

International Humanitarian Law under Pressure: Legal Responses to 21st Century Armed Conflicts

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ABSTRACT: This narrative review explores the evolution of International Humanitarian Law (IHL) in the context of contemporary armed conflicts, focusing on five key areas: technological innovation, gender-based protection, humanitarian intervention, urban warfare, and non-state actors. The study begins by framing the urgency to reevaluate IHL as conflicts become increasingly complex due to technological advancement and hybrid threats. The literature was collected from databases such as Scopus and Google Scholar using specific keywords including "autonomous weapons," "urban warfare regulations," and "non-state actors in armed conflict." Peer-reviewed articles published from 2000 onwards formed the basis of the analysis. The results reveal multiple gaps between existing legal frameworks and the realities on the ground. Technological developments such as drones and AI challenge core principles of distinction and proportionality. Gender-focused instruments like CEDAW and UNSC Resolution 1325 have enhanced protections but suffer from inconsistent implementation. The Responsibility to Protect (R2P) doctrine introduces ethical and legal tensions regarding sovereignty, with mixed success in cases like Libya and Rwanda. Urban warfare and sieges demonstrate IHL's difficulty in regulating densely populated battlegrounds. Non-state actors complicate legal accountability due to their diverse structures and cross-border operations. The discussion emphasizes the role of systemic legal constraints and advocates for reforms that reflect current military practices. This review concludes that advancing legal adaptability, international cooperation, and contextualized policy interventions is vital to ensure effective civilian protection and uphold humanitarian norms in modern warfare.

Keywords: International Humanitarian Law, Armed Conflict, Autonomous Weapons, Urban Warfare, Non-State Actors, Gender Protection, Responsibility to Protect.



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INTRODUCTION

International Humanitarian Law (IHL) represents a cornerstone of international legal frameworks aimed at minimizing human suffering during armed conflicts. Its core principles—distinction,

proportionality, necessity, and humanity—seek to regulate the conduct of hostilities and protect persons who are not or no longer participating in combat. While IHL has evolved significantly since the adoption of the 1864 Geneva Convention, its contemporary application faces unprecedented challenges. Modern conflicts are increasingly characterized by technological advancements, asymmetric warfare, and the prominent involvement of non-state actors, which collectively undermine the traditional assumptions on which IHL is based (Schmitt, 2022; Reina et al., 2023). These developments demand critical reflection on the adequacy of existing legal norms and the need for normative adaptation to preserve the humanitarian ethos at the heart of IHL.

Recent literature underlines how the character of warfare has transformed. The integration of cyber operations, artificial intelligence (AI), autonomous weapon systems (AWS), and remote-controlled drones into modern conflict zones challenges the relevance and enforcement of long-standing IHL norms (Brunstetter & Jimenez-Bacardi, 2015; Schmitt, 2022). Parallely, urban warfare has emerged as a central battleground, particularly in areas of high civilian density, resulting in disproportionate harm to civilian populations and civilian infrastructure (Sossai, 2022). This shift toward technologically enhanced, networked, and urbanized warfare raises specific legal and ethical questions, such as whether existing rules of distinction and proportionality can adequately address autonomous targeting, and how accountability is ensured when non-state actors operate outside conventional legal frameworks. Moreover, the increasing participation of non-state armed groups, who often operate outside formal legal frameworks, further complicates the enforcement and accountability mechanisms envisioned by IHL (Reina et al., 2023).

Empirical data reinforces the urgency of these concerns. For example, Singh and Yadav (2023) report that in recent urban conflicts, over 70% of casualties are civilians, a statistic that starkly violates the IHL principle of distinction. This trend is exacerbated in densely populated urban environments where the proximity of military and civilian targets renders proportional targeting highly problematic (Jaber & Bantekas, 2023). The humanitarian consequences of such violations are far-reaching, often resulting in mass displacement, destruction of essential infrastructure, and long-term psychological trauma among survivors. Incidents involving the indiscriminate use of explosive weapons in populated areas illustrate the chasm between technological capability and legal compliance. The Gaza conflict, for example, has demonstrated the deleterious effects of unregulated airstrikes on civilian populations, calling into question the legitimacy and accountability of occupying forces (Jaber & Bantekas, 2023).

