

# “The Effectiveness of International Humanitarian Law in the Israel-Palestine Conflict 2014”

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## **Abstrak**

Konflik bersenjata internasional antara Israel dan Palestina pada 2014 menjadi perhatian penting dunia internasional saat itu. Perang selama 51 hari tersebut meninggalkan fakta-fakta dan pertanyaan tentang efektivitas hukum humaniter bagi pembelajar ilmu hubungan internasional. Untuk mengukur seberapa efektif hukum humaniter internasional dalam konflik tersebut, penulis menggunakan konsep efektivitas hukum dan prinsip-prinsip dalam hukum humaniter internasional. Konsep tersebut menyatakan bahwa hukum dapat dikatakan efektif apabila para aktor yang terkait dengan hukum dapat menjalankan prinsip-prinsip yang terkandung di dalamnya. Dalam konflik tersebut, ternyata banyak ditemukan pelanggaran terhadap hukum perang yang dilakukan oleh kedua belah pihak, terutama Israel. Hal itu dapat dilihat dari beberapa prinsip hukum humaniter internasional yang tidak diindahkan; prinsip proporsionalitas, prinsip pembatasan dan prinsip kemanusiaan. Ada pun jumlah kerugian dan korban sipil yang terus mengalami peningkatan menjadi indikasi penting yang menentukan efektivitas hukum humaniter internasional.

**Kata Kunci:** *Efektivitas Hukum, Prinsip-prinsip Hukum Humaniter Internasional, Korban perang, Israel – Palestina*

## **Abstract**

The international armed conflict between Israel and Palestine in 2014 became a major concern of the international society at the time. The 51-day war left facts and questions about the effectiveness of humanitarian law for international relations students. To measure how effective international humanitarian law is in the conflict, the researcher used the concept of legal effectiveness and the principles in international humanitarian law. The concept states that the law can be said to be effective if the actors can carry out the principles contained therein. In the conflict, it turned out that many violations of the law of war are perpetrated by both parties, especially Israel. It can be seen from some of the principles of international humanitarian law that are ignored; the principle of proportionality, the principle of limitation and the principle of

humanity. There is also an increasing number of civilian losses and casualties being an important indication that determines the effectiveness of international humanitarian law.

**Keywords:** *The Effectiveness of Law, the Principles of International Humanitarian Law, Casualties, Israel – Palestine*

## **Introduction**

International humanitarian law as an international law prohibits or limits the use of sadistic weapons or mass destruction that cannot distinguish between civilians and combatants. International humanitarian law also requires parties to the conflict to distinguish between combatants and civilians and not to attack non-combatants, to care for the sick and injured, to protect medical personnel, and to ensure that the dignity of prisoners of war and civilian interns is maintained by allowing delegates/ the International Committee of The Red Cross (ICRC) visited them. Nevertheless, international humanitarian law is not considered to ensure maximum sustainability of the norms of war in the conflict between Israel and Palestine.

Following the Israeli military aggression against Palestine in December 2008, the world was shocked by airborne bombs and ground attack carried out by Israel against Palestinians in the Gaza Strip in July 2014. The attack was actually aimed at paralyzing Hamas fighters (*Harakat al-Muqawamah al-Islamiyyah*) or Islamic Resistance Movement to stop the rocket on Israel and Hamas militant tunnel attacks.

Hamas is labeled a terrorist organization by Israel, the United States, and European Union. Yet by its supporter, the organization was regarded as a legitimate force of struggle to defend Palestine from brutal occupation of the Zionist military.

As a result of the attacks that lasted for 51 days, about 2.145 Palestinians died as victims, including civilian casualties of 263 women, 578 children, and 102 elderlies. According to a report from the Minister of Health of the State of Palestine (2014), injures reached 11.100 people consisting of 2.114 women and 3.306 children. Most civilians became victims of the attack. The Israeli offensive also destroyed 2.276 houses flat to the ground and 13.395 homes severely damaged. Palestinian losses are estimated at 3.6 billion USD. In addition, people also find it difficult to evacuate and receive humanitarian aid for their blockade on the Gaza-Egypt border. The Israeli offensive has also destroyed homes, mosques, and offices of United Nations (UN) aid agencies and other infrastructure (Ardne, Dakwatuna, 2014).

Most countries around the world, especially Muslim-majority countries, condemned Israeli aggression to Palestine. Even private institutions Human Rights in Israel itself condemned these acts. International human rights defenders strongly state that this aggression is a war crime. On the situation, the Arab League countries immediately held a meeting to discuss what action should be taken to resolve the conflict. The Egyptian government mediated the conflict by becoming a mediator between Israel and Palestine. In the end, the negotiation in Cairo resulted in an agreement for a ceasefire (BBC.com, 2014).

After the aggression ended, the international community condemned Israel's actions for fifty-one days. The Arab League and Organization of Islamic Cooperation were demanding the international community to intervene through legal and humanitarian institutions to protect the Palestinian people (Hidayatullah, 2014). The United Nations High Commissioner for Human Rights said that Israeli military action could be categorized as a war crime (Tempo, 2014). The international community is wondering why the United Nations as the international organization authorized to resolve the problems that cause international security and peace instability cannot act immediately. They also ask where the struggle for the enforcement of international humanitarian law in this conflict.

The purpose of the establishment of humanitarian law is to limit the losses and suffering arising from armed conflict. With the existence of humanitarian law, it is expected that all warring parties can carry out appropriate attacks on the allowed targets and minimize unnecessary damage. The actions or sanctions against the misuse and violation of humanitarian law can only be granted by the state of the offender (Geneva Convention, Chapter IX, Article 49). In fact, both Israel and Palestine are known committed violations against humanitarian law. The difference, according to the ICRC, Israel excels as a country that more compliance with humanitarian law than Palestine. This can be seen from the more 'diligent' actions taken by Israeli military against commanders and subordinates in imposing sanctions. However, the number of civilian casualties on the Palestine side is far above the Israel. This will create a paradox for international humanitarian law if the appraisal of the law enforcement lies on obedience or disobedience in granting sanctions from offender state to its own military unit.

Thus, the abuse of the law cannot be used as an instrument of justification to aggressive action in war though. This paper will address the problems appearing in the armed conflict between Israel and Palestine in relation to the enforcement of international humanitarian law.

## **Escalation of Victims and Losses Before 2014**

The conflict between Israel and the Palestinians increased again and received international attention in 2002. Evidenced by the large number of media covering the victims due to attacks launched both. At that time more than 1,600 people became victims of the ferocity of the war. According to United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA, 2007), the highest casualties were from the Palestinian side, with a total of 1,192 dead, including civilians. On the other hand, Israel Ministry of Foreign Affairs (2002) reported that its victims reached 466.

In December 2001, Israel also destroyed Palestinian International Airport. The Israeli Air Force bombed radar stations and control towers using the F-16 Jet (Rendy, 2017). Shortly thereafter, in January 2002, the main foundation of an international airport located in the Gaza Strip was destroyed by the Israel Defense Forces (IDF). The Israeli side claimed that the attack was a response to a Hamas attack that killed four Israeli soldiers (VOA, 2002).

That year Israel also launched its offensive which caused the collapse of radio and television offices of Abu Dhabi offices in West Bank and Ramallah (Liputan 6, 2002). The witness's statement that the attack was carried out by soldiers, tanks and bulldozers entering Ramallah in the early hours. According to the Israeli side, the attack was deliberately done because both media have incited people to violence (VOA, 2002).

In this year, there has also been a battle in Jenin, the territory of Palestine at that time. At that time, IDF soldiers entered the Jenin village under the Palestinian administration, as part of the Operation Defensive Shield. At that time, the IDF report stated that Jenin was one of the target attacks in the operation because it was the headquarters of the terrorists who carried out a series of attacks against Israeli authorities, and often targeted both Israeli soldiers and civilians (Israel Ministry of Foreign Affairs, 2002). As a result of the battle in Jenin, as many as 23 people on the Israeli side were killed, and 52 others were injured. While on the side of Palestine counted 52 people killed (HRW) or 53 (IDF) people were killed. Reports say the 10 days of fighting was at least 140 buildings destroyed and 200 other buildings badly damaged (Jonathan, 2002).

Unfinished with the problem of harm to Palestine, the country's civilians are also often victims of violence for no reason. In December 2002, there was a shooting of 2 boys in the West Bank, while 25 others of whom were severely injured (VOA, 2002). The Israeli army attack, according to witnesses, is an attempt to enforce a ceasefire. Although details of the attack

are not yet clear, the Amnesty International report (2002) states that children are increasingly becoming victims of violence in the Israeli-Palestinian conflict.

While on March 27, 2002, there was a suicide bombing by Hamas aimed at Israel. The tragedy, known as the Massacre Passover, took place during Easter holidays and takes place at Park Hotel, Netanya (Ohad, 2002). As a result of the attack, 30 people were killed and 140 were injured.

Attacks are also often targeted to the population of Israel. At the end of December four Yeshiva school students in West Bank. The attack also injured six IDF soldiers who were trying to reverse the resistance. The two shooters were shot in place by the Israeli military (Amos, 2002). Although there were no fatal losses on the Israeli side, the attack had succeeded in causing the tensions of the civilians at the time. Many attacks aimed at ordinary citizens, both the Palestinian side and Israel.

The total death toll in the 2002 Israeli-Palestinian conflict ranged from 385 people. The details were 21 people in January, 52 in February, 134 in March, 30 in May, 54 in June, 29 in July, 15 in August, 10 in September, 22 in October, 59 in November and 14 people in December.

The situation again heats up due to Israeli attacks on Gaza at the end of 2008. The Israeli military attack was known as Operation Cast Lead. This year Israel is also suspected of using white phosphorus bombs that result in severe damage to human organs (Yulaika, 2017). Nevertheless, the Israeli side said that the target of the attack was the buildings that became the headquarters of the Hamas group. Biological weapons are objects that are forbidden for use in warfare. This was clearly stated in the 1993 Convention concerning the prohibition and limitation of the development, manufacture, stockpiling, and use of chemical weapons and their destruction. International Covenant of 1972; The Biological Weapons Convention (1972) was also established to ban and condemn such acts in warfare.

According to UN OCHA (2009), Palestinian casualties reached 1314 people, while the Israeli side lost 13 deaths. Another source, the IDF, counted the number of Palestinian casualties as many as 1,166 people, including 709 were 'terror spies' from Hamas and members of other unidentified groups, and from the Israeli side as many as 13 people, among them some civilians.

The Palestinian Center for Human Rights through its year-end report (2009) stated that the 2008 casualties were the worst and deadliest for the Palestinians since 1948. In December-

January, it was reported that 1,417 Palestinians have been killed in Israeli attacks on the Gaza Strip. The figures indicate that conflicts were exacerbating the situation and there are indications of the lack of international humanitarian law as *ius in bello* (laws applicable to situations of armed conflict).

### **The Dynamic of the Conflict in 2014**

On the night of July 6, 2014, Israeli air struck on Gaza killed nine Hamas militants, while Hamas stepped up its rocket attack on Israel and declared that all Israelis were legitimate targets (BBC, 2014). On July 8, 2014, IDF launched Operation Protective Edge in the Gaza Strip (Michael, 2015).

On July 13, the Israeli military reported that more than 1,300 Israeli air strikes had been waged into Gaza, while more than 800 rockets had been fired from Gaza to Israel (BBC, 2014). The next day, July 14, Egypt announced a ceasefire initiative. The Israeli government accepted this proposal and halted the attack for a while on the morning of July 15<sup>th</sup> (Kompas, 2014). However, all Palestinian factions, including Palestinian President Abbas, announced that they were not informed of the Egyptian initiative and only found out about it through the media. Hamas and other Palestinian factions rejected "the current (treaty) version".

This conflict is the deadliest military operation ever seen in Gaza since the second Intifada, although, the death toll and the percentage of militants killed are still unclear. According to the Health Ministry of Gaza, 2,145 Palestinians were killed and 10,000 wounded. Of these, 578 were children, 263 women and 102 elderlies. The preliminary report for the Protection Cluster's UN OCHA estimates that 1,176 (68%) of 1,717 fatalities whose identities have so far been identified are civilians; 573 of whom (33% of the total death toll) were women and children (Republika, 2015). Israel insists that at least 47% of the dead in Gaza are combatants. On the other hand, 64 IDF soldiers, two Israeli civilians, and a Thai worker were killed (Kompas, 2014). The IDF stated that Hamas used civilians as a "living shield", and on July 17 The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) strongly condemned the group holding weapons in one of its schools (Kompas, 2014). On July 22, the European Union condemned all "calls to Gaza civilians to volunteer itself as a shield of life". Hamas denied the news that it was using a live shield.

On August 5, 2014, the OCHA report stated that in the Gaza Strip, 520,000 Palestinians (approximately 30% of Gaza's population) became refugees, 273,000 of whom were displaced in 90 schools (Republika, 2014). UNRWA has mobilized all its capabilities to facilitate the

refugees, and the density of refugees increases the risk of an outbreak. 1.5 million Gaza residents are exposed to limited water or reduced water supplies (Kompas, 2014). 26 health facilities were damaged, 968 houses were completely destroyed or severely damaged, and homes owned by 33,100 residents were damaged but still liveable. Across the Gaza Strip, residents only get electric power for three hours per day. The destruction of the only power station in Gaza greatly affected the state of public health and reduced water and sanitation services; hospitals are increasingly dependent on electrical generators. More than 480,000 internally displaced people need emergency food aid. In response to this crisis, OCHA called for an emergency humanitarian fund of \$ 390,338,824 for Palestine; 43% of which have been fulfilled on 3 August 2014 (Simran, 2014).

## **Violations Against the Principles of International Humanitarian Law**

### **A. The Principle of Proportionality**

One of the things that all parties should be concerned about in the implementation of international humanitarian law is the principle of proportionality. The principle of proportionality states that the damage suffered by civilians or civilian objects must be proportionate in nature and not excessive (Kusumaatmadja, 1980). In principle, the purpose of proportional means balance. The principle proportional any attack in a military operation must be preceded by actions that ensure that the attack will not cause civilian casualties in the form of loss of life, injury, or damage to property excessive than the military advantage expected directly from the attack. In other words, the upholding the principle of proportionality requires a balance between the principle of military interests and the principle of humanity.

As mentioned earlier in chapter 3, the 51-day major conflict took considerable casualties. In less than two months, more than 2,200 people were victims of the conflict, 67 of whom were Israeli casualties (IMEMCNews, 2014). The attack known as Operation Protective Edge caused physical defects, as well as the destruction of some other civilian objects due to attacks from land, sea and air.

To threaten the civilian population, Israel fired on civilians and carried out acts of intimidation by its military. In this regard, the principle of proportionality requires that any damage that would be suffered by civilians or civilian objects in an armed conflict must be proportionate in nature and not excessive. Therefore, the parties involved in armed conflict must be able to calculate well between the benefits gained in attack using the principle of

military interests with the principle of humanity, so that will be achieved a principle that is proportionality.

In its attack, Israel is targeting civilian objects in Gaza to cripple Hamas militants. These civilian objects include public facilities such as housing, hospitals, schools, and other public places (Public Radio, 2014). Whereas in humanitarian law, attacks on civilian objects are prohibited. However, this is still done Israel to achieve military superiority.

In Israeli assaults on government buildings in Gaza, Hospitals, Schools and Markets are set forth in Protocol I of the Geneva Conventions of Article 52 paragraph 2. It was explained that any form of building that has a military function effectively and used for military purposes is a military object that may attacked. However, there is an exception to Article 52 paragraph 3 which explains that the building or facility is doubtful whether its function is a civil object or a military object then it should be assumed that the building is a civil object and should not be attacked (Gulfino, 2014, pg. 86).

In the war of late 2008 Israel also known attacked by using disproportionate weapons such as using phosphor bombs, missiles and iron dome. According to the principle of proportionality in the event of an attack on a civilian object, such an attack should not be excessive and should be balanced against the military advantage gained. If the attack is excessive, then people may violate the provisions of Protocol I Article 51 which states: 'Attack on the Criminal Procedure of Criminal Procedure, relation to the concrete and direct military advantage anticipated 'is also governed by Article 22 of the Hague Convention which said 'the right of the state to fight in the use of weaponry to harm the enemy is not unlimited', meaning that it is limited by the rules applicable and not allowed to overdo it.

From the above description, it can be seen that there has been a violation of the provisions of humanitarian law, that is not the application of the principle of proportionality in some attacks. Some of Israel's attacks are transcending, unbalanced and disproportionate. For example, Israel violated by attacking the use of deadly and excessive chemical weapons against civilian objects.

## **B. The Principle of Limitation**

This principle is a principle which requires restrictions on the means and methods of warfare committed by the conflicting parties, such as the prohibition of the use of toxic weapons, the prohibition of the use of chemical substances as weapons, the prohibition of the



use of dum-dum bullets, the prohibition of using some projectiles that can cause excessive injury and unnecessary suffering, and others. It is a requirement that the parties involved in an armed conflict have the right to use unlimited weapons for the purpose of warfare. This restriction is based on two conditions. First, the provision of general principles on weaponry has been developed. Secondly, the international community has already received a number of special restrictions or any limitations on which a certain form of arms or war methods has been agreed. In the second case, as mentioned in chapter 3 on the prohibition of the use of chemical and biological weapons due to their effects that could harm human internal organs.

The conflict in the Gaza Strip in 2008-09, as noted in the previous chapter, Israel used chemical weapons in some of its attacks. In Operation Cast Lead Israel is proven to use chemical compounds, namely white phosphorus bombs as their weapons to attack buildings suspected of hiding Hamas and other jihadists.

White phosphorus or also known as Willie Pete (WP) is a highly flammable chemical. In a military context, white phosphorus can be found in various ammunition. According to Forensic Architecture, the ammunition is used with different goals and purposes, ranging from lighting, markers, to blasting. This ammunition was used since World War I and World War II, even to this day. The United States is a country that still produces the M825 white phosphorus ammunition (WP M825) that has been used in the 2008-09 Gaza attacks. This substance causes severe injury, if exposed to the skin, reacting particles burning open body area up to the bone.

As discussed in the previous chapter, chemical weapons are objects that are forbidden for use in warfare. The prohibition is contained in the Convention on the Prohibition of Development Production Stockpiling and Use of Chemical Weapons 1993 and the Biological Weapons Convention 1972. This proves that even the law cannot run properly.

### **C. The Principle of Humanity**

The Israeli offensive to Palestine has resulted in thousands of civilian casualties. Based on this principle, the parties concerned are required to pay attention to the principles of humanity (Kusumaatmadja, 1980), where they are forbidden to use violence that can cause excessive injury or unnecessary suffering. In the war even, casualties and the wounded must have occurred. In such conditions the human side is championed, ie by not treating the victims of war (combatant) in an inhuman way, even though the result remains the same (death).

The killing of civilians contradicts the principle of humanity. The principle of humanity and the protection of civilian limits victims to war. Sugeng Istanto argued that the reasons for pushing to be held restrictions in the war (Sugeng, 1992), that is:

- a. The fact that the harm caused by the war against humanity demands restrictions on the war;
- b. The atrocities committed by the war on humans are contrary to the human civilization that demands restricted war in accordance with human dignity;
- c. The influence of humanism in war.

In Additional Protocol I of 1977 Chapter IV regulates Civilians, Article 50 explicitly distinguishes civilians and combatants. In article 48, it has been determined: the parties to the dispute must distinguish between the civilian population and the military objectives, and therefore should direct its operations to military objectives only. Facts that occur in the field that a lot of military targets that are civilians, both according to information is part of military operations or even outside operations.

Article 53 defines the protection of cultural objects and places of worship. The protection of the objects necessary for the survival of civilians is provided for in Article 54. The disputing party was prohibited from starving to death in civilians as a means of war. Article 56 determines the protection of dams, dikes, power plants should not be subjected to war. According to the WFM report, during the conflict around 100,000 Palestinians were starving. Although it did not cause death but the condition is still apprehensive at the same time indicates that the humanitarian problem in the current war situation requires more serious attention.

### **The Escalation of the Conflict Indicated Waiver of War Victims**

With regard to acts of war, it not only affects members of the armed forces, but also affected civilians. Moreover, the civilian population as a weak and suffering party, was very easy to be subjected to violence with a variety of false accusations. Humanitarian law has also regulated the protection of civilians in Article 27 of Convention IV 1949, whose arrangements are more perfect than the Hague Convention. In practice, however, these provisions are not applied seriously. According to M. Gaussyah, that to realize the ideals of protecting the entire nation and all citizens, it must be established institutions / tools that are in charge of protecting the population, namely the state tool or the police as law enforcers who are fully responsible for security (M. Gaussyah, 2014).

The development of modern weaponry techniques has resulted in an increase in the effort to prevent civilians from becoming victims of enemy attacks. The fact that the modern war is a total war, resulting in the protection afforded by traditional war law negatively, by placing civilians outside the war, is clearly inadequate today. Civilians need more positive protection and neutralization from mere enmity, which only avoids them from direct attacks from conflicting parties. Therefore, the civilian population is distinctly differentiated from the parties directly involved in the conflict, for example: combatants from the conflicting parties. In addition, civilians must be neutral or should not participate in armed conflict. In reality, there were civilians involved.

If counting victims in these two decades, both from the Palestinian side and Israel, it would be difficult to determine accurate quality. The data included were the accumulations of the various agencies or organizations that had mentioned previously. In 2002, the death toll reached 1,658 people. The amount is the accumulation of data for a full year (UN OCHA, 2007). Certainly, it does not rule out the number of victims exceeds the data mentioned above.

**Table 1. Comparison of the Number of Victims Killed the Great Israeli-Palestinian Conflict in 2002, 2008, 2014**

No	Time and Duration of Conflict	Palestinian Casualties	Israel Casualties	Number of Casualties
1.	2002 – 1-year conflict	1.192	466	1.658
2.	2008-09 – Operation Cast Lead; 22 days conflict	1.314	13	1.327
3.	2014 – Operation Protective Edge; 51 days conflict	2.145	67	2.212

Source: UN OCHA official website

It was different with the conflict conditions in 2008-2009. The conflict that lasted less than a month caused the death toll almost matching the number of victims caused by the conflict for a full year in 2002. The number of casualties recorded on Operation Cast Lead reached 1,327 people with details of the Palestinian side of 1,314 and 13 from the Israeli side (Merdeka, 2009).

In Operation Protective Edge the number of casualties increased by 60% by 2,212, i.e. 2,145 from the Palestinian side and 67 from the Israeli side (IMEMCNews, 2014). The increase indicates the inexistence of one of the principles in humanitarian law, namely the principle of distinction and the principle of humanity. This is corroborated by the fact that more than 50% of victims in every operation are civilians. Victims of the conflict were also frequently encountered from medical members such as the ICRC, IFRC, reporters who are reporting directly, which they all risked their lives for the sake of spreading the field news, and even to save the lives of civilians.

The protection of combatants, including military personnel, volunteers and persons accompanying combatants such as journalists, clerics/priest as regulated in Article 13 of the 1949 Geneva Conventions, has not been properly protected because many of them have been victimized and died in vain. Civilians in conflict areas that should be protected under Article 27 of Geneva Convention IV 1949 are in fact many victims of persecution, torture, prisoners and murder.

## **Conclusion**

According to the history of the conflict between the two, the principles of humanitarian law are always hit. As a defense, both Palestine and Israel, have different motives and reasons. It was evidenced by the number of reports and defense of both news, reports, and scientific papers related to field facts. It is fair if juxtapose with the interests of each party. It can be seen that the fact Palestinians are the ones who always 'face' losses in all aspects. Nevertheless, the Palestinian people always win in every clash because for Muslims, victory is not a matter of property or territory, but the values and principles of taqwa they apply until death picks up.

In addition, there is a fact that is actually known but less realized by the entire international community. The nearly ten-tall conflict is a phenomenon in which both countries can live in a 'quiet' state, and at other times the two countries may suddenly host a massive firefight within one to two months, then a ceasefire returns happen. Even more challenging for both countries is when external factors play a role such as the policy of the president of the United States who wants to move the embassy's office to Jerusalem on May this year.

Even today crimes against international humanitarian law are still ongoing. The action known as Land Day, the Palestinian protest movement that began on March 30, 2018 has killed 39 Palestinian civilians. The Israeli army's repressive response also caused thousands of

wounded people. Obviously, it is one of the crimes of humanity as well as injuring international humanitarian law in which non-combatant casualties fall.

Humanitarian law which expected to solve the ferocity of war was not able to function properly. The indicator is as mentioned in the previous chapter that the lack of war has ignored the principle of proportionality, the principle of limitation and the principle of humanity. Sanctions against the Israeli-imposed military have also not been eligible to justify any act of the state that has harmed Palestine. On the contrary, the absence of sanctions on the part of Hamas also blames the mechanisms of humanitarian law that require consequences of sanctions for military personnel who are proven to violate the laws of war. However, the fact is that there is no strong evidence to make the jihadist Hamas as suspect of humanitarian law crimes. Humanitarian law is also only strong in the nature of things that are pragmatic in war situations. It is a collection of *ius in bello* provisions but weak in the legitimacy of war (*ius ad bellum*). This should be a joint review, especially at the UN.

In addition, the implementation of international humanitarian law has not gone well. There are still many military operations targeting civilian casualties, unhealthy methods of warfare using chemical weapons, hundreds of civilian objects targeted by the military, blockade of several roads which are the main trade routes that sustain civilian life, destroyed public facilities such as international airports, television stations, and others.

### **Suggestion**

The conflict between Israel and the Palestinians has the worst possible, which is still going to be long and even heated up. As a result, peace is difficult to create in the Arab land. The Israeli side must understand that their military efforts will only create conflict escalation that is detrimental to both parties. On the other hand, the Palestinian government should be able to exercise complete control over its military group in order not to take small actions that could fuel a larger conflict.

Israel must be more vigilant in any action they consider repressive, because later operations launched by Israel are said, were unbalanced by the facts of the field. As a result, the repressive terminology of the Israeli version has the meaning of 'allowing military effort whenever it is needed'. To avoid such allegations, Israeli military units must be more deeply in the principles of international humanitarian law and war operations.

There are also several proposals to try to uphold justice against Israel by bringing the issue to the ICC table. However, the United Nations is on the opinion that both Israel and

Palestine committed violations of law of war in 2014. As an organization that encourages international cooperation, the UN should have a large portion to resolve the Israeli-Palestinian conflict. The researcher afraid that such a huge organization like UN may conquered for one-sided interest, especially the Israeli-Palestinian issue is a test of the credibility of the international mechanism. As a result, neither Israel nor the Palestinians have ever received a 'serious' call by the ICC.

As a joint effort in today's global society era, profound understanding and education about humanitarian law or related to the law of war must be informed to the wider community. Applications can be through many media, schools, universities, and others. Muslims must be able to answer today's global challenges. The Israeli-Palestinian issue is a common interest, because it is the Islamic concept of making all people in *aqidah* as their brothers. Therefore, the interests of Palestine are also a common interest. It does not mean to support the wrong side if it is proven, but justice and honesty must first be put forward. Always follow the progress of the issue there and understand our position as a peace-loving people (al-Islam), it will establish an effort to free Israel and Palestine by a more diplomatic method.

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