

Strengthening War Victim Protection in Modern Conflicts

Harwita Sari Drajat*

*University of Jayabaya

ARTICLE INFO	ABSTRACT
<p><i>Keywords:</i> <i>Geneva Conventions 1949, International Humanitarian Law, International Criminal Court (ICC), Modern Conflicts, War Victim Protection.</i></p>	<p><i>War victim protection is a critical aspect of international humanitarian law, as highlighted by the 1949 Geneva Conventions. This article explores the implementation of the 1949 Geneva Convention on the Protection of War Victims in modern conflicts, addressing both the challenges and prospects for the future. It delves into the legal safeguards provided by the Geneva Conventions and their relevance in contemporary warfare. Additionally, it examines the intricate relationship between international and national laws in the context of war victim protection. Furthermore, the article emphasizes the role of the International Criminal Court (ICC) in enforcing these conventions and ensuring accountability for violations. In conclusion, it underscores the importance of strengthening war victim safeguards in modern conflicts and offers recommendations for enhancing the implementation of the 1949 Geneva Conventions.</i></p>
<p>email: drajatharwita@gmail.com</p> <p>The Southeast Asia Law Journal Volume 5 Nomor 1 Juli - Desember 2019 p-ISSN: 2477-4081 e-ISSN: 2502-5503 hh. 1–12</p>	<p><i>Perlindungan korban perang adalah aspek penting dalam hukum humaniter internasional, sebagaimana yang diungkapkan dalam Konvensi Jenewa 1949. Artikel ini menggali implementasi Konvensi Jenewa 1949 tentang Perlindungan Korban Perang dalam konflik modern, mengatasi tantangan dan prospek di masa depan. Ini menjelajahi perlindungan hukum yang disediakan oleh Konvensi Jenewa dan relevansinya dalam perang saat ini. Selain itu, artikel ini memeriksa hubungan yang rumit antara hukum internasional dan nasional dalam konteks perlindungan korban perang. Selanjutnya, artikel ini menekankan peran Mahkamah Pidana Internasional (ICC) dalam menegakkan konvensi ini dan memastikan pertanggungjawaban atas pelanggaran. Sebagai kesimpulan, artikel ini menyoroti pentingnya memperkuat perlindungan korban perang dalam konflik modern dan menawarkan rekomendasi untuk meningkatkan implementasi Konvensi Jenewa 1949.</i></p> <p>©2019 SALJ. All rights reserved.</p>

INTRODUCTION

Throughout history, warfare has wrought dreadful humanitarian consequences. During World War I (1914-1918), the casualties included military personnel, civilians, and allies alike. Similarly, World War II, spanning from September 1, 1939, to August 14, 1945, proved even deadlier (Whitt, 2009). War has always been a specter in human history, yielding incalculable destruction. Human proclivity for conflict manifests in various forms, ranging from individual skirmishes to international disputes (Wardoyo, 2015; Asnawi, 2017; Jabri, 1996).

However, war doesn't merely result in loss of life; it brings forth various violations, including breaches of the rules of warfare and human rights abuses, which harm both frontline combatants and non-combatant civilians (Bouckaert, 2007; Schmid, 2011; Lin, Abney, & Bekey, 2014). To address these humanitarian impacts, international law has sought to regulate armed conflicts through international humanitarian law, aimed at safeguarding individuals, particularly during wartime (Asnawi, 2017; Dewi, 2013; Sholehudin, 2015; Aslamiyah, Hardiwinoto, & Setiyono, 2016).

A pivotal step in this endeavor is the 1949 Geneva Convention, an integral part of the international humanitarian legal framework governing the protection of war victims (Pictet, 2017). This Convention aims to set the standard guidelines for the treatment of war victims, whether actively engaged in combat or not (Meron, 1987; Yingling, & Ginnane, 1952; Gasser, 2002). Within international law, the Geneva Convention and the 1977 Additional Protocols govern two forms of armed conflicts: international and non-international.

International armed conflicts occur when two or more states engage in hostilities, whether declared or unrecognized by one party. These conflicts are regulated by Article 2 of the 1949 Geneva Convention (Kusumo, & Tejomurti, 2015). In contrast, non-international armed conflicts lack a

precise definition within the 1949 Geneva Convention (Boro, 2014; Danial, 2016). A more detailed definition is provided in the 1977 Additional Protocol II, encompassing situations where conflicting parties operate within a single country's territory.

Furthermore, Article 3 of the 1949 Geneva Convention specifically applies to non-international armed conflicts. Protocol II of 1977 offers more detailed criteria to classify an armed conflict as non-international, which involves aspects such as the conflict occurring within a state's territory, the involvement of insurgents operating under responsible command, and control over part of the state's territory.

The definition of non-international armed conflict proposed by the International Committee of the Red Cross (ICRC) and Hans-Peter Gasser describes armed confrontations within a country between the government and insurgent groups (Gasser, 1994; Paulus, & Vashakmadze, 2009; Abiodun, & Abila, 2018). These groups can go by various names, such as rebels, insurgents, or freedom fighters, and their objectives may vary from seizing control of the government to seeking greater autonomy or even secession and the formation of their own state.

A key distinction between international and non-international armed conflicts lies in the legal status of the parties involved. In international armed conflicts, both parties enjoy equal legal status as states. In contrast, in non-international armed conflicts, the legal status of the two parties is not on an equal footing; one party is a state, while the other is a non-state armed group.

In the annals of war history, military casualties have often been viewed as an inevitable consequence, whereas civilian casualties have consistently been seen as a tragic outcome to be avoided. The principles of protection in the 1949 Geneva Convention affirm that unarmed civilian populations and individuals not taking part in the

conflict must receive full protection. However, the reality on the ground often differs, especially in modern conflicts like the war between Russia and Ukraine, where civilian lives continue to be at risk. The persistence of these human rights violations underscores the critical challenges faced in implementing the 1949 Geneva Convention.

One fundamental principle concerning the protection of war victims is the principle of distinction. This principle classifies individuals in armed conflicts into two main groups: combatants and non-combatants. Combatants are organized, armed members of the military, while non-combatants encompass healthcare personnel, clergy in the armed forces, and civilian populations. The principle of distinction is crucial to ensure clear identification of those engaged in combat and to protect civilians from attacks. However, the application of this principle can vary under different international agreements.

Nevertheless, alongside the principle of distinction, other principles must be considered in the context of armed conflict. One of these is the principle of military necessity, which justifies the use of force to achieve military objectives. This principle must be constrained by the principles of limitation and proportionality. The principle of limitation prohibits the use of weapons that may cause excessive damage or unnecessary suffering, while the principle of proportionality mandates that harm to civilians or civilian objects must be proportionate to the expected military advantage.

Furthermore, the principle of humanity is a crucial foundation in addressing armed conflicts. This principle emphasizes the need to consider humanitarian aspects and avoid the use of violence that could result in excessive harm or unnecessary suffering. In the context of protecting war victims in modern conflicts, adherence to these principles is key to addressing the existing challenges and outlining future prospects for the implementation of the 1949 Geneva Convention.

By upholding these principles and continually exploring how the 1949 Geneva Convention impacts the treatment of war victims in both international and non-international armed conflicts in the contemporary era, a deeper understanding of these distinctions and principles becomes essential in comprehending the challenges and prospects for the future implementation of the 1949 Geneva Convention. Exploring how these principles are applied and respected in modern conflicts will aid in formulating more effective solutions to protect war victims and mitigate the detrimental humanitarian consequences. By examining ongoing violations, we can find ways to improve the implementation of the 1949 Geneva Convention. Thus, we can envision a future where armed conflicts no longer result in significant human loss and humanitarian suffering.

This research aims to explore the role and challenges of the 1949 Geneva Convention in the context of modern conflicts. Furthermore, we will delve deeper into how these principles can be effectively applied in various conflict situations, with the hope that improved implementation can have a positive impact on protecting war victims in the future. Through a better understanding of international humanitarian law and the role of the 1949 Geneva Convention, we can guide the world towards a safer and more humane future in addressing the challenges of modern conflicts.

