

## THUFAN AL-AQSHA FROM THE PERSPECTIVE OF INTERNATIONAL HUMANITARIAN LAW AND THE FOUR SCHOOLS OF ISLAMIC LAW: AN EMPIRICAL NORMATIVE STUDY

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### **ABSTRACT**

*The Palestinian-Israeli conflict, particularly the tragedy of Thufan al-Aqsa on October 7, 2023, has witnessed an escalation of grave violations of International Humanitarian Law (IHL). Israel's disproportionate use of force has resulted in extensive material and non-material destruction, including massive civilian casualties, humanitarian collapse, and the targeting of protected infrastructure. Attempts to resolve the conflict through international mechanisms such as the United Nations and the International Court of Justice have remained largely ineffective in halting the aggression, while the responses of Muslim-majority countries have been limited to humanitarian relief and symbolic diplomacy. This study aims to analyze the Thufan al-Aqsa tragedy through the integration of perspectives from IHL and Islamic jurisprudence across the four Sunni schools (Hanafi, Maliki, Shafi'i, Hanbali). Employing a normative-empirical qualitative method through literature review, the study gathers data from scholarly articles, international reports, and classical and contemporary jurisprudential sources. The analysis applies content and comparative approaches to assess the scale of violations, their legal characterization, and the alignment of Sharia principles with the frameworks of modern international law. The urgency of this research lies in addressing the academic fragmentation between legal theory and political practice in responding to sustained humanitarian crises. The findings indicate that both international law and Islamic jurisprudence provide normative legitimacy for collective enforcement measures—including, under strict legal and ethical criteria, the possibility of collective military intervention—when peaceful remedies and existing international mechanisms fail to protect civilians. This research thus offers a principled legal and moral foundation for developing coordinated,*

*legitimate, and proportional collective responses consistent with the objectives of international law and the ethical imperatives of Islamic law.*

*Keywords: International Humanitarian Law (IHL), Islamic jurisprudence (four madhabs), Collective intervention, Civilian protection, Palestinian humanitarian crisis*

## ABSTRAK

Konflik Palestina–Israel, khususnya tragedi Thufan al-Aqsa pada 7 Oktober 2023, menunjukkan peningkatan pelanggaran serius terhadap Hukum Humaniter Internasional (HHI). Penggunaan kekuatan yang tidak proporsional oleh Israel telah menyebabkan kerusakan material dan non-material yang sangat luas, termasuk korban sipil dalam jumlah besar, runtuhnya sistem kemanusiaan, serta penghancuran infrastruktur vital yang dilindungi hukum. Upaya penyelesaian konflik melalui mekanisme internasional seperti Perserikatan Bangsa-Bangsa dan Mahkamah Internasional terbukti belum efektif dalam menghentikan agresi tersebut, sementara respons negara-negara mayoritas Muslim cenderung terbatas pada bantuan kemanusiaan dan diplomasi simbolik. Penelitian ini bertujuan untuk menganalisis tragedi Thufan al-Aqsa melalui integrasi perspektif Hukum Humaniter Internasional dan fikih Islam dari empat mazhab (Hanafi, Maliki, Syafi'i, Hanbali). Dengan menggunakan metode kualitatif normatif-empiris melalui studi kepustakaan, penelitian ini mengumpulkan data dari artikel ilmiah, laporan lembaga internasional, serta literatur fikih klasik dan kontemporer. Analisis dilakukan dengan pendekatan isi dan komparatif untuk menilai tingkat pelanggaran, karakter hukum peristiwa tersebut, serta relevansi prinsip-prinsip syariah dalam konteks hukum internasional modern. Urgensi penelitian ini terletak pada upayanya menjembatani kesenjangan akademik antara teori hukum dan praktik politik dalam merespons krisis kemanusiaan yang berkelanjutan. Hasil penelitian menunjukkan bahwa baik hukum internasional maupun fikih Islam memberikan legitimasi normatif terhadap langkah penegakan kolektif—termasuk, dalam kriteria hukum dan etika yang ketat, kemungkinan intervensi militer kolektif—apabila upaya damai dan mekanisme internasional yang ada gagal melindungi warga sipil. Dengan demikian, penelitian ini menawarkan dasar hukum dan moral yang berprinsip untuk mengembangkan respons kolektif yang terkoordinasi, sah, dan proporsional, sejalan dengan tujuan hukum internasional dan imperatif etika dalam

hukum Islam.

Kata kunci: Hukum Humaniter Internasional (HHI), Fikih empat mazhab, Intervensi kolektif,  
Perlindungan sipil, Krisis kemanusiaan Palestina

## 1. INTRODUCTION

Israel's crimes did not begin with the Thufan al-Aqsa or Badai al-Aqsa movement launched by Hamas on 7 October 2023. Rather, they date back to the Balfour Declaration on 2 November 1917, in a letter written by Arthur James Balfour, British Foreign Secretary, to Lord Rothschild, a prominent British Jew. This declaration became the initial legitimisation for the Jewish occupation of Palestinian land in the eyes of the international community and marked the beginning of the colonisation of the Palestinian people. (Tahhan, n.d.) Although Britain stated that it would continue to respect the rights of the local Palestinian population, in reality this did not happen.

From the Balfour Declaration, through the British Mandate period from 1920 to 1948, the Jewish population in Palestine increased from 9% to 27%. This was followed by the UN General Assembly Resolution in November 1948, which further cemented the division of territory between Palestinian Arabs and Jews. David Ben Gurion, the Zionist leader, took advantage of the opportunities opened up by Britain to proclaim the establishment of the State of Israel. War broke out with neighbouring Arab countries such as Egypt, Jordan, and Syria.

The UN finally proposed a compromise by granting broader territorial powers to the Jewish Zionists. (Ginat, 2018) However, this compromise was ignored by Israel, which continued its mission to control Palestine, both the West Bank and the Gaza Strip. Starting with the Nakba tragedy, the Six-Day War in 1967 (Arms Trade Litigation Monitor, n.d.) (Israel-Palestine Conflict n.d.) made Israel the military ruler of the West Bank, the Gaza Strip, the Golan Heights (Syria), and the Sinai Peninsula (Egypt). (United Nations Security Council Resolution 2334 2025) (Report on Israeli Settlements in the occupied West Bank, including East Jerusalem. *(Report on Israeli Settlements in the Occupied West Bank Including East Jerusalem (Reporting Period January - December 2024)*, n.d.)

Israel's occupation of Palestine continues with the help of allies such as the United States and various large corporations. On 7 October 2023, a movement known as Thufan al-Aqsa or Badai al-Aqsa emerged. This action was a reformative and aggressive effort to defend the rights of the Palestinian people in both the Gaza Strip and the West Bank, who continue to be oppressed by Israel. In 2020, the United States drafted a peace proposal entitled 'Deal of the

Century'. The proposal included the acquisition of several strategic areas in the West Bank for Israel (El-Awaisi & Yavuz, 2020), changes to the status quo of Al-Aqsa Mosque (El-Awaisi & Sağlam, 2023), the offer of a limited form of statehood for Palestine (Fraihat & Ezbidi, 2024), as well as economic incentives for Palestine that are insufficient to address political and territorial issues (Wardoyo, 2021).

Israel did not remain silent, responding with relentless attacks that continue to this day. Initial reports indicate that more than 24,620 Palestinians have been killed, with 70% of the victims being children and women (United Nations Women, 2024). However, according to another analysis, an estimated 64,260 people have been killed as a result of Israeli attacks (Jamaluddine et al., 2025). More than 1.9 million people, or 85% of Gaza's population, have been displaced (United Nations Women, 2024).