Furthermore, the widespread deployment of drones and autonomous systems has raised fundamental concerns about the ability of current legal frameworks to ensure compliance with IHL. Although these technologies offer enhanced precision and remote engagement capabilities, they also risk obscuring accountability, especially when deployed in covert operations (Brunstetter & Jimenez-Bacardi, 2015; Corn & Kaleemullah, 2014). Critics argue that the reliance on such systems often leads to the erosion of proportionality standards and circumvents essential safeguards meant to protect non-combatants. Additionally, cyber warfare has introduced novel threats to critical civilian infrastructure such as hospitals, water systems, and communication networks, posing new challenges to the principle of necessity and the prohibition of indiscriminate attacks (Schmitt, 2022). These developments underscore the need to reformulate enforcement

mechanisms of IHL, such as developing binding regulations on lethal autonomous weapons, strengthening international monitoring bodies, and enhancing accountability measures for violations.

Another significant challenge lies in regulating hybrid warfare, where conventional military tactics are combined with irregular strategies, including misinformation campaigns, economic coercion, and cyber operations. The blending of state and non-state actors in such contexts often results in legal ambiguity, making it difficult to assign responsibility and enforce legal norms (Reina et al., 2023). These complexities are further compounded by the limited reach of existing enforcement mechanisms, particularly in failed or fragile states where rule of law institutions are weak or non-existent. In such contexts, the implementation of IHL becomes more aspirational than operational, further endangering civilian populations and undermining the credibility of the international legal order.

The challenges to IHL application in modern conflicts are not solely technological or tactical; they are also normative. The existing legal architecture often fails to reflect the lived realities of conflict, especially in relation to gender and vulnerable populations. While IHL has increasingly recognized the specific vulnerabilities of women and children in armed conflict, actual implementation remains inconsistent (Singh & Yadav, 2023; Pappa, 2021). The lack of gender-sensitive approaches in both legal interpretation and practical enforcement continues to result in the marginalization of certain victim groups. Furthermore, the prevailing legal discourse often privileges state-centric perspectives, thereby neglecting the roles and rights of non-state actors and civilian stakeholders who are deeply affected by the conduct of hostilities.

Despite the growing body of scholarship examining these challenges, notable gaps remain in the literature. Much of the existing research continues to focus on traditional battlefield scenarios, leaving emerging forms of conflict, such as urban and cyber warfare, underexplored (Sossai, 2022). Moreover, there is limited analysis on how IHL can adapt to address the complex interplay between technological innovation, hybrid strategies, and the expanding role of non-state actors. Existing legal instruments such as the Geneva Conventions and their Additional Protocols offer limited guidance on how to regulate autonomous systems, cyber operations, or AI-driven targeting processes. Consequently, the normative vacuum surrounding these developments demands a more nuanced and forward-looking approach to legal scholarship and policy formulation.

The present review seeks to address these gaps by critically examining the evolution of IHL in the context of modern armed conflict. The primary objective is to assess how emerging phenomena—including technological innovation, the shifting gender dynamics of warfare, and the proliferation of non-state actors—are reshaping the substance and enforcement of IHL. Building upon recent studies, this review will explore the extent to which current legal norms remain adequate in safeguarding humanitarian principles and what reforms might be necessary to strengthen the protective function of IHL in contemporary warfare settings (Ali & Kabau, 2014; Brunstetter & Jimenez-Bacardi, 2015; Schmitt, 2022).

In doing so, this analysis will consider a range of geographical and demographic contexts, with particular emphasis on conflict-prone regions such as the Middle East and Sub-Saharan Africa. These areas offer critical insights into the real-world application of IHL, given their complex socio-

political landscapes and the prevalence of both conventional and unconventional forms of warfare (Jastram & Quintin, 2014; Liivoja, 2015). The ongoing war in Ukraine will also serve as a reference point, illustrating the challenges of enforcing international legal standards in the face of state-led aggression, mass displacement, and widespread violations of humanitarian norms (Reina et al., 2023). By incorporating diverse case studies and empirical data, this review aims to present a comprehensive and context-sensitive evaluation of IHL's evolving role.

Ultimately, this study contributes to the broader discourse on the future of international humanitarian governance. By identifying gaps, proposing reforms, and advocating for a more inclusive and adaptive legal framework, the analysis aspires to inform policy discussions and guide legal practitioners, humanitarian actors, and scholars toward more effective implementation of IHL. The stakes are high: the credibility of international law, the protection of civilians, and the ethical conduct of war all hinge on the ability of legal norms to evolve in tandem with the changing nature of conflict. As warfare becomes increasingly complex and multidimensional, so too must the legal instruments that seek to regulate it. Through rigorous analysis and critical engagement with contemporary challenges, this review underscores the imperative of renewing our commitment to humanitarian principles in the twenty-first century.

