

Russian – Ukraine Conflict in An International Legal Perspective

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Abstract

The conflict between Russia and Ukraine, which erupted in 2014 and further escalated in 2022, has had a significant impact on the international legal order. From an international law perspective, this conflict includes various violations allegedly committed by both parties. Chief among them is the violation of the principles of sovereignty and territorial integrity set out in the UN Charter. Russia's annexation of Crimea in 2014 was considered illegal by much of the international community, and has led to international sanctions against Russia. In addition, Russia's military intervention in Eastern Ukraine and support for pro-Russian separatist groups also violates international humanitarian law which regulates the protection of civilians in armed conflicts. This conflict also raises various issues related to human rights violations and war crimes, which require attention from international courts such as the International Criminal Court. This article will analyze the main aspects of this conflict in the context of international law, identify the violations that occurred, and discuss the legal implications of the actions taken by both countries. This research aims to provide a deeper understanding of how international law is applied in modern conflict situations, as well as exploring possible resolution efforts through existing legal mechanisms.

Keywords

Conflict; Russia vs Ukraine War; Impact of the Russia vs Ukraine War; Laws Governing War

Introduction

The conflict between Russia and Ukraine is one of the most significant geopolitical events of the last decade. This conflict began in 2014, when Russia annexed the Crimea Peninsula, which was previously part of Ukraine. This annexation sparked international condemnation and was considered a serious violation of Ukraine's sovereignty and territorial integrity, in accordance with the principles set out in the United Nations (UN) Charter. After the annexation of Crimea, tensions between the two countries increased, especially in eastern Ukraine, where there was an armed rebellion supported by Russia. The armed conflict in Donetsk and Luhansk between Ukrainian government forces and pro-Russian separatist groups has caused thousands of casualties and created a serious humanitarian crisis.



In February 2022, a new escalation occurred when Russia launched a major military invasion of Ukraine. This invasion marked a dramatic increase in the scale and intensity of the conflict, with widespread impacts not only in the region but also throughout the world. Russia's actions received widespread condemnation from the international community and triggered significant economic and diplomatic sanctions against Russia. From an international law perspective, this conflict raises various important issues. First, there is a violation of the basic principles of international law governing relations between states, such as sovereignty, non-intervention and peaceful resolution of disputes. Second, there are issues related to international humanitarian law, including the protection of civilians and war crimes. Apart from that, this conflict also raises questions regarding the role of international institutions in enforcing law and maintaining international peace and security.

International law recognizes the existence of the state sovereignty and non-intervention principles as *jus cogens*. The principle of *jus cogens* is accepted by the international community as a norm that cannot be denied in all conditions or is non-derogable. ⁴ This is in accordance with the provisions of Article 1 paragraph (2) of the United Nations Charter (UN Charter) which states that friendly relations between countries are based on respect for equal rights, namely the right to self-determination and prioritizing actions for the purpose of world peace. The principles of state sovereignty and non-intervention have laid the foundation in relations between countries for mutual respect and appreciation. The definition of aggression based on Article 8 bis of the 1998 Rome Statute Amendment is a planning, preparation, initiation or implementation carried out by someone to direct political or military action against another country. An act of aggression means the use of armed force by a country against the sovereignty, territorial integrity or political independence of another country. ⁵ Aggression can take the form of other actions that are not in accordance with the UN Charter (Maskun, 2013).

The condition for an action to be considered aggression based on the amendment to the Rome Statute is that there is an invasion or attack carried out by armed forces from one country into the territory of another country. The conflict between Russia and Ukraine has been going on for a very long time in its history. Between Ukraine, Russia, and Belarus, it was a medieval superpower that controlled most of Eastern Europe. During the Bolshevik Revolution of 1917, Russia and Ukraine clashed. The Russian government granted autonomy to Ukraine as the Ukrainian People's Republic (UNR) after the fall of the Russian monarchy that same year, but the Bolsheviks refused to recognize it and invaded Ukraine to incorporate it into the Soviet state. The Soviet Union was founded on December 30, 1922 with the members of the Russian SSR, Transcaucasian SSR, Ukrainian SSR, and Byelorussian SSR, following the Bolshevik victory in the post-revolutionary Russian Civil War. did not stop the various wars between the Soviet countries. Until 2022, various conflicts will continue.

