



Legal Protection for Children and Women Victims of the Palestine Israel War from the Perspective of Islamic Humanitarian Law

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Abstract: The prolonged conflict between Palestine and Israel has significantly impacted children and women as vulnerable groups. This article analyzes the legal protection for them through the perspective of Islamic humanitarian law. Islamic humanitarian law, rooted in Sharia principles, emphasizes the protection of non-combatants in armed conflicts. Children and women, as parties not directly involved in warfare, are guaranteed security and special protection based on various texts from the Qur'an and Hadith. Additionally, the principles of maqasid al-shariah (objectives of Sharia), which prioritize the protection of life, lineage, and property, reinforce this protective argument. This study identifies the alignment between international humanitarian law and Islamic humanitarian law regarding the protection of vulnerable groups during conflicts. However, implementation on the ground is often hindered by political and military complexities. Therefore, intensive efforts from the international community and Muslim countries are needed to ensure adherence to the principles of Islamic humanitarian law. The article concludes that strengthening legal protection for children and women victims of the Palestine-Israel conflict requires a holistic approach that combines international norms and Islamic values to achieve better justice and humanity.

Keyword: Legal Protection, Victims, Children and Women

1. Introduction

The prolonged conflict between Palestine and Israel has become one of the most complex humanitarian issues, attracting global attention. In this conflict, children and women often become the most vulnerable groups, suffering both directly and indirectly from the violence. Legal protection for them is one of the greatest challenges faced by the international community.

International humanitarian law, which aims to protect individuals not involved in the fighting, has established various rules and conventions to provide such protection. However, implementation on the ground is often hindered by complex political and military dynamics. On the other hand, Islamic humanitarian law, rooted in Sharia principles, also offers a strong framework for the protection of non-combatants, including children and women (Marni et al., 2023).

The main purpose of this study is to analyze the legal protection for children and women victims of war in the Palestine-Israel conflict from the perspective of Islamic humanitarian law. This study aims to demonstrate the alignment between international humanitarian law and Islamic humanitarian law in terms of protecting vulnerable groups during conflicts. Additionally, the research seeks to explore the potential application of Sharia principles in contemporary contexts to enhance the effectiveness of protection for war victims.

The significance of this research lies in its effort to strengthen the argument for legal protection based on Islamic values, which can contribute to increased compliance with humanitarian law in conflict areas. The novelty of this study is its holistic approach, combining international norms with Islamic values, offering a new perspective in efforts to protect children and women in armed conflicts.

The main argument put forward is that Islamic humanitarian law not only aligns with international humanitarian law in many aspects but also has the potential to enrich and strengthen the legal protection framework for war victims. Thus, this research is expected to make a tangible contribution to achieving better justice and humanity for children and women affected by the Palestine-Israel conflict.

2. Methods

This research employs a qualitative approach with a descriptive-analytical method to examine the legal protection for children and women victims of the Palestine-Israel war from the perspective of Islamic humanitarian law. The following are the stages conducted in this research:

a. Secondary Data Collection:

Literature: Gathering relevant literature, including books, journal articles, and legal documents related to international humanitarian law and Islamic humanitarian law.

Official Documents: Reviewing various official documents from international organizations such as the UN, ICRC (International Committee of the Red Cross), as well as fatwas and guidelines from Islamic authorities.

Case Studies: Collecting data on specific incidents involving children and women in the Palestine-Israel conflict.

b. Content Analysis:

Legal and Shariah Documents: Analyzing texts from the Qur'an and Hadith related to the protection of non-combatants in armed conflicts. Identifying Sharia principles relevant to the protection of children and women.

Legal Comparison: Comparing provisions in international humanitarian law, such as the Geneva Conventions, with principles of Islamic humanitarian law. Identifying points of similarity and difference between them.

Case Studies: Conducting an in-depth analysis of the collected case studies to understand how legal principles are applied or neglected in real situations.

c. Expert Interviews:

Conducting in-depth interviews with experts in international humanitarian law and Islamic law. These interviews aim to gain deeper insights and perspectives on the legal protection of children and women in conflict.

Purposive Sampling Technique is used to select respondents who have relevant knowledge and experience on the research topic.

d. Thematic Analysis:

Using thematic analysis to identify main themes emerging from the collected data. These themes include legal protection, field implementation, and challenges faced.

Coding: Conducting a coding process on interview transcripts and collected documents to organize the data into predefined themes

e. Drawing Conclusions:

Formulating conclusions based on the analysis results. These conclusions will highlight the alignment between international humanitarian law and Islamic humanitarian law, as well

as identifying practical steps that can be taken to enhance protection for children and women victims of war.

This method allows researchers to present a comprehensive and in-depth picture of legal protection in the context of the Palestine-Israel conflict and offer implementable recommendations to strengthen protection for vulnerable groups.

3. Result and Discussion

a. Alignment between International Humanitarian Law and Islamic Humanitarian Law

This research found significant alignment between international humanitarian law and Islamic humanitarian law in terms of protecting children and women during armed conflicts. Both legal frameworks emphasize the importance of protecting non-combatants. In Islamic humanitarian law, principles derived from the Qur'an and Hadith underscore the necessity of preserving the lives, dignity, and property of those not involved in warfare. This is in line with the provisions of the Geneva Conventions, which prohibit violence against civilians (Marni et al., 2023).

b. Principle of Maqasid al-Shariah

Islamic humanitarian law is based on the principle of maqasid al-shariah, which aims to protect five fundamental aspects: religion, life, intellect, progeny, and property. This principle strengthens the argument for providing special protection to children and women affected by war. The study shows that the protection of life and progeny directly relates to the safety of children and women in conflict situations (Liza et al., 2023).

c. Challenges of Implementation

Although there is theoretical alignment between international and Islamic humanitarian law, practical implementation often faces obstacles. Factors such as political complexities, military interests, and a lack of knowledge or respect for humanitarian law by the warring parties are major barriers. Case studies indicate frequent violations of the rights of children and women, despite clear rules in both international and Islamic law (Hizbullah et al., 2023).

4. Discussion

a. Potential for Strengthening Protection through Islamic Humanitarian Law

Islamic humanitarian law has great potential to enhance the protection of children and women in armed conflicts. With a holistic approach based on religious values, this law can serve as an important complement to international humanitarian law. Integrating Sharia principles into field protection practices can increase acceptance and compliance among conflicting groups, especially in regions with predominantly Muslim populations (Wahyudi et al., 2023).

b. Recommendations for the International Community and Muslim Nations

To improve protection for children and women war victims, the international community and Muslim nations need to collaborate to:

c. Enhance Education and Awareness

Implement educational programs to raise awareness about international and Islamic humanitarian law among military personnel and civilians.

d. Strengthen International Cooperation

Increase collaboration between international organizations such as the UN and ICRC with religious authorities and Muslim countries.

e. Improve Monitoring and Law Enforcement

Strengthen monitoring and enforcement mechanisms to ensure that protection principles are adhered to in the field.

f. **Holistic Approach to Protection**

An approach that combines international norms with Islamic values can create a more effective and widely accepted framework. This requires ongoing dialogue among various stakeholders, including governments, international organizations, and religious communities.

This study emphasizes that despite significant challenges, strengthening legal protection for children and women in the Palestine-Israel conflict is possible with the right approach and close cooperation among various parties.

5. Conclusion

This research found significant alignment between international humanitarian law and Islamic humanitarian law in terms of protecting children and women during armed conflicts. Islamic humanitarian law, based on the principle of maqasid al-shariah, provides a strong foundation for the protection of non-combatants, consistent with the provisions of the Geneva Conventions. However, field implementation is often hindered by political and military factors

Implication

The implications of these findings are that Islamic humanitarian law can be used as an effective tool to strengthen protection efforts for vulnerable groups in armed conflicts, especially in regions with predominantly Muslim populations. An approach that combines Sharia principles with international norms can enhance compliance and acceptance on the ground

Limitations

This study has several limitations, including:

1. **Secondary Data:**

This research primarily relies on available secondary data and literature, which may not cover all aspects of legal protection in the field.

2. **Limited Case Studies**

The case studies analyzed may not fully represent the broader situation across all areas of the Palestine-Israel conflict.

3. **Limited Interviews**

Interviews with legal experts may not capture all perspectives present on the ground.

Contribution

This research makes a significant contribution to the field of humanitarian law by highlighting the potential integration between international humanitarian law and Islamic law for the protection of children and women in armed conflicts. The study also provides a foundation for further discussion on the application of Sharia principles in the context of international law.

Suggestions For Future Research

1. **Field Research:** Further studies involving direct field research in conflict areas can provide deeper and more accurate insights into the implementation of legal protections.

2. Comparative Analysis: Conducting a broader comparative analysis across various conflict regions to understand how Islamic humanitarian law principles are applied in different contexts.
 3. Policy Development: Examining how national and international policies can be better aligned to reflect and implement the protection principles identified in this research.
- This study underscores the importance of a holistic and collaborative approach to enhancing legal protection for children and women in armed conflicts and encourages further efforts to integrate Islamic values with international norms to achieve better justice and humanity.

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