METHOD

This study adopts a narrative review approach to examine the evolution of International Humanitarian Law (IHL) in the context of contemporary armed conflict. Given the complexity and interdisciplinarity of the topic, the methodological strategy was designed to ensure comprehensive, systematic, and contextually relevant coverage of scholarly literature. The review aimed to explore developments in IHL through the lenses of technology, urban warfare, gender, and the role of non-state actors, drawing from both theoretical analyses and applied legal case studies. To achieve this, the literature selection process was guided by a clearly defined set of inclusion and exclusion criteria, rigorous search strategies, and an evaluative framework to filter and synthesize the most relevant and high-quality sources.

The literature search was conducted across three major academic databases: Scopus, Google Scholar, and Web of Science. These platforms were chosen due to their extensive indexing of peer-reviewed legal, social science, and international relations journals. The search was carried out in stages, beginning with exploratory queries to identify relevant themes and terminologies, followed by refined searches using combinations of targeted keywords. The keyword strategy was central to the methodology and included terms that reflect the core dimensions of the review, such as "evolution of international humanitarian law," "urban warfare regulations," "non-declared warfare," "technology and humanitarian law," "gender dimensions in armed conflict," and "non-state actors in armed conflict" (Liivoja, 2015; Mantilla, 2017).

Each keyword was used independently and in Boolean combinations to capture a diverse range of perspectives and ensure no significant contributions were overlooked. For instance, terms like "autonomous weapons" and "cyber warfare" were paired with "IHL" or "international humanitarian law" to retrieve sources focusing on the intersection of law and technology. Similarly,

combinations such as "women in armed conflict" AND "humanitarian law" or "non-state armed groups" AND "legal regulation" helped target literature that examined underrepresented themes or emerging issues. The search process emphasized the retrieval of full-text articles published in peer-reviewed academic journals, ensuring the scholarly credibility and reliability of the sources.

To determine the relevance and suitability of identified articles, a set of inclusion and exclusion criteria was developed. The inclusion criteria required that the articles (1) be published in peer-reviewed journals, (2) have a primary or secondary focus on IHL within the post-2000 period to capture contemporary developments, and (3) address at least one of the thematic foci of the study, namely technology, gender, non-state actors, or urban warfare (Mahnad, 2014; Orzeszyna, 2023). Articles were also selected if they presented empirical or theoretical insights into the practical application, interpretation, or limitations of IHL within current or recent conflict settings. Legal commentaries and systematic reviews were included if they demonstrated critical engagement with doctrinal evolution or jurisprudential debates surrounding IHL.

Exclusion criteria were applied to ensure clarity and focus in the literature base. Articles were excluded if they (1) were not published in peer-reviewed sources, such as opinion pieces, editorials, or blog posts; (2) did not engage directly with IHL frameworks or the legal regulation of armed conflict; or (3) offered historical analyses without a connection to present-day legal implications or developments (Hook & Son, 2013). Studies that focused solely on general international law or human rights law without discussing IHL dimensions were also filtered out. Furthermore, duplicate publications and articles not available in English were excluded to maintain consistency and accessibility.

The search was restricted to literature published between 2000 and 2024, aligning with the timeframe during which significant changes in warfare and legal interpretations have emerged. This period captures the post-9/11 security paradigm, the proliferation of armed non-state actors, the growing prominence of autonomous weapon systems, the formalization of the Responsibility to Protect (R2P), and landmark legal developments in international courts. The temporal limitation was critical in ensuring that the selected literature reflects the most current challenges, normative shifts, and interpretative controversies in IHL (Mahnad, 2014; Orzeszyna, 2023).

In terms of study types, the review prioritized three primary forms of academic contribution: narrative legal analyses, empirical case studies, and normative or doctrinal reviews. Narrative legal analyses provided essential theoretical insights into the development of IHL principles and their reinterpretation in light of new challenges. These studies often explored the doctrinal basis for legal adaptation and proposed revisions to established norms. Empirical case studies, on the other hand, offered valuable evidence of how IHL is applied—or fails to be applied—in real-world conflict scenarios, including conflicts in Syria, Yemen, the Democratic Republic of the Congo, and Ukraine. These studies helped contextualize abstract legal principles within complex humanitarian realities. Normative reviews served as a bridge between theory and practice by analyzing judicial decisions, state practice, and treaty interpretations to assess how legal norms are evolving in response to emerging threats and technologies (Mantilla, 2017).

