

**INTERNATIONAL HUMANITARIAN LAW AND FIQH
SIYAR PERSPECTIVES ON THE ISRAELI-
PALESTINIAN CONFLICT**



By:

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UNIVERSITAS DARUSSALAM GONTOR

FACULTY OF SYARI'AH

UNIVERSITY OF DARUSSALAM GONTOR

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**INTERNATIONAL HUMANITARIAN LAW AND FIQH SIYAR
PERSPECTIVES ON THE ISRAELI-PALESTINIAN
CONFLICT**

THESIS

**Presented to University of Darussalam Gontor In Partial Fulfillment of
Requirement for Bachelor Degree (S1) In the Comparative School of
Jurisprudence and Law Department**

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ABSTRAK
KONFLIK ISRAEL – PALESTINA DALAM TINJAUAN HUKUM
HUMANITER INTERNASIONAL DAN FIKIH SIYAR

Veronica Azzahra Aurel Laksono

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Konflik Israel-Palestina telah berlangsung selama beberapa dekade dan menimbulkan banyak pelanggaran terhadap Hukum Humaniter Internasional (HHI), terutama dalam hal perlindungan warga sipil dan infrastruktur. Serangan militer yang dilakukan Israel di jalur Gaza sejak Oktober 2023 hingga saat ini, termasuk penggunaan bom fosfor putih di wilayah padat penduduk, telah mengakibatkan ribuan korban jiwa dan cedera. Selain itu, serangan terhadap fasilitas medis dan infrastruktur penting telah menimbulkan krisis kemanusiaan yang signifikan.

Penelitian ini bertujuan untuk mengkaji penerapan prinsip-prinsip IHL dalam konflik Israel-Palestina, serta mencari solusi praktis yang ditawarkan oleh Fiqh Siyar, sebagai hukum Islam terkait perang. Penelitian ini juga membahas persamaan dan perbedaan antara IHL dan Fiqh Siyar dalam menangani pelanggaran hukum internasional dalam konflik bersenjata.

Metodologi yang digunakan dalam penelitian ini adalah pendekatan normatif, dengan metode deskriptif dan historis. Penelitian ini mengandalkan studi literatur dari sumber primer seperti kitab-kitab Fiqh Siyar dan sumber sekunder dari buku-buku serta jurnal-jurnal yang terkait dengan IHL dan konflik Israel-Palestina.

Hasil penelitian menunjukkan bahwa Israel secara jelas melanggar prinsip proporsionalitas dan perlindungan sipil dalam IHL. Dalam Fiqh Siyar, tindakan yang melanggar perlindungan warga sipil dan penggunaan kekuatan berlebihan juga dikecam.

Penelitian ini menyimpulkan bahwa penerapan IHL harus diperkuat melalui sanksi internasional, sementara prinsip-prinsip Fiqh Siyar dapat menjadi alternatif solusi dalam menyelesaikan konflik ini.

Kata Kunci: Konflik Israel-Palestina, Hukum Humaniter Internasional, Fiqh Siyar, Perlindungan Sipil

ABSTRACT

INTERNATIONAL HUMANITARIAN LAW AND FIQH SIYAR PERSPECTIVES ON THE ISRAELI-PALESTINIAN CONFLICT

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The Israeli-Palestinian conflict has witnessed numerous grave breaches of International Humanitarian Law (IHL), particularly in terms of the protection of civilians and infrastructure. Israel's military offensives in the Gaza Strip since October 2023, including the indiscriminate use of white phosphorus bombs in densely populated areas, have resulted in a devastating humanitarian crisis.

This research aims to examine the application of IHL principles in the Israeli-Palestinian conflict and explore potential solutions offered by Fiqh Siyar, an Islamic legal framework related to warfare. The study also seeks to compare and contrast IHL and Fiqh Siyar in addressing violations of international law in armed conflicts.

A normative approach with descriptive and historical methods was employed for this research. Primary sources such as Fiqh Siyar books and secondary sources related to IHL and the Israeli-Palestinian conflict were consulted.

The findings reveal that Israel has violated the principles of proportionality and civilian protection in IHL. Fiqh Siyar also condemns actions that violate civilian protection and the use of excessive force. This research concludes that international sanctions should be implemented to enforce IHL principles in the Israeli-Palestinian conflict, while Fiqh Siyar can offer alternative perspectives and potential solutions.

While this research acknowledges its limitations, it aims to provide valuable insights into the legal and ethical dimensions of the Israeli-Palestinian conflict. It is hoped that this study will contribute to a broader understanding of the conflict and inform future peace efforts and academic exploration.

Keywords: Israeli-Palestinian Conflict, International Humanitarian Law, Fiqh Siyar, Civilian Protection

THE DECISION OF SUPERVISOR

**Honourable to
Dean of Sharia Faculty
University of Darussalam Gontor**

Bismillahirramanirrahim

Assalamua'alaikum Warahmatullah Wabaraktuh

I present this thesis written by

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Perspectives On The Israeli-Palestinian Conflict

It has been processed and corrected to meet the practical requirement to obtain the Bachelor's Degree (S1) in the Comparative School of Jurisprudence And Law Department, Sharia Faculty University of Darussalam Gontor. Therefore, we hope this thesis could be examined.