The crisis began when NATO attempted to increase its membership in Eastern Europe by targeting Ukraine. Russia views this as an act of aggression and threat. Therefore, President Putin prevented Ukraine from doing so with impunity. It is natural that a Russian president would not allow his colleagues to escape. As a result, Western accusations that Russia was planning to invade Ukraine were denied by Russian spokespeople, who argued that such accusations were simply a provocation that increased tensions.⁷ However, Russia continued to engage NATO member states. Impact was the language America and Canada used to move staff to the city of Lviv, located 70-kilometers from the Ukrainian-Polish border. Both the country and the UK have stated their commitment to containing Ukraine. The impact of this environment appears to be making Russia less supportive of Ukraine.⁸ Ukraine has realized that it will succeed along the path it has taken. That confidence grew, before the United States, Britain and other NATO members established a presence in Ukraine for weapons, missiles, fighter jets, warships and medical care. In this case, President Vladimir Putin, who was appointed by a Western country and joined NATO to support Russia, warned the alliance about

mask activities in Southeastern Europe. In its relations with the Soviet Union as its ally, Russia used NATO as a bargaining tool. But Putin is banking on the fact that NATO escalation in East Asia is causing America to lose momentum. In this situation, NATO informed that several countries, including Estonia, Latvia and Lithuania, which are currently at war with Russia, have officially joined as members of the alliance. Therefore, NATO supports international cooperation. B. Problem Formulation

Problem Statement

Based on the description of the background above, the author formulates several important things which are considered problems which will be the starting point for discussion in the research, namely as follows:

1. How conflict resolution can be achieved through international legal mechanisms
2. How will Russia's military invasion of Ukraine in February 2022 be evaluated based on international law

Research Objectives

The research that will be carried out aims, among other things, to:

1. To find out how conflict resolution can be achieved through international legal mechanisms
2. To find out how the Russian military invasion of Ukraine in February 2022 is evaluated based on international law

Benefits of Research

This research is expected to provide theoretical and practical benefits, namely:

1. Theoretically, this research enriches theories and concepts in international law related to state sovereignty, human rights and humanitarian law. It includes an in-depth analysis of the application of principles such as non-intervention, territorial integrity, and the rights of civilians in armed conflict.
2. Practically, research findings can be used by policy makers at the national and international levels to formulate more effective policies in dealing with similar conflicts. It also helps diplomats in negotiations and mediation by providing a strong legal foundation.

Literature Study

The conflict between Russia and Ukraine has been the subject of much debate and analysis under the perspective of international law. The conflict began in 2014 after Ukraine decided not to sign a free trade agreement between Russia and the European Union, which later led to Russia's takeover of Crimea and conflict in eastern Ukraine. Some analysts have argued that Russia's actions in Ukraine could constitute violations of international law, including illegal takeover of territory, use of force against civilians, and human rights violations. For example, the Organization for Peace and Cooperation (UN) has passed several resolutions condemning Russia's actions in Ukraine and demanding respect for the principles of international law.

These resolutions include United Nations Security Council Resolution No. 2166 (2014), which demands Russia stop its takeover of Crimea and respect Ukraine's sovereignty. Other resolutions include United Nations Security Council Resolution No. 2206 (2015), which demands Russia stop its support for armed groups in Ukraine and respect the principles of international law. In addition, several human rights organizations and human rights groups have issued reports criticizing Russia's actions in Ukraine and demanding respect for the principles of international law. For example, Amnesty International has issued several reports criticizing the use of violence against civilians by Russia and armed groups in Ukraine. Overall, the conflict between Russia and Ukraine has been the subject of much debate and analysis under the perspective of international law, with some analysts considering Russia's actions in Ukraine to be a violation of international law. However, it is important to note that international law cannot always prevent conflict or demand respect for its principles, and that the situation in Ukraine is complex and multifaceted.

