

Research Article

The Islamic Law of War: A Case Study

Ida Susilowati^{1*}, Mohd Hisham Mohd Kamal², Hesti Rokhaniyah¹, and Khairul Munzilin¹

¹Universitas Darussalam Gontor, Indonesia

²The International Islamic University, Malaysia

ORCID

Ida Susilowati: <https://orcid.org/0000-0002-6511-2156>

Abstract.

This article uses the shooting of *Al-Jazeera* journalist Shireen Abu Akleh as a case study to evaluate and contrast the differing responses of the Islamic law of war and the international humanitarian law. International humanitarian law condemns violence against civilians (including journalists), likewise Islamic laws of war advocate protection of journalists on battlefields. However, responsibility for the death of the journalist, while reporting on the Israel-Palestine conflict, has never been assigned. Using this event as a case study, this article applies an Islamic legal approach (along with the method of *ijtihad* through *qiyas*) to evaluate the criminality of Shireen Abu Akleh's death under both Islamic law and international humanitarian law, demonstrating the commonality of these two approaches. This qualitative research study applies literature study techniques to gather research data from reports, journals, books, and credible media sources.

Keywords: humanitarian law, Islamic war law, journalist, *Ijtihad*, *Qiyas*

Corresponding Author: Ida
Susilowati; email:
idasusilowati@unida.gontor.ac.id

Published 11 January 2024

Publishing services provided by
Knowledge E

© Ida Susilowati et al. This article is distributed under the terms of the [Creative Commons Attribution License](#), which permits unrestricted use and redistribution provided that the original author and source are credited.

Selection and Peer-review under the responsibility of the RIICSHAW Conference Committee.

1. Introduction

War or armed conflict cannot be prohibited because it is an international political phenomenon which cannot be separated from the national interests as well as the sovereignty of each country. Journalists have an important role in reporting on situations occurring in an armed conflict, one of which is to ensure that the norms and ethics of war are enforced by both parties to the conflict. Accurate journalist's reports are passed on through neutral media and enable the global community to gain valuable insights into the situation on the battlefield.[1] This urgency makes the need for legal protection for journalists when carrying out the task of covering the armed conflict

The protection law of war journalists apparently has not been able to fully protect the security of journalists assigned to cover armed conflicts. This is shown from several cases which befell journalists when covering armed conflicts, including cases in armed conflicts in Syria and Palestine. Based on the Committee to Protect Journalist, 16

OPEN ACCESS

journalists died in Syria while covering the armed conflict in Syria in 2015.¹ Syria was considered one of the most dangerous countries for journalists, where journalists have been killed by the ISIS militant group which expanded its influence in parts of Iraq and Syria.[2] One journalist from Japan, Kenji Goto, was beheaded in January 2015. Furthermore, a female journalist named Ruqia Hassan was kidnapped and executed by the ISIS armed group in 2016.[3] Meanwhile, the shooting case of Al-Jazeera's senior journalist Shireen Abu Akleh was reportedly shot dead by Israeli soldiers on 11 May 2022, at 06.30 am while covering the war in Jenin, West Bank.[4] The case received international attention, for the video footage showed that Shireen was wearing a blue vest indicating she was a war correspondent journalist. Hence she should not be the target of an attack.[5]

The cases of Kenji, Ruqia and Shireen are just a few of the hundreds of cases where journalists are casualties of war, and these numerous incidents have contributed to the inclusion of journalist protections into the codes of international humanitarian law. Based on Additional Protocols I and II article 50 regarding the protection of civil society during armed conflict, the status of journalists was equated as civil society which might not become a target of war.[6] On the other hand, journalists also have a role as agents of media propaganda through news framing in the mass media, as explained by mass communication theory. It is necessary to pay heed to the neutrality of a journalist: it does not lead to the politicization of the laws of war against journalists on the battlefield.

