

CHAPTER I

INTRODUCTION

A. Background

The Israeli Palestinian conflict remains one of the most protracted and complex situations in contemporary international relations, particularly due to its prolonged military occupation and its profound impact on civilian populations. Since the Six-Day War in 1967, Israel's control over the West Bank and East Jerusalem has placed civilians under a system of military and administrative authority, resulting in significant restrictions on movement, legal uncertainty, and limited access to effective legal protection.¹

Within the framework of international humanitarian law, civilians in situations of military occupation are recognized as protected persons and are entitled to specific rights and guarantees. Under Geneva Convention IV, civilians must be treated humanely and protected against all forms of violence, intimidation, arbitrary detention, and unlawful interference with their rights.² In this regard, Alif Imam Dzaki emphasizes that under Article 49 of the Fourth Geneva Convention of 1949, Palestinian civilians as protected persons may not be subjected to deportation or forcible transfer from occupied territory, either individually or collectively, regardless of the reasons invoked by the occupying power.³

In this context, the definition of civilian status becomes crucial. Iin Karita Sakharina states that "Civilians are those who are not part of combatants or members of the armed forces of a party to the conflict, and in situations of military occupation they have the right to be protected from all forms of violence, intimidation, and actions that endanger their physical safety or personal liberty."⁴

However, despite the existence of this comprehensive legal framework, empirical realities in the occupied Palestinian territory reveal a persistent discrepancy between normative standards and their implementation in practice. Civilians continue to experience systemic restrictions affecting their freedom of movement, access to justice, stability of legal status, and enjoyment of fundamental rights.⁵ These conditions indicate that the legal status of civilians,

¹ International Committee of the Red Cross (ICRC), 2004, *Occupation and International Humanitarian Law: Questions and Answers*, Geneva: ICRC, page. 1–3. <https://www.icrc.org/en/doc/resources/documents/faq/occupation-faq-050608.htm>

² International Committee of the Red Cross (ICRC), 1949, *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, Geneva: ICRC, page. 27–33. <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>

³ Alif Imam Dzaki, 2018, Tinjauan Hukum Internasional terhadap Pencabutan Status Penduduk Tetap (Permanent Resident) oleh Pemerintah Israel terhadap Penduduk Palestina di Yerusalem Timur, Skripsi, Fakultas Hukum Universitas Hasanuddin, page. 146–147.

⁴ Iin Karita Sakharina, 2013, "Pengungsi dan HAM," *Jurnal Hukum Internasional*, Vol. 1 No. 2, 198–221.

⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), 2024, *Report on the Human Rights Situation in the Occupied Palestinian Territory*, Geneva: United Nations, page. 5–7. <https://www.ohchr.org/en/occupied-palestinian-territory>

as guaranteed under international humanitarian law, is not fully realized in the context of military occupation.

This discrepancy raises a fundamental legal question regarding the effectiveness of international humanitarian law: why do clearly established legal protections fail to operate effectively in practice? This study argues that the persistence of this gap is influenced by structural factors, including weak enforcement of international legal obligations, the absence of effective accountability mechanisms, political constraints within international institutions, and asymmetrical power relations between the occupying authority and the civilian population.⁶

Accordingly, this research seeks to examine the legal status of civilians in situations of military occupation as defined under Geneva Convention IV, and to analyse how military occupation affects the realization of that status in practice. The analysis is further supported by the framework of International Law Commission Articles on State Responsibility, in order to assess the legal consequences arising from violations, including obligations of cessation, reparation, and guarantees of non-repetition.⁷

Based on the foregoing, this study is directed at answering two central research questions: first, what is the legal status of civilians in situations of military occupation under the Fourth Geneva Convention of 1949; and second, how does military occupation affect the realization of that status in practice.

B. Research Question

Based on the background described above, the author decided that the research questions would be:

1. What is the legal status of civilians in situations of military occupation according to the Fourth Geneva Convention of 1949?
2. How did military occupation impact the status of civilians?

C. Research Objective

Based on the above problem formulation, the objectives of this study are as follows:

1. To analyze the legal status of civilians in situations of military occupation based on the Fourth Geneva Convention of 1949.
2. To examine the impact of military occupation on the legal status and protection of civilians.

The results of this study are expected to provide theoretical and practical benefits, as follows:

1. Theoretical Benefits
2. Practical Benefits

⁶ International Committee of the Red Cross (ICRC), 2005, Customary International Humanitarian Law, Cambridge: Cambridge University Press, page. 299.

