

# ISRG Journal of Arts, Humanities and Social Sciences (ISRGJAHSS)



**ISRG PUBLISHERS**

Abbreviated Key Title: ISRG J Arts Humanit Soc Sci

**ISSN: 2583-7672 (Online)**

Journal homepage: <https://isrgpublishers.com/isrgjahss>

Volume – III Issue-I (January- February) 2025

Frequency: Bimonthly



## The Deployment of Military Robots and the Principle of Distinction in International Humanitarian Law: Balancing Human Protection or Emerging Challenges

Zabihullah Shinwari<sup>1</sup>, Imranullah Akhtar<sup>2\*</sup>, Nazifullah Niazi<sup>3</sup>

<sup>1</sup> VC Students Affairs, Lecturer of Law & Political Science, Alfalah University, Nangarhar, Afghanistan

<sup>2</sup> Master of Arts, International Relations Department, South Asian University, New Delhi, India

<sup>3</sup> Head of Quality Assurance, Lecturer, Law & Political Science, Alfalah University, Jalalabad, Afghanistan

| **Received:** 14.01.2025 | **Accepted:** 20.01.2025 | **Published:** 28.01.2025

**\*Corresponding author:** Imranullah Akhtar

Master of Arts, International Relations Department, South Asian University, New Delhi, India  
imranullahakhtar@gmail.com

### Abstract

*The purpose of this study is to examine the use of military robots in light of the principle of distinction of international humanitarian law. The article seeks to answer the question of whether military robots can protect civilians during conflicts and whether they raise new ethical and legal challenges. The study is based on a qualitative analysis, in which the relevant principles of international humanitarian law, the technical capabilities of military robots, and their practical experience during conflicts are assessed. In addition, an in-depth study of existing literature and legal regulations was conducted to better understand the topic. The study shows that military robots can be useful in protecting civilians, but their decisions are based on artificial intelligence, which sometimes makes mistakes. In addition, the implementation of the principle of distinction cannot be fully guaranteed. Military robots are a new tool for saving human lives on the battlefield, but their use has raised a number of legal and ethical challenges for international humanitarian law. Recommendations include creating specific laws and regulations for military robots, designing AI systems to enforce distinction, ensuring human supervision, and conducting further scientific and legal research.*

**Keywords:** Civilians, IHL, Military Robots, Protocol I 1977, the Principle of Distinction

## INTRODUCTION

The development of military technology, especially robots, has brought about a major change in the nature of warfare. The use of military robots emerged in the 20th and 21st centuries in light of technological developments aimed at reducing human casualties and increasing the effectiveness of warfare. Furthermore, the principle of distinction, within the framework of international humanitarian law (IHL), is a fundamental part of the protection of civilians during hostilities. The relationship between this principle and technological developments is a contemporary and significant issue. The development and use of military robots is an important part of the development of new technologies that have not only changed the battlefield, but also posed serious challenges to international law and ethics. In this regard, plans have been made for the widespread use of robotic technologies by the armies of various countries, including China, Russia, the United Kingdom and the United States. The widespread use of these technologies has led robotics experts to develop appropriate definitions and standards for this new technology. The use of military robots has a direct impact on the nature of warfare, raising questions: Does this technology protect human life or lead to increased civilian casualties and an unjust escalation of hostilities? The principle of distinction is a fundamental part of IHL, and analyzing military robots in light of this principle is important for human rights and international security. The study explores the development and use of military robots, their legal implications, their potential impacts, and the need for a balance between human life protection and technological advancement. This study is a fundamental resource for legal scholars, legal institutions, and military strategists. It helps to understand new technological challenges within the framework of international law and provides practical and theoretical recommendations in this regard. The main problem of the use of military robots is whether this technology is fully compatible with IHL and the protocol 1 1977. The principle of distinction, which maintains a balance between preventing harm to civilians and military advantage, is under pressure in the light of technological developments in the current era. While the use of military robots offers new opportunities for the precision of warfare and the protection of human life, on the one hand, it also creates new problems and legal challenges for the implementation of the principle of distinction.