There are many parallels between the international humanitarian law, and the rules of war delineated in the Islamic religious tenets, including the prohibition of making women and children the objects of war. Pertinent to the protection of journalists on the battlefield, Islamic war law did not specifically mention it as there was no one who had a profession as a journalist. However, the Islamic legal approach can be integrated into the development of contemporary legal situations and realities through the *Ijtihad* method. One method of *ijtihad* in Islam can be employed through *qiyas*, namely by equating the *illat* of law based on the meaning of language, events and the characteristics of law.[7] Furthermore, Legal protection for journalists on the battlefield can become a legal object in the realm of *ijtihad* through the *qiyas* method.

Fajri Matahati in his book *Fikih Jihad Contemporary* focused his analysis on a review of the means and methods of war in Islam, does not make specific mention of the protection of journalists on the battlefield. However Khansadia Afifah's article 'The Relevance of International Humanitarian Law to the Protection of Journalists on the Battle Field (A Case Study of the Execution of American Journalist James Foley in Armed Conflict in Syria)' addresses this gap, and highlights the relevance of legal

protection for American journalists executed by ISIS soldiers from the perspective of international humanitarian law instead of the Islamic law of war perspective. Lorrain Miura and Husni Syam focused on their studies on the responsibilities of warring states towards journalists on the battlefield, but have not discussed the legal politics of states parties to cases of protecting journalists on the battlefield. Meanwhile, Ibrahim Horoub analysed the existence of citizen journalism in the Israeli-Palestinian armed conflict from the professionalism side of a journalist when covering the Israeli-Palestinian armed conflict. In contrast to previous studies, this research focuses on the analysis of the actualization of universal Islamic laws of war, including the protection of journalists on the battlefield through a case study of the shooting of Al-Jazeera journalist Shireen Abu Akleh by the Israeli army.

This study discusses the status of journalists in international humanitarian law and Islamic war law with a particular focus on the case of the shooting of journalist Al-Jazeera by the Israeli army – using it as a case study to evaluate the perspective of Islamic law of war and its alignment with international humanitarian law.

2. Methods

This research was qualitative research employing descriptive analytical methods. The data collection technique used in this study was a literature study technique; the sources of data were books, journals, reports and trusted websites related to the object under study. The *qiyas* approach or legal analogy was implied to analyze the status and protection of journalists in armed conflicts using an Islamic war law perspective. The main requirement of this approach was the existence of legal equality regarding the role of journalists in an armed conflict. This approach prioritized inductive logic in inferring a law, from the specific to the general law based on the meaning of language, events, and the characteristics of the law.[8] Basically, the *qiyas* approach established law for an event or action for which there was no legal provision, which was analogous to something that has been determined by law in Islam

3. Results and Discussion

Journalism is an activity of collecting data, images, information related to an event to then be reported for public consumption. Journalists are people who carry out journalistic activities. Journalists have an important role in providing up-to-date information on important events; hence, the wider community immediately knows the progress of

each event.[9] Likewise with journalistic duties in armed conflicts, both national and international.

The job of a journalist on the battlefield carries a very high risk for the safety of journalists' lives while on duty to cover. Cases of war crimes have to be faced by journalists, including targeted persecution, kidnapping, and even death. This has become the focus of international humanitarian law, thereby creating additional protocols aimed at increasing legal protection for civilians and injured victims, as well as establishing detailed humanitarian rules when a national or international armed conflict occurred,[10] including those relating to the protection of journalists.

The work carried out by war correspondent journalists includes collecting, processing as well as publishing information news during the conflict, added by support staff such as translators.[11] War correspondent journalists are journalists who have special authority under the auspices of the protection of the armed forces. War reporters can enter into armed conflict without having to become members of the armed forces. They are considered civilians as it was explained in the 1929 Geneva Convention III Article 4 A paragraph. War correspondent journalists fall under the special protection authority of the armed forces, with a mission to provide information about ongoing armed conflict events.[12]

On the other hand, the mass media as a journalistic forum also has a role as public propaganda when reporting on an event. In this case, Alexandre Balguy argued that war correspondent journalists should still not be the target of attacks even though they aimed to carry out propaganda in reporting on armed conflict.[13] However, the neutrality of journalists in armed conflicts must still be prioritized to maintain the principles of chivalry and honesty in a war. A journalist is required to be neutral and fair in covering an incident, and to provide an opportunity for all news sources to report [14] in accordance with the journalistic code of ethics Chapter II, article 5 to article 9 and Chapter III, article 10 to article 15. This is in line with the status of civilians who may not be the target of attack in war based on additional protocol I article 50 (1), as long as they do not take up arms or do not endanger one of the belligerents. Thus, the non-neutral position of journalists or the media can affect the safety of journalists on the battlefield.

