

## **ABSTRACT**

### **JURIDICAL ANALYSIS OF THE USE OF DRONE (*UNMANNED AERIAL VEHICLE/UAV*) AS A MILITARY EQUIPMENT BY THE UNITED STATES OF AMERICA IN THE TERRITORY OF THE OTHER STATE ACCORDING TO THE INTERNATIONAL LAW**

by

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Drone (Unmanned Aerial Vehicle / UAV) offered significant benefits in the civilian and military activities. However, the advantages in terms of production, survivability and flexibility led drone more used in military activities compared to the civil activities. The use of drone in practice of military activities was mostly conducted in the region of other countries that now it raised new legal issues, such as the use of drones by the United States in the territory of Afghanistan, Yemen, Somalia, Iran and Pakistan by reason of war-on-terror and self-defence that had caused many civilian casualties and extensive damage to the object that protected by International Law. The problems about how the legality of drone usage in international law and how the regulation of international law for drone attacks by the United States in the territory another state became the problem of this study.

The method used was the normative method with data collection procedures was through the main source of legal material. Data acquired and processed in this study were secondary data obtained from literature sources. Literature study was conducted by studying the literature, articles and other reading material related to the thesis research.

As a drone aircraft, especially military aircraft of the state, it should be subjected to the Article 3 of the Chicago Convention of 1944, that its use in the outside of the state territory required a special authorization. Drone should also be subjected to the conventions regarding the means and methods of war, where every means and methods of war should be in accordance with the principles of international humanitarian law. Aggressions conducted by the United States against Afghanistan, Yemen, Somalia, Iraq and Pakistan were clearly a violation of international law. According to the Montevideo Convention 1933 on the rights and obligations of a sovereign nation, that actions were the violation of the sovereignty of another state jurisdiction, on the other hand the United States aggression by the reason of self-defense did not meet the criteria and requirements contained in Article 51 of the Charter of the United Nations (UN) and it was contrary to Article 2 Paragraph 4 of the United Nations Charter on the use of military force in the territory of another state. The action of the war-on-terror whose only purposed to eliminate any accused terrorist was not justified under Article 6 and Article 14 Convenan on Civil and Political Rights (ICCPR), while judging from the number of casualties and damages to civilian objects which were

not military objectives had caused the assault as violations of the humanitarian law and war crimes as specified in Article 51 of Additional Protocol I to the Geneva Conventions of 1977, it was re-affirmed by a decision of the International Court of Justice (ICJ) in the case of Nicaragua vs. United States that stated any reason related to the use of military force and resulted any loss against civilians or civilian objects was a violation of values and humanitarian principles.

**Keywords: Unmanned Aircraft, International Law, United States of America. Aggression**