

The Role of International Institutions in Law Enforcement and Human Rights in the Palestinian-Israeli Conflict

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Abstract

The Palestine-Israel conflict is one of the longest and most complex conflicts in modern history, which has resulted in various human rights violations (HAM), such as the killing of civilians, and the destruction of vital infrastructure. This study aims to analyze the role of international institutions in enforcing law and human rights during this conflict, focusing on bodies such as the United Nations (UN), the International Court of Justice (ICJ), and the International Criminal Court (ICC). This study uses a normative legal method with a descriptive-analytical approach, reviewing related legal literature and documents to evaluate international law enforcement efforts by these institutions. The results of the study show that although international institutions play an important role in promoting peace and legal accountability, their effectiveness is hampered by political interests, especially the veto power held by permanent members of the UN Security Council, such as the United States which often supports Israel. In addition, the ICC does not have full jurisdiction over Israel because Israel is not a party to the Rome Statute, so that law enforcement against violations in the Palestinian territories is less than optimal. This study offers novelty by emphasizing the need for reform of international law enforcement mechanisms, especially limiting the use of vetoes and empowering international institutions to address violations of humanitarian law. This study makes an important contribution to the discourse on international law enforcement, by proposing reforms aimed at improving the effectiveness of international institutions in ensuring accountability and justice in conflict zones.

1. Introduction

The Balfour Declaration and Resolution No. 181 of 1947 issued by the United Kingdom and the United Nations for the establishment of the state of Israel in the Palestinian territories, became the cause of the armed conflict between Palestine and Israel, making it the most complex conflict that has lasted for more than 70 years. Human rights violations are very frequent in these conflicts, leading to a variety of serious violations, including killings, expulsions, and oppression of the Palestinian people. Violations of basic rights in daily life are often committed by Israel to Palestinian civilians. They are caught in the midst of ongoing tensions, facing threats to daily life, and limited access to health services, education, and basic necessities.¹ This conflict has become one of the most complex and protracted issues in modern history.² Not only does it have an impact on both parties directly involved, but it also has far-

¹ Firdha Sifana et al., "Analisis Konflik Israel-Palestina Ditinjau Dari Perspektif Instrumen HAM Internasional," *Media Hukum Indonesia* 2, no. 3 (2024): 20-27.

² Ega Nur Cahya, "Agresi Israel Terhadap Palestina Yang Berujung Pelanggaran Ham Pada Palestina," *Jurnal Pendidikan PKN (Pancasila Dan Kewarganegaraan)* 3, no. 1 (2022): 43, <https://doi.org/10.26418/jppkn.v3i1.52144>.

reaching implications for regional and international stability.³ Various attacks and actions carried out by both sides, resulted in many casualties and serious violations of International Law.⁴

Violations in these conflicts include attacks on civilians such as children, women and protected civilian infrastructure, which violate the core rules of humanitarian law governing the protection of civilians during armed conflict.⁵ Furthermore, international institutions or organizations seek to resolve or handle these violations, among others, through the United Nations, the International Criminal Court (ICC), and the International Court of Justice (ICJ). The three organizations are taking steps to overcome or resolve the problem of violations committed by both parties, especially Israel. U.N. resolutions that seek to resolve the situation and ensure the protection of civilians are often hampered by the veto power of the United States, which in this case favors Israel.⁶

The situation in the occupied Palestinian territories, including the West Bank and Gaza, has resulted in a number of human rights violations. Restrictions on freedom of movement, forced evictions of Palestinians, and the ongoing blockade in Gaza. These violations not only cause humanitarian crises, but also hamper efforts to find long-term peaceful solutions. Human Rights Watch (HRW) has also investigated and reported human rights violations committed by Israel, including the persecution of Palestinian civilians and war crimes.⁷ In the law of armed conflict, the principle of proportionality states that military actions must be used in accordance with the threat at hand, thus limiting their impact on civilians. In the context of the Palestinian-Israeli conflict, there are often accusations that both sides have violated the concept, both through rocket attacks carried out by Palestinian armed organizations and Israeli military operations that are not proportional to the threat they face. This assessment of proportionality requires a thorough legal examination to determine how well these measures comply with international legal standards. So it can be seen that in this endless conflict, several roles of international institutions are very important in law enforcement efforts and human rights.