⁷ International Law Commission (ILC), 2001, Articles on Responsibility of States for Internationally Wrongful Acts, New York: United Nations, page. 30–31.
https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf

D. Originality of Research

1	Author's Name : Rizqullah Ardaffa	
Title		Violations Of International Humanitarian Law By Israel In The Attack On The Gaza Refugee Camp in Palestinian (Period October 2023-October 2024)
Category		: Skripsi
Year		: 2024
College		: UIN SYARIF HIDAYATULLAH JAKARTA
Description		Previous Research
Issues and Problems		1. What violations of international humanitarian law did Israel commit in its attacks on refugee camps in the Palestinian Gaza Strip? 2. What legal remedies can be taken to hold Israel accountable for its violations of international humanitarian law in the Palestinian Gaza Strip?
		Research Plan
		1. What is the legal status of civilians in situations of military occupation under the Fourth Geneva Convention of 1949? 2. How does military occupation impact the status of civilians?
Method		: Normative
Results and Discussion		Normative
		Based on the research findings and the discussion of the issues presented, the following conclusions can be drawn: Israel has clearly violated the principles governed under International Humanitarian Law (IHL), particularly the principles of distinction and proportionality. Israeli attacks frequently target civilian objects such as refugee camps, hospitals, schools, and places of worship, demonstrating Israel's non-

compliance with Articles 25 and 27 of the 1907 Hague Regulations as well as Articles 51 and 52 of Additional Protocol I of 1977. Moreover, the use of disproportionate weaponry, including attacks on refugee camps with white phosphorus bombs, has resulted in unnecessary suffering for the civilian population in the Gaza Strip. The imposition of a total blockade on refugee camps has triggered a humanitarian crisis caused by severely limited access to food, medicine, and other essential needs. This blockade constitutes a violation of Article 33 of the Fourth Geneva Convention. In addition, insufficient early warnings issued by Israel prior to attacks—without providing safe evacuation routes—indicate a lack of adequate measures to protect civilians residing in refugee camps. This is in clear contradiction to Article 57 of Additional Protocol I, which obliges parties to take all feasible precautions to avoid civilian harm. Overall, Israel's actions not only breach IHL but also violate fundamental human rights, including the right to life and security as enshrined in the 1948 Universal Declaration of Human Rights (UDHR). Therefore, the conduct perpetrated by Israel in the

Gaza Strip constitutes grave breaches as regulated under Article 147 of the Fourth Geneva Convention.

The prolonged conflict between Israel and Palestine, particularly in the Gaza Strip, has led to numerous serious violations of IHL. The escalation of violence since October 2023 has resulted in a significant number of casualties, including civilians. Although Israel has not ratified the 1907 Hague Regulations, the 1949 Geneva Conventions, Additional Protocol I of 1977, and the 1998 Rome Statute, it remains bound by norms of jus cogens, which apply universally to all states. This means Israel cannot evade responsibility for its military actions. Indonesia has undertaken various diplomatic efforts to pressure Israel to cease its violence, including through international collaboration within the Non-Aligned Movement (NAM) and the Organization of Islamic Cooperation (OIC). Indonesia has also adopted a shuttle diplomacy strategy with permanent members of the UN Security Council to push for the cessation of Israel's military aggression and to accelerate a ceasefire. At the international level, enforcement efforts toward Israel's violations have been

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2.	Author's Name	: Brestelysia Wardana Tangngalayuk
Title		: LEGAL PROTECTION OF PALESTINIANS FROM HUMANITARIAN LAW PERSPECTIVE
Category		: Skripsi
Year		: 2024
College		: Universitas Hasanuddin
Description		Previous Research
Issues and Problems		1. Does the Israeli-Palestinian war violate international humanitarian law? 2. What is the Palestinian government's strategy for
		Research Plan
		1.. What is the legal status of civilians in situations of military occupation under the Fourth Geneva Convention of 1949?

	protecting civilians?	2. How does military occupation impact the status of civilians?
Method	: Normative	Normative
Results and Discussion	The findings of this study indicate that the war crimes committed in the Israel–Palestine conflict constitute violations of international humanitarian law, including those related to the Palestinian government’s strategies to protect civilians. Through this research on the Legal Protection of Palestine from the Perspective of International Humanitarian Law, it can be considered and concluded that international humanitarian law remains relevant and applicable in the current context. From any standpoint, when compared to the principles of International Humanitarian Law, it is evident that Israel has violated the existing legal provisions from the outset. From the humanitarian law perspective, war is an unavoidable reality; therefore, the purpose of humanitarian law is to regulate the conduct of hostilities by ensuring that warfare is carried out with due regard to humanitarian principles—humanizing the conduct of war.	