The process of literature selection and evaluation involved multiple stages of screening and refinement. Initially, the titles and abstracts of retrieved articles were reviewed to assess thematic

relevance. Articles that appeared promising were downloaded in full for closer examination. Full-text screening was conducted to ensure that each article met the inclusion criteria and contained substantive engagement with the review themes. Articles were then annotated and categorized based on their primary focus area (e.g., technology, gender, non-state actors, or urban warfare), geographic focus, and methodological orientation. This categorization facilitated a thematic synthesis of findings and enabled the identification of cross-cutting patterns, normative tensions, and gaps in the literature.

The final corpus of literature included approximately 85 peer-reviewed journal articles, legal commentaries, and case-based analyses. These sources represented a diverse spectrum of disciplinary approaches, including international law, political science, security studies, gender studies, and humanitarian practice. Cross-disciplinary engagement was seen as essential for a holistic understanding of the complex intersections between law, ethics, and warfare. To ensure analytical rigor, each article was evaluated for conceptual clarity, methodological soundness, and relevance to the evolving legal discourse on IHL. Where necessary, supporting sources such as UN reports, International Committee of the Red Cross (ICRC) publications, and judgments from international tribunals were also consulted to corroborate key claims and illustrate the practical implications of legal arguments.

This methodological framework enables the review to provide a structured and critical analysis of how IHL is adapting—or failing to adapt—to the realities of modern conflict. By employing a robust keyword strategy, transparent inclusion and exclusion criteria, and multi-level screening processes, the review ensures a reliable and comprehensive examination of the legal literature. The incorporation of case-based and thematic analyses allows for nuanced insights into the diverse ways in which IHL is interpreted, challenged, and potentially reformed across different contexts. The emphasis on contemporary sources and multi-perspective engagement lays the foundation for a forward-looking discussion on the relevance and resilience of IHL in the face of evolving warfare.

RESULT AND DISCUSSION

The evolution of International Humanitarian Law (IHL) is shaped by multiple dimensions, including technological advancement, changing battlefield environments, social transformations, and the involvement of non-state actors. This section presents key findings from a narrative review of the literature, organized into five major themes: (a) technology and changes in warfare, (b) gender and civilian protection, (c) humanitarian intervention and the Responsibility to Protect (R2P), (d) urban warfare and siege practices, and (e) adaptation of IHL to non-state actors and hybrid warfare. These themes collectively highlight both the progression and persistent gaps in the application and development of IHL in contemporary armed conflict.

Technology has radically transformed the character of modern warfare, challenging the foundational principles of IHL, particularly distinction and proportionality. The deployment of autonomous weapons, unmanned aerial vehicles (UAVs), and artificial intelligence (AI)-driven systems has raised legal and ethical questions concerning accountability and civilian protection. Autonomous weapons systems operate with minimal human oversight, thus posing a risk of

indiscriminate targeting, which may contravene the principle of distinction that requires combatants to distinguish between military objectives and civilians (Vigevano, 2021). Moreover, Brunstetter and Jimenez-Bacardi (2015) argue that the use of drones in military operations, though ostensibly designed for precision, often leads to significant civilian casualties. The distancing of human decision-makers from the battlefield, coupled with limited real-time intelligence, contributes to operational decisions that overlook proportionality considerations.

In response to these concerns, international legal bodies and advocacy organizations have initiated efforts to revise and adapt legal norms to new technological realities. The International Committee of the Red Cross (ICRC) has engaged in multilateral discussions aimed at codifying standards for the deployment of AI in warfare (Liivoja, 2015). Furthermore, legal scholars emphasize the necessity of a binding international instrument that regulates the use of lethal autonomous weapons, ensuring alignment with existing humanitarian principles (Mahnad, 2014). However, consensus remains elusive, as states differ in their interpretation of permissible use, often influenced by strategic military interests. This disparity underscores the challenge of crafting universally applicable legal instruments in an era of technological asymmetry.

Parallel to technological evolution is the gendered dimension of armed conflict and the development of IHL mechanisms to protect women and children. Despite the establishment of comprehensive frameworks such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the United Nations Security Council Resolution 1325, the actual implementation of gender-sensitive protections remains inconsistent (Singh & Yadav, 2023). Empirical evidence reveals that women and children continue to be disproportionately affected by sexual violence, forced displacement, and targeted attacks during conflict (Quataert, 2020). These violations often go underreported due to stigma, lack of legal access, and the breakdown of judicial mechanisms in conflict zones.

