



STRICT LIABILITY FOR BREACH OF THE LAWS OF THE WAR BETWEEN ISRAEL AND PALESTINS IN GAZA

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ABSTRACT

Feuds and conflicts that occur in the world are dynamics that occur and things that cannot be avoided by the state. Conflicts between Israel and Palestine occur repeatedly, but the realization of international accountability has not been in accordance with existing rules. The existence of events that resulted in casualties in the war must be accounted for by Israel as a State, as well as the individuals involved. As a result of this action, the perpetrators of war crimes must be held accountable under international law. The problem with this article is what is the responsibility of the State of Israel for violating the laws of war? The conclusion of this article is: There is no responsibility of the State of Israel for violations of the laws of war, from every violation of international law Israel remains free from punishment, of course this is related to international politics which is considered very inhumane. Israel has not ratified the Rome Statute, so the ICC certainly will not be able to process cases of war crimes committed by Israel, making it difficult to hold Israel accountable for violations of the laws of war. In order for the implementation of international humanitarian law enforcement for perpetrators of war crimes, it can be carried out through Internationally Wrongful Acts, it can be realized by carrying out full reparations for losses in the form of restitution, compensation and satisfaction, either separately or in combination.

Keywords: *Liability, Violation of the Law of War, Israel and Palestine, International Law Perspect*

INTRODUCTION

Feuds and conflicts that occur in the world are dynamics that occur and things that the state cannot avoid. Several countries have faced inter-country conflicts generally caused by territorial disputes, border disputes, political policy issues, natural resources, and so on. One of the conflicts occurring in the world is the conflict between Palestine and Israel which has been going on for a long time.

The latest conflict in April 2021 began with an Israeli army attack on Palestinians performing Tarawih prayers at the Al-Aqsa Mosque complex where they closed the place. The closure was met by anger from Palestinians, who sparked clashes as Israel threatened to expel residents of the Sheikh Jarrah area. The evictions were carried out by the Israeli side in the Sheikh Jarrah area, which is mainly inhabited by Palestinians but claimed as a holy site by Jewish settlers because it contains the tomb of a Jewish high priest. This action received a reaction from Hamas, a resistance group against the Israeli Zionists. Riots and Israeli attacks have taken place against Palestinians using the military power they have.

Reports from the UN Special Envoy for the Middle East Peace Process, about 181 Palestinians were killed, including 52 children and 31 women. In addition, 1,200 people were

injured as a result of incidents of rocket attacks and airstrikes between the two sides. An investigation by Human Rights Watch (HRW), an NGO/human rights organization into the events referred to as "three Israeli airstrikes that killed 62 civilians, found no evidence of military targets near the attack sites". The Israeli army says it only hit military targets in Gaza, though the report also says the 4,300 rockets fired at Israel by Palestinian militant groups are indiscriminate attacks on civilians. At least 260 people were killed in Gaza and 13 in Israel in the fighting that lasted 11 days. The UN says at least 129 of those killed in Gaza were civilians. The Israeli army says 200 of them are militias, while the militant group Hamas, which rules Gaza, has acknowledged the deaths of 80 of its fighters.

Israel's actions are war crimes, including violence and killing of civilians, including children and women, forced eviction. In this case, the State of Israel has committed acts contrary to the law governed by international humanitarian law, so that the State must be held liable under international law for any military activity in violation of international obligations and for all acts of violence that violate international human rights, rights and international humanitarian law, in accordance with the rules in the Responsibility of States for Internationally Wrongful Acts. The draft articles on the responsibility of states for internationally wrongful acts adopted by the International Law Commission are the main source relevant to answering the form of state responsibility. Although the Draft Articles have not yet become a binding treaty, the document accommodates customary international law and authoritative publicist opinion. Article 1 State responsibility for internationally wrongful acts provides that any action by a state that violates international law is the responsibility of the state itself. Acts or omissions (omissions) of the State are Internationally Wrongful Acts (hereinafter referred to as IWA) which contain two elements, namely:

- a. May be delegated to the state under international law
- b. Is a breach of obligations under international law (breach of an international obligation).