A total of 2.2 million people are experiencing acute food insecurity (United Nations Women, 2024), and 80,000 people have been injured without adequate treatment due to the destruction of medical facilities. Seventy per cent of homes and critical infrastructure have been destroyed by Israeli military aggression (Dardona et al., 2025). The number of victims and material and non-material losses may be greater than the figures reported due to limited data collection in Palestine and Israel's ongoing aggression.

## **2. LITERATURE REVIEW AND HYPOTHESIS DEVELOPMENT**

Research on the Palestinian-Israeli conflict, particularly the Thufan al-Aqsa tragedy, has been extensively conducted in the disciplines of international law, international relations, and peace studies. Most of the literature highlights serious violations of International Humanitarian Law (IHL), particularly the 1949 Geneva Conventions and the 1977 Additional Protocol I. Several studies document Israel's disproportionate use of military force, attacks on civilian objects, and humanitarian blockades that have resulted in large-scale material damage and loss of life. However, this literature is generally descriptive, limited to exposing violations, without offering alternative frameworks for resolution.

Other studies focus on the response of international actors, whether through resolutions of the UN General Assembly and Security Council, rulings of the International Court of Justice

(ICJ), or the policies of major countries. Some authors argue that diplomatic and legal interventions have been partial, political, and often ineffective in stopping the aggression. The response of Western countries, for example, has been widely criticised for its political bias and double standards in the application of international law. Meanwhile, Muslim countries have generally limited themselves to issuing statements of condemnation and providing humanitarian aid, without taking any concrete steps in the form of collective intervention. Thus, there is a clear gap between international legal norms that demand the protection of civilians and international political practices that lack implementation.

From an Islamic scholarly perspective, classical and contemporary literature on jihad fiqh and military intervention discusses in depth the obligation to defend oppressed Muslims, the conditions for defensive jihad, and the obligation of Muslim rulers to protect sacred territories. The four major schools of thought — Hanafi, Maliki, Shafi'i, and Hanbali — emphasise the importance of legitimate authority, proportionality in the use of force, and a strict prohibition on attacking non-combatants. However, fiqh literature is rarely integrated with the context of modern international law. As a result, there is a conceptual gap between Sharia norms and positive international law in responding to the Palestinian crisis.

Based on the above literature review, it can be concluded that previous studies are still fragmented. International law studies generally highlight normative violations without presenting applicable solutions, while Islamic fiqh studies tend to be normative without linking them to the contemporary international legal system. In addition, there have not been many studies that present a comprehensive compilation of the material and non-material losses of the Palestinian people and analyse them through two legal perspectives, namely International Humanitarian Law and the four schools of fiqh. Therefore, this study seeks to fill this gap by integrating the analysis of empirical documents, international legal norms, and Islamic legal traditions in order to formulate alternative solutions in the form of collective intervention by muslim countries.

Based on these discrepancies, it can be seen that there is a serious gap between international legal norms, global political practices, and Islamic legal traditions in responding to the tragedy of Thufan al-Aqsa. The material and non-material losses suffered by the Palestinian people have not only had an impact on socio-economic aspects, but also indicate a clear violation

of international humanitarian law. Empirical facts from international agency reports confirm the extraordinary scale of the losses, while the measures taken by the UN and the ICJ have proven ineffective in stopping the aggression. This situation gives rise to the initial hypothesis that positive international legal mechanisms alone are insufficient to guarantee the protection of the basic rights of the Palestinian people, thus requiring a more comprehensive and integrative approach.

On the other hand, previous studies confirm the lack of seriousness of Muslim countries in providing a proportional response. The literature notes that the attitude of Muslim countries is mostly limited to humanitarian aid and symbolic diplomacy. In fact, in Islamic legal tradition, defending the oppressed and protecting sacred areas is a collective obligation. This raises the suspicion that there is a gap between the normative principles of jihad formulated by the four schools of thought and the current political practices of Muslim countries.

Based on this gap, this study develops several normative hypotheses. First, the material and non-material losses suffered by the Palestinian people are evidence of a serious breach of international humanitarian law, which demands more than just a political resolution. Second, the international response by the UN, the ICJ, Western countries, and Muslim countries has not been in line with international legal obligations or moral responsibilities. Third, collective military intervention by Muslim countries can be considered lawful and legitimate if it meets the criteria of proportionality, legitimate authority, and protection of non-combatants, thereby complying with both the principles of International Humanitarian Law and the jurisprudence of the four schools of thought.

Thus, this study departs from the hypothesis that the solution to the Gaza crisis cannot be left solely to international mechanisms that have proven ineffective. Instead, an approach that integrates international law and Islamic law is needed, which ultimately leads to the justification of collective intervention by Muslim countries as an effort to restore justice, protect human rights, and safeguard Al-Aqsa Mosque.

### **3. RESEARCH METHODOLOGY/RESEARCH DESIGN**

This study employs a qualitative doctrinal-comparative research method supported by documentary evidence. This approach was selected because the issues discussed involve both international and Islamic legal doctrines and require a comparative interpretation of their conceptual foundations in light of contemporary realities documented in official reports and scholarly sources.

### **3.1 Type and Source of Data**

The data in this study are secondary and documentary in nature, obtained from three primary categories:

- National and international scientific articles discussing the Palestinian–Israeli conflict, international humanitarian law, and the foreign policy of relevant states. These include indexed journal publications, conference papers, and institutional research reports.
- Classical and contemporary fiqh texts from the four major schools of Islamic jurisprudence (Hanafi, Maliki, Shafi'i, and Hanbali), particularly those addressing jihad, intervention, protection of civilians, and the responsibilities of Muslim rulers.
- Verified international reports issued by credible institutions such as the United Nations (UN), the International Court of Justice (ICJ), the International Committee of the Red Cross (ICRC), and reputable international media documenting humanitarian impacts and political responses.

### **3.2 Data Collection Techniques**

Data collection was carried out through library and documentary research, involving the systematic search, selection, and analysis of materials derived from academic databases (such as JSTOR, Scopus, and Google Scholar), official repositories of international bodies, and authoritative fiqh publications in both print and digital forms.

### **3.3 Analytical Framework and Data Analysis Techniques**

The study utilizes content analysis and a comparative analytical framework to interpret and contrast the legal and ethical dimensions of international humanitarian law (IHL) and



Islamic jurisprudence. Content analysis is applied to identify recurring legal and moral principles concerning warfare, intervention, and the protection of non-combatants.

Comparative analysis systematically juxtaposes doctrinal positions in IHL and fiqh to examine their convergences and divergences regarding legality, accountability, and humanitarian norms. The documentary evidence (such as reports and media coverage) supports the analysis by illustrating how real-world events, such as the Thufan al-Aqsa tragedy, reflect or challenge the normative expectations derived from both international and Islamic legal frameworks.

This analytical design ensures that the study remains doctrinal in foundation while empirically grounded through documented evidence, enabling a balanced understanding between normative theory and documented social reality.

## **4. RESULT AND DISCUSSION**

### **4.1 Material and Non-Material Losses Suffered by Palestine**

The results of this analysis were then used to construct a normative argument regarding the urgency of collective intervention by Muslim countries, while also assessing the effectiveness of existing international responses. Thus, this research method not only produced a description but also offered solutions based on international law and Islamic law that could be implemented in a contemporary context.