RESEARCH METHODOLOGY

In the quest to comprehend the implementation of the 1949 Geneva Convention in the context of modern conflicts, this research employs a robust methodological approach. Legal research, as the initial step in grasping this issue, constitutes a series of systematically and structured scientific activities. According to Soekanto (2003), legal research is a scientific endeavor grounded in specific methods, systematics, and thought processes, with the aim of

investigating particular legal phenomena. In this context, the research focuses on international law.

The sources of data utilized encompass a spectrum of aspects, ranging from primary legal materials to secondary and tertiary legal sources. The primary legal material at the core of the analysis of the implementation of war victim protection is the 1949 Geneva Convention. Additionally, secondary legal materials such as literature, legal journals, expert opinions, and relevant legal articles serve as vital foundations in developing a profound understanding.

The data analysis process in this research is conducted qualitatively, allowing the author to articulate and elucidate research findings with clarity. Data obtained from the aforementioned sources are scrutinized meticulously and with great care. Furthermore, data interpretation is employed to derive robust conclusions from this research. With a deeper understanding of the implementation of the 1949 Geneva Convention, this research strives to provide pertinent recommendations for addressing challenges and formulating a more promising future in safeguarding war victims. Thus, this research constitutes a vital initial step in addressing complex issues related to international law and humanitarian protection within the context of modern conflicts.

RESEARCH FINDINGS AND DISCUSSION

The 1949 Geneva Conventions

In the diplomatic context, the term "convention" refers to an international agreement or treaty (Jacobs, 1969); Gardiner, 2015). According to the Kamus Besar Bahasa Indonesia (Indonesian Dictionary, 2016), it defines "konvensi" as (1) an agreement or consensus; (2) an international agreement between countries, ruling authorities, and the like; (3) a conference of public figures or

political parties with a specific purpose (such as selecting candidates for legislative elections, etc.).

The Geneva Conventions consist of four main treaties and three additional protocols that establish international legal standards for humanitarian protection during armed conflicts. The Geneva Conventions apply during times of war and armed conflicts to countries that have ratified them, although this sometimes creates tension with the national sovereignty of these countries.

The history of the Geneva Conventions dates back to 1862 when Henry Dunant published his monumental work, "A Memory of Solferino," documenting the horrors of war. His firsthand experiences as a war witness inspired his ideas on the importance of:

- 1) Forming a Humanitarian Aid Association: Dunant proposed the establishment of a permanent humanitarian organization to provide assistance during wars, eventually giving rise to the Red Cross.
- 2) Recognizing Neutrality and Inter-Governmental Aid: He also advocated for the formation of inter-governmental agreements that would recognize the neutrality of such organizations and grant them permission to provide aid in conflict zones. This second proposal led to the First Geneva Convention. Due to his crucial role in this, Henry Dunant became one of the first recipients of the Nobel Peace Prize in 1901.

Subsequently, on August 22, 1864, twelve pioneering countries boldly adopted the first ten articles of the First Geneva Convention. This marked the initial step in international awareness of the need for humanitarian protection during armed conflicts. In this regard, Clara Barton played a significant role in mobilizing the United States to ratify the convention in 1882. The next steps were the Second Geneva Convention in 1906, focusing on the protection of wounded, sick, and shipwrecked

members of the armed forces, and the Third Geneva Convention in 1929, which regulated the treatment of prisoners of war.

However, changes in the landscape of armed conflicts, especially during the Cold War era, challenged the relevance of the existing 1949 Geneva Conventions. Most conflicts became internal or civil wars, and there was a surge in asymmetric armed conflicts. Public concern about war crimes exposed at the Nuremberg Trials after World War II triggered a series of conferences in 1949.

