

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

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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