Israel's attacks on Palestine began with the Balfour Declaration issued by Britain in 1917. (Al Farauqi & Mariana, 2024) This has caused Palestine to suffer many losses, both material and non-material, especially after the Al-Aqsa flood on 7 October 2023. Israel's attacks after the Al-Aqsa flood caused Gaza to suffer material losses in the form of infrastructure damage that was more severe than before. This conflict has destroyed about 62 per cent of all homes in Gaza, with an estimated 290,820 homes, as well as 82 per cent of health facilities (Gaza infrastructure damages estimated at £18.5bn in UN-World Bank report n.d.). Educational facilities such as schools and universities have also been completely destroyed, with around 493 of 567 school buildings and 35 universities destroyed, while most other educational facilities are damaged. (Ardaffa, 2024) Health facilities such as hospitals and clinics in Palestine were also not spared from Israeli attacks, including Al-Shifa Hospital in Gaza City, Indonesia Hospital, Al-Rantisi and

Al-Nashr in North Gaza, and Al-Sweidi Clinic in Shati Refugee Camp. (Al Farauqi & Mariana, 2024)

Israel is responsible for the health crisis in the Gaza Strip because 19 of the 36 hospitals are no longer operational due to Israeli attacks, resulting in many injured victims being unable to obtain adequate health facilities and care. (Ardaffa, 2024) Not only that, the Israeli military also destroyed water infrastructure and sanitation, particularly in Khan Younis, southern Gaza, in the form of desalination facilities and wastewater treatment plants, resulting in the contamination of water sources (Fajwa & Permanasari, 2025). Israel does not distinguish between targets and civilian objects, attacking water facilities such as stopping water distribution and destroying water pipelines, sanitation facilities, and water laboratories in Gaza. The destruction of water infrastructure and sanitation facilities and the blocking of water supplies by Israel have caused a clean water crisis in Gaza. (Fajwa & Permanasari, 2025) On the other hand, 98 per cent of agricultural land has been damaged and rendered unusable as a result of Israeli attacks, causing millions of Gazans to struggle to access food. (WHO, 2025a)

In addition to destroying 70 per cent of civilian infrastructure such as houses, hospitals, school buildings, universities, and UN facilities, and forcing more than 72 per cent of Gaza's population to flee (Wilder, 2024), Israeli military operations also attacked refugee camps in the Gaza Strip, particularly four refugee camps in the Gaza Strip, namely: Jabalia Refugee Camp, Nuseirat Refugee Camp, Maghazi Refugee Camp, and Rafah Refugee Camp, which have been affected by Israeli military attacks since the events of 7 October 2023 (Ardaffa, 2024). The Jabalia refugee camp was the first to be attacked by Israel after the Al-Aqsa flood, as Israel claimed this area as the headquarters of the Hamas movement. The first attack began with the deadliest bombing of the Jabalia area in early November 2023, followed by further attacks from 13 to 23 November 2023, which destroyed homes and vital buildings in the Jabalia area and resulted in more than 320 casualties, the majority of whom were children and women. (Ardaffa, 2024)

The Israeli attack on the Nuseriat Refugee Camp in Central Gaza in June 2024, which began with brutal shootings and mass executions of local residents, resulted in 274 deaths, including 64 children, and more than 700 injuries. This has left many refugees in the Gaza Strip

without proper shelter, as the Israeli military has destroyed civilian homes and refugee camps. Israel is also responsible for the fire that broke out in Tal al-Sultan, a temporary shelter north of Rafah City, in May 2024, caused by seven bombs and missiles dropped by the Israeli military on the area, killing 45 people. (Ardaffa, 2024)

Israel's attacks on the Gaza Strip from October 2023 to October 2024 have left more than 95,000 people injured and more than 42,000 dead, with 6,297 female victims, 13,737 male victims, and 2,955 elderly victims. (Ardaffa, 2024) These figures represent more than 5 per cent of Gaza's population, with more than 2 per cent of Gaza's children killed or injured. (Wilder, 2024) According to the latest data released by the Government Media Office in Gaza in September 2025, at least 20,000 children in Gaza have been killed since the events of 7 October 2023, with 1,009 of those killed being infants under one year old. (Save the Children, 2025). Israel killed more children in the first four months of its offensive, starting on 7 October 2023, than the total number of casualties in all conflicts worldwide in the past four years. (Wilder, 2024) In addition, the UN Committee reported that around 21,000 children in Gaza suffered permanent disabilities out of 42,000 children injured after the conflict. (Save the Children, 2025) Not only children and civilians, but journalists and medical personnel were also victims of Israeli attacks. On 5 November 2023, 36 journalists were killed in this conflict, which has been recorded since 7 October 2027 (. (Al Farauqi & Mariana, 2024)

Israel's attacks on Palestine, especially after the Al-Aqsa flood, have not only caused material losses to civilians, volunteers, and medical personnel in Palestine, but also non-material losses in the form of mental health disorders such as depression, anxiety, and post-traumatic stress disorder (PTSD). According to the World Health Organisation (WHO), conflict zones have a particularly significant impact on children and adolescents, who are more prone to mental health disorders due to their difficulty in managing emotions resulting from attacks, torture, displacement, and loss. (Hasana et al., 2025) Especially after the Al-Aqsa flood, the Gaza Strip has experienced violent conflicts and other traumatic events that have caused suffering and can trigger symptoms of mental health disorders in victims. (Aldabbour et al., 2024) Research findings report traumatic differences between regions, stating that children living in the Gaza Strip have higher levels of trauma than children living in the West Bank or East Jerusalem. (Veronese et al., 2024) Mental health crises are also likely to affect children who have lost family

members, are orphaned, or have disabilities. In addition to children and adolescents who experience developmental and emotional disorders as a result of the conflict, the conflict also causes suffering for women who are victims of violence and trauma, as well as health workers who experience fatigue and symptoms of PTSD. (Hasana et al., 2025)

Studies and research on Gaza residents conducted over a long period of time show that symptoms of PTSD, trauma, depression, and high levels of anxiety have occurred in children, students, adults, and medical personnel. According to research conducted by Save The Children in 2022, 80 per cent of children in Gaza experience symptoms of emotional distress, with about half of them wanting to commit suicide or self-harm. (Hasana et al., 2025) This data shows a significant increase from the results of studies conducted in previous years. In 2017, Thabet and Vostanis conducted a study of 532 children in Gaza and found that 52 percent of children in Gaza experienced symptoms of PTSD, with depression reaching 41 percent, and 31 percent of children experiencing anxiety. (Aqtam, 2025)

Al-Krenawi et al. also conducted a study in 2017 on 612 adults in Gaza and found that 40 per cent of adults reported experiencing symptoms of PTSD, 45 per cent experienced depression, and 37 per cent experienced anxiety (Aqtam, 2025). Symptoms of post-traumatic stress and anxiety were also found in students aged approximately nineteen to twenty-one years. A study was conducted on 363 students at Al-Quds University, with 127 male students (35%) and 236 female students (65%). Approximately 71.3% of students showed severe PTSD symptoms and required immediate treatment. (A. Amro et al., 2025) Another study conducted on 272 students at the Palestine Polytechnic University also stated that out of 272 students, only 9 students (3.3%) were classified as having no clinical concerns related to PTSD symptoms. (N. Amro, 2024)

Not only are children, adolescents, and adults affected by mental disorders, but this conflict also places a psychological burden and heavy workload on medical personnel serving on the front lines. This causes medical personnel to be highly vulnerable to high levels of post-traumatic stress disorder (PTSD) symptoms and poor quality of life, especially for those who experience violence at Israeli military checkpoints. (Qtait et al., 2025) In a study conducted on medical personnel in Palestine, nearly half of the respondents (49.2%) reported that they were

exposed to violence while passing through Israeli checkpoints and were diagnosed with significantly higher levels of PTSD symptoms. (Qtait et al., 2025) The psychological burden is also felt by psychologists and counsellors working in Palestine. A questionnaire-based study of 514 mental health workers found that 70.4% of participants reported that their psychological condition had deteriorated as a result of the ongoing war in Gaza. (Ahmead et al., 2024)

Israel also uses starvation and genocide strategies against Palestinian civilians. According to the latest data, in August 2025, the Famine Review Committee under the Integrated Food Security Phase Classification (IPC) stated that the famine in several areas of Gaza had reached Famine or IPC Phase 5, which indicates that the level of acute food insecurity and malnutrition in the Gaza Strip is in a dangerous condition. This level of famine is expected to spread from Gaza to the areas of Deir al-Balah and Khan Younis. (Integrated Food Security Phase Classification (IPC) Global Initiative, 2025) By the end of September 2025, more than 640,000 people will face severe hunger across the Gaza Strip, classified as IPC Phase 5, while another 1.14 million people will face emergency levels of hunger (IPC Phase 4), and 396,000 others will be in crisis (WHO, 2025). Death rates due to starvation and malnutrition are also rising rapidly, especially among children, the elderly, and the sick. The estimated number of children dying from malnutrition has tripled since the last IPC report in May 2025, from 14,100 to 43,400 (WHO, 2025).