3.1. Protection of Journalist on the Battlefield in International Humanitarian Law

Arrangements regarding journalists in armed conflict already exist in Article 13 of the Hague Convention,[15] which was further developed in Article 81 of the 1929 Geneva

Convention.[16] The phenomenon of the outbreak of World War II which resulted in many civilian casualties including war journalists, prompted an increase in legal protection for journalists which then regulated in the Geneva Convention III Article 4A paragraph (4). The article explains the terms “*newspaper correspondent*” and “*reporters*” which were later replaced with “war correspondent” as well as an explanation of the position of war journalists as civilians. The change in these terms aims to adjust the status and role of journalists based on the development of the mass media.[17]

In International Humanitarian Law, the status of journalists is categorized as civilians as explained in article 50 paragraph (1) Additional Protocol I regarding the definition of civilians or civilians.[18] The article explained that a civilian was someone who was not: a member of the armed forces of a warring party, a member of a militia or resistance movement organized by the warring parties, a member of a permanent military force declaring allegiance to one of the warring parties, and or civilian staking up arms as described in Geneva Convention III article 4A (1), (2), (3) and (6). In international humanitarian law, the status of journalists was categorized as civilian, as also explained in article 4A (4)[19] showing arrangements regarding the status of civilians given to journalists, as a form of protection for journalists carrying out their duties in war zones. Moreover, in case there is doubt whether someone is a civilian, then that person must be considered as a civilian.

The protection of civilians is divided into two protections, as stipulated in part II of the 1949 Geneva Convention IV, namely general protection and special protection.[20] General protection is a prohibition against discriminatory attitudes towards personal respect, kinship, wealth and the practice of the civilian population’s religious teachings, and special protection for civilians who help other civilians under social organizations when an armed conflict occurs.

As for the arrangements regarding protection given to war journalists specifically, explained in Additional Protocol I 1977 Article 79 in protective measures for journalists on the battlefield together with the status and mechanism of journalists when reporting on an armed conflict.[21] Based on this article, war journalists carrying out their duties in war areas are categorized as civilians deserving to protection, as long as they do not take actions affecting their position as civilians. War journalists are also given special identification marks obtained from the country they come from or the receiving country, to show their status as civilians who cannot be attacked.

3.2. The Politics of International Humanitarian Law in the Shooting Case of Al-Jazeera Journalist Shireen Abu Akleh by the Israeli Army

Article 21 of the 1949 Geneva Convention II explained that ships with neutral status, including merchant ships & cruise ships, which helped, collected and treated injured, sick or sunken ships might not be arrested as long as they remained neutral.[22] Article 21 emphasizes that anyone with neutral status may not be arrested or made the target of war, including war correspondent journalists getting neutral and having no indication of taking up arms.

The shooting case of Shireen Abu Akleh by the Israeli army in May 2022 was not the first case of violation of the laws of war, but it was the umpteenth case related to violations of international humanitarian law in terms of the distinction principle. Shireen's case has not come to light, either from Israel as the perpetrator or from the United States as Shireen's national state. As the offending state, Israel has not taken significant action against its soldiers who shot Shireen as stipulated in Article 49 of the Geneva Convention I. Article 49 of the Geneva Convention I revealed the obligation of parties to a conflict to seek and prosecute their soldiers who violate the rules of war.[23]

Meanwhile, as the nation state of Shireen, America has also not taken any legal action regarding her death while covering the armed conflict that took place in Jenin, the West Bank. Based on the principle of passive nationality in international legal jurisdiction, the United States has legal jurisdiction over Shireen as its citizen who was a victim of the shooting by Israeli soldiers in Jenin, West Bank.[24] This has often been applied by the United States in many cases of its citizens who were victims in other countries' jurisdictions, but not in Shireen's case.