### **Concept, Robots and IHL**

There are many definitions of robots, but in general, a robot is a machine that performs specific tasks based on remote control or programmed patterns. In the use of these machines, called "robotic weapons" or "unmanned weapon systems", there is also a third level of control, which is related to the degree of autonomy of the robot.<sup>1</sup> The principle of distinction is a fundamental rule of IHL that emphasizes that a clear distinction must be made between military objectives and civilians in all hostilities. This principle is considered a fundamental part of the laws of war under Article 48 of Protocol I.<sup>2</sup> There are three types of robot autonomy: Remote control (controlled by a human), semi-autonomous (where the human is the observer), fully autonomous (where the human is absent and the robot performs autonomous operations).<sup>3</sup> The

<sup>1</sup> Kumar, "Ethical Concerns in Military Robotics: A Comprehensive Analysis."

<sup>2</sup> Simon, "Military Robotics."

<sup>3</sup> Mahendra, "Military Robots - Artificial Intelligence +."

widespread use of military robots has led to serious legal and ethical challenges with the use of technology. The use of robots is particularly problematic with the Geneva Convention protocols on the use of "unnecessary damage" and "indiscriminate weapons" in war.<sup>4</sup> These rules emphasize that weapons must not be inhumane and must not cause harm that is contrary to the laws of war. Key principles of the laws of war include: Distinction, there must be a distinction between military and civilian targets, and only military targets may be attacked. Proportionality, there must be a balance between military advantage and civilian casualties, meaning that civilian casualties should be minimized as much as possible. Responsibility, actions taken by robotic weapons must be properly attributed to a human.<sup>5</sup> The legal situation regarding the use of robotic weapons remains particularly complex, especially with the development of this technology. It is important to ensure that these weapons comply with the rules of international law. Article 16 of Protocol I states that each State must ensure that new weapons of war are in accordance with international law.<sup>6</sup> Therefore, there is also concern about the use of robotic weapons, which must be clarified in order to ensure that these weapons comply with the rules of the law of war. Given the widespread use of robotic weapons, it is necessary to develop specific standards and rules in the field of international law. To this end, it will be necessary for the international community to work together to establish rules on the use of robotic weapons that are consistent with human rights and the laws of war. The use of robotic weapons as a new technology will bring about a major change in the battlefield. However, the use of this technology must be examined in the light of international law and ethics, so that it does not violate human rights and does not lead to significant changes in the laws of war. The development of this technology must comply with international legal regulations to reduce the risk of civilian casualties in international conflicts. The use of military robots raises important issues of IHL and the protection of civilians. According to humanitarian law, in times of war, the distinction of armed forces must be strictly observed to protect civilians, and combat must be conducted only against military objectives. Thus, the use of military robots requires a critical point to avoid harming civilian life and civilian infrastructure.

### ***The Principle of Distinction, Civilians and Military Targets***

A major challenge for military robots is that they must be able to accurately distinguish between civilians and military targets on the battlefield.<sup>7</sup> If robots succeed in this area, it will be a significant advance in the implementation of IHL, as they will work to protect civilians in war situations. It is important that robots are used only to fulfill military objectives, and do not pose any risk to the lives of civilians. Advanced robotic systems, such as advanced cognitive technologies, may accurately distinguish between military and civilian targets, but this process still requires human supervision. In complex combat environments, robots may make incorrect

<sup>4</sup> Shaw, "Geneva Conventions | International Humanitarian Law, Protections & History | Britannica."

<sup>5</sup> Tinkler, "Does International Humanitarian Law Confer Undue Legitimacy on Violence in War?"

<sup>6</sup> Protocol additional to the Geneva conventions of 12 august 1949, and relating to the protection of victims of international armed conflicts (protocol I), of 8 June 1977, *article 16*.

<sup>7</sup> Shaw, "Geneva Conventions | International Humanitarian Law, Protections & History | Britannica."

decisions based on changing conditions, and human intervention is required for this. Human reason and judgment may be able to correct the shortcomings of the robot system and technological errors. IHL should regulate the use of robots in situations that prevent harm to civilians. If robots cause harm to civilians, this would be a violation of IHL, which would give rise to legal and moral responsibilities. Although robots can help implement IHL in some wars, their use should still be subject to the supervision of human rights and international law. The use of military robots should only be when it is ensured that they are used exclusively for military purposes and that there is zero likelihood of harm to civilians. Any errors or violations in this regard should give rise to legal, moral and political responsibilities. Advances in robotic technology and Artificial Intelligence (AI) may increase their capabilities to protect civilians in armed conflicts and be used solely for military purposes. However, this development should be in the light of international law, human rights and moral standards because technological advancement alone is not enough, its proper use and monitoring is essential for the protection of human rights.