Israel's attacks on Palestine and its use of genocidal strategies, which have resulted in high mortality rates among the local population, violate international humanitarian law. In fact, International Humanitarian Law (IHL), better known as "the laws of war", is a legal framework used to regulate military treatment of civilians to protect civilian safety and infrastructure, as well as facilitating the distribution of food and medical aid to victims in conflict zones. (Al Farauqi & Mariana, 2024) This is as stipulated by IHL in the Fourth Geneva Convention of 1949 on the protection of civilians in times of war. (Ardaffa, 2024) In addition, the Israeli military has violated the right to protection of children in IHL as regulated by the 1949 Geneva Convention Additional Protocol and the 1977 Convention on the Rights of the Child. (Al Farauqi & Mariana, 2024) Israel has also violated another consensus in the form of attacks on medical personnel who must be protected and respected in all circumstances in accordance with Article 16 of the Fourth

Geneva Convention, in addition to violating Article 7 of Additional Protocol I on the protection of journalists who are reporting in conflict zones. (Al Farauqi & Mariana, 2024)

Israel's repeated attacks on Palestinian civilians—including widespread killings, forced displacement, destruction of public and private property, and assaults on medical and humanitarian infrastructure—constitute clear violations of International Humanitarian Law as codified in the Fourth Geneva Convention of 1949. Specifically, Article 3 prohibits violence against civilians and requires humane treatment for all persons not actively engaged in hostilities; Article 16 guarantees protection and care for the wounded, sick, and medical personnel; Article 27 mandates respect and protection for the dignity, rights, and physical safety of all protected persons; Article 32 forbids torture, corporal punishment, and inhuman or degrading treatment; Article 49 strictly prohibits deportations, forcible transfers, and the relocation of the Occupying Power's own civilian population into occupied territory; Article 50 requires special safeguards for children, including the provision of care and medical aid; and Article 53 prohibits wanton destruction of civilian property unless urgently required by military operations. Failure to meet duties outlined in Articles 55 and 56 regarding food supply, public health, and maintenance of medical services further demonstrates grave breaches. The Convention's Articles 146–147 stipulate that such "grave breaches" constitute war crimes subject to prosecution under international law. (Fourth Geneva Convention, 1949)

These violations have caused Palestine to suffer greater material and non-material losses than in previous years before the Thufan al-Aqsa incident, with a significant increase in the death toll. Not only that, Israel also openly blockaded all types of aid, both food and water, destroyed public facilities such as water infrastructure, and blockaded the distribution of clean water in Gaza, Khan Younis, and Deir Al-Bah. (Fajwa & Permanasari, 2025) Israel is using a strategy of genocide by cutting off all access to food, water, electricity, and medicine, causing the remaining Palestinian population to suffer from a health crisis and starvation. (Wilder, 2024)

Thus, Israel has been proven to have violated International Humanitarian Law (IHL) by attacking civilians and civilian objects such as hospitals and school buildings, as well as attacking children, women, medical personnel, and journalists. (Al Farauqi & Mariana, 2024)

This also proves that International Humanitarian Law is unable to address the war crimes and violations committed by Israel against Palestine.

## **4.2 The Response of the International Law Council and the Fragmentation of International Law**

International humanitarian law (IHL) is codified primarily in the 1949 Geneva Conventions and Additional Protocols I - II of 1977 as jus cogens norms governing the protection of victims of armed conflict and limiting the means of warfare. (Muhammadin, 2018) IHL serves as a bridge between human rights and international criminal law, functioning as the legal basis for demanding accountability for war crimes and ensuring humanitarian access through institutions such as the ICRC. Operationally, IHL applies three main principles—distinction between combatants and civilians, proportionality, and maximum military necessity—which guide all actors in conflict to minimise the suffering of non-combatants. (Sivakumaran, 2022)

At the institutional level, IHL underpins the jurisdiction of international criminal courts (ICC, ad hoc tribunals) and advisory opinions of the ICJ, but its function is often fragmented when other legal regimes (UN Charter, Rome Statute) interact in geopolitical dynamics. The influence of IHL also extends to national policies and UN resolutions, becoming a benchmark for the legitimacy of military intervention and the establishment of international standards. Even so, the fragmentation between regimes and the politicisation of the veto mechanism in the Security Council show how fragile the implementation of IHL is without collective political support. In terms of norms and principles, IHL, as enshrined in the 1949 Geneva Conventions and their additional protocols, implies proportionality. However, empirically, these principles seem ineffective when faced with reality.

The 1948 Genocide Convention defines genocide as acts committed with the intent to destroy, in whole or in part, a group based on their national, ethnic, racial, or religious identity. The convention also affirms that member states have an obligation to adopt national laws that can punish perpetrators of genocide. Although it does not directly specify the punishment, it implicitly requires states to develop effective legislation, including the imposition of criminal



sanctions on perpetrators. (Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

Several criteria for genocide listed in the convention were met in the Zionist military aggression against Palestine. The first criterion, namely killing members of the group, is fulfilled with the death toll reaching 67,139, including both civilians and military personnel. (Yilmaz, 2025) The second criterion, namely causing serious physical or mental suffering to members of the group, is proven by the 67,173 deaths and 169,780 injuries. The victims were indiscriminate, ranging from the elderly to children. (United Nation General, 2025) Even groups that should have been protected, such as medical personnel and journalists, were victims of Israel's brutality. A total of 186 journalists and media workers died ("Journalist Casualties in the Israel-Gaza War," 2023) and 1,581 medical personnel lost their lives as a result of the aggression from October 2023 to July 2025. (Statute of the International Court of Justice, 1945; United Nation, 2025a)

The third and fourth criteria, namely deliberately creating living conditions for a group that are calculated to bring about its physical destruction in whole or in part and taking measures intended to prevent births within the group, are evident in Israel's blockade of aid to the Palestinian territories. (WHO, 2025b) Since the blockade of aid routes on 2 May 2025, an estimated 17,000 children under the age of five have suffered from malnutrition. In addition, the IPC released a report confirming that Palestine has entered a state of extreme food emergency, with several areas meeting the criteria for Famine/IPC Phase 5. A quarter of Gaza's population, or 495,000 people, face acute hunger, while the entire population of Gaza, approximately 2.3 million people, live in acute food insecurity. (Integrated Food Security Phase Classification (IPC) Global Initiative, 2025; Statute of the International Court of Justice, 1945)