The Draft Articles on the Responsibility of States for International Wrongful Acts is a rule of law in the form of customary law, legitimate and valid (valid) enforcement. So that it can be imposed on the

Conflicts between the two countries have occurred repeatedly, but the realization of international accountability is not in line with existing regulations. The existence of events that led to casualties in the war must be accounted for by Israel as a state, as well as by the individuals involved. The consequences of this action must be accounted for by the perpetrators of war crimes under international law.

Based on the background of the above problem, it is so important to further discuss accountability for violations of the laws of war between Israel and Palestine in the Gaza Strip: an international legal perspective, after which the problem can be formulated, namely what is the responsibility of the state of Israel for violations of the laws of war?

METHOD

The method used is the Normative legal research method, which aims to find solutions to legal issues and problems that arise in them, so that the results to be obtained later are to provide prescriptions as to what the legal issues should be.

The technique of legal material collection is carried out through the snowball method which starts with the collection of both primary and secondary legal material and inventories,

identifies and takes cases relevant to the topic. The processing of legal material takes place by linking the three legal materials and a review is carried out to arrive at a systematic elaboration. The legal material processed from this study has been analyzed by interpreting and constructing statements in documents and legislation using the deductive method, which is to analyze matters of a general nature and then conclude them as specific to resolve the issues discussed. reply.

RESULT AND DISCUSSION

Responsibility of the State of Israel for violations of the laws of war

3.1 Background to the conflict between Israel and Palestine

The beginning of the conflict between Palestine and Israel was with the Balfour Declaration of 1917. In this declaration, Britain promised a home for the Jewish people in Palestine. This is what then causes a wave of Jewish people to move to Palestine. Furthermore, there was Resolution 181 of 1947 which initiated the idea of 2 countries, but at that time the division of the territory was very unfair, namely for the Palestinians 43.5% and the Jews 56.5% of all the Palestinian land. According to him, the main problem of the Palestinian-Israeli conflict is the annexation of territory, also known as annexation.

Israel also disturbs the peace of Palestinians who want to celebrate religious days in the Al Aqsa Mosque. Israel continues to try to displace residents living in border areas by destroying existing homes or settlements. Of course, this is an act that violates human rights, where every human being should have the right to live safely and peacefully. Likewise with the right to freely and safely perform religious activities. So for this reason, Israel is held accountable in international law.

If you look at the facts of a Palestinian state, there are at least a few things that need attention. First, if you look at Article 1 of the 1993 Montevideo Convention, the Palestinian issue is no longer about recognition by other countries as a state, as Palestine has been recognized by 82% of the world's countries. Second, Israel continues to apply the *uti possidetis juris* principle, which is the principle that the provision implies that the territory of a colonial state is owned by the former colonial state, so that Israel considers Palestinian land to be its property based on the gift of Great Britain. Britain as the previous Palestinian colonial state. In this case, Palestine has territorial control, but very limited.

Thirdly, international law is still very primitive in dealing with this problem, because the UN Security Council (DK) in dealing with the Palestinian-Israeli conflict has not been firm in following up on this conflict, albeit through the imposition of sanctions to Israel or others.

3.2 Legal position of the State of Palestine

According to the declarative theory, Palestine is recognized as a country. Palestine has a settled or permanent population, a fixed and demarcated territory and also a government that administers the land. Second, Palestine has been able to establish diplomatic relations with other countries and international organizations. Third, Palestine clearly has its own effective government elected by the people. It can thus be concluded that Palestine fulfills the conditions of Article 1 of the Montevideo Convention and, as a result, can be accepted and meet the requirements as a state.

Currently, Palestine is recognized as a state by 138 of a total of 193 UN member states, including Indonesia, and since 2012 has been granted non-member observer status by UN General Assembly Resolution A/RES/67/19. Palestine has not officially become a member of the United Nations because, in order to become a member of the United Nations, it must obtain a recommendation from the United Nations Security Council (“UN Security Council”), which has not been possible so far because the recommendation of the United Nations Security Council will certainly be refused by the United States.