Hopefully, this thesis will be useful for religion, nation, and the development of an educational institution

Wassalamu'alaikum Warahmatullahi Wabarakatuh

Unida, 14th of Rabi'ul Akhir 1446 H

17th of October 2024 M

Supervisor,



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THESIS ACCEPTANCE LETTER

Bismillāhirrahmānirrahīm

Assalāmu'alaikum Wr. Wb.

The Faculty of Sharia, University of Darussalam Gontor Ponorogo, Indonesia has received a thesis written by:

Name : Veronica Azzahra Aurel Laksono
Reg. Number : 422021313074
The Title : International Humanitarian Law And Fiqh Siyar
Perspectives On The Israeli-Palestinian Conflict

In partial fulfillment of the requirement for the degree of Licentiate in Comparative School of Jurisprudence and Law Department in the Faculty of Sharia, academic year 1445-1446/2024-2025.

Wassalāmu'alaikum Wr. Wb.

Ponorogo, 19th of Rabi'ul Akhir 1446 H

23th of October 2024 M

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DECISION OF THE TEAM

The committee of the thesis examination in partial fulfilment of the requirements for the degree of Licentiate in Comparative School of Jurisprudence And Law in the Faculty of Sharia, University of Darussalam Gontor, Indonesia, declared that the thesis written by:

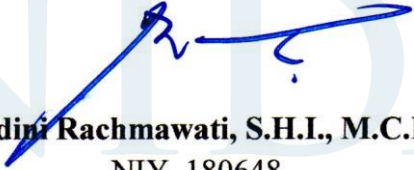
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Has been examined by the board of examiners of the Bachelor's Degree (S1) on Department of Comparative School of Jurisprudence And Law Faculty of Sharia University of Darussalam Gontor on Tuesday, October 22, 2024

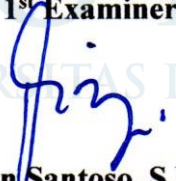
The board of examiners has decided to grant her pass in the thesis examination. Hence, she is eligible to be awarded the degree of Licentiate in Comparative School of Jurisprudence And Law in the Faculty of Sharia.

Board Examiner

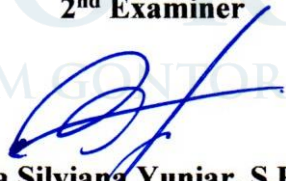
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THE DECLARATION

I, hereby,

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Perspectives On The Israeli-Palestinian Conflict

I sincerely declare that this thesis originally belongs to my own work and not to other researchers for a different degree. Furthermore, this thesis is never published before, except for some parts with their original references.

Otherwise, if it is found that this thesis is plagiarism, I am ready to be ceased academically.

Unida, 14th of Rabi'ul Akhir 1446 H

17th of October 2024 M

Researcher,



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MOTTO

فَبِأَيِّ آلَاءِ رَبِّكُمَا تُكَذِّبَانِ

“So which of the favors of your Lord would you deny?”

(Q.S. Ar-Rahman (2): 13)

وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا ۗ إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ

(١٩٠)

“Fight in the cause of Allah ‘only’ against those who wage war against you, but do not exceed the limits. Allah does not like transgressors.”

(Q.S. Al-Baqarah (2): 190)

وَوَجَدَكَ ضَالًّا فَهَدَىٰ ۖ

“And Allah find you lost and guide you.”

(Q.S. Ad-Dhuha (93): 7)

فَإِنَّ مَعَ الْعُسْرِ يُسْرًا (٥) إِنَّ مَعَ الْعُسْرِ يُسْرًا (٦)

“So, surely with hardship comes ease. Surely with that hardship comes more ease.”

(Q.S. Ash-Sharh (94): 5-6)

DEDICATION

I dedicated this thesis to the following:

My beloved parents, my dad (Aribowo Laksono, S.E.), my mom (Izawatus Sa'diyah, S.E.), and my little sister (Evelyn Meily Zahwa Laksono), for our fellow brothers and sisters of Palestina and Dien, with their love and support, I could survive every single moment of my life.



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life has been a constant source of strength and inspiration. May we all continue to live our lives according to the guidance of Allah SWT and seek His protection.

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9. Many thanks to my roommates in Student Council for their unwavering support, blessings, and prayers. Your presence in my life has been invaluable, and I am truly grateful for your friendship and encouragement.
10. May this humble thesis be valuable and useful to readers, particularly for *dien*, the writer and researcher. *Aamiin*.

Ponorogo, 14th of Rabi'ul Akhir 1446 H

16th of October 2024 M

Sincerely yours,



Veronica Azzahra Aurel Laksono

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