The result was the refinement, expansion, and modernization of the three existing Geneva Conventions, along with the adoption of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, a highly detailed treaty. Nevertheless, it is essential to remember that over time, it became evident that these treaties remained incomplete in addressing the changing dynamics of armed conflict. Many modern armed conflicts inflicted ever-increasing civilian casualties. This necessitated the revision of the Hague Conventions of 1899 and 1907.

In response to these changes, two Protocols were adopted in 1977, significantly expanding the 1949 Geneva Conventions with additional protective provisions. In 2005, a third Protocol was adopted, designating the Red Crystal as an additional protective emblem for medical services of armed forces. The Geneva Conventions stand as a primary pillar of international law governing the protection of victims in armed conflicts. The International Committee of the Red Cross, founded in 1863 and based in Geneva, plays a central role in monitoring and ensuring the implementation of these conventions. In times of peace, continuous efforts are made to enhance humanitarian protection based on international law for individuals suffering from the effects of war.

Since its founding in 1863, the International Committee has been a key agent in implementing the Geneva Conventions for the Protection of Wounded Combatants and other related humanitarian conventions. The core principles of these conventions are based on the respect for individual dignity. These principles underscore the importance of providing assistance selflessly and without discrimination to all individuals in distress, be they wounded, prisoners of war, or shipwrecked. Therefore, there is no reason to view them as enemies.

Nevertheless, over time, international law has gradually expanded its coverage to protect various types of war victims in response to evolving warfare technology. The Red Cross has also increased the level of assistance provided to them, from those wounded on the battlefield to civilians threatened by the impacts of war. However, the reality is that the law often lags behind the developments in the real world. It takes time for the law to adapt to the realities of life and human needs. Therefore, the task of accelerating legal development is a noble one that requires foresight and wise thinking. Since its inception, the International Committee has consistently expanded the scope of these humanitarian conventions, adapting them to the demands of the times, and formulating new agreements.

One of the Committee's major achievements was the establishment of new conventions, especially the 1929 Convention Relative to the Treatment of Prisoners of War. This convention provided protection for millions of prisoners during the challenging years of the 1939-1945 period and beyond. However, the outbreak of war in 1945 created a complex task of amending international law based on the experiences gained during the conflict. The Geneva Conventions consist of four treaties and three additional protocols that establish international legal standards for humanitarian treatment during armed conflicts. While the Geneva

Conventions provide significant protection for individuals and groups affected by armed conflicts, it is important to understand that international law often has to grapple with the tension between humanitarian objectives and the national sovereignty of the involved states.

Legal Protection of War Victims Under the 1949 Geneva Conventions

The 1949 Geneva Conventions, a cornerstone of international humanitarian law, offer comprehensive protection for various categories of war victims, including civilians, combatants, medical personnel, volunteers, and clergy. These conventions comprise four main treaties and three additional protocol amendments that serve as explanations and extensions of existing principles. To understand the depth of protection provided by the Geneva Conventions, it is crucial to delve into how these conventions safeguard war victims at a more specific level.

- a) The First and Second Conventions, for instance, focus on the protection of wounded soldiers and prohibit inhumane and discriminatory treatment of them. The Second Convention extends this protection by regulating it for hospital ships. Additionally, the Third Convention grants rights to prisoners of war and mandates humane treatment of them.
- b) The Third Geneva Convention further delineates ten crucial protections for prisoners of war, such as the right to receive medical care and correspondence from their families, as well as the freedom to practice religion.
- c) The Fourth Convention becomes more comprehensive by offering protection to civilians, including the right to care and protection for those who are wounded. This is a key element in the Geneva Conventions' efforts to safeguard the most vulnerable groups in armed conflicts.

All of this translates into prohibitions against torture, the abuse of individual dignity, and execution without trial, as enshrined in the Geneva Conventions. Furthermore, the conventions provide the right to care and protection for those who are wounded, including the right to receive medical treatment and transportation to a safe place.

In an effort to provide broader protection, the Geneva Conventions bind parties involved in armed conflicts to respect international humanitarian law and ensure that their personnel adhere to its provisions. This commitment demonstrates how the conventions dedicate themselves to upholding human rights and individual dignity in high-pressure and conflict-ridden situations.