Article 48 Additional Protocol I to the Geneva Conventions, which states that parties to a dispute must distinguish between civilians and combatants, and Article 51(2) of this Protocol reiterates that civilians shall not be targeted. The United Nations stated in the Declaration on the Protection of Women and Children in Emergency Situations, point 5, that:

“5. All forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction, committed by belligerents in the course of military operations or in occupied territories shall be considered criminal.”

The content of point 5 is that all forms of oppression and cruel and inhumane treatment of women and children, including imprisonment, murder, torture, shootings, mass arrests, rape, home demolitions and forced evictions, are carried out in war as part of military operations or the occupation of a territory is considered an act of war crime, so that if there is any violation of the statement, it must be fully accounted for in accordance with the provisions of international law.

As stated in point 5 of the Declaration on the Protection of Women and Children in Emergency Situations, the actions of the Israeli army are also categorized as war crimes in the Rome Statute of 1998, as the definition of war crimes under Article 8 of the Statute is a serious violation(s) of the Geneva Conventions of 1949, as well as serious violations of laws and customs applicable in international armed conflicts within the established framework of international law.

The Palestinian people are not getting the legal protection that every citizen should be given, even Israel is targeting civilians and indeed Palestinians in Gaza. As Randa Abdel Fattah, an author and academic in a YouTube channel said that Palestinians in Gaza have no place to take refuge, many children have been massacred and slaughtered recently, 9 Palestinian families have been removed from the registry office because they were eliminated. Israel has military power backed by the United States and financed with 3.8 billion a year, Israel has advanced weapons, defense systems, missile defense systems and Israel has access to them as an occupier.

If legal protection is not realized, justice will of course also not be realized as it should be. As with the creation of justice, there is a main principle that is used, which is the same freedom as much as possible, as long as it continues to benefit all parties and the principle of inequality is used to favor the weakest. So if this principle is not reflected in the life of Palestinian society, then we can say that there is no justice in Palestinian society.

3.3 Israel's responsibility to Palestine in connection with internationally wrongful acts

Israel must be held accountable for violating international regulations. *As stated in Article 1 of the Responsibility of States for Internationally Wrongful Acts:*

"Any internationally wrongful act of a state carries with it the international responsibility of that state."

This means that any international wrongdoing by a state requires international responsibility on the part of that state.

Article 2 An internationally wrongful act of a State exists when an act consisting of an act or omission: (a) is imputable to the State under international law; and (b) violates an international obligation of the State.

This means that there is an internationally wrongful act of a State when the act consists of an act or omission:

- a) attributable to the State under international law; and
- b) violates the international obligations of the State.

Draft articles on the responsibility of states for international wrongful acts are international custom, can be forcibly imposed on the public if necessary. The Draft Articles on Responsibility of States for Internationally Wrongful Acts became law in 2001, these laws cannot be overturned and do not conflict with higher regulations.

Referring to Article 38(1) of the Statute of the International Court of Justice, which lists sources of law, the draft articles on the responsibility of States for internationally wrongful acts fall under the category of international use as evidence of generally accepted practice. And based on Article 92 of the Charter of the United Nations, it also states that international use is one of the sources of law to be applied by the International Court of Justice.

In summary, it can be concluded that although every state has a legal interest in protecting its basic rights, the state cannot escape its binding obligations. Denial of the obligations to be performed by the state results in the responsibility of the state to take corrective action.

Hans Kelsen argues in his theory of legal responsibility that: "A person is legally responsible for a particular act or bears legal responsibility, the subject means that he is responsible for a sanction in the event of a contradictory act. So that in this case Israeli should be accountable to Palestine, and also based on Article 1 of the responsibility of states for internationally wrongful acts, namely, Israeli actions that threaten the peace of the State of Palestine are internationally wrong actions of a state, so that it requires international responsibility for the state of Israel.