### ***The Principle of Distinction***

The principle of distinction and its application raise a wide range of issues in international law, which refer to the protection of civilians in war situations and the precision of the identification of military objectives. The principle of distinction is a fundamental principle of international humanitarian law, which states that in war, civilian life and property must be protected, and that war must be waged only against military objectives.<sup>8</sup> The principle of distinction is an important legal requirement for both parties to a war, according to which armed attacks against civilians and civilian objects are prohibited. Also, attacks on military objectives must be carried out with due care to avoid harming civilians. This principle, in fact, strikes a balance between the need for self-defense and the protection of human rights. Article 18 of Additional Protocol I, requires both parties to a war to distinguish between civilians and military objectives at all times.<sup>9</sup> This article, in fact, guarantees the morality of war and the protection of human rights. The implementation of this article is essential to ensure that civilians are protected from harm in the battlefield. Article 25 of Protocol I, on military objectives, states that only those objectives which, by their nature, location, purpose or use, can be the object of an attack.<sup>10</sup> This article states that in a war situation, only those objectives which are essential to the military or the war effort may be destroyed. It states that the process of warfare must be conducted in such a way as to achieve military advantage only, and that civilians or their infrastructure must not be affected. Article 23 of Protocol I, on the protection of civilians, emphasizes that full protection must be ensured against the dangers of military operations against civilians and objects in the battlefield.<sup>11</sup> According to this article, indiscriminate attacks in which civilians are harmed are prohibited. This article defines indiscriminate attacks and puts an end to such operations, as indiscriminate

<sup>8</sup> Bugnion, “Just Wars, Wars of Aggression and International Humanitarian Law.”

<sup>9</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 18.*

<sup>10</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 25.*

<sup>11</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 23.*

attacks are considered the most serious violation of human rights. Although the principle of separation is clearly stated in legal texts, its application in practice is fraught with difficulties. In war, people are always confronted with situations that make it difficult to apply the principle of separation between civilians and military objectives. These issues are so complex that even trained and experienced officers sometimes find it difficult to apply the principle of distinction. A prominent example is the “participation in hostilities” of civilians, which, according to Article 23, prohibits targeting civilians unless they are directly participating in hostilities. However, defining “participation in hostilities” in practice is a serious challenge, especially when the conflict takes the form of unconventional or resistance warfare, in which armed forces are hidden among civilians, making distinction operations more difficult. The use of military robots is consistent with the principle of distinction, and this consistency depends on the type of robot and the degree of its use. Unmanned systems that operate under human supervision and whose operators are generally outside the battlefield have fewer problems implementing the principle of distinction. However, there are some differences, such as the decision-making ability of robots and how their area of use is regulated. When robots operate without human supervision in combat, serious risks and problems in implementing the principle of distinction can arise, as robots may have shortcomings in terms of accurate target recognition or protection of civilians.

### ***Challenges in Applying the Principle of Distinction***

The problems with implementing the principle of distinction of arms and autonomous weapons, two important aspects have been presented: The first aspect is the technological capabilities of unmanned systems, and the second is the complexity of autonomous weapon systems.<sup>12</sup> Unmanned systems (such as drones) have great capabilities on the battlefield, especially in that they can monitor a location for several hours and collect information before attacking. Despite these capabilities, the use of these systems has given rise to much debate regarding the increased civilian casualties. In particular, US drone strikes have shown high civilian casualties in several cases, which raises difficult issues for implementing the principle of distinction. The past twenty years of war in Afghanistan have killed a large number of civilians in US drone strikes. Between 2016 and 2020, 3,977 civilian casualties in Afghanistan were caused by airstrikes, with international forces responsible for the majority (62% – 1,309 of 2,122).<sup>13</sup> An important aspect is that the “targeted attack” strategy, which targets individuals associated with terrorist activities, works on the basis of information. But this information is often superficial and imprecise. In one particular attack, a person was killed simply because their hair color and height resembled bin Laden. This example illustrates the fact that the information from unmanned systems is not always sufficient and accurate to implement the principle of distinction. Autonomous weapons systems (which can make their own decisions automatically) pose further difficulties in implementing the principle of distinction.<sup>14</sup> Two basic situations are presented in these systems: First, when the

<sup>12</sup> Kumar, “Ethical Concerns in Military Robotics: A Comprehensive Analysis.”