On 29 December 2023, the ICJ responded to South Africa's claim that Israel had violated the 1948 Genocide Convention, but the court's response was not to stop the genocide and call for a ceasefire, but to ask Israel to take preventive measures, allow humanitarian aid to enter, and report back within a month. Israel appears to have ignored the decision and continues to attack civilians in Gaza. (Akbar & Beltrán Genovés, 2024) The ICJ ruling provided Israel with several clauses to prevent genocide, bringing hope for accountability. However, this optimism is only a



false hope because Israel resumed its actions a year later and was again reported by the United Nations. (Mahomed, 2024)

On 30 December 2024, a group of experts released a highly critical report on Israel's blatant attacks on the forced expulsion of civilians (Israel's assault on the foundations of international law must have consequences: UN experts n.d.) A group of international human rights experts, including eleven UN Special Rapporteurs and Independent Experts, reported specific examples of the most horrific violations committed by Israel, highlighting the mass atrocities committed: Murder, torture, sexual violence, repeated forced expulsions equivalent to forcible transfer, attacks on non-combatants, the use of starvation as a weapon of war, targeting of medical personnel and health facilities, attacks on humanitarian activists and arbitrary restrictions on access to humanitarian aid, journalists, collective punishment, treachery (Teitt, 2025)

Israel's actions show strong indicators of war crimes and even have the potential to fulfil the elements of genocide as defined in international law. The International Court of Justice has jurisdiction to deal with allegations of genocide in Palestine; however, the enforcement of its rulings faces challenges and various structural obstacles that hinder the enforcement of international legal norms. Among these obstacles are the dynamics of global political power and institutional bias in the United Nations Security Council, which are the main focus, showing how the interests of large countries often distort the justice process. Although the existing international legal framework is actually strong enough to deal with human rights violations in Palestine, the implementation of these norms is very limited. This is due to geopolitical interests that are deeply rooted in the global legal system, thereby hindering a fair and effective response to the humanitarian crisis. (Aidatul Fitriyah & Fadhil, 2025)

One of the realities of geopolitical bias that often occurs in the field is the UN Security Council veto system, which is often abused by the council because permanent members prioritise national interests over global peace (Chen et al., 2024) and collective security, as seen in the Syrian Civil War and the Palestinian conflict (Rana, 2025) that the veto rights used by Russia in the Syrian conflict and the United States in supporting Israel in Palestine have prolonged the suffering of the people and hampered efforts to enforce international law and justice. This is not

in line with the principle of Sovereign Equality in Article 2 (1) of the United Nations Charter, which establishes the principle of sovereign equality among member states, affirming that all states have the same rights and responsibilities under international law (Florea & Gales, 2023) (Florea and Gales 2023).

Then in September 2025, the United States vetoed a proposed ceasefire resolution in Gaza for the sixth time, even though 14 other members voted in favour of it. (Mallinder, 2025) Previously, at the 10,000th meeting, the US again vetoed a draft resolution demanding an immediate and permanent cessation of military operations, the release of hostages, and full access to humanitarian aid to the Gaza. (United Nation, 2025b) When official mechanisms such as vetoes begin to divide votes at the UN, the international legal order automatically experiences fragmentation. The Responsibility to Protect (R2P) principle, adopted in the 2005 World Summit Outcome Document, establishes that the international community has a responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. (Pattisina & De Sousa, 2022) However, in the case of Gaza, this norm has failed to be effectively applied. A study by Moses (2024) shows that there has been no clear and sustained invocation of R2P in response to Israel's military attacks on Gaza, even though many experts have called them a form of genocide. (Moses, 2024) This reinforces the criticism of R2P as a doctrine isolated from global political realities.

The double standards and duality of discourse Israel wants to claim R2P to protect its citizens, while the international community condemns the humanitarian impact of the massive bombing of Gaza, shows that R2P is selective and influenced by political alliances, not humanitarian urgency (Crowley-Vigneau et al. 2025). This can be seen in how the UN Security Council veto system is one of the most significant obstacles to the implementation of R2P, allowing superpowers such as the United States to block resolutions calling for intervention or protection of Palestinian civilians. (Teitt, 2025)

#### **4.3 The Views of the Four Schools of Islamic Jurisprudence on Military Intervention**

Based on these realities, the genocide occurring in Palestine fulfils the conditions for a call to jihad as resistance against oppression and protection of the rights of Muslims to their blood and property. Etymologically, jihad is the mashdar form of the verb jāhada, meaning to

exert all one's abilities and energy, both in words and deeds. Terminologically, it means exerting all abilities in fighting in the way of Allah, either directly or by providing assistance through wealth, opinions, increasing the number of supporters, or other forms of assistance. (Abidin, n.d.)

Military aggression in Islamic law is known as *aş-şiyāl* or military aggression. *Aş-şiyāl* is carried out when the honour of Muslims or *kafir dzimmi* is violated in various ways, such as looting of property, bloodshed, and destruction of land. (Haykal, Muhammad Khayr, n.d.) The argument for its legality is found in Q.S al-Baqarah: 194, which reads:

*"...Therefore, whoever attacks you, then attack him in proportion to his attack against you..."*

In addition to the argument from the Quranic verse, there are hadiths of the Prophet SAW that command resistance against violations of the honour of Muslims, including H.R Bukhari, which reads: (Bukhari, n.d.)

*'Whoever is killed defending his property is a martyr'* (H.R Bukhari)

Not only Muslims, war is also commanded when the honour of the *ahlu dzimmah* is violated. The *Ahl al-Dhimmah* are those who are subject to *adz-dhimmah*, which is a protection agreement granted by the imam (leader of the Islamic state) or his representative, which guarantees the safety of their lives and property in exchange for their willingness to pay *jizyah* and accept the application of Islamic law upon themselves. (Majmu'ah min al-Muallifiin, n.d.) With their willingness to submit and live side by side in Muslim lands, their property, land, and blood are protected by Muslims. This is based on a hadith of the Prophet SAW narrated by Bukhari, which reads: (Mubarrad, n.d.)

*'I advise him - that is, the caliph after me - to maintain the protection of Allah and the protection of His Messenger (against the Ahludz-Dzimmah), to faithfully fulfil their covenant, to protect them from enemies who attack from behind, ...'*

Based on the above arguments, it can be concluded that the genocide committed by Israel against Palestine has exceeded the limits of what is sufficient to fight militarily. This is because various negotiations have been carried out, various agreements have been signed, but the basic

rights of Palestinian Muslims continue to be violated. Therefore, Muslim countries need to consider more realistic and courageous measures, namely military invasion. This is reinforced by the views of the four imams of the madhhab regarding military intervention or jihad difa'i.

In Islam, jihad has the noble goal of exalting the word of Allah. Various verses and hadiths explain the position of jihad and its virtues. Dr. Muhammad Haikal, in his book entitled *Al-Jihādu Wa Al-Qitālu Fī As-Siyāsah Asy-Syar'iyah*, explains that jihad is one of the greatest branches of the religion of Allah, covering all areas of life, whether in matters of faith, deeds, or the struggle to uphold the truth. Jihad encompasses all human efforts to obey Allah and His Messenger, as well as rejecting all forms of deviation from the path laid out by Allah. Therefore, jihad is not merely armed warfare, but a total effort to uphold obedience to Allah in all aspects of life. (Haykal, Muhammad Khayr, n.d.) When linked to the context of Israeli genocide, this defensive jihad is carried out to stop the Zionist oppression of the blood and land of al-Aqsa. To protect all the people who live there in harmony, decisive action in the form of military intervention against Israel is necessary. It is well known that Israel has never understood the language of agreements and peace.

The original law of jihad, according to the majority of scholars, is *fardhu kifayah*. *Fardhu kifayah* means a command addressed to all *mukallaf* (those bound by Sharia law), not to each individual. So when some have carried out this law, the obligation for all *mukallaf* is waived. However, this original law can change to *fardhu ain* in certain conditions.