The Rome Statute of 1998, which, among other things, lists crimes within the court's jurisdiction, reads as follows:

- 1) Kejahatan genosida (*the crime of genocide*)
- 2) Kejahatan terhadap kemanusiaan (*crimes against humanity*)
- 3) Kejahatan perang (*war crimes*)
- 4) Kejahatan agresi (*the crimes of aggression*)

There are several violations of the principle, namely:

1. Israel violates the principle of distinction, which in its attacks does not distinguish between civilians and combatants and between military objects and civilian objects that should not be the target of military attacks. In addition, Israel has destroyed civilian objects, including civilian homes, hospitals, schools, UN buildings, electricity and water installations, and even places of worship.
2. Another violation of the principle of humanity, namely the prohibition of causing undue harm. Israel has used white phosphorus bombs that have caused excessive damage to the civilian population. Both sources of phosphorus can be much of the time until it penetrates human bone. White phosphorus both is a weapon that should not be used in war

This means that Israel is accountable on the basis of guilt, meaning that an individual is responsible for violations committed intentionally and allegedly for the purpose of causing harm to the State of Palestine.

The crimes committed by Israel are Wrongful Acts crimes, because Israel has committed International Wrongful Acts crimes, Israel can be held accountable. If a country has started a war, then a country can already be held accountable. In addition, the perpetrators of these crimes are also nationals who are supposed to represent their country, namely the armed forces. As in the case of the murder of Abu Aqla and the wounding of his colleague, Ali Sammoudi. Shireen Abu Aqla died on May 11, 2022 while covering clashes between Israeli security forces and Palestinians in the occupied West Bank. Abu Aqla wore a helmet and a vest with the word "press" written on it, which clearly indicated that he was a journalist. So that the State of Israel is responsible for the origin of the case.

Israel committed the crime of internationally wrongful acts. Israel should be responsible for violations committed by its state apparatus, so that if its state apparatus commits a violation, the state should and should be held accountable. If reference is made to the doctrine of accountability with respect to violations based on the interpretation of the state, the State of Israel remains responsible, even though accountability in interstate negotiations is irrespective of the legal understanding that occurs. The actions of the device are the actions of the country, the actions of certain people representing their country are considered the actions of their country.

3.4 Enforcement of international humanitarian law for Israeli violations

International humanitarian law governs state obligations with regard to violations of the laws of war. The form of responsibility imposed by the Geneva Conventions I, II, III and IV is that the state is obliged to make provisions or laws in the form of universal (positive) national law without regard to the nationality of the perpetrators. The law being made must provide for effective criminal sanctions for the perpetrators and those who order war crimes to be committed.

The draft articles on the responsibility of states for international wrongful acts do not include rules that directly specify the conditions for state liability losses. However, Article 27 paragraph (b) and Article 35 also mention the issue of compensation for conduct contrary to international law. Furthermore, Article 36 also mentions the issue of compensation for damages

that can be assessed financially, including loss of profit resulting from conduct contrary to international law.

These terms are often used to address state liability disputes. For example in case:

- 1) Claims for the Spanish zone of Morocco. Judge Huber emphasized in this case that this responsibility is a logical consequence of the existence of a right. International rights are involved with international responsibilities. This responsibility creates an obligation to make good losses when a country fails to meet its obligations.
- 2) The Permanent International Court of Justice in the Chorzow plant case said:"it is an international principle, and even a general legal opinion, that any breach of an undertaking implies an obligation to make reparations". "It is an international principle, and even a common law view, that every breach of contract entails an obligation to make reparations".
- 3) IGH in the Chorfu Channel case "*These serious omissions carry Albania's international responsibility. The Court therefore concludes that Albania is responsible under international law for the damage and loss of life resulting from ... and that Albania has an obligation to compensate the United Kingdom*". This serious disappearance constitutes Albania's international responsibility. The Court therefore concluded that Albania is liable under international law for the damage and loss of life caused by... and that Albania is obliged to pay compensation to the United Kingdom."

