

## CHAPTER FIVE

### CONCLUSION & RECOMMENDATION

#### A. Conclusion

International Humanitarian Law regulates activity during armed conflict and situations of occupation. It also contains the principle that must be applied in an armed conflict and the body of law that regulates the recourse to the armed force. On the use of Autonomous Weapons Systems, there are three main principles that must be considered. Those are the principle of Distinction, Proportionality, and Unnecessary Suffering. The issue of accountability is perhaps the most serious with the intention of a commander who is directly responsible, the *actus reus* and *mens rea* needs to be established the commander can be held responsible when a commander gives an illegal order, and an Autonomous Weapon System acts upon that order. However, there might be uncertainty about who has given/programmed the illegal order. Therefore, arrangements should be made about what kind of orders would be incorporated in the programming of an Autonomous Weapon System before they will be given to the commander. These arrangements will be important for the commander and for the programmer of an Autonomous Weapon System.

#### B. Recommendation

The issue of Autonomous Weapons Systems is getting serious nowadays. International Humanitarian Law is the most relevant body of international law governing the development of Autonomous Weapons Systems and their employment in armed conflicts. There must be a

consensus that the potential development and employment of any Autonomous Weapons Systems must remain in compliance with existing of International Law and in times of armed conflict, particularly with IHL. Also, there must be an amendment on the regulation, starting from the Geneva Convention 1949, Additional Protocol, and any other regulations which are in line with the humanitarian issues. If the use of an Autonomous Weapon System results in a serious violation of IHL, and if that violation is the consequences of responsible fault on the part of a human being, the latter may be subjected to criminal prosecution.