWS.

Namely, Convention on Prohibitions or Restrictions of Usage of Certain Conventional Weapons which may be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (called the 1980 Conventional Weapons Convention). In the 1980 Conventional Weapons Convention, there was a general agreement between the participating countries that agreed that a weapon must and the need for human control or supervision in its operation because any new weapons developed either new or old weapons in their use must meet international law and ethics. The agreement turned out to be difficult for AWS to fulfill because, in its operation, human involvement was limited to activating and developing the remaining weapons. AWS itself would determine and release attacks without human intervention.

The legal review can also be based on the Martens Clause. The Martens Clause found in the Preamble Den Haag Convention IV Respecting the Laws and Customs of War on Land (Convention Den Haag IV 1907) reads as follows :

"Until a complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience."

Based on these provisions, the Martens Clause is a clause intended for events or problems not regulated in the provisions of International Humanitarian Law. If there is a vacancy or gap in the law, then the

solution taken must be based on basic humanitarian principles and general awareness. The clause is to prevent unregulated matters regarding arbitrary opinions from commanders .

The principle of humanity must be the humane treatment of other individuals and respect for human life and dignity, as well as actions against humanity include murder, slavery, the deportation of civilians before or after the war . Actions like these are similar to genocide and war crimes . Based on its characteristics, AWS fails to respect human dignity because it bases the determination of human life and death, or determines the target of an attack, on its calculations embedded in a computer system. AWS's characteristics are also contrary to general awareness because they have the concept of a weapons system in which the use of force and attack is carried out beyond human control.

Based on the AWS legal review above, it can be seen that there are three fundamental things in making AWS violate International Humanitarian Law, namely:

1. The AWS operating system cannot assess complex and contextual situations, such as evaluating proportionality for concurrent attacks by taking necessary precautions to limit losses and civilian casualties, differentiating objects or civilians from military targets in complex situations.
2. AWS does not have a sufficient level of human intervention. Human intervention is only limited to the development and activation stages, thus posing a frightening threat if AWS experiences an operating system failure during an attack.
3. The Autonomous Weapons System fails to respect human dignity and is contrary to public awareness because it bases human life and death.

Based on the consideration of several principles of International Humanitarian Law, international treaties, and rules of international law,

there is no Autonomous Weapons System that can meet the level of attack. Therefore, it is necessary to have a rule of law so that the regulation of the Autonomous Weapons System is allowed by limiting its operation or not allowed at all, considering the impact of this weapon is extraordinary if it operates.

Conclusion

Lethal Autonomous Weapon System is a new form of weapon in the development of autonomous technology so that this weapon is a weapon that is independent in operation and attack because there is no human intervention. International Humanitarian Law prohibits using the Lethal Autonomous Weapon System based on the principles of International Humanitarian Law, international treaties on the means and methods of warfare, and the Martens Clause. The results of the legal review that the Lethal Autonomous Weapon System clearly violates the principles of International Humanitarian Law in the form of the principle of proportionality, the principle of distinction, the principle of restriction, the provisions regarding the level of human intervention in the 1980 Conventional Weapons Convention and the basic principles of humanity and general awareness in Martens Clause. These violations committed by the Lethal Autonomous Weapon System can endanger civilians in armed conflict countries. Without any human intervention in its control, this weapon will never be able to distinguish which should be attacked and which should not be targeted. This weapon will also not understand the limits of the basic principles of humanity and general awareness. Although the Lethal Autonomous Weapon System seems to be effective, in reality, its use has violated the rights of civilians who must be protected in armed

conflict. Therefore, the ban on the use of these weapons became something that should be considered for humanity.***

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