In Hanbali fiqh literature, it is explained that jihad becomes *fardhu ain* in two conditions. First, when two armies are facing each other and the lines are facing each other, i.e. in direct warfare. Second, when the disbelievers attack or besiege a country, jihad becomes obligatory for the inhabitants of that country to fight and repel them, as is the law for those who are already in the ranks of war. (Muflih, n.d.-b) Even when the leader of the Muslims is a wicked person, it is still commanded to obey his jihad command by ensuring that the leader's loyalty is still purely for the Muslims. This obligation is imposed on the inhabitants of the attacked country and the inhabitants around the country who are still within normal travelling distance. However, if the local population cannot repel the attack, the obligation of jihad extends to Muslims in other places until the attack can be defeated. (Muflih, n.d.-a)

In line with the opinion of the Hanafi school of thought, Hanafi fiqh emphasises the obligation of jihad when there is a general call to repel enemy attacks. According to the Hanafi school of thought, jihad — as formulated by al-Sarakhsī — is a shar‘i obligation whose main purpose is not aggression, but rather to uphold the security of da‘wah and reject the fitnah of kufr. It becomes fard 'ayn when the enemy attacks or when the imam calls for it, and becomes fard kifāyah when security has been maintained and part of the ummah has carried it out. (as-Sarkhasiy, n.d.)

The opinion of the Shafī'i school, represented by Imam Nawawi, is still in line with the additional explanation of the law of jihad during the time of the Prophet SAW. (an-Nawawi, n.d.) All classical academic editors in the field of fiqh agree that the law of jihad from the time of the Prophet SAW until the Day of Judgement is the same. (Haykal, Muhammad Khayr, n.d.) Imam Nawawi elaborates that during the time of the Prophet SAW, there were times when jihad was fardhu kifayah when it was not urgent. That is, when sending troops to areas that did not want to accept Islam gently. The law became fardhu kifaayah when facing a devastating attack, such as in the Battle of Ahzab. (*Ṣafḥah 8 - Kitāb Muḡni al-Muḡtāj Ilā Ma‘rifati Ma‘ānī Alfāz al-Minhāj - Kitāb as-Siyar - al-Maktabah Asy-Syāmilah*, n.d.)

It can therefore be concluded that military intervention by Muslim countries is an urgent matter that needs to be realised. Israel's violations of various international agreements are clear for all to see. Meanwhile, Palestine, crying out in pain, is hoping for significant assistance from the international community. International institutions initiated by Western countries have also failed to deliver justice for the Palestinian people. Therefore, Muslim leaders from various countries should consider taking decisive military action to protect the blood and dignity of Palestine. Guided by the values of the Quran and Sunnah as formulated in the books of fiqh, jihad difa'i as a form of military intervention can be carried out in accordance with its noble mission. Namely, to protect the blood of humanity, both Muslim and non-Muslim.

## CONCLUSION

This study traces the roots and scale of the Israeli–Palestinian violence from the Balfour Declaration (1917) through the British Mandate and successive wars, to the large-scale attacks and humanitarian catastrophe following 7 October 2023. Empirical evidence collected from

international reports and academic literature documents extensive material destruction (homes, schools, hospitals, water and sanitation systems, agricultural land) and massive non-material harm (widespread trauma, mental-health disorders, disrupted education and livelihoods). Reported casualty figures, displacement, acute food insecurity, and the collapse of health services indicate an extraordinary humanitarian emergency.

The analysis shows repeated and serious indicators of violations of International Humanitarian Law: disproportionate force, attacks on civilian objects, obstruction of humanitarian relief, and harms to protected persons including children, medical staff, and journalists. International adjudicative and political mechanisms — including UN bodies, the International Court of Justice, and established legal norms such as the Genocide Convention and the Geneva Conventions — have produced findings, provisional measures, and resolutions, yet enforcement has been limited. Structural obstacles (geopolitical interests, Security Council vetoes, and fragmented political will) have impeded effective prevention, protection, and accountability.

A comparative review of Islamic jurisprudence (the four schools) indicates that classical and modern fiqh treat defensive jihad and collective duties (fard kifāyah versus fard ‘ayn) as legal-ethical constructs that stress legitimate authority, proportionality, and protection of non-combatants. The fiqh literature highlights moral and legal obligations to defend the oppressed while imposing strict limits on conduct in war. Taken together, the evidence suggests a gap between legal norms (both international law and Islamic jurisprudence) and political practice. This gap has two consequences: first, current international mechanisms have not reliably prevented large-scale civilian harm in the studied period; second, there is scholarly debate about what forms of collective action may be lawful and morally justified when legal remedies fail.

Rather than merely proposing incremental reforms, this study recognizes that the scale and persistence of violations may justify, within legal and moral scholarship, consideration of collective enforcement measures — including military intervention under narrowly defined conditions. Both international law and Islamic jurisprudence provide frameworks for such discussions: the former through doctrines of “responsibility to protect,” lawful self-defense, and

collective security authorized by competent international bodies; the latter through the concept of *jihad difāʿī* (defensive struggle) and the communal obligation (*farḍ kifāyah*) to protect the oppressed when peaceful remedies fail. Academic debate on these mechanisms centers on strict criteria of legitimacy, authority, necessity, and proportionality. Accordingly, this study emphasizes that any contemplation of coercive or military action must occur within clearly articulated legal mandates, transparent moral reasoning, and mechanisms ensuring the protection of non-combatants and minimization of harm — reflecting both international humanitarian norms and the ethical imperatives of Islamic law.

Finally, the study underscores the urgent need for unbiased documentation, independent investigations, and sustained international cooperation to protect civilians and ensure accountability. Any consideration of coercive measures—discussed in the literature—must be assessed case-by-case against legal standards, ethical constraints, and realistic prospects for minimizing civilian harm and restoring sustainable peace.

This study provides critical implications for both international legal scholarship and policy frameworks addressing armed conflicts. By demonstrating the persistent violations of core provisions of the Fourth Geneva Convention and related international instruments by Israel in the Palestinian territories, the research underscores the urgent need for stricter enforcement and accountability mechanisms within the international community. It highlights the gap between normative legal standards and actual state conduct, emphasizing the role of documentary evidence in bridging this divide.

From an Islamic legal perspective, the comparative analysis reinforces the compatibility and mutual reinforcement between international humanitarian law and classical Islamic jurisprudence regarding the protection of civilians and combatants alike. This suggests potential avenues for integrating Islamic legal principles within contemporary humanitarian discourse to strengthen global norms and advocacy strategies, especially in regions where Islamic law significantly influences local legal culture.



Moreover, the findings reveal practical challenges in implementing legal protections during asymmetrical conflicts, pointing toward the necessity for enhanced legal education, greater humanitarian access, and robust international political commitment to uphold the rule of law in conflict zones. Future research could expand on the empirical evaluation of legal compliance in similar conflicts and explore mechanisms that effectively combine doctrinal fidelity with pragmatic enforcement.