<sup>13</sup> Jones, “40% of All Civilian Casualties from Airstrikes in Afghanistan – Almost 1,600 – in the Last Years Were Children.”

<sup>14</sup> Bakhsh, “Compatibility between international humanitarian law and Islamic law or war (jihad).”



user is present in the battle, the soldier is familiar with the battle situation and interprets the system's information to understand which targets are military and which are civilian. Second, when the user is outside the battlefield, this situation is more complicated, because the user only has access to the system's information, the accuracy of which may be low and it becomes very difficult to distinguish between civilian and military targets. For autonomous weapons, it is necessary that these systems work based on precise identification marks, such as the recognition of military outfit or specific characteristics. Although with the development of technology, these systems may be able to better distinguish between military and civilian, in the absence of "identification marks" in wars, this distinction remains difficult. A key challenge in the field of autonomous robots is that these devices must be able to understand the environment in which they operate as well as human intentions, such as combat-related objectives and conditions. According to opponents, robots are usually incapable of doing this, because they cannot understand not only the environment but also human intentions. Overall, this discussion shows that although technology is advancing, the implementation of the principle of distinction has many problems in practice. The accuracy of information from unmanned systems and autonomous weapons and the difficulty of identifying their signatures still pose a major challenge in distinguishing between military and civilian targets. The issue of identifying civilians is a fundamental challenge for autonomous weapon systems. Although these devices can accurately target enemy forces, it is difficult to distinguish civilians. The definition of civilians is affected by the complex circumstances of war. For example, a soldier may be a collateral casualty, making it difficult to judge whether he is acting in accordance with the laws of war. The principle of doubt and skepticism is an important issue in war. Article 23(3) of Protocol I, which deals with the benefit of the doubt in relation to human beings, emphasizes under international law that doubt must be given to the individual, in order to ensure his safety in life.<sup>15</sup> This issue is particularly complex for autonomous weapons systems, as robots will not be able to deal with the same skepticism as humans, which in turn prevents the killing of innocent people in war. It is not enough to simply program ethical constraints such as "do not shoot civilians" for autonomous weapons systems. These systems must be able to identify civilians, and if they do not, it is up to the human commanders to decide. By putting in place ethical rules to enforce this, this issue becomes even more complex. Humans generally make judgments based on emotions, analysis, and the situation, while robots or systems do not have the capacity to feel and think. The difference in the level of skepticism and analysis is evident in that humans use this capacity to determine legitimate targets in war, but it is difficult for robots to make decisions based solely on information, because they lack skepticism and analysis. Concerns have been raised by human rights observers about the weaknesses of autonomous weapons systems, in particular the lack of emotions and compassion that humans have that can prevent them from killing civilians. It is essential to ensure that robots, in place of these shortcomings, have legal, ethical and human rights guarantees. Although some have their own laws that allow the use of autonomous weapons, this is only possible in cases where the systems have the ability to differentiate. If the system is unable to differentiate, then its use is considered illegal. This point is useful

<sup>15</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 23(3)*.

for law enforcement in the event of a suspension of use, if those devices do not have the ability to differentiate legally.

#### ***Application of the Principle of Distinction by Military Robots***

The application of the principle of distinction to military robots and remotely controlled devices is an important issue of IHL. The principle of distinction emphasizes that in war, a clear distinction must always be made between military objectives and civilian persons or property. The purpose of this principle is to protect the lives and property of civilians so that they are not harmed during hostilities. Article 48, this article states that all parties to a conflict must at all times distinguish between military and civilian objects, and must direct their attacks only against military objectives.<sup>16</sup> Article 51 (2), this article states that, in order to protect civilians, civilians may never be the object of direct attacks.<sup>17</sup> Furthermore, actions that indirectly harm civilians must be strictly prohibited. Remotely controlled equipment remain under direct human control, which facilitates the application of the principle of distinction. For example, if operations are carried out with the help of drones, it is up to the human decision-making power not to attack civilian targets. The use of autonomous robots raises serious concerns for the application of the principle of distinction, since these devices cannot assess and distinguish between combat situations. According to the principles of Article 57 (2), any action must be focused on the protection of civilians in advance, which autonomous devices still have shortcomings in this regard.<sup>18</sup> Attacks that do not respect the principle of distinction are considered war crimes under the Statute of the International Criminal Court. In this regard, Article 8 makes it clear that carrying out attacks that intentionally cause harm to civilian life or property is a crime.<sup>19</sup> Example, an attack on a munitions factory where civilians are working, although considered a military objective, violates the principle of distinction if the attack disproportionately harms civilians. As the International Criminal Court report (1991) shows, distinguishing between military and civilian targets in war situations, especially in the use of autonomous means, is a major challenge.<sup>20</sup> Article 57, this article emphasizes that any attack must be carefully planned to avoid harm to civilians and property. The principle of distinction is an important foundation for the protection of civilians in war.<sup>21</sup> The application of this principle, especially in the use of military robots, must ensure accuracy and responsibility in accordance with international law. Any attack that violates the principle of separation is considered a violation of international law and must be strictly prevented.