This responsibility is realized by making full compensation for damage caused by acts contrary to international law, in the form of restitution, compensation and redress, separately or in combination, in accordance with the provisions of this article. Restitution is intended to rebuild the situation that existed before the tort was committed. Compensation, namely compensation for damage caused by acting in violation of international law, insofar as the damage is not remedied by restitution and includes damage that can be assessed financially, including loss of profit. heretofore irrecoverable restitution or compensation, which may consist of an admission of wrongdoing, an expression of regret, a formal apology or any other appropriate modality, shall be proportionate to the loss and shall not take the form of embarrassment of the responsible state.

The conflicting Israeli and Palestinian states are responsible for ensuring the security of the officers, despite the fact that this is not on the part of Israel. Occupational safety is intended as an effort to protect employees, other people in the workplace and production resources so that they are always safe during the work process.

The implementation of HHI requires the government's willingness to accept the potential capabilities of those involved in non-international armed conflicts, a situation that the government has made almost unthinkable for many years. On the other hand, the law should strictly regulate the behavior of members of non-governmental armed forces in their capacity as citizens. There are several sanctions that can be imposed on a state that fails to fulfill its obligations. Despite the seemingly bleak prospects for compliance with IHL principles, states

must strive to fulfill their obligations under IHL. This is done by taking steps, both in times of peace and war.

The implementation of HHI's principles in the Israeli-Palestinian war was not carried out due to the lack of good faith and voluntariness on the part of the parties to be responsible and provide compensation to Palestine. The form of responsibility imposed by Geneva Conventions I, II, III and IV is that the state is obliged to make provisions or laws in the form of national (positive) laws that are universal without discriminating against the nationality of the perpetrators and effective criminal sanctions for the perpetrators or those who direct them to commit war crimes. The responsibility imposed on the State of Israel for violating the provisions of HHI, namely the shooting of civilians, is criminal responsibility, criminal responsibility is intended so that perpetrators who violate the HHI provisions can be punished for their actions.

This responsibility can be taken to an international court, forcing Israel to carry out its responsibilities, for example by ratifying the Rome Statute, but because Israel has not ratified the Rome Statute, Israel cannot be held accountable.

Then if it cannot be enforced by law/court, it will be carried out through negotiations between countries, and if through negotiations the state of Israel still does not recognize and be responsible, then it will be very difficult to force Israel to his deeds.

Countries that ratify the 1949 Geneva Conventions and the 1977 Additional Protocol must enact national laws providing effective criminal sanctions for perpetrators of crimes that are difficult to follow because Israel has not yet ratified the 1949 Geneva Conventions and is unlikely to do so that it will punish the perpetrators of crimes according to its domestic law because Israel wants to protect the perpetrators of crimes committed by its own citizens.

The UN Charter that grew out of military events contains a message that international disputes between countries are no longer resolved by force or military force. Article 33 of the UN Charter itself emphasizes various peaceful ways that disputing countries can bring to court, such as negotiation, mediation, arbitration.

Article 33 reads: 1) The parties involved in a dispute which, if continued, could jeopardize the maintenance of international peace and security, must first seek a negotiated solution. investigation, through mediation, conciliation, arbitration. Settlement by law through regional agencies or arrangements or by other peaceful means of our choosing. 2) If deemed necessary, the Security Council may request the parties concerned to resolve their differences in a similar manner.

If various peaceful means listed in the Statute of the International Court of Justice fail to resolve disputes between countries, the state may seek settlement through the courts. The requirements for litigation at the International Court of Justice are enumerated in the Statute of the International Court of Justice, namely in Article 43 which contains the regulatory wording regarding the forms to be chosen when bringing cases to the Court. The first paragraph stipulates that this procedure consists of two parts: written and oral. Furthermore, paragraph 2 stipulates that a written process shall be conducted with regard to the communication of notices and the registration of cases with the Court. The reminder of the lawsuit filed by the plaintiff must be in writing, as must other notices, counter-memorandums, duplicates and replicas, and other supporting documents. Paragraph (3) stipulates that all communications as stated above must be

made through the clerk before and within the term set by the court. Paragraph 4 stipulates that an official copy of any document drawn up by one party must be submitted to the other party. With regard to the form of oral communication in the proceedings before the court, it is regulated in the fifth paragraph, namely that the oral hearing consists of the hearing by the court of witnesses, experts, authorized representatives, advisers and assistants.

