

**SKRIPSI**

**TANGGUNG JAWAB NEGARA TERHADAP PENGGUNAAN *UNMANNED AERIAL VEHICLE* (UAV) SEBAGAI SENJATA PERANG BERDASARKAN PERSPEKTIF HUKUM HUMANITER INTERNASIONAL**

*Diajukan Untuk Memenuhi Persyaratan Memperoleh Gelar Sarjana Hukum*

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**FAKULTAS HUKUM**

**UNIVERSITAS ANDALAS**

**PADANG**

**2024**

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**STATE RESPONSIBILITY FOR THE USE OF UNMANNED AERIAL VEHICLES (UAV) AS WEAPONS OF WAR UNDER THE PERSPECTIVE OF INTERNATIONAL HUMANITARIAN LAW**

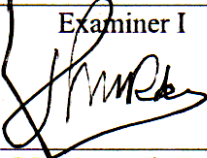
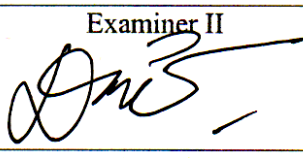
*(Nurul 'Asyiqin, 2010112107, International Law Concentration Program (CP VI), Faculty of Law, Andalas University, 126 Pages + xii, in 2024)*

**ABSTRACT**

*The use of Unmanned Aerial Vehicles (UAV's) that are armed so as to make them combatants and/or military objects in warfare, is an innovation in technology so that it has not been regulated regarding the definition, use, terms or limitations of use, and accountability for the use of these weapons. Despite the lack of regulations regarding their use, UAV weapons are increasingly being developed and used in warfare, leading to confusion over liability in the use of these weapons. Therefore, this research focuses on two issues. First, what is the legality of using UAVs as weapons of war? Second, how is the state's responsibility for the use of UAVs as weapons of war based on the perspective of International Humanitarian Law? The research was conducted using normative juridical method with analytical descriptive nature from secondary legal sources and analyzed through literature study and data analysis was conducted using qualitative analysis method. The results of this study show that the legality of UAV weapons depends on the type and mission loaded into the weapon programming, as well as the consequences that can be caused by the use of these weapons. As far as today's development, UAV weapons are considered to violate the principles of international humanitarian law, namely the Humanity Principle, Indiscriminate by Nature Principle, and Proportionality Principle. The state as the main subject of international law, has control over the development and use of weapons in warfare including UAV weapons as contained in Article 36 of the 1977 Additional Protocol I to the 1949 Geneva Convention. The use of UAV weapons that are proven to violate the principles of international law so as to lead to war crimes which constitute international wrongdoing can be held accountable as contained in Article 1 of the Responsibility of States for Internationally Wrongful Acts 2001. Responsibility can be in the form of individual responsibility and state responsibility. Individual responsibility can be imposed on individuals and commanders as stipulated in Article 28 of the Rome Statute of the International Criminal Court 1998 and the court that has jurisdiction to prosecute is the International Criminal Court. State Responsibility is mentioned in the litigation at the International Court of Justice based on Article 36 paragraph (1) of the Statute of the International Court of Justice.*

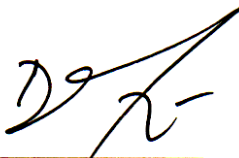
**Keywords: Legality, Responsibility, Use of Unmanned Aerial Vehicle (UAV) Weapons, International Humanitarian Law**

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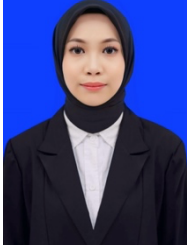
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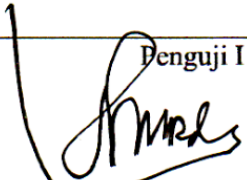
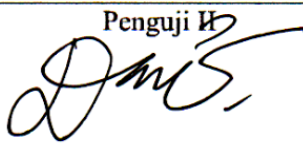
**TANGGUNG JAWAB NEGARA TERHADAP PENGGUNAAN UNMANNED AERIAL VEHICLE (UAV) SEBAGAI SENJATA PERANG BERDASARKAN PERSPEKTIF HUKUM HUMANITER INTERNASIONAL**

(Nurul 'Asyiqin, 2010112107, Program Kekhususan Hukum Internasional (PK-VI), Fakultas Hukum, Universitas Andalas, 126 Halaman + xii, tahun 2024)

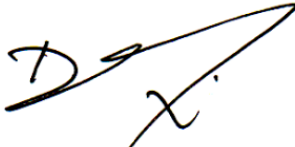
**ABSTRAK**

Penggunaan Unmanned Aerial Vehicle (UAV) yang dipersenjatai sehingga menjadikannya combatant dan/atau military object dalam peperangan, merupakan inovasi dari teknologi sehingga belum diatur mengenai definisi, penggunaan, syarat atau batasan penggunaan, serta pertanggungjawaban penggunaan senjata tersebut. Meskipun belum terdapat regulasi mengenai penggunaannya, senjata UAV semakin marak dikembangkan dan digunakan dalam peperangan sehingga kebingungan akan pertanggungjawaban dalam penggunaan senjata tersebut menjadi pertanyaan. Oleh karena itu, penelitian ini berfokus kepada dua hal. Pertama, bagaimana legalitas penggunaan UAV sebagai senjata perang? Kedua, bagaimana tanggung jawab negara terhadap penggunaan UAV sebagai senjata perang berdasarkan perspektif Hukum Humaniter Internasional? Penelitian dilakukan menggunakan metode yuridis normatif dengan sifat deskriptif analitis dari sumber hukum sekunder serta dianalisis melalui studi kepustakaan dan analisis data dilakukan dengan metode analisis kualitatif. Hasil dari penelitian ini menunjukkan bahwa legalitas senjata UAV bergantung kepada jenis dan misi yang dimuat ke dalam pemrograman senjata, serta akibat yang dapat ditimbulkan dari jenis dan misi dari penggunaan senjata tersebut. Sejauh perkembangan saat ini, senjata UAV dinilai dapat melanggar prinsip-prinsip hukum humaniter internasional, yaitu Humanity Principle, Indiscriminate by Nature Principle, dan Proportionality Principle. Negara sebagai subjek hukum utama internasional, memegang kendali atas pengembangan hingga penggunaan senjata dalam peperangan termasuk senjata UAV sebagaimana dimuat dalam Article 36 of the 1977 Additional Protocol I to the 1949 Geneva Convention. Penggunaan senjata UAV yang terbukti melanggar prinsip-prinsip hukum internasional sehingga berujung kepada kejahatan perang yang merupakan kesalahan secara internasional dapat dimintai pertanggungjawaban sebagaimana dimuat dalam Article 1 of the Responsibility of States for Internationally Wrongful Acts 2001. Tanggung jawab yang dimintai dapat berupa individual responsibility dan state responsibility. Individual responsibility dapat dimintai kepada perseorangan secara individu dan kepada komandan sebagaimana diatur dalam Article 28 of the Rome Statute of the International Criminal Court 1998 dan pengadilan yang memiliki yurisdiksi untuk mengadili adalah International Criminal Court. State Responsibility disebutkan dalam melalui proses pengadilan di International Court of Justice dengan berlandaskan kepada Pasal 36 ayat (1) Statute of the International Court of Justice.

**Kata Kunci: Legalitas, Tanggung Jawab, Penggunaan Senjata Unmanned Aerial Vehicle (UAV), dan Hukum Humaniter Internasional.**

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No. Universitas Alumni	Nama:	Tanda Tangan: