CHAPTER ONE
INTRODUCTION

1.1 Background

International Committee of The Red Cross (ICRC) is an international organization that has one function, namely as a watchdog compliance with international humanitarian law by all belligerents. 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 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, injures reached 11.100 people consisting of 2.114 women and 3.306 children[1]. 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[2].

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[3].

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

[1] *Ministry of Health: "2145 Palestinians, including 578 children, killed in Israel's aggression"*, The data of Gaza invasion victim is available at IMEMCnews article number 68969 http://imemc.org/article/68969/, accessed on December 20, 2017

[2] Infographic data of victims in Gaza Palestine due to Israeli aggression https://www.dakwatuna.com/2014/09/08/56704/infografis-data-korban-di-gaza-palestina-akibat-agresi-israel-51-hari-genosida/#axzz51fafdX51, accessed on December 17, 2017

[3] *The Israeli-Palestinian Truce Agreement Applied*, retrieved from http://www.bbc.com/indonesia/dunia/2014/08/140826_hamas_israel_gencatan_senjata, accessed on December 20, 2017

Palestinian people[4]. The United Nations High Commissioner for Human Rights said that Israeli military action could be categorized as a war crime[5]. 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[6]. 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.

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[4] *OKI dan Liga Arab: Akhiri Serangan Israel dan Bantu Warga Gaza,* retrieved from https://www.hidayatullah.com/berita/palestina-terkini/read/2014/07/16/25537/oki-dan-liga-arab-akhiri-serangan-israel-dan-bantu-warga-gaza.html, accessed on December 17, 2017

[5] *PBB: Tindakan Israel Bisa Jadi Kejahatan Perang*, retrieved from https://dunia.tempo.co/read/595426/pbb-tindakan-israel-bisa-jadi-kejahatan-perang, accessed on December 19, 2017

[6] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Chapter IX Repression of Abuses and Infractions, Article 49

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.

1.2 Research Question

Based on the background described above, the research question of this research is; "To what extent is the effectiveness of international humanitarian law in minimizing war crimes in the Israel-Palestine conflict on 2014?"

1.3 Objectives of Research

This study aims to examine the effectiveness of the implementation of international humanitarian law in the Israel-Palestine armed conflict. It is important to re-examine that war cannot be lost but the potential for war crimes and offenses should be avoided.

1.4 Benefits of Research

This research is useful to develop the definition of international humanitarian law as legal instrument in conditions of armed conflict/ war. From a practical point of view, this research resulted in transparency of international humanitarian law implementation in the Israel-Palestine conflict and what should be the attitude of the whole countries to comply with international humanitarian law and fight for humanitarian values.

1.5 Literature Review

There is some literature that discusses the violation of the laws of war in the Israel-Palestine conflict. A number of studies are alike explaining the disability loyalty of both Israel and Palestine toward international humanitarian law. Gerard Wiliam Nagel in his paper "*Pelanggaran Hak Asasi Manusia oleh Israel Terhadap Warga Sipil Palestina ditinjau dari*

Hukum Internasional" argues both sides are far from the deal of finding a way out. The root of the problem that persisted since the Balfour Declaration has had a prolonged negative impact on both side. Regarding human rights violations it started from the war. Thus, the crimes that occurred not only crimes against human rights but also injured international humanitarian law[7].

The conflict began in 1967, when Israel attacked Egypt, Jordan and Syria which then captured the Sinai and Gaza Strip (Egypt at that time), Golan heights (Syria), the West Bank and Jerusalem (Jordan). The trigger of the war was the 1917 the Balfour Declaration, initiated by the British who granted the rights and legality of the Jewish around the world to the land of Palestine[8]. Until early 2000, after series of countries signed peace treaty with Israel one by one, the Israel-Palestine conflict was the only unfinished. Even the possibility will still last long. The core of that matter was disguised, some argue issues of religious, political, and territorial claims.

This Thesis research is different from Gerard. This study of research does not discuss history of conflict from both countries, nor the factors that cause it. It intends to explain the application of international humanitarian law by both countries. Gerard specified the issue on the relevance of human rights and international humanitarian law, as well as mechanisms for the protection of civilians during the war. While in this study, it concentrates on the review of the effectiveness of international humanitarian law in that war. The similarity of both researches is in the approach of forms of rights violations as well as international humanitarian law in the conflict.

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[7] Gerard William Nagel, *Pelanggaran Hak Asasi Manusia oleh Israel Terhadap Warga Sipil Palestina Ditinjau dari Hukum Internasional*, Postgraduate of Universitas Sumatera Utara, (Medan: 2011), pg. 19

[8] Jimmy Carter, 2010, *We Can Have Peace in The Holy Land*, quoted by Gerard William Nagel, P.T. Dian Rakyat, (Jakarta: 2010), pg. 3

Aryuni Yuliantiningsih in *Agresi Israel Terhadap Palestina: Perspektif Hukum Humaniter Internasional,* argues based on international humanitarian law, Israel has broken through the principles of humanitarian law, namely: principle of humanity, principle of proportionality, and principle of distinction[9]. There are at least three mechanisms to 'administer' international humanitarian law[10]. Firstly, a state which has ratified the Geneva Conventions shall issue national constitutions that can impose effective criminal sanctions on anyone committing or ordering a grave breach of convention. Secondly, through ad hoc tribunals. Two previous tribunals have been tried to prosecute World War II crimes, namely the Tokyo Tribunal that prosecuted the war crimes of Japan and the Nuremberg Tribunal that prosecuted Nazi war crimes, Germany. After World War II the same court was formed, namely International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for the former Rwanda (ICTR). The last mechanism is sanctions can be provided through International Criminal Court (ICC). This Court has authority to hear four kinds of crimes, such as genocide, crimes against humanity, war crimes and the crime of military aggression. ICC is only a complement to the national courts, which means that if a state is unwilling or unable to prosecute perpetrators of war crimes, the ICC may administer its jurisdiction. Although these three court mechanisms can be carried out, it is practically impossible to prosecute country overshadowed by the superpowers.

Aryuni's research has little in common with research by Gerard. Aryuni intends to explain about the violations that occurred, it has just not through the approach of human rights but violations of the principles of international humanitarian law. This paper describes in brief the mechanism

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[9] Aryuni Yuliantiningsih, *Agresi Israel Terhadap Palestina Perspektif Hukum Humaniter Internasional,* Jurnal Dinamika Hukum, Universitas Jenderal Soedirman (Purwokerto: 2009), pg. 19

[10] Arlina Permanasari dkk, *Pengantar Hukum Humaniter*, ICRC (Jakarta: 1999), pg. 181

of enforcement of international humanitarian law for Israel, while this research is not so far as to grant sanctions for war crimes either to Israel or Palestine.

Gulfino Guevarrato in "*Analisis Hukum Konflik Bersenjata Antara Palestina dan Israel dari Sudut Pandang Hukum Humaniter Internasional*" argues that both sides waged war alike. Guevarrato then argues that Israel's attack on Palestine did not violate humanitarian law because the frequent Israeli attacks were a response to the Palestine assault which could jeopardize security of Israel. Its actions are judged as self-defense, and the form of self-defense is reprisal. Reason for strengthening Israel are supported by the 1949 Geneva Conventions. While the violation of humanitarian law that occurs, here is Israel did not comply the principle of proportionality. On the other hand, Palestine violates article 52 of Additional Protocol I stating that in carrying out military operations, great attention should be paid to saving civilians, including people and civilian objects[11].

The difference between Guevarrato's research and this research lies in the question research. Guevarrato is still considering whether there has been a violation of international humanitarian law in the conflict between the two countries. It is not really a questionable thing, as many articles have proven it for more than a decade. Guevarrato also supports the adoption of the concept of self-defense and reprisal by Israel in international humanitarian law. This study will test the effectiveness of international humanitarian law relating to minimize the chance of war crimes justification by the two countries in the conflict.

On the other hand, for addition perspectives of humanitarian problems, the study "Human Rights for Prisoners of War in Islam and International Humanitarian Law" stated that Islam has principle of honor

[11] Gulfino Guevarrato, *Analisis Hukum Konflik Bersenjata Antara Palestina dan Israel dari Sudut Pandang Hukum Humaniter Internasional*, Research Journal of student of Criminal Law, the Faculty of Law, Universitas Jember, (Jember: 2014), pg. 86

and human glory in state of war or conflict[12]. The prophet Muhammad (peace be upon him) has banned killing women and children and forbidden act of mutilation. In one history, Safwan bin 'Assal reported, we were sent by the Messenger of Allah on a war expedition. Then he said, "*Set yourself in the way of Allah by His name. Fight against the disbelievers to God. Do not mutilate, nor do kill children."*

In battle, the prophet only permitted the killing of those who are active in warfare. Therefore, when he passed the corpse of a women killed in battle, he said, "*This woman should not belong to you to kill!*" "*And he banned killing women and children.*"

However, if there are women or children who play an active role in the war, both physically and mentally, then they may be killed or arrested for reasons or causes of acquisition (*'illat*); to kill the enemy, since the essence of a battle or warfare is the killing of two parties actively fighting.

Likewise, in a war, the messenger forbade killing monks and priest (*ashab al-shawami'*). In the prophetic tradition narrated by Ibn Abbas, the messenger said, "*And do not kill children and monks and priest*." From description above, Islam arguing that arresting or killing women, children, religious leaders, including civilians not combatants is prohibited.

1.6 Theoretical Framework

1.6.1 The Effectiveness of Law

Crimes against humanity should be convicted. In international humanitarian law, a penalty or punishment against an offender is a state authority. That is to say that if the state has imposed a criminal, then it has already complied with the consequences of international

[12] Abd al-Salam Muhammad al-Syarif, *Human Rights for Prisoners of War in Islam and International Humanitarian Law*, from Ameur Zemmali, *Islam dan Hukum Humaniter Internasional,* ICRC & Mizan, (Jakarta: 1991), pg. 44

humanitarian law. International humanitarian law forms the legal nature and behavior of combatants to attack targets with the exception of making non-combatants the object. From that perspective, in the Israel-Palestine conflict that has cost many lives from civilians the question arises about the urgency between fighting for human values or complying every consequence of international humanitarian law.

Effectiveness, according to Soerjono Soekanto, is the degree to which a group can achieve its objectives. The law can be said to be effective if there is a positive legal effect, at that time the law reaches its goal in guiding or changing human behavior so that it becomes legal behavior. With regard to the effectiveness of the law, the identification of the law is not only with the element of external coercion, but also with litigation. The threat of coercion is an absolute element in order that a formula can be categorized as legal. Then, the element of coercion is closely related to the effectiveness of rule of law[13].

Discussing the effectiveness of the law, it means talk about the work of the law in regulating and/or forcing people to obey the law. The law can be effective if the factors affecting the law can function as well as possible. The measure of effectiveness of law can be seen from the behavior of the community. When society behaves in accordance with the expected or desired, or the legislation reaches its intended destination, then the effectiveness of the law has been achieved.

The theory of effectiveness of law according to Soekanto is determined by five factors[14], they are:

1. Legal/ law factor;
2. Law enforcement factor, that is the parties that make up and apply the law;

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[13] Soerjono Soekanto, *Efektivitas Hukum dan Penerapan Sanksi*, CV. Ramadja Karya, (Bandung: 1998), pg. 80

[14] Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakkan Hukum,* PT. Raja Grafindo Persada, (Jakarta: 2008), pg. 8

3. Means or facilities factor that supports law enforcement;
4. The societal factor, i.e. the environment in which the law is applicable or applied; and
5. Cultural factor, namely as a masterpiece, idea and sense those are based on human initiative in the social life.

Those factors are closely related because they are the essence of law enforcement, are also benchmarks of the effectiveness of law enforcement.

The applicability of law can also be viewed from three things, i.e. philosophical, juridical, and sociological. For the study of law in society, the most important thing is sociological law enforcement, which in essence is the effectiveness of the law. The study of the effectiveness of law is an activity that shows a general problem formulation strategy, which is a comparison between legal reality and the ideal law. Specifically looking at the ladder between law in action and law in theory, or in other words, this activity will show the link between law in book and law in action[15].

The work of the law is strongly influenced by forces or social and personal factors. Social and personal factors not only affect the people as targets governed by law but also against legal institutions. The end of the work of the order in society cannot only be monopolized by law. The behavior of society is not only determined by law, but also by other social and personal forces[16].

1.6.2 International Morality and Humanitarian Sanctions

All international actors have responsibility, at least calling, to maintain international peace stability. International law causes mutual

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[15] Satjipto Rahardjo, *Ilmu Hukum,* PT. Citra Aditya Bakti, (Bandung: 2000), pg. 31

[16] Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakkan Hukum, Loc.Cit.*

agreement as a force to create peace, although it is recognized not as strong as national legal. The good, with the existence of international law then formed a control over the behavior of countries. Morgenthau argued that morality, customs and law are the controllers of power. These things are mutually reinforcing giving triple protection to people and individuals who make up the society[17].

Nevertheless, Morgenthau himself was concerned about the form of international morality, his version, which can sometimes overstep the extent, that is exaggerating the influence of ethics on international politics or ignoring it by denying that statesmen and diplomats are driven only by consideration of material power[18]. Because interests are so varied, the moral teachings that rationalize them become diverse. As a result, morality is no longer autonomous, but has been manipulated by temporary interests[19].

In this case the example is Nietzsche, adherent of moral relativism said that kindness is all things lead to the will to power[20]. Justice that was originally regarded as a subject that does not change, it is not so. Herbert Spencer, as example, identified justice as the result of causal processes in a biological sense. Spencer argued that a weak person would naturally have the consequences of his weakness, on the contrary a strong man should be rewarded for his superiority[21]. Nietzsche was more extreme, said that justice is a right for those who are strong[22].

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[17] Hans. J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Yayasan Pustaka Obor Indonesia, (Jakarta: 2010), pg. 261

[18] Hans. J. M. *Ibid.*, hal. 265

[19] Abid Rohmanu, *Moralitas Islam; Moralitas Alternatif di antara Pluralisme Ajaran Moral*, retrieved from https://abidponorogo.wordpress.com/artikel/moralitas-islam/, accessed on January 15, 2018

[20] Brian Leiter, *Nietzsche on Morality*, Oxfordshire: Routledge, (Oxford: 2015), pg. 82

[21] Abid Rohmanu, *Loc.Cit.*

[22] Brian Leiter, Op.Cit. pg. 85

Justice and freedom are bound by international law. It was at this point that international politics were institutionalized by the discourse on the state. The implication is that the state politically becomes very dominant actor in international relations. Morally, the state is not only a legal institution in using violence, but also a standard of morality in international relations[23].

It applies like the use of coerce which is legally owned by state only. An example is the discourse of war. In the proposition of "state as standard of morality", there are arrangements of war. War becomes legal, but it must be governed by agreement between one country and another. At this point, the conception of international law emerged.

Grotius said that war and peace are arranged through strict regulation. More broadly, the state becomes the standard of civilization. State becomes benchmark of what is civilized and what is not[24]. Like the general conception of modernity, state executes any discourse that inconsistent with it. The state, by Laclau and Mouffe, hegemonizes the meaning of international politics, and state is manifestation of modernity[25]. Along with the emergence of criticism of modernity–as well as criticism of the violence perpetrated by state either in the form of annexation to another country or against its people, ironically is done in the name of the law–other ideas begin to appear that place universal morality as a standard of international behavior, instead of putting such great attention on the state.

There is a concern for states that uphold the law for the sake of war. One of hard question is sanctions on offender of international

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[23] Isaiah Berlin, *Liberty: Incorporating Four Essays on Liberty*, Oxford University Press, (Oxford: 2002), pg. 22

[24] Hugo Grotius, *The Right of War and Peace, Book 1-3*, Liberty Fund Inc, (Indiana: 2005), pg. 10

[25] Ernesto Laclau dan Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical and Democratic Politics,* Verso, (London: 1985), pg. 37

humanitarian law although there are expert opinions trying to answer this complicated issue.

International humanitarian law is a part of international law. One of weaknesses of international law is its strength is not too binding and has no clear sanctions. Starke stated "international law is a system without sanctions" [26]. About this weakness, Rolling said:

> *"International law is a body of law characteristic of an underdeveloped community. Lacking a central legislative body and a central power which is able to enforce the law. This lack of enforcement power is one of the characteristic of the law of nations, showing clearly its underdeveloped character. Another feature of its underdevelopment is the absence of a central court which can decide upon conflicts concerning the interpretation of the law. [27]"*

Given that international humanitarian law is part of international law, it is not surprising that it also has such features. Although international humanitarian law has some weaknesses, it does not mean that the law is not to be obeyed or underestimated. As Akehurst said "the importance of sanctions must not be exaggerated. They are not the main reason why the law is obeyed in any legal system." [28] Then he continued that stated "it is unsound to study any legal system in terms of sanctions. It is better to study law as a body of rules which are usually obeyed, not to concentrate exclusively on what happens when the rules are broken." [29]

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[26] J.G Starke, *Introduction to International Law,* Butterworth-Heinemann, (Oxford: 1977), pg. 30

[27] Rolling B.V.A., *Aspect of the criminal Responsibility for violation of the laws of war,* in book of: "*The Humanitarian Law of Armed Conflict*", Antonio Cassese (Edited), (1979), pg. 199

[28] Michael Akehurst, *A modern introduction to International Law*, (1977), pg. 15

[29] Michael Akehurst, *Ibid.,* pg. 17

As for about sanctions, scholars used different approaches and systematics. Lautherpacht in explaining means that can be used to ensure the ongoing legitimate warfare, classify them into three[30], they are:

1. measures of self-help, such as reprisal, punishment of soldiers who carry out war crimes, hostage;
2. complaints, conveyed to the enemy or to a neutral state; good services, mediation from neutral countries;
3. compensation

   Fiel Manuel a US soldier stated that in the event of violation for the law of war, the injured party may legally resort to remedial action of the following types:

   - publication for the facts (influencing public opinion).
   - protest and demand for compensation.
   - solicitation of the good offices, mediation or intervention of neutral states.
   - punishment of captured offenders.
   - reprisals[31].

In general, there is no provision for sanctions in the international humanitarian law conventions. However, it does not rule out the possibility if there is violation, then the party who feels harmed can take action as above.

1.7 Research Methodology

This research is qualitative based on literature. As usually the literature study was conducted by collecting data from various literatures, either from library or other places. The literatures used is not limited to

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[30] H, Lauterpacht, *International Law. Vol II,* (1955), pg. 25

[31] Fiel Manual, *The Law of Land Warfare,* Department of Army USA, (Washington: 1956), pg. 176

books, but also in the form of documentation materials, online news media, journals, official websites of the parties concerned and others, in the form of written materials. From the literatures can be found various theories, principles, ideas and others, which can be used for analysis and solving problems under study.

1.7.1 Research Data Source

Primary data are laws have the shape of international conventions, such as Geneva Conventions of 1949, Protocol additional to the Geneva Conventions, Al-Qur'an and prophetic tradition, Interviews from Deputy Director I of Directorate General of Asia-Pacific and Africa, Directorate of Middle East Affairs, Communication Officer of International Committee of the Red Cross Indonesia, and First Secretary of Embassy of the State of Palestine Jakarta. Then, the secondary data collected from books, periodical news, journals, and notes reports.

1.7.2 Scope of Research

This study determines the timeframe of 2014, especially during the 51-day Israel-Palestine conflict that caused thousands of lives. Nevertheless, the research allows to take some samples of events such as or related to violations of international humanitarian law in the Israel-Palestine conflict such as conflict on 2002, 2008 and 2009.

1.7.3 Research Design

The design of research is library research or also called literature study. This research belongs to a qualitative research category that generally does not conduct field research in searching for data sources. Literature study is a method that conducted for data search, or observation toward the theme analyzed for discovering hypothesis

on question research before follow up the research[32]. In other words, literature study is a method in seeking, collecting, and analyzing resources to be processed and presented in form of literature research report.

This research also uses historical research. It is done by reading books, literatures, and adheres pattern from the literatures and books that have been read. This research requires an early history of the formation of the topic.

1.7.4 Research Objection

Study of international humanitarian law is dynamic due to changes in the nature of international armed conflict occurring in some parts of the world especially the Middle East (Syam). There are indications of impairment in the implementation of international humanitarian law and the goal of minimizing civilian casualties in the Israel-Palestine war.

In this research, the international humanitarian law conventions and the ICRC statute which states that the command of war has responsibility for all forms of crime and the consequences of its subordinates will be the object of research because it is found indicator of legal utilization in the war.

1.7.5 Data Gathering Method

The research process is conducted by collecting documents from various sources such as books, print and online newspapers, articles from scientific journals, previous survey data, and organization archives. This technique as Sugiyono called by the method of documentation, is collecting data in the form of writings or drawings

[32] A. Rifqi, *Penelitian Kepustakaan*, retrieved from http://banjirembun.blogspot.co.id/2012/04/penelitian-kepustakaan.html, accessed on January, 4 2018

and variables associated with the object of discussion[33]. In this method, researcher is expected to be able to read, understand, analyze and criticize previous writings. Researcher also use field research to collect the data. It describes notes explaining when, who, how and the content from principal of interviews.

The data collected in this research is about the principles of international humanitarian law, implementation of international humanitarian law in the Israel-Palestine conflict, and the situations and number of violations that occurred during the conflict.

1.8 Hypothesis

The implementation of international humanitarian law in the conflict of Israel-Palestine 2014 was not effective as expected. It was the fact that as Israel has given sanctions against its military, numbers of sanction cannot be justification for war crimes which Israel has done. The conflict escalation both states on 2002, 2008 and 2014 also showed insignificant resolution, which means that the international humanitarian law yet cannot solve casualties and disadvantage, caused by both states those always repeated when the conflict at its high level, compatible with the principles of international humanitarian law.

1.9 Research Systematics

The first chapter discusses the background, question research, literature review, theoretical framework, hypothesis, research objectives and benefits, method of research, and research systematics. The second chapter describes the definition and the principles of international humanitarian law and Islamic perspectives of humanitarian law. The third chapter deals with the implementation of international humanitarian law in the conflict and the dynamics of the Israel-Palestine conflict. The fourth chapter deals

[33] Sugiyono, *Metode Penelitian Pendidikan*, Alfabeta, (Bandung: 2011), pg. 43

with reviewing the effectiveness of international humanitarian law in the Israel-Palestine armed conflict. The fifth chapter will explain conclusion and suggestion that can be given to the result of the research.