#### ***The Issue of Liability, Military Robots and Principle of Distinction***

<sup>16</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 48*.

<sup>17</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 51(2)*.

<sup>18</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 57(2)*.

<sup>19</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 8*.

<sup>20</sup> Tinkler, "Does International Humanitarian Law Confer Undue Legitimacy on Violence in War?"

<sup>21</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 57*.

The issue of liability for the use of military robots can also be analyzed in light of the principle of distinction in IHL. The principle of distinction is recognized as a fundamental rule of IHL that refers to the importance of regulating hostilities to protect civilians during hostilities. According to Article IV of the Geneva Conventions of 1949 and Article 57 of the Protocol I of 1977, any action taken in the use of military robots must be assessed with due regard to the protection of civilians.<sup>22</sup> These articles adhere to the principle of distinction, which states that neither side in the conflict should harm civilians or civilian objects during hostilities. The principle of distinction becomes particularly important when determining responsibility for the use of military robots. Whether a robot is semi-autonomous or fully autonomous, responsibility for its actions must be clearly attributed to a relevant person, such as a commander or a state. This distinction helps to resolve the issue of who is responsible if a robot takes unlawful action against civilians. According to Article 36 of the Protocol I, technology used in warfare must comply with the principles of humanitarian law.<sup>23</sup> These principles, through the principle of distinction, ensure that technology is used in a way that includes appropriate measures to protect civilians and does not violate the essential laws of war. The principle of distinction also clarifies who is responsible. If a commander is unaware of the use of an autonomous or semi-autonomous robot or does not have certain information about its actions, his responsibility remains in any case. This distinction refers to the principle of military responsibility, which requires a commander to use his or her best efforts to protect civilians in the use of equipment under his or her command. If a robot causes harm to civilians due to technical defects, this raises the issue of liability of the manufacturer or designer based on the principle of distinction. It states that technical errors or poor design of a robot are the responsibility of those who built or designed it, not the person who used it on the battlefield. The use of military robots and state responsibility are linked to the principle of distinction in IHL. The principle of distinction is a fundamental principle in IHL that distinguishes between civilians and combatants in times of war. This principle protects the life, dignity, and security of civilians in combat operations. According to the principle of distinction, if a robot acts with complete autonomy, its actions must be controlled by humans to prevent any risk to civilians. If a robot makes decisions without the control of a commander, then the determination of responsibility under the principle of distinction becomes more complicated. In the application of the principle of distinction, the actions of the robot must be distinguished from those of civilians. The International Law Commission has defined "force majeure" in Article 23, the principle of force majeure is related to the principle of distinction, because if the actions of a robot violate the rules of war due to unforeseen technical problems, the defense of force majeure may lead to the exclusion of liability.<sup>24</sup> However, according to the principle of distinction, preventive measures must be taken in such cases so that the lives of civilians are not endangered. According to the principle of distinction, the commander must have control over the actions of his forces. If he knew or should have known about the operation of the robot that civilians would be harmed as a result

<sup>22</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 4 and 57.*

<sup>23</sup> *Protocol Additional to the Geneva Conventions 1977, Protocol I, article 36.*