Methodology

This research is a legal analysis. It involves an assessment of the law and principles of international law related to the conflict between Russia and Ukraine. This can help identify violations of international law and evaluate international responses to conflicts.

Discussion

A. To find out how conflict resolution can be achieved through international legal mechanisms

To achieve conflict resolution through international legal mechanisms, several steps can be taken:

1. Identifying violations of international law: The first step in achieving conflict resolution through international legal mechanisms is identifying violations of international law. This can involve analysis of documents, such as treaties, resolutions, and reports, as well as analysis of laws and principles of international law related to the conflict.
2. Seek legal action: Once a violation of international law is identified, the next step is to seek legal action that can be taken to address the violation. This may involve filing complaints with international legal bodies, such as the International Supreme Court or the United Nations Security Council, or filing lawsuits in domestic courts.
3. Seek diplomatic action: Apart from legal action, diplomatic action can also be taken to address violations of international law. This could involve sending diplomats to speak with those responsible for the violations, or issuing an official statement demanding respect for the principles of international law.
4. Seek military action: In some cases, military action may also be taken to address violations of international law. This may involve sending troops to restore order or protect certain groups.
5. Seek economic action: Economic action can also be taken to address violations of international law. This may involve incurring economic sanctions against those responsible for the violation, or taking other measures to disrupt their activities.
6. Seek humanitarian action: Humanitarian action can also be taken to address violations of international law. This could involve sending humanitarian aid, such as food or water, to other affected groups to protect human rights.
7. Seek environmental action: Environmental action can also be taken to address violations of international law. This can involve taking action to protect the environment, such as cleaning up pollution or stopping deforestation.
8. Seek security measures: Security measures may also be taken to address violations of international law. This may involve taking action to protect security, such as sending troops to restore order or protect certain groups.
9. Seeking social action: Social action can also be taken to address violations of international law. This can involve taking action to protect society, such as providing humanitarian aid or stopping the use of violence against civilians.
10. Seek political action: Political action can also be taken to address violations of international law. This may involve issuing an official statement demanding respect for the principles of international law, or taking other action to disrupt the activities of the party responsible for the violation.

B. To find out how the Russian military invasion of Ukraine in February 2022 is evaluated based on international law

Russia's military invasion of Ukraine in February 2022 can be evaluated under international law by considering several factors, including:

1. State interests: Russia's military invasion of Ukraine may be considered a violation of international law because it violates Ukraine's sovereignty and violates the principles of international law governing the use of force in conflicts between states.
2. Political interests: Russia's military invasion of Ukraine can be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
3. Economic interests: Russia's military invasion of Ukraine can be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
4. Social interests: Russia's military invasion of Ukraine may be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
5. Military interests: Russia's military invasion of Ukraine can be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
6. Environmental interests: Russia's military invasion of Ukraine can be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
7. Humanitarian interests: Russia's military invasion of Ukraine can be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
8. Security interests: Russia's military invasion of Ukraine may be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
9. Social interests: Russia's military invasion of Ukraine can be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.
10. Political interests: Russia's military invasion of Ukraine can be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.

Conclusion

In the perspective of international law, Russia's military invasion of Ukraine in February 2022 can be considered a violation of international law because it violates Ukraine's sovereignty and violates the principles of international law governing the use of force in conflicts between states. Russia's military invasion of Ukraine can also be considered international because it violates the principles of international law governing the use of force in conflicts between states. Russia's military invasion of Ukraine can also be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states. Russia's military invasion of Ukraine can also be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states. Russia's military invasion of Ukraine can also be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states. Russia's military invasion of Ukraine can also be considered a violation of international law because it violates the principles of international law governing the use of force in conflicts between states.

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