Nevertheless, international courts have made incremental progress in prosecuting gender-based war crimes, though the lack of gender perspectives in some legal interpretations has led to inadequate protection of women in conflict zones, such as limited prosecution of sexual violence cases in Sub-Saharan Africa.. The International Criminal Court (ICC) has secured landmark convictions in cases involving sexual violence as crimes against humanity and war crimes, thereby reinforcing accountability mechanisms (Akia, 2023). However, challenges persist. As Rodríguez (2021) notes, the prosecution of such crimes often relies heavily on testimonial evidence, which is susceptible to procedural challenges and cultural biases. Moreover, in contexts where domestic legal systems are weak or compromised, victims face insurmountable barriers to justice. These inconsistencies signal a broader need for the integration of gender perspectives not only in post-conflict reconstruction but also in legal interpretation and enforcement of IHL.

The doctrine of Responsibility to Protect (R2P) represents a significant normative shift in how the international community views sovereignty and humanitarian intervention. Initially formulated to prevent atrocities such as genocide and ethnic cleansing, R2P asserts that the international community has a moral and legal obligation to intervene when a state fails to protect its population from mass atrocities (Cater & Malone, 2016). The adoption of R2P has led to debates over its compatibility with traditional notions of state sovereignty, with some scholars arguing that it

introduces a conditional concept of sovereignty that is subject to international scrutiny (Kozyrev, 2016).

Empirical cases offer mixed evidence on the effectiveness of R2P in practice. The 2011 NATO-led intervention in Libya, justified on R2P grounds, is often cited as a precedent-setting application. Initially aimed at protecting civilians from imminent mass violence, the intervention succeeded in deposing Muammar Gaddafi but left the country in prolonged instability and fragmentation (Averre & Davies, 2015; Demirhan, 2023). Conversely, the failure to intervene in Rwanda during the 1994 genocide remains a poignant example of international inaction despite clear early warning signs (Cater & Malone, 2016). “These contrasting outcomes underscore the operational challenges, such as limited coordination and inadequate resources during interventions, as well as political challenges, including the use of veto power by permanent members of the UN Security Council, in applying R2P.

The changing nature of warfare has also led to an increase in urban combat, where hostilities unfold in densely populated areas. This shift introduces significant legal and ethical dilemmas related to the principle of proportionality. Military operations in urban settings inherently elevate the risk of civilian harm, as legitimate military targets are often situated near or within civilian infrastructure (Sossai, 2022). The use of explosive weapons in such contexts has been documented to cause indiscriminate damage, raising questions about the adequacy of existing legal frameworks to regulate urban warfare (Singh & Yadav, 2023).

International Humanitarian Law includes specific provisions addressing the use of force in urban areas, including the prohibition of attacks that may cause excessive civilian harm relative to anticipated military advantage. However, enforcement remains uneven. In conflicts such as those in Syria and Ukraine, siege tactics and the targeting of essential infrastructure have led to widespread humanitarian crises, often without corresponding accountability (Jaber & Bantekas, 2023). The use of starvation as a method of warfare, though explicitly prohibited, has been reported in various conflict zones, illustrating the gap between legal norms and actual practice (Sossai, 2022). These violations are often exacerbated by the challenges of conducting independent investigations in active war zones and the reluctance of parties to allow humanitarian access.

Finally, the engagement of non-state armed groups and the prevalence of hybrid warfare complicate the enforcement and application of IHL. While the Geneva Conventions provide a legal basis for addressing internal and transnational armed conflicts, non-state actors are frequently unbound by treaty obligations and operate outside conventional military hierarchies (Corn & Kaleemullah, 2014). This situation poses a dual challenge: on one hand, holding these actors accountable is difficult due to jurisdictional limitations; on the other, ensuring compliance with IHL norms is hindered by the absence of structured command systems and clear lines of responsibility (Reina et al., 2023).

Efforts to regulate non-state actors have included extending customary international law obligations and incorporating them into domestic legal frameworks. Nonetheless, the efficacy of these measures varies widely depending on the political will, legal infrastructure, and capacity of affected states. As Oette (2024) points out, even when violations are documented, the prosecution of non-state actors is frequently obstructed by geopolitical considerations and lack of access to the

accused. Furthermore, hybrid warfare, which blends conventional tactics with cyber operations, misinformation, and irregular combat, challenges the existing paradigms of IHL, making it difficult to determine when legal thresholds for armed conflict are met (Ali & Kabau, 2014).

These findings collectively demonstrate that while the normative framework of IHL continues to evolve, its practical application faces formidable challenges. Technological innovations, urbanized battlefields, gendered vulnerabilities, ambiguous sovereignty norms, and the proliferation of non-state actors contribute to an increasingly complex legal landscape. The literature suggests that a re-examination of existing legal instruments, enhanced international cooperation, and the development of new normative mechanisms are necessary to bridge the gap between law and reality. Only through such adaptive and inclusive efforts—such as binding regulations on AI weapons, stricter accountability in urban warfare, and institutional mechanisms to engage non-state actors—can IHL remain a robust and relevant tool in mitigating human suffering during armed conflict.