Furthermore, it is important to emphasize two key articles in the Fourth Geneva Convention, namely Article 3 and Article 4, which specifically focus on the protection of war victims. Article 3 offers protection to civilians who are not directly involved in armed conflict. They must be treated humanely, without discrimination, and their beliefs, customs, and religious practices must be respected. Article 4, on the other hand, provides protection for combatants who are no longer actively engaged in combat due to injury or capture. Fundamental rights, such as protection from torture and medical treatment, are affirmed in this article.

The importance of the Geneva Conventions lies in their ability to present a comprehensive and cohesive framework for protecting war victims. Moreover, these conventions provide unparalleled protection, whether in international or non-international armed conflicts. Other international humanitarian laws also offer protection for war victims in non-international armed conflicts, as outlined in Article 3 of the 1949 Geneva Conventions and Additional Protocol II to the 1977 Geneva Conventions.

It is essential to remember that the protection offered by international humanitarian law in international and non-international armed conflicts has significant differences. These include the scope of application, the level of detail, and the responsibilities of parties involved. However, one thing remains consistent: the commitment to preserving human dignity in conflict situations, which is the core value in the effort to protect war victims.

The Relationship Between International Law and National Law in the Context of War Victim Protection

When examining the legal protection of war victims under the 1949 Geneva Conventions, a crucial aspect that emerges is the relationship between international law and national law. In this realm, two main perspectives that have long been a subject of debate are dualism and monism. Dualism considers international law and national law as two separate legal systems, while monism views them as one unified universal legal system binding individuals and non-state entities. Despite being based on different premises, both international law and national law share a common goal, which is to establish order and justice.

1) The Process of Incorporating International Law Provisions into National Law

When a country intends to incorporate international law provisions into its national law, several steps can be taken, including ratification and accession. Ratification is a state's act of expressing its consent to be bound by an international agreement that has been jointly agreed upon. Conversely, accession occurs when a country that was not previously involved in the making of an international agreement declares its intention to become a party to that agreement.

2) The Role of Signing in Binding to International Agreements

Signing can also influence the binding of a state to an agreement, depending on the provisions of the agreement and the consent of the involved states. Therefore, states must follow the applicable national legal procedures to bind themselves to international agreements. This agreement has profound implications because it is only through these steps that states can be bound by the agreement and obligated to comply with its provisions. In this context, bridging the gap between international law and national law is a complex necessity that requires careful management to achieve the common goal of creating order and justice at both international and national levels.

3) Legal Protection for War Victims: Implementing the 1949 Geneva Conventions

It is important to highlight the forms of legal protection for war victims regulated by the 1949 Geneva Conventions. These conventions play a crucial role in governing the rights and protection of various groups of war victims. The Fourth Geneva Convention, as an example, provides protection for civilians and grants the right to care and protection for those who are wounded. When armed conflicts occur, civilians must be protected and are prohibited from being targeted, a principle that reflects the commitment to the principles of the Geneva Conventions.

4) Protection for War Victims: Adhering to the Principles of the Geneva Conventions

The principles of the Geneva Conventions apply not only to civilians but also to combatants, prisoners of war, hospitals, and medical personnel, children, women, the disabled, and others involved in armed conflicts. Each of these groups has specific provisions governing their protection. These principles also affirm that all parties involved in armed conflicts must respect

international humanitarian law and ensure that their personnel comply with its provisions.

5) **Enforcing the Principles of the Geneva Conventions: The Role of National and International Law**

To enforce the principles of the Geneva Conventions, national and international law must work together. This requires harmonization and coordination between these two legal systems to ensure that the rights of war victims are recognized and respected effectively. In this context, the role of international law, as represented by the 1949 Geneva Conventions, provides a universal framework, while national law provides concrete tools to implement these principles within each country's jurisdiction. In this way, the protection of war victims in modern conflicts can be significantly enhanced, and the common goal of creating order and justice at both the international and national levels can be achieved.