In the context of Kuhn's realism analysis, the United States is considered not to be in favor of international humanitarian law enforcement in the case of Shireen Abu Akleh, because of its alignment with Israel. The International Court of Justice and the United Nations have yet to show any significant follow-up in handling this case. This strengthens Azwar Asruddin's opinion, that the realism paradigm of Thomas Kuhn's version is still relevant in analyzing current political phenomena and international relations.[25] In this case, the United States prioritized the interests of power in its cooperative relationship with Israel rather than seeking justice for one of its citizens.

In contrast to the constructivism paradigm which emphasizes norms as a result of the social construction of society, so that politics and international relations are manifested in the form of international custom as the highest legal norm.[26] Based on the theory

of constructivism, the murder of Shireen Abu Akleh can be categorized as a violation of international norms contained in the Geneva conventions and the Rome Statute. Although in reality, Israel continues to reject the accusations leveled by Al Jazeera, CNN, the New York Times and the United Nations regarding the shooting of Shireen. This rejection can arise because Israel's fear of being called a violator of international humanitarian norms, the possibility of being prosecuted by the ICC if Israel admits to the accusations, or Shireen's coverage could jeopardize Israel's position in carrying out attacks on Palestine. These factors could be the reason for Israel to secure its position in the eyes of the international community by shooting Shireen while doing coverage.

The United States itself has shown a stance that seems to consider the death of one of its citizens as a case that does not need to be pursued further. As a superpower, the United States, with its significant influence, could easily hold Israel accountable for the killing of one of its citizens while performing humanitarian duties covering the armed conflict in Jenin. However, the United States has not made any efforts to protect its citizen and has instead welcomed the visit of Bezalel Smotrich, the Israeli Minister of Finance who has called for the destruction of the village of Huwara in Palestine.[28] This has become a controversy in international legal politics and raises assumptions of racism and discrimination by the US government towards its own people, considering that Shireen is a US citizen of Palestinian descent.

Israeli soldiers often violate the principle of distinction in armed conflicts by targeting civilian populations, including Shireen while she was covering the situation of the armed conflict. According to data compiled by the Palestinian National Committee (PNC), since the beginning of January 2023 until May 22, 2023 alone, 156 Palestinians have been killed by Israeli forces. This includes Israeli military attacks directed at refugees in the Balata refugee camp in Nablus-northern West Bank on Monday morning Palestinian time (22/05/2023). This attack not only resulted in the deaths of three Palestinians but also injured six other individuals.[29] International humanitarian law and the ICC are considered unable to address the violations committed by the Israeli military. This phenomenon indicates the disregard of international humanitarian law by Israel.

3.3. The Case of the Shooting of Al-Jazeera Journalist Shireen Abu Akleh from the Perspective of Islamic War Law

Islamic laws of war do not specifically explain the status of journalists on the battlefield, as the profession of journalism did not exist during the time of Prophet Muhammad and his companions. Therefore, the method of *ijtihad* is required to explain the position

or status of journalists in armed conflicts. In the case of the shooting of Al-Jazeera journalist Shireen Abu Akleh by the Israeli military, her status as a journalist falls under the category of civilian population who should not be targeted in warfare. This is due to the following reasons:

Firstly, Shireen Abu Akleh, being a woman, falls under the category of individuals who must be protected in times of war. In the context of Islamic laws of war, there are several groups which must be protected during armed conflicts and it is prohibited to target them in attacks. These include women, children, the elderly, physically or mentally disabled individuals, religious figures, and those who provide for their families.[30] It is clear that Shireen's status as a woman should be protected and she should not be targeted in warfare, just like other disabled individuals,[31] as also explained in international humanitarian law.