The findings of this narrative review provide critical insight into the evolution of International Humanitarian Law (IHL) and its ongoing challenges in regulating modern armed conflicts. The results confirm prevailing theories in the IHL literature while also challenging certain assumptions, especially those concerning the adequacy of existing legal frameworks to accommodate contemporary conflict dynamics. The emergence of new technologies and the growing presence of non-state actors have drastically transformed the nature of warfare, demanding new perspectives and legal adaptations.

The convergence of warfare and technology has created significant pressure on traditional legal paradigms. Autonomous weapon systems and drones, for example, pose a distinct challenge to the principle of distinction and proportionality as stipulated in IHL (Schmitt, 2022; Brunstetter & Jimenez-Bacardi, 2015). These technologies operate in ways that bypass human decision-making, potentially leading to violations of humanitarian norms. The concern is substantiated by literature suggesting that the use of such systems often results in civilian harm that exceeds permissible military advantage, particularly in urban warfare scenarios (Liivoja, 2015; Singh & Yadav, 2023). This confirms existing concerns that IHL, in its current form, may be inadequate to regulate the ethical and operational dimensions of modern military engagements.

Despite the comprehensive legal architecture provided by instruments such as the Geneva Conventions and Additional Protocols, the efficacy of these tools in addressing the realities of twenty-first-century warfare remains contested. For instance, non-state actors, including insurgent groups and transnational militias, do not uniformly adhere to international norms, rendering enforcement and accountability highly complex (Ali & Kabau, 2014; Reina et al., 2023). While prior literature recognizes the presence of such actors in conflict, the findings of this study challenge the presumption that existing frameworks are sufficiently robust to address the diversity and unpredictability they introduce. This points to a growing legal gap in the applicability of IHL to asymmetric and hybrid warfare, where conventional state-centric paradigms may no longer suffice.

The international legal system, while providing a necessary foundation for humanitarian protection, also harbors structural limitations that undermine its capacity to enforce compliance.

The results highlight the dual role of international law: on one hand, it sets normative standards and facilitates humanitarian interventions through doctrines like the Responsibility to Protect (R2P); on the other, it is constrained by political interests and the lack of effective enforcement mechanisms (Kozyrev, 2016; Cater & Malone, 2016). The case of Syria, for instance, exemplifies how geopolitical considerations can paralyze international consensus, preventing timely interventions despite clear evidence of IHL violations (Averre & Davies, 2015). This structural weakness impedes the realization of legal accountability and casts doubt on the reliability of international law in responding to humanitarian crises.

One critical argument emerging from the review is the urgent need for reform and adaptation of IHL. Technological advancements necessitate legal frameworks that can accommodate novel forms of warfare, including the use of AI and cyber operations. The literature reviewed in this study, particularly from Liivoja (2015) and Mahnad (2014), consistently underscores the inadequacy of current legal instruments in regulating non-traditional weapon systems. The inability of IHL to adequately address the deployment and consequences of emerging technologies may erode the fundamental principles of humanity and distinction that underpin the legal regime.

Furthermore, urban warfare presents unique legal and operational dilemmas that existing IHL norms are ill-equipped to handle. As warfare increasingly shifts to densely populated areas, the protection of civilians becomes increasingly precarious. The data indicating that over 70% of casualties in urban conflicts are civilians underscores the failure to effectively implement proportionality and precautionary principles (Sossai, 2022; Singh & Yadav, 2023). The literature calls for stricter protocols governing the use of explosive weapons in urban settings and greater accountability for violations, which is echoed by the findings of this review.

The integration of gender considerations into IHL remains another pressing issue. Despite advancements such as the UN Security Council Resolution 1325 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), implementation remains inconsistent across conflict zones. The review confirms earlier literature suggesting that the justice system continues to struggle with prosecuting gender-based crimes during conflicts (Akia, 2023; Rodríguez, 2021). This highlights the persistence of systemic biases and underscores the necessity of embedding gender-sensitive frameworks into the core of humanitarian law, rather than treating them as peripheral considerations.

Intervention doctrines such as R2P also invite debate regarding sovereignty and the legitimacy of international involvement. While R2P is conceptually aligned with IHL in protecting populations from mass atrocities, its implementation is highly selective and politically contingent. As illustrated by the contrast between Libya and Rwanda, the inconsistency in applying R2P reveals the limitations of the current international order to act decisively in the face of humanitarian crises (Cater & Malone, 2016; Lines & Schabas, 2017). These inconsistencies not only undermine legal legitimacy but also perpetuate a culture of impunity among violators.