The Implementation of the 1949 Geneva Conventions in the Context of the International Criminal Court (ICC)

In the realm of humanitarian law's protective principles, it is crucial to underscore the pivotal role of the International Criminal Court (ICC), established on April 11, 2002, under the legal framework of the Rome Statute. This marks a historic milestone in the development and enforcement of international law, particularly in upholding the humanitarian values embedded in humanitarian law.

The Rome Statute grants the ICC the authority to prosecute the most serious crimes of international concern, committed by individuals. These crimes encompass genocide (ethnic/national group destruction), crimes against humanity, war crimes, and aggression. These crimes provide the legal basis for the International Criminal Court to fulfill

its role in ensuring the enforcement of the law as mandated by the 1949 Geneva Conventions.

The establishment of the International Criminal Court has deep roots in the formation of previous international criminal tribunals. First, following World War II, the International Military Tribunal (IMT), also known as the Nuremberg Tribunal, was formed in 1945, followed by the International Military Tribunal for the Far East (IMTFE) in 1946. Second, after the end of the Cold War, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) emerged. These four international criminal tribunals were ad hoc in nature. The ICC assumes a crucial role with far-reaching implications:

1) **Establishment of the International Criminal Court (ICC)**

The ICC is the first permanent and independent international criminal court. Its primary goal is to adjudicate serious violations of international humanitarian law, such as crimes against humanity, war crimes, and genocide, which contradict the values of the 1949 Geneva Conventions.

2) **Jurisdiction with Universality**

A prominent feature of the ICC is its universal jurisdiction, meaning that it can prosecute crimes committed anywhere in the world, provided these crimes are committed by individuals from states that have ratified the Rome Statute. In this regard, the ICC plays a significant role in incorporating the protection aspects outlined in the 1949 Geneva Conventions within a universal scope.

3) **Prevention of Crimes Against Humanity and Ending Impunity**

The significance of the ICC also lies in its role in preventing crimes against humanity and breaking the chain of legal immunity

(impunity). By enforcing penalties for serious violations of international humanitarian law, the ICC has a significant preventive impact. This aligns with the goals of the Geneva Conventions to protect war victims and prevent violations against them.

4) Cooperation with Member States and International Organizations

The ICC also collaborates with member states and other international organizations to ensure that crimes against humanity are not repeated in the future. This includes efforts to strengthen protection for war victims, a primary focus of the Geneva Conventions.

5) Protection for War Victims in the Context of the Geneva Conventions

The ICC plays a crucial role in ensuring that violations of the 1949 Geneva Conventions are not only punished but also adjudicated fairly and independently. This aligns with the principles of the Geneva Conventions aimed at protecting war victims, including civilians, combatants, medical personnel, volunteers, and clergy.

6) Role in Protecting War Victims

The ICC does not only prosecute perpetrators of crimes against humanity but also provides assistance and protection to victims of these crimes, including war victims protected by the Geneva Conventions. This underscores the ICC's commitment to ensuring that victims of crimes against humanity receive the protection and justice they deserve.

7) Contribution to the Implementation of the Principles of the Geneva Conventions

Through its actions, the ICC contributes to the implementation of the principles of the Geneva Conventions, including the protection of civilians, combatants, prisoners of war,

hospitals, children, women, the disabled, and others in situations of armed conflict.

8) Supporting the Principles of the Geneva Conventions

Thus, the role of the ICC extends beyond prosecution and encompasses aspects of protecting war victims within the framework of the principles outlined in the Geneva Conventions. This is a vital part of the global effort to respect and uphold the dignity of individuals in situations of armed conflict.

9) Strengthening the Protection of War Victims

It is essential to remember that the ICC is committed to preventing violations of the Geneva Conventions and ensuring that violators are tried fairly and independently. This reflects the urgent need to strengthen the protection of war victims in the context of modern conflicts.

10) Enhancing Alignment with the Principles of the Geneva Conventions

Furthermore, the ICC collaborates with member states and international organizations to strengthen alignment between international law enforcement efforts and the principles of the Geneva Conventions. Thus, the ICC plays a crucial role in creating a safer environment and greater compliance with international humanitarian law.