An article by Andi Aina Sains (2024), titled *Analysis of Human Rights Violations in the Palestinian-Israeli Conflict: A Literature Study Approach*, which discusses the analysis of human rights violations in this conflict reveals that such actions often violate international law, including the Geneva Conventions which are recognized as a source of international law to

³ Ronaldo Tunas and Januar Tambunan, "Tinjauan Terhadap Beberapa Kasus Kejahatan Internasional," *Journal Of Social Science Research* 3, no. 2 (2023): 1416–29, <https://j-innovative.org/index.php/Innovative/article/view/452/390>.

⁴ Aliefya Shalfadillah Romadhony, Naurah Engrasia Yulianto, and Amelia Putri Purwati, "Ham Dalam Hukum Internasional Pada Perang Palestina," *Ilmu Sosial Dan Humaniora* 2 (2024): 101–23.

⁵ Jagad Aditya Dewantara et al., "Pelanggaran HAM Dalam Konflik Israel Dan Palestina Berdampak Terhadap Hilangnya Hak Asasi Manusia Khususnya Hak Anak Di Palestina," *Jurnal Kewarganegaraan* 7, no. 1 (2023): 19–25.

⁶ M. Khafis dkk., "Analisis Penggunaan Veto dan Dampaknya terhadap Resolusi Dewan Keamanan PBB untuk Palestina," *Jurnal Penelitian Multidisiplin Internasional* 2, no. 6 (2024): 330–34, <https://doi.org/10.62504/jimr596>.

⁷ Henry Ridgwell, "Human Rights Watch Menuduh Israel melakukan kejahatan perang" VOA, 15 Januari 2024, <https://www.voaindonesia.com/a/human-rights-watch-tuduh-israel-lakukan-kejahatan-perang/7440111.html>

regulate the protection of war victims. This principle aims to protect civilians who are not involved in combat, while ensuring the efficiency of military strikes and the enforcement of morality, with a focus on military and armament aspects. In contrast to this article which discusses the authority of international institutions in the Palestinian-Israeli conflict.

The previous article was continued by Muhammad Hendry Devano (2024), with the title *Analysis of the Veto Right as an Obstacle to International Law Enforcement in the Attack on Palestinian Hospitals, A Literary Study Approach*⁸This analysis discusses the long-standing Palestinian-Israeli conflict with complex root problems, involving historical, political, and social aspects. The difference with this article is that the veto right should not hinder the enforcement of human rights, especially in the conflict between Palestine and Israel which has caused a lot of harm to civilians. Previous Previous article Next is S. Thoriq Musthofa Ahmad (2024), with the title *The Role of the International Court of Justice (ICJ) in Overcoming Violations of Humanitarian Law in Palestine 2023-2024 Literary Study Approach*,⁹ which discusses the Palestinian-Israeli conflict that led to mass killings and destruction in Palestine. The difference with this article which discusses the Role of International Institutions in Law Enforcement and Human Rights in the Palestinian-Israeli Conflict is that it is known that international institutions have a less than optimal role in prolonged conflicts.

The UN has been actively trying to mediate the Palestinian-Israeli conflict. However, these efforts are often hampered by political interests and global power dynamics. Nonetheless, their role in pushing for peace talks and preventing further escalation remains important in reaching an agreement acceptable to both sides under the norms of international law. Their efforts to ensure that both sides respect international law and human rights and ensure that unlawful and human rights acts by both sides are stopped. Thus, international institutions can help and contribute to fair enforcement of the law in these conflicts.

The main purpose of this study is to examine the role of international institutions in the enforcement of International Humanitarian Law (IHL) in Palestine, Humanitarian law can be interpreted as a set of international rules formed through international agreements, which are specifically aimed at overcoming humanitarian problems arising from armed conflicts, both international and non-international. This rule, for humanitarian reasons, limits the right of parties to the conflict to use the methods and instruments of war at will, as well as protecting civilians and public facilities that may be affected by the conflict. The study proposes that international institutions play a limited role in enforcing HHI in Palestine due to inadequate law enforcement mechanisms and great political influence.