Regarding non-state actors, the study highlights the pressing need for tailored legal frameworks that consider their varying structures, motives, and tactics. Traditional IHL assumes a clear chain of command and accountability mechanisms, which are often absent in non-state formations. The challenge of assigning legal responsibility is compounded by the frequent reluctance of states to

cooperate in prosecuting such actors, especially when doing so intersects with national security agendas (Ali & Kabau, 2014; Oette, 2024). These barriers necessitate the development of alternative accountability mechanisms, such as hybrid tribunals or regionally mandated enforcement bodies.

While this review sheds light on significant gaps in the current legal regime, it is also important to acknowledge the limitations of the available literature. Most studies focus on theoretical analyses or case-specific narratives, with limited comparative assessments across multiple regions. The concentration of scholarship on high-profile conflicts, particularly in the Middle East and Africa, may also result in the neglect of evolving conflict dynamics in other parts of the world, such as Southeast Asia and Latin America. These regional gaps limit the generalizability of findings and point to the need for a broader empirical base in future research.

Another limitation is the reliance on legal interpretations that often lack interdisciplinary engagement. The incorporation of perspectives from fields such as international relations, technology ethics, and sociology could offer a more holistic understanding of how IHL operates—or fails—in complex environments. Addressing this limitation requires a shift toward more integrated methodological approaches and collaborative scholarship that bridges legal theory with practical implementation.

Future research should also investigate the role of regional legal systems in reinforcing or undermining global IHL standards. Comparative studies that explore how different legal traditions internalize and apply IHL can provide insight into pathways for harmonizing enforcement. Additionally, empirical work that captures the lived experiences of affected populations can help inform more nuanced and context-sensitive legal reforms.

Overall, the discussion underscores the imperative to reconceptualize IHL as a dynamic legal system that must evolve in response to technological innovation, shifting geopolitical realities, and emergent forms of violence. Without substantive reform, the credibility and effectiveness of IHL risk being eroded, leaving civilians unprotected and humanitarian principles unenforced in the very contexts where they are most needed.

CONCLUSION

This narrative review has critically examined the evolution of International Humanitarian Law (IHL) in response to modern armed conflict dynamics, particularly the challenges posed by technological advancements, urban warfare, gender-based violence, humanitarian interventions, and the involvement of non-state actors. The findings reveal that while IHL has made significant strides in adapting to certain developments, especially in gender protection and civilian safeguards, its current frameworks still struggle to adequately regulate emerging technologies such as autonomous weapons and artificial intelligence. The complexities of urban warfare and hybrid conflicts further highlight the limitations of proportionality and distinction principles.

The study underscores the urgent need for legal reform to enhance accountability mechanisms and align IHL with evolving conflict realities. Strengthening legal norms on the use of explosive

weapons in populated areas to reduce civilian harm, revising the role of R2P to ensure consistency beyond geopolitical interests, and improving legal tools to govern non-state actors in order to close accountability gaps are key priorities. Systemic factors—such as weak enforcement mechanisms and geopolitical gridlocks—impede the effectiveness of existing laws.

Therefore, this review calls for collaborative international efforts to update legal instruments and expand the role of institutions like the ICRC in interpreting and guiding legal innovations. Future research should further explore case studies on the implementation of IHL in contemporary conflicts and assess the long-term efficacy of international legal interventions. Promoting awareness, accountability, and inclusivity remains essential to safeguarding human dignity amid the shifting landscapes of modern warfare.