Secondly, Shireen served as a media delegate for Al-Jazeera assigned to cover the situation on the battlefield. The role of journalists in the context of mass media assignments covering events during armed conflicts can also be categorized as delegates conveying messages related to the ongoing war. Fajri argued that journalists might not be directly categorized as delegates. He believed that international organizations were more appropriate to be categorized as envoys or delegates in Islamic laws of war.[32] Islamic law strongly prohibits killing delegates. An attack or murder of a delegate is considered a declaration of war, as happened in the Battle of *Mu'tah* during the time of Prophet Muhammad.[33] Therefore, Shireen cannot be targeted by Israel. An attack on Shireen can also be interpreted as Israel declaring war on the United States as Shireen's nationality.

Thirdly, Shireen is not a spy assigned by the enemy in a conflict. The role of journalists as gatherers of information in the field can be categorized as espionage if it is proven that the collected data is handed over to one of the conflicting parties and used by that party to identify the weaknesses of the enemy or as a tool for public propaganda. However, Shireen is not a spy but purely a journalist assigned as a war correspondent with civilian status.

The status of journalists based on Islamic laws of war can be categorized as spies and may be targeted if there is evidence of misuse of coverage data aimed at weakening or cornering one of the parties. In this context, cameras and other tools used to gather data can be considered as weapons because they pose a threat to one of the conflicting parties. This aligns with the principle of necessity in international humanitarian law and applies to civilian populations (including non-journalists) as well.

Fourthly, Shireen's neutrality in carrying out her journalistic duties during the ongoing war and receiving payment for her work. Shireen serves as a wage-earning worker in a reputable mass media outlet. Her role as a war correspondent does not show any bias towards any of the conflicting parties. Shireen purely reports on the events at the conflict site as part of her duties as an Al-Jazeera journalist, which is to provide information to the public about the current conditions during armed conflicts. This strengthens Shireen's position as an "al-asif" (wage earner) who should be protected under Islamic laws of war.[34] In fact, Prophet Muhammad (peace be upon him) repeatedly mentioned the prohibition of killing workers or wage earners even in times of war.

Journalists are considered the eyes and ears of the public, as they can depict the events that occur. Therefore, in Islam, the status of journalists cannot be directly categorized as civilians until they demonstrate their neutrality towards the events they report, as also explained in international humanitarian law. The presence of cameras or other tools carried by journalists can pose a threat to one party if the conveyed news is not balanced. However, this cannot be used as a basis to elevate the role of journalists as combatants, considering the emergence of "citizen journalists" who aim to reveal facts in the midst of armed conflicts. News from citizen journalists is also used as a data source by independent and credible media journalists.[35]

These factors do not change their civilian status as long as they report in accordance with the norms and ethics of journalism. Based on the above, the Israeli army has no justification to target or attack Shireen as a war correspondent. Therefore, the shooting of Shireen Abu Akleh by the Israeli army while preparing to cover the war constitutes a violation of international humanitarian law and a violation of Islamic laws of war.

The concept of the Islamic state is divided into several categories: *Dar al-Islam*, *Dar al-Harb*, and *Dar al-'Ahd*. [36] Based on the legal-political case that Shireen faced, both the United States and Israel can be categorized as *Dar al-Harb*, as they have committed injustice against other human beings, deserving condemnation or even resistance. One of the principles of *ius ad bellum* in Islam is to fight against injustice and uphold justice for mankind.

Meanwhile, in the context of Islamic legal-political framework, Islam prioritizes a hereafter-oriented approach, which involves the concept of rewards and sins based on faith. This is implied in the phrase used by Prophet Muhammad and Umar ibn al-Khattab in every war, "Fear Allah," rather than prohibitive statements. This means there is a logical consequence between committing injustice in the world and being accountable to Allah in the hereafter, as an embodiment of the unity of faith values with the implementation of actions in Islamic politics.[37] This differs from the enforcement of international

humanitarian law through the ICC based on the Rome Statute (human power), while the enforcement of law in Islam is through the jurisdiction of leaders through *qadhi* (judges), without neglecting Allah's prerogative as the creator and ultimate supervisor of law.