<sup>24</sup> *International Law Commission, article 23.*

of the use of this device, his responsibility is determined. According to the principle of distinction, any action that violates the laws of war and the principles of protecting civilians must be redressed by the commander or his subordinates. According to the principle of distinction, robots are not considered human beings who commit crimes.<sup>25</sup> Responsibility for the actions of a robot should rest with the humans who control or program it. The purpose of the principle of distinction is to ensure that civilians are protected from harm in war operations. According to the principle of distinction, a state must accept full responsibility for the use of a robot, and if the robot commits an act that violates human rights, the state must correct it. State responsibility should not be limited to the use of military equipment under its control, but should also apply to the stages of the creation and development of the robot. In light of the development of technology, in accordance with the principle of distinction, necessary measures should be taken to protect civilians in the context of the use of robots. If the rules of war are violated due to a technical defect of the robot, responsibility should lie with those involved in the creation, development, and control of the robot. Schmidt's view is an extension of the principle that if a robot commits war crimes, responsibility should lie with the humans who decide to program or use the robot.<sup>26</sup> Thus, Schmidt argues in light of the principle of distinction that if a robot commits an unlawful act against civilians during a war, the robot's creator or those who use it should be held responsible, not just the robot, because the robot itself is not human and responsibility for its actions should lie with humans. Thus, according to the principle of distinction, responsibility for the actions of a robot should lie with the humans who program or choose to operate it. This is based on the fact that a robot is merely a tool that humans control and program. According to this concept, if a robot commits war crimes, responsibility should lie with the humans who decide to use, build, and operate the robot, not with the robot's autonomous actions. Thus, the principle of distinction is essential to ensure that the laws of war are fully observed in war operations, and that humans should be held responsible for crimes. However, the principle of distinction of powers is a fundamental legal framework for the use of military robots, which plays an important role in protecting civilians and determining state and command responsibilities. The division of responsibility based on the autonomy of the robot, the power of the commander, and the technical shortcomings is necessary to ensure that the principles of war and human rights are respected.

## METHODS AND METHODOLOGY

The study uses qualitative analysis to examine the principles of distinction of IHL, the technical capabilities of military robots, and the legal legitimacy and ethical aspects of their use. It evaluates the distinction between civilians and combatants, evaluates the artificial intelligence of military robots, and examines available technical information and legal sources.

## RESULT

The study found that, the use of military robots is not fully compatible with Protocol I of 1977 and International Humanitarian Law (IHL), although technology offers solutions to some problems

<sup>25</sup> Shaw, "Geneva Conventions | International Humanitarian Law, Protections & History | Britannica."

<sup>26</sup> Goetz, Kiesler, and Powers, "Matching Robot Appearance and Behavior to Tasks to Improve Human-Robot Cooperation."

on the battlefield through development and innovation. This technology offers some opportunities for the protection of civilians, but in practice it raises issues of its compatibility with IHL and Protocol I. Protocol I of 1977 focuses on the principle of separation, according to which combatants must be separated from civilians during hostilities. Military robots, which have autonomy, can carry out operations on the battlefield, but protecting the safety of civilians during these operations is difficult without careful monitoring of the activities of the robots. The use of this technology must be in accordance with the principle of separation, which in practice depends on a careful assessment of the activities of the robots and the responsibility of humans. The issue of responsibility for the use of military robots is complex. Protocol I of 1977 emphasizes the responsibility of states, but in view of the autonomy of robots and the development of technology, changes in international law are needed to fully distribute this responsibility. According to Schmidt's theory, responsibility for the operation of military robots should lie with humans, not just with the robots themselves. Protocol I of 1977 emphasizes the need to implement universal principles for the protection of civilians. The use of military robots must be in accordance with these principles. There must be precise rules for the operation of robots and appropriate mechanisms for human oversight. Protocol I of 1977 emphasizes the direct role of humans in implementing humanitarian law. It is necessary to maintain a balance between the autonomy of robots and human values. Although robots have autonomy of operation, it is necessary to take into account the ethics of war and humanitarian law. Thus, the use of military robots requires not only technological advancements, but also the development of laws to ensure proper coordination with the principles of IHL, in particular the 1977 Protocol I, and the assurance of human oversight. The use of this technology must be consistent with the protection of civilians, the division of responsibilities, and humanitarian values in war situations.