2. Methods

This research uses a normative legal approach, focusing on the analysis of relevant legal literature and documents. Hans Kelsen's theory of the hierarchy of international legal norms is used to understand the role and effectiveness of international institutions in enforcing law

⁸ M H Devano and M Astuti, "Hak Veto Sebagai Penghambat Penegakan Hukum Internasional Pada Penyerangan Rumah Sakit Palestina.," *Yustitiabelen* 10 (2024): 62-86, <https://journal.unita.ac.id/index.php/yustitia/article/view/908%0Ahttps://journal.unita.ac.id/index.php/yustitia/article/download/908/606>.

⁹ Sepana Virqiyah S. Thoriq Musthofa Ahmad, Muhammad Reyhan, "Peran Mahkamah Internasional (ICJ) Dalam Mengatasi Pelanggaran Hukum Humaniter Di Palestina 2023-2024," *Acta Law Journal* Volume 2 N (2024).

in Palestine-Israel. The data analyzed includes international agreements, UN resolutions, and rulings from the ICJ.

3. Results and Discussion

The conflict between Palestine and Israel has brought the world's attention to them and raised the question of how international law and organizations in the world have played a role in overcoming the conflict that has lasted without a resolution until now. Hans Kelsen's theory, known as the concept of a hierarchy of legal norms or *Stufenbau der Rechtsordnung*, is used in this study to understand how international laws and regulations that apply in this conflict are regulated and implemented.¹⁰ At the top of the hierarchy there is a *Grundnorm* (basic norm), which is the highest norm that is the foundation for the entire legal system. According to Kelsen, the law must be separated from political, moral, or social elements. He emphasized that law is autonomous and must be studied as a "pure" system, without outside influences. This theory provides a framework for understanding how law works systematically and structured. In international law, the hierarchy of international rules and norms is somewhat different from that regulated in national law.¹¹

The hierarchy in international law if referring to Hans Kelsen's theory, the highest is the United Nations. The UN Charter establishes a framework for international regulation, especially in terms of international peace and security. All UN member states are obliged to comply with this Charter. Then there are International Agreements, such as the 1949 Geneva Convention. These treaties are binding on the countries that sign them. After that there is international custom, i.e. the practice that has been accepted as common law by states, is under international treaties but remains very important, especially in cases where there is no formal agreement governing a particular issue. Finally, there are the Decisions of the International Court of Justice, the Decisions of the International Court of Justice (ICJ) and other international courts also play an important role in enforcing international law.

An analysis based on Kelsen's theory shows that law enforcement and human rights efforts in the Palestinian-Israeli conflict involve various levels of norms, ranging from basic principles to more specific technical rules. Although international institutions have strong legal frameworks, the effectiveness of these law enforcement is often hampered by the complexity of international politics, as well as the limited power they have to compel consistent implementation of international law. Thus making the conflict endless in the modern century between Palestine and Israel, with attacks carried out by Israel destroying residences, places of worship, and even UN offices used for aid agencies.¹² which was basically caused by the same land claims, then led to endless wars, mass evictions of Palestinians from

¹⁰ F C S Adiyanta, "Hak Dan Kewajiban Fundamental Negara: Keberlakuan Hukum Kodrat Menurut Pandangan Hans Kelsen," *Administrative Law and Governance Journal* 4, no. 3 (2021): 441–58, <https://ejournal2.undip.ac.id/index.php/alj/article/view/13403>.

¹¹ Ibnu Mardiyanto, "Perjanjian Internasional Ditinjau Dari Perspektif Hukum Nasional Dan Internasional," *Sapientia Et Virtus* 8, no. 1 (2023): 185–209, <https://doi.org/10.37477/sev.v8i1.415>.