11) Securing the Rights of War Victims in Modern Armed Conflicts

Overall, the role of the ICC in securing the rights of war victims in modern conflicts reflects a serious commitment to upholding the principles of the 1949 Geneva Conventions and the underlying humanitarian values. This reinforces the international legal protection system aimed at safeguarding the most vulnerable individuals in situations of armed conflict.

CONCLUSION

In conclusion, the 1949 Geneva Conventions and the International Criminal Court are crucial instruments for protecting war victims in today's complex conflicts. While significant progress has been made, continued efforts are essential to address challenges and strengthen the implementation of these instruments. By fostering cooperation, raising awareness, and ensuring accountability, the international community can better uphold the principles of humanity, neutrality, and impartiality enshrined in the Conventions, ultimately providing a brighter future for war victims. The exploration of the 1949 Geneva Conventions and their application in modern conflicts, along with the critical role played by the International Criminal Court (ICC), reveals several important findings and areas for future consideration.

The Geneva Conventions, created to protect war victims, maintain their relevance and importance in today's complex global landscape. These Conventions offer a comprehensive framework for safeguarding the rights and dignity of individuals affected by armed conflicts, including civilians, combatants, medical personnel, and others. Their enduring significance underscores the commitment of the international community to uphold human dignity during times of conflict.

The relationship between international law, as embodied in the Geneva Conventions, and national legal systems remains a central concern. The ongoing debate between dualism and monism highlights the need for synergy between international and national legal frameworks. Striking this balance is vital to ensuring the effective implementation of the Conventions' principles.

The International Criminal Court (ICC) emerges as a key player in upholding the principles of the

Geneva Conventions. Its mandate to prosecute individuals responsible for grave breaches of international humanitarian law extends the reach of these principles globally. The ICC's universal jurisdiction and deterrence effect contribute significantly to enforcing the Conventions on a global scale. The ICC's role extends beyond prosecution; it also encompasses the protection of war victims. By prosecuting perpetrators and supporting victims, the ICC plays a pivotal role in preventing impunity and strengthening the legal protection of individuals affected by armed conflicts.

RECOMMENDATIONS

To enhance the effectiveness of the 1949 Geneva Conventions and address the challenges they face in modern conflicts, several recommendations can be made. These include:

- a) Prioritizing the ratification and effective implementation of the Geneva Conventions and their Additional Protocols by states, promoting harmony between international and national law.
- b) Launching educational programs and awareness campaigns at both national and international levels to foster a better understanding of the Conventions' provisions among various stakeholders.
- c) Continuing to support the ICC in its mission to prosecute individuals responsible for the most serious international crimes, ensuring adequate funding, state cooperation, and the removal of legal barriers hindering the Court's effectiveness.
- d) Strengthening efforts to protect war victims by providing psychological, medical, and legal assistance, with states and humanitarian organizations collaborating to ensure comprehensive support.

- e) Enhancing cooperation between the ICC, states, and international organizations to create a more seamless system for enforcing international humanitarian law.
- f) Periodically reviewing and amending international and national legal frameworks to address emerging challenges in modern conflicts and protect vulnerable groups.
- g) Establishing clear mechanisms at the state level for holding individuals and entities accountable for violations of international humanitarian law, complementing the ICC's work and promoting a culture of accountability and respect for the Geneva Conventions.