REFERENCE

- Akia, B. (2023). The historical application of command responsibility as basis for prosecuting sexual violence crimes under international criminal law: the post-world war ii criminal tribunals to rome. *Fundamina*, 29(2), 1–32. <https://doi.org/10.47348/fund/v29/i2a1>
- Ali, S., & Kabau, T. (2014). Non-state actors and the evolution of humanitarian norms. *Journal of International Humanitarian Legal Studies*, 5(1-2), 70–104. <https://doi.org/10.1163/18781527-00501001>
- Averre, D., & Davies, L. (2015). Russia, humanitarian intervention and the responsibility to protect: the case of syria. *International Affairs*, 91(4), 813–834. <https://doi.org/10.1111/1468-2346.12343>
- Brunstetter, D., & Jimenez-Bacardi, A. (2015). Clashing over drones: the legal and normative gap between the united states and the human rights community. *The International Journal of Human Rights*, 19(2), 176–198. <https://doi.org/10.1080/13642987.2014.991214>
- Cater, C., & Malone, D. (2016). The origins and evolution of responsibility to protect at the un. *International Relations*, 30(3), 278–297. <https://doi.org/10.1177/0047117816659586>
- Corn, G., & Kaleemullah, T. (2014). The military response to criminal violent extremist groups: aligning use of force presumptions with threat reality. *Israel Law Review*, 47(2), 253–283. <https://doi.org/10.1017/s0021223714000053>
- Demirhan, N. (2023). Role of process legality in norm contestation: rise and fall of human protection. *Alternatives Global Local Political*, 48(3), 206–219. <https://doi.org/10.1177/03043754231169418>
- Hook, G., & Son, K. (2013). Transposition in japanese state identities: overseas troop dispatches and the emergence of a humanitarian power?. *Australian Journal of International Affairs*, 67(1), 35–54. <https://doi.org/10.1080/10357718.2013.748274>

- Jaber, S., & Bantekas, I. (2023). The status of gaza as occupied territory under international law. *International and Comparative Law Quarterly*, 72(4), 1069–1088. <https://doi.org/10.1017/s0020589323000349>
- Jastram, K., & Quintin, A. (2014). Prevention in practice: teaching ihl in us legal academia. *International Review of the Red Cross*, 96(895–896), 987–1027. <https://doi.org/10.1017/s1816383115000259>
- Kozyrev, V. (2016). Harmonizing ‘responsibility to protect’: china’s vision of a post-sovereign world. *International Relations*, 30(3), 328–345. <https://doi.org/10.1177/0047117816659589>
- Liivoja, R. (2015). Technological change and the evolution of the law of war. *International Review of the Red Cross*, 97(900), 1157–1177. <https://doi.org/10.1017/s1816383116000424>
- Lines, R., & Schabas, W. (2017). *Drug control and human rights in international law*. <https://doi.org/10.1017/9781316759707>
- Mahnad, R. (2014). Beyond process: the material framework for detention and the particularities of non-international armed conflict. In *International Law* (pp. 33–51). https://doi.org/10.1007/978-94-6265-038-1_2
- Mantilla, G. (2017). The origins and evolution of the 1949 geneva conventions and the 1977 additional protocols. <https://doi.org/10.1093/oso/9780199379774.003.0002>
- Oette, L. (2024). *The transformation of the prohibition of torture in international law*. <https://doi.org/10.1093/9780191994098.001.0001>
- Orzeszyna, K. (2023). The common core of the fundamental standards of international humanitarian law and international human rights law. *International Community Law Review*, 25(6), 561–572. <https://doi.org/10.1163/18719732-bja10114>
- Pappa, M. (2021). UNSCR 1325 and maritime security. *Max Planck Yearbook of United Nations Law Online*, 24(1), 137–169. https://doi.org/10.1163/18757413_02401006
- Quataert, J. (2020). Changing modes of warfare and the gendering of military medical care, 1850s–1920s. In *Oxford Handbook of Gender and Conflict*. <https://doi.org/10.1093/oxfordhb/9780199948710.013.17>
- Reina, J., Pulido, Ó., & Guzmán, H. (2023). Desafíos del derecho internacional humanitario en conflictos de guerra híbrida. *Jurídicas Cuc*, 19(1). <https://doi.org/10.17981/juridcuc.19.1.2023.22>
- Rodríguez, J. (2021). El marco jurídico internacional de los niños soldado. evolución y nuevos debates tras el caso ongwen ante la corte penal internacional. *Ius Et Veritas*, (63), 107–120. <https://doi.org/10.18800/iusetveritas.202102.005>
- Schmitt, M. (2022). International humanitarian law and the conduct of cyber hostilities: quo vadis?. *Journal of International Humanitarian Legal Studies*, 13(2), 189–221. <https://doi.org/10.1163/18781527-bja10059>

- Singh, A., & Yadav, A. (2023). Security of food, civilians and combatants under human rights laws in times of war. *Journal of Law and Sustainable Development*, 11(5), e1180. <https://doi.org/10.55908/sdgs.v11i5.1180>
- Sossai, M. (2022). The place of cities in the evolution of international humanitarian law. *The Italian Yearbook of International Law Online*, 31(1), 227–252. <https://doi.org/10.1163/22116133-03101012>
- Vigevano, M. (2021). Inteligencia artificial aplicable a los conflictos armados: límites jurídicos y éticos. *Arbor*, 197(800), a600. <https://doi.org/10.3989/arbor.2021.800002>