¹² Luc CNBC Indonesia, "Israel Serang Sekolah PBB Di Gaza, 16 Orang Tewas Termasuk Anak-Anak," <https://www.cnbcindonesia.com/news/20240707061804-4-552371/israel-serang-sekolah-pbb-di-gaza-16-orang-tewas-termasuk-anak-anak>, 2024.

the land where they were born, settlement construction, and various failed peace efforts.¹³

The development of international organizations progressed rapidly in the 19th century, and one of the proofs was the establishment of the United Nations. The United Nations was born because of the need for institutions that can handle various conflicts that arise due to conflicts between countries. In general, the United Nations serves as the main international organization aimed at creating peace and maintaining world security.¹⁴ The establishment of the United Nations after World War II brought important ideas, namely to maintain peace and avoid major wars that previously threatened humanity. This emphasizes the importance of the role of the United Nations in resolving global conflicts. One of the main goals of the UN is to prevent international conflicts and assist parties involved in conflicts, including the protracted conflict between Palestinians and Israelis. As the main subject of international law, the United Nations has a Security Council responsible for maintaining international peace and security.

UN Security Council resolutions are binding under Article 25 of the UN Charter. But its implementation in the Palestinian-Israeli conflict has been less effective, many violations of resolutions have been committed by both sides, and although the resolutions are well-structured, veto power is often an obstacle to its resolution. For example, Resolution 1860, which was designed to resolve the conflict, could not be realized due to the veto of the United States. Reality shows that political influence is often stronger than legal obligations. Overall, the development of international law is very dynamic and follows the interaction of the international community. The United Nations itself, as an international organization, was created to prevent major conflicts such as those that occurred in the two World Wars.

3.1. Challenges of the UN ICJ and ICC in Law Enforcement and Human Rights in the Palestinian- Israeli Conflict

Palestine is not yet a full member of the United Nations, but has gained the status of a Non-Member Observer State. This status was ratified by the UN General Assembly through a resolution adopted in 2012, namely UN General Assembly Resolution No. 67/19. With this status, Palestine can participate in meetings and discussions at the UN General Assembly as well as several other UN bodies, but does not have full voting rights like UN full member states. On the other hand, Israel is a full member of the United Nations. Israel was admitted to the United Nations in 1949, a year after its declaration of independence. As a full member, Israel has the right to vote in the UN General Assembly and can participate in various UN agencies with the same rights and responsibilities as other members.

Palestine has not yet become a full member of the UN due to a variety of complicated political and diplomatic factors. One of the main obstacles is the veto power that the United States has in the UN Security Council. As Israel's main ally, the U.S. has consistently blocked efforts to grant full membership to the Palestinians, arguing that such status must be obtained through peaceful negotiations. In addition, although Palestine enjoys broad support from the countries in the UN General Assembly, the final decision on full membership remains in the

¹³ Des Gasper, "Human Security," *The Cambridge Handbook of the Capability Approach* 1, no. 1 (2020): 576–600, <https://doi.org/10.62771/pk.v1i1.4>.

¹⁴ Piternelly Matitaputty et al., "Hak Penuntutan Perserikatan Bangsa-Bangsa Berdasarkan Hukum Internasional" 1 (2023): 68–82.

hands of the Security Council. This situation is exacerbated by Israel's diplomatic influence in the international arena, which actively opposes the full recognition of Palestine. As a result of these obstacles, Palestine has only the status of a "Non-Member Observer State," which limits its rights in the United Nations, including the absence of voting rights in the General Assembly or Security Council. The United Nations has a General Assembly and a Commission on International Law. The international Law commission is the one that makes international law. They can be likened to the House of Representatives. The General Assembly is made up of representatives of each UN member state and is the main deliberative body in matters of international law. Many multilateral treaties are adopted by the general assembly and then opened for signature and ratification. The legal committee assists the work of the general assembly by advising on substantial legal matters. The committee also consists of representatives from all UN member states. Examples of treaties that have already been created:

- a) International Convention on the Elimination of All Forms of Racial Discrimination in 1965
- b) International Covenant on Civil and Political Rights created in 1966
- c) Genocide convention established in 1948

International Law as the law that governs international entities, which includes entities or subjects of international law, namely countries.¹⁵ The law is divided into two major groups, there is private law and there is public law. The difference is in the object of the law. The definition of public law is law that regulates the interaction between human beings related to public individuals, while private law regulates relationships between human beings related to individual interests. So it can be concluded that international law is a collection of rules, norms and standards that are generally recognized as binding between countries. Thus forming norms for countries in many things ranging from war affairs, diplomacy, economic relations, and human rights.