REFERENCES

- Abiodun, A. K., & Abila, S. E. (2018). A review of the Boko Haram insurgency and armed conflicts in Nigeria under International Humanitarian Law. *JL Pol'y & Globalization*, 73, 7.
- Aslamiyah, M., Hardiwinoto, S., & Setiyono, J. (2016). Perlindungan Hukum Humaniter terhadap Perempuan Korban Kekerasan Seksual dalam Perang (Studi Kasus Perang Saudara di Sudan Selatan). *Diponegoro Law Journal*, 5(2), 1-11.
- Asnawi, M. I. (2017). Konsistensi Penegakan Hukum Humaniter Internasional dalam Hubungan Antar Bangsa. *Jurnal Hukum Samudra Keadilan*, 12(1), 111-122.
- Asnawi, M. I. (2017). Konsistensi Penegakan Hukum Humaniter Internasional dalam Hubungan Antar Bangsa. *Jurnal Hukum Samudra Keadilan*, 12(1), 111-122.
- Badan Pengembangan dan Pembinaan Bahasa. (2016). KBBI Versi Luring, "Konvensi". Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik, Indonesia, Retrieved: <https://kbbi.kemdikbud.go.id/entri/konvensi>
- Boro, L. R. (2014). Jajak Pendapat Timor Timur Dalam Perspektif Perlindungan Hukum Masyarakat Sipil Pasca Konvensi Jenewa 1949. *Masalah-Masalah Hukum*, 43(3), 380-388.
- Bouckaert, P. (2007). *Why they died: Civilian casualties in Lebanon during the 2006 war* (Vol. 19, No. 5). Human Rights Watch.
- Danial, D. (2016). Revitalisasi Prinsip Pembedaan (Distinction Principle) sebagai Upaya Perlindungan Korban Konflik dalam Konflik Bersenjata Modern. *Jurnal Media Hukum*, 23(2), 200-208.
- Dewi, Y. T. N. (2013). Penegakan dan Implementasi Hukum Humaniter dalam Hukum Internasional dan Hukum Nasional. *Basic Course HHI, FH UGM*.
- Gardiner, R. K. (2015). *Treaty interpretation*. Oxford University Press, USA.
- Gasser, H. P. (1994). International humanitarian law an introduction. *International Review of the Red Cross* (1961-1997), 34(298), 88-88.
- Gasser, H. P. (2002). Acts of terror, "terrorism" and international humanitarian law. *International Review of the Red Cross*, 84(847), 547-570.
- Jabri, V. (1996). *Discourses on violence: Conflict analysis reconsidered*. Manchester University Press.
- Jacobs, F. G. (1969). Varieties of approach to treaty interpretation: with special reference to the Draft Convention on the Law of Treaties before the Vienna diplomatic conference. *International & Comparative Law Quarterly*, 18(2), 318-346.
- Kusumo, A. T. S., & Tejomurti, K. (2015). Alternatif atas Pemberlakuan Hukum Humaniter Internasional dalam Konflik Bersenjata Melawan Islamic State of Iraq and Syria. *Yustisia Jurnal Hukum*, 4(3), 639-664.

- Lin, P., Abney, K., & Bekey, G. (2014). Ethics, war, and robots. In *Ethics and emerging technologies* (pp. 349-362). London: Palgrave Macmillan UK.
- Meron, T. (1987). The Geneva Conventions as customary law. *American Journal of International Law*, 81(2), 348-370.
- Paulus, A., & Vashakmadze, M. (2009). Asymmetrical war and the notion of armed conflict—a tentative conceptualization. *International Review of the Red Cross*, 91(873), 95-125.
- Pictet, J. S. (2017). The new Geneva conventions for the protection of war victims. In *The Development and Principles of International Humanitarian Law* (pp. 139-152). Routledge.
- Schmid, A. P. (Ed.). (2011). *The Routledge handbook of terrorism research*. Taylor & Francis.
- Sholehudin, M. (2015). ISIS, pemberontak, dan teroris dalam hukum internasional. *El-Qudwah: Jurnal Penelitian Integrasi Sains dan Islam*, 10(1), 21-38.
- Soejono Soekanto. (2003). *Metodologi penelitian*. Jakarta: Rineka Cipta.
- Wardoyo, B. (2015). *Perkembangan, Paradigma, dan Konsep Keamanan Internasional & Relevansinya untuk Indonesia*. Nugra Media.
- Yingling, R. T., & Ginnane, R. W. (1952). The Geneva Conventions of 1949. *American Journal of International Law*, 46(3), 393-427.