## REFERENCE

- Abidin, I. (n.d.). *Ş. 121 – Kitāb Ḥāsyiyah Ibn ‘Ābidīn Radd al-Muḥtār, T. al-Ḥalabī – Kitāb al-Jihād – al-Maktabah asy-Syāmilah*. Retrieved October 16, 2025, from <https://shamela.ws/book/21613/2252>
- Ahmead, M., Abu Turki, M., & Fawadleh, L. (2024). The prevalence of PTSD and coping strategies among Palestinian mental health professionals during political violence and wartime. *Frontiers in Psychiatry*, 15, 1396228. <https://doi.org/10.3389/fpsyt.2024.1396228>
- Aidatul Fitriyah, & Fadhil, A. D. (2025). International Legal Analysis of Human Rights Violations and Alleged Genocide in Palestine: A Normative Juridical Approach. *Sinergi International Journal of Law*, 3(1), 1–16. <https://doi.org/10.61194/law.v3i1.564>
- Akbar, M. F., & Beltrán Genovés, M. (2024). South Africa Sues International Court Over Israel's Palestinian Genocide under International Law. *Lampung Journal of International Law*, 6(2), 83–94. <https://doi.org/10.25041/lajil.v6i2.3427>

- Al Farauqi, M. D. A., & Mariana, M. (2024). Violations of International Humanitarian Law in Israel's Military Aggression on Gaza After the Hamas Attack on October 7, 2023. *Jurnal ICMES*, 8(1), 1–21. <https://doi.org/10.35748/jurnalicmes.v8i1.189>
- Aldabbour, B., Abuabada, A., Lahlouh, A., Halimy, M., Elamassie, S., Sammour, A. A.-K., Skaik, A., & Nadarajah, S. (2024). Psychological impacts of the Gaza war on Palestinian young adults: A cross-sectional study of depression, anxiety, stress, and PTSD symptoms. *BMC Psychology*, 12(1), 696. <https://doi.org/10.1186/s40359-024-02188-5>
- Amro, A., Amro, A. M., Amro, R., & Hamdan, M. (2025). Post-traumatic stress disorder among Al-Quds University students during the 2023 Gaza war: A cross-sectional study. *BMC Psychiatry*, 25(1), 343. <https://doi.org/10.1186/s12888-025-06781-9>
- Amro, N. (2024). Post-traumatic stress disorder among nursing students at Palestine Polytechnique University during the Gaza war and the attack on the health care system. *Middle East Current Psychiatry*, 31(1), 68. <https://doi.org/10.1186/s43045-024-00458-x>
- an-Nawawi. (n.d.). *Ṣaḥīḥ 9—Kitāb Syarḥ an-Nawawī 'alā Muslim—Bāb al-Mubāya'ah ba'da Faṭḥ Makkah 'alā al-Islām wa al-Jihād—Al-Maktabah asy-Syāmilah*. Retrieved October 16, 2025, from <https://shamela.ws/book/1711/2819>
- Aqtam, I. (2025). A narrative review of mental health and psychosocial impact of the war in Gaza. *Eastern Mediterranean Health Journal*, 31(2), 89–96. <https://doi.org/10.26719/2025.31.2.89>
- Ardaffa, R. (2024). *PELANGGARAN HUKUM HUMANITER INTERNASIONAL OLEH ISRAEL DALAM PENYERANGAN KAMP PENGUNSI GAZA PALESTINA (Periode Oktober*

2023-Oktober 2024) [Syarif Hidayatullah Islamic State University Jakarta].

<https://repository.uinjkt.ac.id/dspace/handle/123456789/83083>

Arms Trade Litigation Monitor. (n.d.). Israel-Palestine Conflict. *The Arms Trade Litigation Monitor*. Retrieved August 27, 2025, from

<https://armstradelitigationmonitor.org/israel-occupied-palestinian-territories-conflict-2/>

as-Sarkhasiy. (n.d.). *Islām Web—Al-Mabsūt—Kitāb as-Siyar—Al-Juz' raqam 10*. Retrieved October 16, 2025, from <https://www.islamweb.net/ar/library/content/18/3636/كتاب-السير>

Bukhori. (n.d.). *Ṣaḥīḥ al-Bukhārī – Kitāb al-Maḏālim – Bāb Man Qātala Dūna Mālihi*. Retrieved October 16, 2025, from <https://www.islamweb.net/ar/library/content/0/2351/باب-من-قاتل-دون-ماله>

Chen, Y., Dai, R., Wang, J., & Ye, Y. (2024). The UNSC at a Crossroad: Urgency and Necessity for Reform. *Lecture Notes in Education Psychology and Public Media*, 65(1), 157–178. <https://doi.org/10.54254/2753-7048/65/20240154>

Convention on the Prevention and Punishment of the Crime of Genocide, Pub. L. No. UN Treaty Series, vol. 78, p. 277, Resolution 260 A (III) (1948).

Dardona, Z., Amame, M., Dardona, A., & Boussaa, S. (2025). Health and environmental impacts of Gaza conflict (2023-2024): A review. *One Health Bulletin*, 5(1), 1–12. [https://doi.org/10.4103/ohbl.ohbl\\_42\\_24](https://doi.org/10.4103/ohbl.ohbl_42_24)

- El-Awaisi, K., & Sağlam, B. B. (2023). Hastening Armageddon: The Future of Al-Aqsa Mosque in the 'Deal of The Century' within the Framework of Christian Zionism. *Journal of Islamic Jerusalem Studies*, 23(1), 29–62. <https://doi.org/10.31456/beytulmakdis.1243602>
- El-Awaisi, K., & Yavuz, C. (2020). The Future of Al-Aqsa Mosque In the Light Of Trump's Deal of the Century. *Insight Turkey*, 22(Summer 2020), 215–235. <https://doi.org/10.25253/99.2020223.12>
- Fajwa, R. H. Z., & Permanasari, A. (2025). Penghancuran Infrastruktur dan Sanitasi Air di Khan Younis-Gaza Selatan Sebagai Elements of Crime Berdasarkan Hukum Humaniter Internasional. *Fakultas Hukum Trisakti*, 7(3), 967–977. <https://doi.org/10.25105/refor.v7i3.23213>
- Florea, D., & Gales, N. (2023). Violation of the Principle of Sovereignty that Legitimizes the Actions of the Security Council. *European Journal of Law and Public Administration*, 10(1), 34–42. <https://doi.org/10.18662/eljpa/10.1/193>
- Fraihat, I., & Ezbidi, B. (2024). The Lasting Impact of Trump's 'Deal of the Century' on the Question of Palestine. *Middle East Critique*, 33(1), 121–141. <https://doi.org/10.1080/19436149.2023.2261082>
- Geneva Convention Relative to the Protection of Civilian Persons in Time of War*. (1949). International Committee of the Red Cross (ICRC).
- Ginat, A. (2018). British Mandate for Palestine. 1914-1918-Online International Encyclopedia of the First World War. <https://doi.org/10.15463/IE1418.11325>

Hasana, F., Syarif, N. H., & Suhaeb, F. W. (2025). Mental Health Anak Dan Remaja Palestina di  
Tengah Konflik: Analisis Dampak dan Intervensi. *Journal of Design, Social Science, and  
Humanistic Studies*, 2(1), 51–62. <https://doi.org/10.54373/ethno.v2i1.108>

Haykal, Muhammad Khayr. (n.d.). *Al-Jihād wa al-Qitāl fī as-Siyāsah asy-Syar‘iyyah*.

Integrated Food Security Phase Classification (IPC) Global Initiative. (2025). *IPC Famine  
Review Committee Report: Gaza*. Famine Review Committee.  
<https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1234567/>

Jamaluddine, Z., Abukmail, H., Aly, S., Campbell, O. M. R., & Checchi, F. (2025). Traumatic  
injury mortality in the Gaza Strip from Oct 7, 2023, to June 30, 2024: A  
capture–recapture analysis. *The Lancet*, 405(10477), 469–477.  
[https://doi.org/10.1016/S0140-6736\(24\)02678-3](https://doi.org/10.1016/S0140-6736(24)02678-3)

Journalist casualties in the Israel-Gaza war. (2023, October 13). *Committee to Protect  
Journalists*. <https://cpj.org/2023/10/journalist-casualties-in-the-israel-gaza-conflict/>

Mahomed, S. (2024). International humanitarian laws: Applicable to all or a privilege for some?  
*South African Journal of Bioethics and Law*, e2058.  
<https://doi.org/10.7196/sajbl.2024.v17i1.2058>

Majmu’ah min al-Muallifiin. (n.d.). *Kitāb Mawsū‘at al-Mafāhīm al-Islāmiyyah al-‘Āmmah*.  
Retrieved October 16, 2025, from <https://shamela.ws/book/433/299>

Mallinder, L. (2025, September 18). *US vetoes UN Security Council Gaza ceasefire demand for  
sixth time* | *Israel-Palestine conflict News* | *Al Jazeera*.

