

CHAPTER V

CONCLUSION

A. Conclusion

Based on the results of the research and discussion in the previous chapters, the following conclusions can be drawn:

1. The principle of non-use of force is one of the fundamental norms in modern international law which is clearly stated in Article 2 paragraph (4) of the UN Charter. This provision prohibits the use of military force by a state against the territorial integrity and political independence of another state, except in three restrictive circumstances, namely :

- (1) the right to self-defense as stated in Article 51 of the UN Charter.

Self-defence under the UN Charter is not an absolute right, but a limited exception to the prohibition on the use of force. It must be exercised only when:

- a. there was an armed attack,
 - b. action is necessary and proportionate,
 - c. actions are reported to the UNSC,
 - d. and is temporary in nature until the DK takes steps to resolve it.

- (2) and actions authorized by the UN Security Council under Chapter VII,

- (3) and intervention on humanitarian grounds.

2. Russia's invasion of Ukraine in 2022, in the Donbass region, violated international law. Various justifications made by Russia do not meet

the existing conditions, such as justifications for self-defense, and humanitarian intervention. Russia is trying to justify the protection of ethnic Russians in Donetsk and Luhansk who are claimed to have experienced genocide. This claim is not supported by conclusive evidence, even the International Court of Justice in its verdict on March 16, 2022 stated that there is no indication of genocide as alleged. In addition, Russia's actions also did not obtain authorization from the UN Security Council, so they cannot be included in the exceptions allowed by the UN Charter. Thus, Russia's intervention violates Article 2 paragraph (4) of the UN Charter, as well as contrary to the principles of state sovereignty and territorial integrity as stipulated in Article 2 paragraph (1).

B. Suggestions

1. For UN Member States, it is expected to strengthen their commitment to the implementation of the principle of non-use of force as a norm *of jus cogens* and reject all forms of unlawful military aggression.
2. States need to make clear boundaries on the terms and criteria of humanitarian intervention so that they are not used as a justification for the state in carrying out interventions.