

## **CHAPTER I**

### **INTRODUCTION**

#### **A. Background**

The International Humanitarian Law hostilities regulate the protection of victims of conflict and also restrictions on the means and methods of warfare. In this case, Russia has violated the means of warfare as it has been governed by conventions, namely the Geneva Convention and The Hague Convention.

Syrian conflict started on January 26<sup>th</sup>, 2011. At first, the conflict in Syria was an internal conflict between the government of Bashar Al Assad, whose father was the former president. The conflict stems from the many conflicts in several countries in the Middle East known as the Arab Spring. Most citizens in the Middle East do demonstrations to the ruling government to sue the regime. They demanded the establishment of a more democratic government without the participation of Ba'th party in governmental elections. Syrian citizens also demand to stop the enforcement of the emergency law that has been ratified since 1963 because it is considered as the violation of human rights of Syrians. Syrian government could not complete the internal conflict, the administration of President Assad invited Russia to help resolve the conflict by providing military and diplomatic aids. The descent into war began with the violent and brutal repression of peaceful pro-reform protests, which later turned into an armed uprising against the regime of Bashar al-Assad, and has since become a regional conflict involving state and

non-state actors. In the development of the conflict there were some parties which intervened to provide support for the Bashar al-Assad. One of the countries that intervene against Syria is Russia.

Russia intervened during the conflict between the Syrian government (Bashar al-Assad) and the rebels and the conflict in the country are expanding. The violence committed by Bashar al-Assad parties was increasingly large and resulted in widespread damage as well as casualties during the conflict. More Syrian civilians who became victims of military attacks were carried out by the Bashar al-Assad with the help of countries that provided military support to the Bashar al-Assad.

Russia began air strikes against Syria on September 30<sup>th</sup>, 2015. The Russian air strike against Syria is an effort to support the Syrian government forces fight the rebels. The Syrian opposition is demanding urgent action to relieve the suffering of tens of thousands of civilians.<sup>1</sup> Under International Humanitarian Law, medical facilities have special protection, and this protection are applied to civilians and civilian structures. They should never be attacked unless they are being used for military purposes to commit act harmful to a party to the conflict. Without the establishment of International

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<sup>1</sup> Guardian News and Media Limited or its Affiliated Companies, 2016, "Report on Syria Conflict Finds 11.5% of Population Killed or Injured", available at <http://www.theguardian.com/world/2016/feb/11/report-on-syria-conflict-finds-115-of-population-killed-injured>, accessed on Sunday November 6<sup>th</sup>, 2016 at 8.07pm.

Humanitarian Law, attacks on medical facilities are not as regarded as violations of the laws of war and could not be prosecuted as war crimes.<sup>2</sup>

Based on the data of the Syrian Observatory for Human Right, Russian airstrikes killed 9,000 people including 4,000 civilians between September 2015 and early October 2016, and based on the last data from the United Nation (UN), 250,000 people were killed in the conflict.<sup>3</sup>

According to the UN Special Envoy for Syria peace, Staffan De Mistura, within 48 hours (April 30<sup>th</sup>, 2016 - May 2<sup>nd</sup>, 2016), one of lives lost every 25 minutes and one person injured every 13 minutes. This data is based on his reports obtained from the data of the Syrian Observatory for Human Right.<sup>4</sup> This data is certainly a reflection of the troubling events internationally, especially the people of Syria. As we know that Russia has done violations of the laws of war by attacking without a target (blindly). Since Syria and Russia are already in violation of International Humanitarian Law, here the researcher aims to investigate how the International Humanitarian Law regulated the targeting and untargeting attack.

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<sup>2</sup> Human Right Watch, "Syria: Government Airstrikes Closing Down Hospitals", 2016, available at <https://www.hrw.org/2016/08/11/syria-government-airstrikes-closing-down-hospital>, accessed on Monday, November 14<sup>th</sup>, 2016 at 1.23pm.

<sup>3</sup> Anonymous, "About 4,600 Persons were Killed and Injured since the Collapse of the Russian–American truce in Syria", available at <http://www.syriaahr.com/en/?p=54747>, accessed on Friday, November 5<sup>th</sup>, 2016 at 11.46pm.

<sup>4</sup> Anonymous, "Perang Saudara, Satu Nyawa Melayang Setiap 25 Menit di Aleppo", available at <http://nationalgeographic.co.id/berita/2016/05/perang-saudara-satu-nyawa-melayang-setiap-25-menit-di-aleppo>, accessed on Sunday, November 13<sup>th</sup>, 2016 at 2.10am.

## **B. Research Problem**

The issues in the undergraduate thesis are:

1. What are the obstacles of legal enforcement of International Humanitarian Law towards untargeting attack?
2. What are the responsibilities of state and individual against untargeting attack under International Humanitarian Law?

## **C. Objective of Research**

The objectives of this undergraduate thesis research are

1. This research aims to know what factors causing of the conflict in Syria then how the International Humanitarian Law regulates the targeting and untargeting attack.
2. To know how the International Humanitarian Law regulates the responsibility of the State and Individual.

## **D. Benefit of Research**

Practically, the research can provide insight and information about targeting and untargeting attack in International Humanitarian Law. Additionally, the research functions as a contribution to the Student Faculty of Law and the Public to understand what law that regulate about target and untargeting attack and how the International Humanitarian Law regulates the punishment to the Wrongdoers.

## **E. Overview of the Chapter**

To discuss this issue descriptively, The Researcher divide this undergraduate thesis into five chapters, with the systematic writing as follows, Chapter I: Introduction, Chapter II: Literature Review, Chapter III: Research Method, Chapter IV: Finding and Analysis, and Chapter V: Conclusion and Recommendation.

In Chapter I, the Researcher elaborates the general matter. Such as: Background, Research Problem, Objective Research, and Benefit of Research.

Chapter II, the Researcher elaborates each variable in this undergraduate thesis. This chapter explained about International Humanitarian Law briefly and general explanation about targeting and untargeting attack.

In Chapter III, discusses the research methods used on the study. This research method consists of type of research, source of information, collection of data, and data analysis. Type of this study is a normative legal research. This study used resources taken from some literature consisting of primary sources, and secondary sources. Then, in this study the data collection conducted through library research, and it analyzed systematically and academically through descriptive method.

Chapter IV, discusses the obstacles of the conflict and the responsibility of the State, Command, and Individual based on case Russia attack to Syria.

Chapter V, contains the conclusion and suggestion from the researcher toward the result of the research. This Chapter contains the conclusion and suggestion from the researcher toward the result of the research.