International law is a guide that determines the rules for countries in various fields. However, the force of international law in enforcing it is limited. Because there is a difference between international law and state-based national law, the way it works is largely through consent. Because there is no universally recognized authority. The absence of this authority is what makes other countries able to violate or disobey international law.¹⁶ Although countries can choose to disobey or violate international law, such actions are usually met with disapproval from other countries and can lead to coercive actions ranging from diplomatic and economic sanctions to the end of war. In essence, international law is binding, although it can be ignored, but the consequences are also serious.

The establishment of the International Court of Justice or ICJ is based on the UN Charter adopted in 1945. The ICJ is a major part of the UN system and is tasked with resolving disputes between countries and providing legal opinions on international issues. Its role is set out in Chapter XIV of the UN Charter, which regulates the ICJ's responsibilities as the UN's principal

¹⁵ Internasional Sebagai and Unsur Berdirinya, "Pemberlakuan Prinsip Kedaulatan Wilayah Menurut Hukum Internasional Sebagai Unsur Berdirinya Negara 1," 2015.

¹⁶ Jurnal Hukum et al., "Peran Dan Tantangan Implementasi Hukum Internasional Tentang Hak Asasi Manusia Dalam Penanganan Kejahatan Terhadap Kemanusiaan" 02, no. 10 (2023): 964-72.

court. Meanwhile, the ICC was established through the Rome Statute adopted in 1998 and has been in effect since 2002. The Rome Statute is an international treaty that establishes the ICC or International Criminal Court as a court to try individuals responsible for serious crimes such as genocide, war crimes, and crimes against humanity. The ICC is not under the UN, but works with this organization. Its establishment is supported by countries that have signed and ratified the Rome Statute. So, the ICJ was established through the UN Charter by member states, while the ICC originated from an international agreement through the Rome Statute.

The ICJ is part of the international legal system, there are two main courts in the world, namely the ICC and there is the ICJ, they have different roles. The ICJ is part of the United Nations, a kind of high court of the United Nations, and its territory is limited to UN member states. Their jurisdiction can only adjudicate matters between countries, their task is to resolve legal issues between countries and cases that require legal opinions.¹⁷ The ICC is not part of the United Nations and its jurisdiction is over individuals. So if the ICJ is only between countries, for example, the United States can sue Israel at the ICJ. If in the ICC it is only individuals, and the scope of cases that can be brought to the ICC is not all. Only certain issues can be brought to the ICC. The first is if this person violates the laws of war, the second is a crime against humanity, the third is genocide, and the fourth is the crime of aggression. This is all based on the Rome Statute. Not all cases can be brought to the ICC. Only the most serious crimes against humanity. But between these two international justice systems, there is one thing in common: they cannot force their decisions.

3.2. ICJ Decision and ICC's Helplessness in Overcoming the Palestinian-Israeli Conflict

The ICC and ICJ do not have the power to force states to comply with their decisions, but they nevertheless play a crucial role in upholding international law. While the ICC cannot enforce, it acts as a deterrent to impunity by exerting international pressure and setting legal standards that must be respected. Its presence ensures that perpetrators of serious crimes cannot completely escape justice. The ICJ, which resolves disputes between states, also plays an important role, although its decisions do not have a strong enforcement mechanism to force states to comply. The ICJ's decisions are legally binding, but their implementation is up to the states concerned. However, the ICJ helps establish international legal norms and creates diplomatic pressure on states that fail to comply. Both make significant contributions to global accountability and offer a legal pathway for resolving international disputes peacefully.¹⁸