Article 44 of the Statute of the Supreme Court on procedural law contains two paragraphs. The first contains provisions that in order to make all notices to other people, as well as agents, legal advisers and supporters, the court must submit directly to the state government of the parties involved. Secondly, it has been formulated that the same provisions apply when steps have to be taken to obtain evidence.

Article 45 stipulates that the trial is supervised by the president or if he is unable to preside, by the vice president if he is unable to preside, now the most senior judge must chair. In this regard, Article 46 also provides that proceedings before the Court are public, unless the Court determines otherwise, or unless the parties demand that the public refuse to recognize them. Similarly, Article 47 paragraph 1 stipulates about the minutes in which everything is recorded. It is arranged that the deed or the official record of the deed must be drawn up and signed by the clerk and the chairman at each hearing. The nature of the said official report is regulated in the second paragraph, which is an authentic deed.

In procedural law before the Court, the wording of Article 48 shows that the Court makes all executive orders relating to cases. Likewise, the Court must determine for each party the form and time by which the parties must conclude their arguments. The court has also made all arrangements regarding the taking of evidence.

In relation to the possibility of objections or objections being filed by the parties, Article 49 provides that the Court may, even before the trial begins, summon agents to produce documents, or issue written explanations containing formal records of any objections from the parties.

With regard to the law of evidence, Article 50 provides that the Court may at any time entrust any person, agency, commission or other organization of its choice to conduct an investigation or provide expert advice. Accordingly, Article 51 provides that upon the hearing of relevant questions put to witnesses and experts, the said process shall meet all requirements set by the court in the rules of a special procedure therefor as regulated and related to the law of evidence and means of evidence, the Statute, in particular Article 52, provides that the Court, after it has received evidence and evidence within a specified time for evidentiary purposes, may refuse to accept further oral or written evidence if any of the parties wishes to present other evidence without the consent of the other party.

In the Charter of the International Court of Justice, there is no prohibition against other countries from bringing cases on behalf of other countries, which means that other countries are allowed to seek justice for war crimes committed by Israel against Palestine. Apart from that, the seat of the representatives of the country in the forum of the general assembly is a voting system in every meeting, be it routine or emergency meetings. If many countries agree to demand justice for Israel's actions, then it is legitimate for other countries to represent Palestine in matters before the international court. Only the international court can accept or reject these demands.

The international community can continue to press the UN Security Council for the establishment of an Israeli war crimes tribunal. The problem, however, is that this resolution must be unanimously supported by the five permanent members of the UN Security Council, namely the United States, Russia, Great Britain, France and the People's Republic of China. The resolution can be expected to be vetoed by the United States, which has always sided with Israel.

In fact, the war crimes committed by Israel fall under the jurisdiction of the International Criminal Court or ICC as a permanent court in operation since 2002. However, the authority of the ICC only applies to countries that have ratified the 1998 Rome Statute, while Israel has not ratified the 1998 Rome Statute.

Israel is considered a country with a strong economy, so it is believed that there is no gap to destabilize the country, then surely Israel is supported by the strength of the United States. So to punish countries that have committed war crimes, such as Israel, the international community can take several alternative measures, such as ending diplomatic and other relations with Israel, including the need to override the veto power of the United States, which has always sided with Israel because it sees it as an obstacle and destroyer of the enforcement of international law that is there. Blockade actions carried out collectively by other countries or international actors who have been in direct or indirect contact with the State of Israel. As well as applying the principle of universal jurisdiction in which every country has the power to try any perpetrator of a crime considered a serious crime, regardless of who the perpetrators were, when and where the crime was committed.