[https://www.aljazeera.com/news/2025/9/18/us-vetoes-un-security-council-demand-for-ga  
za-ceasefire-for-sixth-time](https://www.aljazeera.com/news/2025/9/18/us-vetoes-un-security-council-demand-for-gaza-ceasefire-for-sixth-time)

Moses, J. (2024). Gaza and the Political and Moral Failure of the Responsibility to Protect. *Journal of Intervention and Statebuilding*, 18(2), 211–215.  
<https://doi.org/10.1080/17502977.2024.2304987>

Mubarrad, I. (n.d.). *§ 830 – Kitāb Maḥḍ al-Ṣawāb fī Faḍā'il Amīr al-Mu'minīn 'Umar ibn al-Khaṭṭāb – al-Bāb al-Thamānūn wa-waṣāyāhu wa-niyyatihi 'an al-nadb*. Retrieved October 16, 2025, from <https://shamela.ws/book/12062/800>

Muflih, I. (n.d.-a). *Islām Web—Al-Furū'—Kitāb al-Jihād—Al-Juz' raqam 6*. Retrieved October 16, 2025, from <https://www.islamweb.net/ar/library/content/28/4987/كتاب-الجهاد>

Muflih, I. (n.d.-b). *Islām Web—Al-Mubdi' fī Syarḥ al-Muqni'—Kitāb al-Jihād—Aqallu mā yuf'alu marraḥ fī kullī 'ām—Al-Juz' raqam 3*. Retrieved October 16, 2025, from <https://www.islamweb.net/ar/library/content/96/1131/أقل-ما-يفعل-مرة-في-كل-عام>

Muhammadin, F. M. (2018). Humanitarian Intervention and the Jus Cogens Argument: A Critical Observation. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 5(1), 70–88.  
<https://doi.org/10.22304/pjih.v5n1.a4>

Pattisina, A. G., & De Sousa, F. P. R. A. (2022). LEGALITAS INTERVENSI INTERNASIONAL BERDASARKAN PRINSIP RESPONSIBILITY TO PROTECT (R2P). *Jurnal Ilmu Hukum: ALETHEA*, 5(2), 129–150.  
<https://doi.org/10.24246/alethea.vol5.no2.p129-150>

Qtait, M., Alqaissi, N., Farajalla, F., Jaradat, Y., & Awwad, K. (2025). Impact of the October 7 Gaza war on post-traumatic stress symptoms and quality of life in Palestinian nursing.

*Scientific Reports*, 15(1), 34575. <https://doi.org/10.1038/s41598-025-18039-1>

Rana, A. T. (2025). PATTERNS AND CONSEQUENCES OF VETO POWER IN GENOCIDE RESPONSE: A COMPARATIVE STUDY ON SYRIA AND PALESTINE. *Student Journal of International Law*, 5(1), 39–51. <https://doi.org/10.24815/sjil.v5i1.33678>

*Report on Israeli Settlements in the occupied West Bank including East Jerusalem (Reporting period January—December 2024)*. (n.d.).

*Ṣafḥah 8—Kitāb Muḡhni al-Muḡtāj ilā Maʿrifati Maʿānī Alfāz al-Minhāj—Kitāb as-Siyar—Al-Maktabah asy-Syāmilah*. (n.d.). Retrieved October 16, 2025, from <https://shamela.ws/book/11444/2736>

Save the Children. (2025, September 6). *GAZA: 20,000 CHILDREN KILLED IN 23 MONTHS OF WAR - MORE THAN ONE CHILD KILLED EVERY HOUR* | Save the Children International.

<https://www.savethechildren.net/news/gaza-20000-children-killed-23-months-war-more-one-child-killed-every-hour>

Sivakumaran, S. (2022). 25. International Humanitarian Law. In S. Sivakumaran, *International Human Rights Law* (pp. 527–544). Oxford University Press. <https://doi.org/10.1093/he/9780198860112.003.0025>

Statute of the International Court of Justice (1945). <https://www.icj-cij.org/en/statute>



Tahhan, Z. A. (n.d.). *More than a century on: The Balfour Declaration explained*. Al Jazeera.

Retrieved August 26, 2025, from  
<https://www.aljazeera.com/features/2018/11/2/more-than-a-century-on-the-balfour-declaration-explained>

Teitt, S. (2025). Israel, Gaza, and the Unrealised Promise of the Responsibility to Protect. *Global Responsibility to Protect*, 1–7. <https://doi.org/10.1163/1875984X-20250014>

United Nation. (2025a, July 16). Killing of medical professionals in Gaza—UN Human Rights in Occupied Palestinian Territory. *Question of Palestine*.  
<https://www.un.org/unispal/document/ohchr-press-release-16jul25/>

United Nation. (2025b, September 18). *Security Council: US votes against resolution on Gaza ceasefire* | UN News. <https://news.un.org/en/story/2025/09/1165881>

United Nation General. (2025, October 9). *Humanitarian Situation Update #329 | Gaza Strip*. United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory.  
<https://www.ochaopt.org/content/humanitarian-situation-update-329-gaza-strip>

United Nations Women. (2024). *تنبيه بشأن النوع الاجتماعي: تأثير الأزمة على النوع الاجتماعي في غزة*. United Nations. <https://doi.org/10.18356/9789211064698>

Veronese, G., Mahamid, F., Bdier, D., Obaid, H., & Cavazzoni, F. (2024). The development and validation of the Palestinian children's traumatic events checklist in a war-torn environment. *BMC Psychiatry*, 24(1), 254. <https://doi.org/10.1186/s12888-024-05731-1>

Wardoyo, B. (2021). Proposal "Deal of the Century" dan Dampaknya bagi Proses Perdamaian Palestina-Israel. *Andalas Journal of International Studies (AJIS)*, 10(2), 171.

<https://doi.org/10.25077/ajis.10.2.171-191.2021>

WHO. (2025a, August 22). *Famine confirmed for first time in Gaza*.

<https://www.who.int/news/item/22-08-2025-famine-confirmed-for-first-time-in-gaza>

WHO. (2025b, December 5). *People in Gaza starving, sick and dying as aid blockade continues*.

[https://www.who.int/news/item/12-05-2025-people-in-gaza-starving--sick-and-dying-as-a  
id-blockade-continues](https://www.who.int/news/item/12-05-2025-people-in-gaza-starving--sick-and-dying-as-a-id-blockade-continues)

Wilder, E. (2024). *Genocide in Gaza*. Human Right Network.

<https://www.humanrightsnetwork.org/publications/genocide-in-gaza>

Yilmaz, B. (2025, March 9). *Korban tewas di Gaza capai 63.700 jiwa akibat perang genosida Israel*.

[https://www.aa.com.tr/id/dunia/korban-tewas-di-gaza-capai-63700-jiwa-akibat-perang-ge  
nosida-israel/3677534](https://www.aa.com.tr/id/dunia/korban-tewas-di-gaza-capai-63700-jiwa-akibat-perang-genosida-israel/3677534)