The role of the ICJ in the Palestinian-Israeli conflict in 2023 can be seen on December 9, 2023 when South Africa sued Israel on charges of genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, of which both are member states. South Africa and Israel are both parties to the convention. Regarding the South African lawsuit and the decision issued by the ICJ, it is a provisional measure, meaning a temporary measure, which also means that this is not the final decision of the ICJ. This interim action can be requested by the plaintiff country if it feels that the rights that are the subject of the lawsuit are

¹⁷ Menangani Kejahatan, Perang Israel, and Terhadap Palestina, *Peran International Court Of Justice (Icj) Dalam Menangani Kejahatan Perang Israel Terhadap Palestina Perspektif Siyasa Kharijiyah Dan Hukum Internasional*, 2024.

¹⁸ Fakultas Hukum et al., "Penegakan Hukum Kejahatan Perang Berdasarkan Kewenangan Mahkamah Pidana Internasional Law Enforcement Of War Crimes Based On The Authority Of The International Criminal Court" 5, no. 1 (2024): 1-13.

in danger. If there is a sense of urgency, provisional measures can be requested so that to get a final decision, it will take even longer and even years, because there are many legal processes that must be carried out. There is an examination of evidence, there is an independent investigation, and others. This interim decision is legally binding. It is binding but no single institution can directly enforce it. This is the reason that the day after the ICJ ruling, Israel continued to attack Palestine. When the ICJ issued six emergency orders that Israel must comply with in order to prevent acts that violate Article 2 of the 1948 Genocide Convention, it contains Article 2 of the Genocide Convention: Describes genocide as an act committed to destroy part or all of the members of a group based on race, religion, ethnicity, or nationality. Actions that fall under the category of genocide include:

- a) Murder of group members
- b) Causing serious physical or mental damage to a member of the group
- c) Creating living conditions designed to physically destroy the group
- d) Preventing birth in the group
- e) Forced transfer of children from group to group

The ICJ's orders to Israel include first, not to kill members of certain groups, in this case, of course, Palestinian civilians, second, not to cause physical or psychological harm, third, not to end their existence and so on. Israel must also ensure that its military does not do such things. Israel must prevent and punish anyone who openly invites genocide against Palestinians in Gaza, and Israel must ensure the delivery of basic services and humanitarian aid to Palestinians. Israel must also prevent the destruction of evidence of war crimes in Gaza and allow fact-finding missions to access it. Israel must report all steps it has taken under the order within 1 month of the verdict. So they must report to the ICJ within a month and tell them that they are compliant with the ruling.

Regarding Israel, the ICC does not have authority because Israel is not part of the ICC because Israel has not ratified the Rome Statute, they are also supported by the United States which considers the ICC to have no jurisdiction or power over Israel, although in fact this can be responded to with the argument that the action was carried out in the Palestinian territories and Palestine is a party to the Rome Statute. The Rome Statute was adopted on 17 July 1998 at a diplomatic conference held in Rome, Italy, and entered into force on 1 July 2002, after being ratified by 60 countries. Currently, more than 120 countries have ratified it. The ICC, established by the Rome Statute, has jurisdiction over these crimes if:

- a) The country where the crime occurred is a party to the Rome Statute
- b) The perpetrator is a citizen of a country that ratified the Rome Statute
- c) UN Security Council refers a case to the ICC

Not all countries are parties to the Rome Statute. Some major countries, such as the United States, China, and Russia, have not ratified this treaty, so the ICC has no automatic jurisdiction over crimes committed in those countries unless there is a referral from the UN Security Council. The Rome Statute was an important milestone in the development of international criminal law because it created a permanent court that aimed to ensure that perpetrators of serious crimes would not escape legal responsibility.

Palestine has ratified the Rome Statute on January 2, 2015, officially declaring it accepts the jurisdiction of the ICC to investigate crimes committed on its territory. On January 2, 2015,

Palestine submitted a ratification document of the Rome Statute to the UN Secretary-General, which officially entered into force on April 1, 2015. By ratifying the Rome Statute, Palestine gives the ICC the authority to investigate crimes committed on its territory, including potential war crimes and crimes against humanity committed by all parties to the conflict, both by Palestinians and by Israelis. The move is part of the Palestinians' efforts to seek international recognition of their sovereignty and hold them accountable for crimes committed during the Palestinian-Israeli conflict.