Handling cases of international legal-political nature under the authority of the UN Security Council often leads to legal impunity if the cases involve one of the 5 veto-wielding countries. In contrast, in Islamic legal-political framework, if a *qadhi* (judge) cannot resolve a case justly, the ultimate authority will be returned to the prerogative of Allah (God). This is closely related to the character of Islamic legal-political system that encompasses divine and lordly elements, which is in contrast to the empirical nature of Western political-legal authority that rejects religious interference in political-legal matters

In essence, the rules regarding who can be attacked and who cannot be attacked during war have been specifically defined in both International Humanitarian Law and Islamic law of war. However, the implications of these two laws of war still have challenges. The shooting of Shireen Abu Akleh by the Israeli army remains unresolved to this day. Thus, there is a need for an alternative legal analysis of the case of Shireen Abu Akleh's shooting by the Israeli army, if the case cannot be pursued by the ICC. This could serve as a research subject for future researchers, concerning violations of international humanitarian law against journalists in armed conflicts.

4. Closing

The legal-political case involving senior Al-Jazeera journalist Shireen Abu Akleh in 2022 indicates a power play between the United States and Israel as the parties involved in Shireen's case. Therefore, the case of Shireen does not demonstrate any significant follow-up action regarding the shooting incident. In Islam, both countries are considered *Dar-elHarb* or countries that should be fought against, as they have committed injustice against civilians. If analyzed based on Islamic law of war, Israel has no right to attack and target Shireen while she was preparing to cover the war in Jenin, West Bank. This is due to several reasons, including: Shireen being a woman, Shireen serving as a news delegate to the public, Shireen not being a spy for the enemy, and Shireen being a breadwinner who should be protected in an armed conflict. The fundamental difference between western political-legal systems and Islamic political-legal systems lies in their respective characters, where Islamic political-legal system emphasizes the spiritual/divine aspect, while international humanitarian law is based on empirical values

Notes

¹Committee to Protect Journalists, 16 Journalists and Media Workers Killed in Syria, https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=Unconfirmed&type%5B%5D=Journalist&type%5B%5D=Media%20Worker&cc_fips%5B%5D=SY&start_year=2015&end_year=2015&group_by=year

References

- [1] ICRC Indonesia. "Bagaimana Hukum Humaniter Internasional Melindungi Jurnalis dalam Konflik Bersenjata," icrc, 2010.
- [2] Human Right Watch, "Iraq," country summary, 2017.
- [3] Yunita E. "Kisah Ruqia Hassan, Jurnalis cantik yang dieksekusi Mati ISIS," Liputan6 Global, 2017. <http://global.liputan6.com/read/2405247/kisah-ruqia-hassan-jurnalis-cantik-yang-dieksekusi-mati-isis>
- [4] Tempo.co. "Jurnalis Al-Jazeera Tewas di Tepi Barat, Ini Kata Saksi Sebelah Korban," Tempo.co, 2022, <https://dunia.tempo.co/read/1590830/jurnalis-al-jazeera-tewas-di-tepi-barat-ini-kata-saksi-disebelah-korban>
- [5] Saifi Z. "They were shooting directly at the journalists: New evidence suggests Shireen Abu Akleh was killed in targeted attack by Israeli forces," CNN, 22 Januari 2022, <https://edition.cnn.com/2022/05/24/middleeast/shireen-abu-akleh-jenin-killing-investigationcmd-intl/index.h>
- [6] Conis E, Hoenicke S. Elena Conis dan Sarah Hoenicke, "Measles, Media and Memory: Journalism 's Role in Framing Collective Memory of Disease". *J Med Humanit.* 2022;43(3):405–20.
- [7] Muhammadin FM. Refuting Da 'esh properly: a critical review of the ' Open Letter to Baghdadi'. *J Int Humanit Action.* 2016;1(1):1–10.
- [8] Dr. Beni Ahmad Saebani M.Si, Fiqh Siyasah: Terminologi dan Lintasan Sejarah Politik Islam Sejak Muhammad SAW. hingga Al-KhulafaAr-Rasyidun., ed. oleh CV Pustaka Setia, V (Bandung: CV Pustaka Setia, 2015).
- [9] Pandan Yudhapramesti, "Jurnalis dan Jurnalisme dalam Fenomena Kontemporer" 10 (2015): 89–98. <https://doi.org/10.20885/komunikasi.vol10.iss1.art9>.
- [10] Indonesia IC. "Protokol Tambahan I dan II tahun 1977 - The ICRC in Indonesia | The ICRC in Indonesia," *Hukum Humaniter/ ICRC & HHI.* Februari; 2012.
- [11] Reporters Without Border. "Handbook for Journalists," in Reporters Without Border, 2010, 94.

