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**Achieving International Legal Proceedings For Attacked Ukrainian Civilians By The International Permanent Court And Hybrid Courts**

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*Jessica Calista Angelina<sup>1</sup> and Heribertus Jaka Triyana<sup>2</sup>*

### **ABSTRACT**

Illegal attacks toward Ukrainian civilians during the Russo-Ukrainian war started in 2022 have been occurring despite the existence of prohibition under the Fourth Geneva Convention. However, there have been no legal proceedings successfully proceeded against all the perpetrators, especially against those who are high-ranking officers. This further emerges a question on how to achieve the available international proceedings available to uphold the right of Ukrainian victims against the Russian attacks. To answer the question, this doctrinal research will identify and analyze several primary sources of law (treaties and statutes) and several case laws. Secondary sources (i.e., law reviews, journal articles, books, dissertations, official website articles, and electronic news) will also be used to support the arguments and to find out the latest developments related to the invasion case in Ukraine. The research found that the initiations of the proceedings are suitable to be brought before the International Criminal Court and the Hybrid Court. Through the examinations from past cases it can be seen that while several complex challenges exist in the realization of these legal proceedings, the research has found that The United Nations General Assembly's involvement coupled with global sanctions from states can eventually support the achievement of legal proceedings to obtain the victims' remedies against Russian perpetrators.

**Keywords:** International Criminal Court, Hybrid Court, Russo-Ukrainian War, Ukrainian War Victims, The Fourth Geneva Convention.

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### **INTISARI**

*Serangan ilegal terhadap warga sipil Ukraina selama perang Rusia-Ukraina yang dimulai pada tahun 2022 telah terjadi meskipun ada larangan berdasarkan Konvensi Jenewa yang Keempat. Namun, belum ada proses hukum yang berhasil dilakukan terhadap para pelaku, terutama terhadap mereka yang berpangkat tinggi. Hal ini menimbulkan pertanyaan tentang bagaimana mencapai proses hukum internasional yang tersedia untuk menegakkan hak korban dari serangan Rusia. Untuk menjawab pertanyaan tersebut, penelitian doktrinal ini akan mengidentifikasi dan menganalisis beberapa sumber primer seperti traktat, undang-undang, dan juga beberapa kasus hukum. Sumber sekunder (yaitu tinjauan hukum, artikel jurnal, buku, disertasi, artikel situs web resmi, dan berita elektronik) juga akan digunakan untuk mendukung argumen dan untuk mengetahui perkembangan terbaru terkait kasus invasi di Ukraina. Penelitian ini menemukan bahwa proses dapat dibawa ke Pengadilan Pidana Internasional (The ICC) dan Pengadilan Hibrida. Melalui analisa dari kasus-kasus sebelumnya dapat dilihat bahwa meskipun terdapat beberapa tantangan yang kompleks dalam pelaksanaan proses hukum tersebut, penelitian ini menemukan bahwa keterlibatan Majelis Umum Perserikatan Bangsa-Bangsa (The United Nations General Assembly's) ditambah dengan sanksi global dari negara-negara pada akhirnya dapat mendukung tercapainya proses hukum untuk memperoleh pemulihan korban terhadap pelaku Rusia.*

**Kata kunci:** *Pengadilan Pidana Internasional, Pengadilan Hibrida, Perang Rusia-Ukraina, Korban Perang Ukraina, Konvensi Jenewa Keempat.*

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