

Prinsip military necessity dalam hukum internasional humaniter

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Abstrak

The principle of military necessity, in its role as a fundamental legal principle underlining international humanitarian law, has been firmly rooted in international law. That is not necessarily the case, however, with its role as circumstance precluding wrongfulness for violations of humanitarian law norms, much disparity exist among authors and states about the elements, scope, and limitations to its role as preclusion. This article intends to clarify as to what extent the principle of military necessity can operate in the sphere of positive IHL norms.