- [12] Alexandre Balguy-gallois. "The protection of journalists and news media personnel in armed conflict" 86, no. 853 (2004): 1–20.
- [13] Balguy-gallois.
- [14] Reni Nuraeni dan Muhammad Syahriar Sugandi [Studi Kasus pada Kegiatan Jurnalis Kota Bandung]. PERAN MEDIA SOSIAL DALAM TUGAS JURNALISTIK. 2017;3(1):43–58.
- [15] Adwani. "PERLINDUNGAN TERHADAP ORANG-ORANG DALAM DAERAH KONFLIK BERSENJATA MENURUT HUKUM HUMANITER INTERNASIONAL,.". *Dinamika Hukum*. 2012;12(1):97–107.
- [16] Elsam (Lembaga Studi & Advokasi Masyarakat), "Statuta Mahkamah Internasional – Referensi HAM," Oktober 2014.
- [17] Khansadhia Afifah Wardana, Joko Setiyono, dan Soekotjo Hardiwinoto, "Diponegoro law review," *Dipone* 5, no. 2 (2016).
- [18] Dirjen Administrasi Hukum Umum Departemen Kehakiman dan Hak Asasi Manusia Republik Indonesia, *Protokol Tambahan Konvensi Jenewa, Protokol Tambahan I dan Protokol Tambahan II* (Jakarta, 2003).
- [19] Pada Konvensi-konvensi Jenewa dan Dengan Perlindungan Korban-korban, "konvensi Jenewa," no. Protokol li (2003).
- [20] Gede GN. Penegakan Hukum Terhadap Perlindungan Penduduk Sipil Dalam Situasi Perang Menurut Konvensi Jenewa 1949 (Studi Kasus Konflik Bersenjata Israel-Palestina Dalam Kasus Operation Cast Lead 27 Desember 2008-20 Januari 2009). *Undiksha Repository*. 2021;1(1):1–83.
- [21] Dirjen Administrasi Hukum Umum Departemen Kehakiman dan Hak Asasi Manusia Republik Indonesia, *Protokol Tambahan Konvensi Jenewa, Protokol Tambahan I dan Protokol Tambahan II*.
- [22] Direktorat Jenderal Administrasi Hukum Umum Departemen Kehakiman Dan Hak Asasi Manusia Republik Indonesia, "Konvensi Jenewa II Tahun 1949 Tentang Perbaikan Keadaan Anggota Angkatan Perang Di Laut Yang Luka, Sakit Dan Korban Karam Pasal.21," in *Konvensi Jenewa II Tahun 1949*, 1949, 21–22.
- [23] Lorrain Miura Yudo Agung Syam dan M. Husni, "Responsibilities of Belligerent country in protecting war journalist in a war zone according to humanitarian law (Study Case American Freelance Journalist Christopher Allen's Death in South Sudan Civil War 2017)," in *Proceeding Ilmu Hukum*, 2018, 85.
- [24] Sefriani HI, editor. oleh Rajawali Press (Depok: PT Raja Grafindo Persada, 2018).
- [25] Azwar A. Thomas Kuhn dan Teori Hubungan Internasional: Realisme Sebagai Paradigma [IJIS]. *Indonesian Journal of International Studies*. 2014;1(2):107.