3.3. International Humanitarian Law in the Enforcement of Human Rights and Solutions Related to the Challenges of the United Nations and the ICJ in the Palestinian-Israeli Conflict

The law that applies and regulates armed conflict and military occupation, is International Humanitarian Law (IHL).¹⁹ The application of the law in this conflict involves experts and non-experts after the attack on Hamas (Harakat al-Muqawana al-Islamiya), a Palestinian freedom fighter group, on October 7, 2023, was retaliated by an all-out bombing operation by Israel in the Gaza Strip.²⁰ Until it aroused the attention of the world community as well as accusations of war crimes and genocide against Israel. The law of war or better known as International Humanitarian Law (IHL) is also regulated in the 1949 Geneva Conventions which have become part of international law and are known as humanitarian law in armed conflict, which has the purpose of being a benchmark standard that has been violated by Israel.²¹ The 1949 Geneva Convention includes the following:

- a) Defining the basic rights of civilians, prisoners of war, and military personnel
- b) Providing protection to the injured and sick
- c) Protecting civilians in and around war zones
- d) Prohibits torture, abuse of individual dignity, and execution without trial
- e) Ensuring humane treatment without discrimination

The violation of HHI by Israel in the Palestinian-Israeli conflict can be measured by referring to Additional Protocol I of the 1949 Geneva Convention. One of the main principles in HHI is the protection of civilians. According to Article 51 of Additional Protocol I, direct attacks on civilians are strictly prohibited. In June 2014, Hamas escalated its conflict with Israel by kidnapping and killing three Israeli teenagers in the West Bank.²² The incident has raised Israeli concerns about Hamas' terror campaign against Israeli civil society. After that, rocket attacks from Gaza escalated against Israeli civilians. This context is what led to the Gaza War

¹⁹ Muhamad Wildan and Fatih Arif Mutaqin, "Perlindungan Hukum Terhadap Korban Kejahatan Perang: Perspektif Hukum Humaniter Internasional" 2, no. 2 (2024): 317-25, <https://doi.org/10.59581/Doktrin-widyakarya.v2i2.2757>.

²⁰ Mohamad Dizie Aulia Al Farauqi and Mariana Mariana, "Pelanggaran Hukum Humaniter Internasional Dalam Agresi Militer Israel Ke Gaza Pasca-Serangan Hamas 7 Oktober 2023," *Jurnal ICMES* 8, no. 1 (2024): 1-21, <https://doi.org/10.35748/jurnalicmes.v8i1.189>.

²¹ Gede Genni Nanda Mahardika, Dewa Gede Sudika Mangku, and Ni Putu Rai Yulianti, "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)," *Jurnal Komunitas Yustisia* 4, no. 2 (2021), <https://doi.org/10.23887/jatayu.v4i2.38154>.

²² Dyah Lupita Sari, "Operation Protective Edge Israel Pada Perang Gaza 2014: Justifikasi Pelanggaran Hukum Humaniter Internasional Dalam Prinsip Just War," *Jurnal Transformasi Global* 4, no. 2 (2017): 147-69.

in 2014. Following the missile attacks and Hamas tunnel attacks, Israel launched Operation Protective Edge, using a more offensive approach to this military operation. The attack caused many civilian casualties in the Gaza Strip.

The destruction of hospitals by Israel is also a violation of Article 18 of the IV Geneva Convention, which states: "that medical facilities shall be respected and protected in armed conflict". For example, during the 2023-2024 conflict, the attack on a hospital in Gaza raises serious questions about these violations. The principles of human rights, including proportionality, military necessity, and protection of civilians, are the basis for assessing Israel's violations of international law. Principle of Proportionality: Disproportionate attacks are prohibited in IHL. Article 51(5)(b) of Additional Protocol I states: "that a military act which may cause excessive harm to civilians in respect of an expected military advantage constitutes an offence." Israeli military attacks are often disproportionate, with civilian casualties far outweighing the military gains achieved.