## DISCUSSION

From the result, that the principle of distinction emphasizes the importance of and the urgent need for the use of technology to protect civilians. The distinction of combatants from civilians in the field of war is a fundamental principle of humanitarian law, and that the operation of military robots must be conducted in the light of this principle is an important reminder. The principle of distinction emphasizes the limitation of the autonomy of robots, but the details of technological means that could improve distinction are not provided. Could the development of AI be a solution to this problem? No explanations or evidence have been provided. The Schmitt's theory reflects well that responsibility should remain in the hands of humans, and that the autonomy of technology without human supervision is dangerous. The division of responsibility calls for changes in international law in light of technological developments, but it does not explain how and in what form these changes should occur. The lack of practical proposals for changing legal and ethical frameworks is a significant gap. The operation of robots should be consistent with the principle of the protection of civilians, which is important for the implementation of humanitarian law. However, this section is stated in general terms, and it is not explained how military robots can be used to protect civilians. For example, can technological developments in robots, such as precision targeting systems, improve the protection of civilians? The principles make a reasonable argument that the autonomy of technology should be monitored under the umbrella of human values. These points are

particularly relevant for the ethics of war. However, no practical guidance or procedure is provided for implementing the balance between human values and technology. The lack of proposals for international laws, technical standards, and frameworks for controlling robotics to address this issue is a weakness. The killing of civilians by the US in Afghanistan, Iraq, Libya, and Syria after the September 11 attacks through drone strikes, military robots, and autonomous weapons is in no way consistent with the principle of distinction.

## CONCLUSION

The study reveals that military robots while offering some battlefield solutions, are not fully compatible with Protocol I of 1977 and International Humanitarian Law (IHL). The principle of separation, which requires combatants to be separated from civilians, is difficult to protect without careful monitoring of robot activities. Responsibility for using military robots is complex, and changes in international law are needed to distribute this responsibility. Schmidt's theory suggests that responsibility for robot operation should lie with humans, not just the robots themselves. The use of military robots requires technological advancements and laws to ensure proper coordination with IHL principles and human oversight. The principle of distinction emphasizes the importance of technology in protecting civilians, particularly in the field of war. It calls for changes in international law to adapt to technological advancements but lacks practical guidance on how to implement these changes. Schmitt's theory suggests that responsibility should remain in human hands, and technology autonomy without human supervision is dangerous. The principle also calls for a balance between human values and technology, particularly in the ethics of war. However, the lack of proposals for international laws, technical standards, and frameworks for controlling robotics is a significant weakness. The recommendation is for developing specific laws and regulations for military robot use, human oversight to prevent errors, advancement in artificial intelligence systems to protect civilians, thorough ethical research to clarify their use, and international cooperation to establish comprehensive international laws and standards. Military robots pose practical and ethical challenges, necessitating further exploration for improved civilian safety during conflicts and special research to address the ethical issues surrounding human killing.

## REFERENCE

1. Bakhsh, Faiz. "COMPATABILITY BETWEEN INTERNATIONAL HUMANITARIAN LAW AND ISLAMIC LAW OR WAR (JIHAD)." *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 4, no. 1 (July 29, 2019): 75–85. <https://doi.org/10.22373/petita.v4i1.11>.
2. Bugnion, François. "Just Wars, Wars of Aggression and International Humanitarian Law," 2002.
3. Goetz, J., S. Kiesler, and A. Powers. "Matching Robot Appearance and Behavior to Tasks to Improve Human-Robot Cooperation." In *The 12th IEEE International Workshop on Robot and Human Interactive Communication, 2003. Proceedings. ROMAN 2003*. 55–60. Millbrae, CA, USA: IEEE, 2003. <https://doi.org/10.1109/ROMAN.2003.1251796>.
4. *International Law Commission*, article 23.

5. Jones, Murray. "40% of All Civilian Casualties from Airstrikes in Afghanistan – Almost 1,600 – in the Last ve Years Were Children," May 6, 2021.
6. Kumar, Manish. "Ethical Concerns in Military Robotics: A Comprehensive Analysis." *Journal of Management* 10, no. 02 (2021).
7. Mahendra, Sanksshep. "Military Robots - Artificial Intelligence +." *Artificial Intelligence*, Jul 17, 2023.
8. PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I), OF 8 JUNE 1977.
9. Shaw, Malcolm. "Geneva Conventions | International Humanitarian Law, Protections & History | Britannica," October 9, 2024.
10. Simon, Peter. "Military Robotics: Latest Trends and Spatial Grasp Solutions." *International Journal of Advanced Research in Artificial Intelligence* 4, no. 4 (2015). <https://doi.org/10.14569/IJARAI.2015.040402>.
11. Tinkler, Kieran R J. "Does International Humanitarian Law Confer Undue Legitimacy on Violence in War?" 100 (2023).