- [26] Iva Rachmawati, "Pendekatan Konstruktivis dalam Kajian Diplomasi Publik Indonesia," 2011.
- [27] Dirjen Administrasi Hukum Umum Departemen Kehakiman dan Hak Asasi Manusia Republik Indonesia, Protokol Tambahan Konvensi Jenewa, Protokol Tambahan I dan Protokol Tambahan II.
- [28] Adara Relief International. "AS Setujui Visa Untuk Menteri Israel Yang Menyerukan Pembersihan Etnis Terhadap Desa Palestina," Berita Kemanusiaan: Hubungan Internasional dan Politik, n.d., <https://adararelief.com/as-setujui-visa-untuk-menteri-israel-yang-menyserukan-pembersihan-etnis-terhadap-desa-palestina/>
- [29] KNRP. "Pasukan Penjajah Israel Bunuh Tiga Warga Palestina Selama Serangan Militer Di Kamp Pengungsi Balata," Berita Palestina, n.d., <https://knrp.org/pasukan-penjajah-israel-bunuh-tiga-warga-palestina-selama-serangan-militer-di-kamp-pengungsi-balata/>
- [30] Al-Dawoody A. The Islamic Law of War, ed. oleh ICRC Indonesia (Jakarta: PT. Gramedia, 2019).
- [31] Robert Mardini, "EDITORIAL PERSONS WITH DISABILITIES IN ARMED CONFLICTS: FROM INVISIBILITY TO VISIBILITY" 105, no. May 2022 (2023): 1–4, <https://doi.org/10.1017/S1816383122001114..>
- [32] Muhammadin. "Refuting Da 'esh properly: a critical review of the ' Open Letter to Baghdadi .'"
- [33] غمق dan ضم مفتاح, نظرية الحرب في الاسلام و اثرها في القانون الدولي العام (مكتب الإعلام والبحوث والنشر يجمعية الدعوة الاسلامية العالمية, n.d.).
- [34] الامام محمد ابوزهرة, العلاقات الدولية في الاسلام (دارالفكر العربي, n.d.).
- [35] Ibrahim Horoub, "Understanding media empowerment: citizen journalism in Palestine," no. 2023 (n.d.): 1–10, <https://doi.org/10.1057/s41599-023-01526-z>.
- [36] Al-Dawoody, The Islamic Law of War.
- [37] Mohammad Muslih dan Universitas Darussalam Gontor, "Rekonstruksi Metodologi Pengembangan Sains Berbasis Agama A . Pendahuluan Ada yang tertinggal dari gegap gempitanya wacana integrasi keilmuan satu atau dua dasawarsa belakangan ini , yaitu penglihatan dari sudut pandang Filsafat Ilmu . Isu integrasi keilmuan nyatanya memang tidak hanya menarik diikuti sebagai suatu wacana keilmuan , tetapi justru lebih tepat dan lebih maju jika dilihat dalam kerangka pembangunan paradigma baru keilmuan (new paradigm). Berdirinya beberapa universitas Islam , negeri dan swasta , setelah melalui proses panjang konversi kelembagaan , seperti UIN , Universitas NU , Universitas Muhammadiyah , UNIDA Gontor , dan lain-lain , merupakan simbol keberhasilan dari proyek besar keilmuan itu . Disebut

demikian , karena upaya itu sekaligus menandai lahirnya paradigma ilmiah baru yang mempertemukan sains dan agama , sebagai basis penyelenggaraan tridarma perguruan tinggi , dan khususnya sebagai basis paradigmatik pengembangan keilmuan yang dicanangkannya . Sudah tentu , ini merupakan capaian keilmuan yang cukup gemilang , yang sejarah patut mencatatnya . Bangunan paradigma ilmiah yang mempertemukan sains dan agama akan mempunyai signifikansi sangat tinggi , jika berujung dengan lahirnya produk keilmuan dengan corak baru yang integratif . Namun nyatanya hingga lebih dari satu dasa warsa ini paradigma keilmuan baru itu belum menunjukkan hasil yang maksimal , untuk tidak dikatakan mandul atau bahkan menguap begitu saja . Persoalan utamanya adalah” 11 (2017): 267–98.