The effectiveness of the enforcement of human rights and human rights in the Palestinian-Israeli conflict through international regulatory mechanisms is limited by several fundamental limitations. The inability of international organizations to compel a country to comply with current regulations is one of the main challenges. International law largely depends on the willingness of states to cooperate, although it is based on legally binding treaties such as the UN Charter, UN Security Council resolutions, and the Geneva Conventions. These decisions are often ignored and have no impact.

Permanent members of the UN Security Council, including the United States, often use their veto power to protect the interests of their allies.²³ For example, consistently vetoing resolutions calling for sanctions or action against Israel. This creates an imbalance in the international legal system, prioritizing political interests over fair law enforcement. As a result, the United Nations, as the main international body responsible for maintaining peace and human rights, often fails to take decisive action to resolve these crises in a just and sustainable way. Despite a strong international legal framework aimed at protecting human rights and upholding justice in the Palestinian-Israeli conflict, various obstacles, including global political influence, the inability of international institutions to enforce compliance, and widespread impunity, make these enforcement efforts ineffective. This creates ongoing injustice and hinders a comprehensive and peaceful resolution of the conflict. The best solution for the UN and the ICJ in the face of Israeli non-compliance is to increase diplomatic pressure, sanctions, and international collaboration. The UN could strengthen the resolution supported by the majority of countries to add diplomatic pressure on Israel, while mobilizing broader global support. In addition, the application of economic and political sanctions by member states, both individually and collectively, can be an effective way to encourage Israel to comply with international law. Reform of the veto in the Security Council is also important, given the frequent blocking of actions against Israel by the United States. Reducing or restricting the use of vetoes, especially in human rights issues, can improve the enforcement of resolutions.

²³ Teuku Zulman Sangga Buana Adwani, "Tinjauan Yuridis Terhadap Penggunaan Hak Veto Amerika Serikat Sebagai Anggota Tetap Dewan Keamanan Perserikatan Bangsa-Bangsa Pendahuluan Ketika Selepas Perang Dunia II Berakhir Para Pemimpin Negara Bersepakat Mendirikan Perserikatan Bangsa-Bangsa, Alasa" 2, no. 3 (2018): 677-88.

The role of the ICJ can be strengthened by using the court's decision as a stronger legal basis to pressure Israel, even though the ICJ does not have executive powers. Furthermore, close cooperation with other UN agencies can help keep an eye on Israeli abuses. The mobilization of civil society and international NGOs can also play a big role in raising global awareness and encouraging governments to act more decisively. Organizations such as BDS (Boycott, Divestment, Sanctions) can help pressure Israel economically and politically. Collaboration with regional institutions, such as the Arab League and the OIC (Organization of Islamic Cooperation) can also provide stronger political and diplomatic support for international law enforcement efforts. With these measures, the UN and the ICJ can be more effective in addressing Israel's non-compliance.

4. Conclusion

The conclusion of this article emphasizes that the role of international institutions such as the UN, ICJ, and ICC in enforcing international law and human rights in the Palestine-Israel conflict is still not optimal. Although these institutions have a clear mandate, their effectiveness is often hampered by political interests, especially the veto power of permanent members of the UN Security Council, such as the United States, which often blocks further steps against Israel. In addition, jurisdictional constraints, such as those faced by the ICC, further weaken efforts to demand accountability for human rights violations that occur in the Palestinian territories. This study shows that despite efforts by international institutions to enforce international humanitarian law, especially through the 1949 Geneva Conventions, their implementation often falls short of expectations. This protracted conflict reveals that urgent reforms are needed, especially in terms of limiting veto power and increasing the power of international institutions to ensure compliance with international law. In conclusion, without reform and stronger international commitment, the enforcement of law and protection of human rights in the Palestine-Israel conflict will continue to be hampered. Concrete steps from the international community are needed to ensure accountability and justice for victims on both sides.

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