CONCLUSION

There is no responsibility for the State of Israel for violations of the laws of war, Israel remains unpunished for any violations of international law, of course this has to do with international politics that is considered to be very inhumane. Israel has not ratified the Rome Statute, so the ICC will certainly not be able to hear cases of war crimes committed by Israel, making it difficult to hold Israel accountable for violations of the laws of war. If you ask for accountability for moral reasons, then that is hampered by the existence of a third party, which is the United States, which is a country that supports Israel, in addition, the United States also has veto power as a permanent member of the UN Security Council. It is thus necessary to lift the veto of the United States, which has always sided with Israel, as it is seen as an obstacle and destroyer of the enforcement of existing international law. The crimes committed by Israel are Wrongful Acts crimes, so Israel can be held accountable. As stated in Article 1 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts, which states that any act contrary to international law by a State requires international responsibility from that State. Morally, as another alternative to the implementation of international humanitarian law enforcement for the perpetrators of war crimes, this can be done through these internationally wrongful acts, which can be realized by making full reparations for losses which can take the form of restitution, compensation and satisfaction, individually or in combination.

So to bring Israel into the realm of the law, two approaches can be used, namely the institutional approach through the UN Security Council and through the Rome Statute or International Criminal Court. The Rome Statute approach is the most viable option because Palestine ratified the Rome Statute in 2014, so that Israel can be held accountable through the 1998 Rome Statute. In addition to improving international rules, granting veto be abolished.

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BIBLIOGRAPHY

- Cecep Triwobowo, *Etika dan Hukum Kesehatan*, Nuha Medika, Yogyakarta, 2014,
- Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana Predana Media Group, Jakarta, 2011,
- Aryuni Yuliantiningsih, “Agresi Israel Terhadap Palestina Perspektif Hukum Humaniter Internasional”, *Jurnal Dinamika Hukum*, Fakultas Hukum Universitas Jenderal Soedirman Purwokerto, Vol. 9 No. 2 Mei 2009,
- Mohamad Rosyidin, “Konflik Internasional Abad Ke-21? Benturan Antarnegara Demokrasi dan Masa Depan Politik Dunia, (2015), 18:3, *Jurnal Ilmu Sosial dan Ilmu Politik*,
- Nita Triana, Perlindungan Perempuan dan Anak Ketika Perang dalam Hukum Humaniter Internasional, *Jurnal Hukum*, Vol. 4 No. 2, Juli-Desember 2009, STAIN Purwokerto,
- Kumparan; Korban Jiwa Konflik Yerusalem 2008-2021: Palestina 5.736, Israel 251; <https://Kumparan.Com/Kumparannews/Korban-Jiwa-Konflik-Yerusalem-2008-2021-Palestina-5-736-Israel-251-1vlnwws8xhg> (Terakhir Dikunjungi Pada 17 Oktober 2021).
- Kompas: <https://www.kompas.com/global/read/2021/05/21/065449870/kronologi-konflik-israel-palestina-terkini-dari-masjid-al-aqsa-diserang?Page=all> (terakhir dikunjungi 29 Maret 2022).
- TVOne News; <https://www.tvonenews.com/berita>

- /internasional/260-data-pbb-181-korban-jiwa-konflik-palestina-israel?msclkid=43e729bbb0f411eca76bbb91fde3203d (terakhir dikunjungi 25 Maret 2022).
- BBC; <https://www.bbc.com/indonesia/dunia-57993851> (terakhir dikunjungi pada 20 Januari 2022).
- <https://www.uui.ac.id/mencari-solusi-untuk-konflik-palestina-israel/> Diakses 6 Juli 2022
- <https://m.merdeka.com/jateng/penyebab-konflik-israel-palestina-begini-sejarahnyakln.html?page=2> diakses 6 Juli 2022
- <https://www.hukumonline.com/klinik/a/konflik-palestina-israel-dalam-perspektif-hukum-internasional-lt60acf80abc4e9> diakses 18 Juli 2022
- <https://youtu.be/oYo1DOpjRRE> Online pada 20 September 2022
- <https://www.bbc.com/indonesia/dunia-61417942> diakses 30 Juli 2022