E. Theoretical Foundation

The theoretical basis constitutes a crucial component of legal research, as it serves as a conceptual foundation that provides direction, a framework of

analysis, and scientific justification for the legal issues under examination. Through the theoretical framework, researchers are able to explain the relationship between legal norms, legal principles, and empirical facts that form the object of study. According to Soerjono Soekanto, theory in legal research functions as an analytical instrument that assists researchers in understanding, interpreting, and explaining legal phenomena in a rational and systematic manner, while also serving as an argumentative basis for drawing research conclusions.⁸

This research is grounded in the principle of the rule of law, which places the protection of human rights as a fundamental element of the legal system. Jimly Asshiddiqie emphasizes that in a state governed by law, the exercise of state power must be limited by legal norms in order to guarantee the protection of fundamental rights against arbitrary actions by authorities.⁹ This principle of limiting power is also relevant in the context of international law, particularly in situations of military occupation, where effective control is exercised by the occupying authority.

Within the context of international humanitarian law, the research entitled “The Status of Civilians in Situations of Military Occupation: An Analysis of Hostage Detention by the ISR under the 1949 Geneva Conventions” focuses on two main issues, namely the legal status of civilians in situations of military occupation and the impact of military occupation on the legal status of civilians. To address these issues, this study employs the Theory of Legal Protection and the Theory of State Responsibility as its principal analytical frameworks.

1. Theory of Legal Protection

The Theory of Legal Protection emphasizes the importance of safeguarding individual rights from arbitrary actions by the state. Philipus M. Hadjon defines legal protection as an effort to provide guarantees and a sense of security for human rights that are violated by authorities, whether through preventive or repressive forms of protection.¹⁰ Preventive protection aims to prevent violations from occurring, while repressive protection functions to resolve disputes after violations have taken place.¹¹

In the context of International Humanitarian Law, legal protection for civilians is explicitly regulated in the Fourth Geneva Convention of 1949. Article 27 of the Convention affirms that protected persons are entitled to humane treatment and protection from all forms of violence and threats.¹² This provision also reflects customary international humanitarian law, which prohibits acts of

⁸ Soerjono Soekanto, 1986, *Pengantar Penelitian Hukum*, Jakarta: UI Press, page. 52.

⁹ Jimly Asshiddiqie, 2010, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta: Sinar Grafika, page. 67.

¹⁰ Philipus M. Hadjon, 1987, *Perlindungan Hukum bagi Rakyat Indonesia*, Surabaya: PT Bina Ilmu, page. 25.

¹¹ *Ibid.*, page. 28.

¹² Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, 1949, Geneva: International Committee of the Red Cross, Article 27.

violence against civilians in armed conflicts.¹³ Jean Pictet explains that civilians living under military occupation are in a particularly vulnerable position due to being under the authority of an adverse party; consequently, the obligation to ensure their protection rests entirely with the occupying power.¹⁴

2. Theory of State Responsibility in International Law

Furthermore, the Theory of State Responsibility is applied to explain the legal consequences arising from violations of these protection obligations. James Crawford states that any act or omission attributable to a state that constitutes a breach of an international obligation gives rise to international legal responsibility.¹⁵ This principle is reaffirmed in the Draft Articles on Responsibility of States for Internationally Wrongful Acts, which establish that every internationally wrongful act of a state entails its responsibility.¹⁶

Within International Humanitarian Law, serious violations of the Geneva Conventions, including hostage-taking and arbitrary detention of civilians, are classified as grave breaches and entail an obligation to provide reparation.¹⁷ States are also required to respect and ensure respect for the Geneva Conventions in all circumstances.¹⁸ In addition, the Rome Statute of 1998 qualifies hostage-taking of civilians as a war crime that may give rise to individual criminal responsibility.¹⁹

3. The Relationship between Legal Protection Theory and State Responsibility Theory

The relationship between the Theory of Legal Protection and the Theory of State Responsibility reflects the structural logic of international law in safeguarding individuals while simultaneously ensuring accountability for violations. Legal protection theory establishes civilians as subjects of international law who possess inherent rights during armed conflict, particularly under conditions of military occupation. In contrast, state responsibility theory operates as a mechanism that translates the breach of those rights into legal consequences attributable to the responsible state.²⁰

In situations of military occupation, the occupying power exercises effective authority over the occupied territory and its civilian population. This authority

¹³ Jean-Marie Henckaerts and Louise Doswald-Beck, 2005, Customary International Humanitarian Law, Vol. I: Rules, Cambridge: Cambridge University Press, page. 307.

¹⁴ Jean Pictet, 1958, Commentary on the Fourth Geneva Convention, Geneva: International Committee of the Red Cross, page 50.

¹⁵ James Crawford, 2002, The International Law Commission's Articles on State Responsibility, Cambridge: Cambridge University Press, page. 28.

¹⁶ International Law Commission, 2001, Draft Articles on Responsibility of States for Internationally Wrongful Acts, Geneva: United Nations, Article 2.

¹⁷ International Committee of the Red Cross, 2016, Grave Breaches of the Geneva Conventions, Geneva: ICRC, page. 11.

¹⁸ Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, 1949, Geneva: International Committee of the Red Cross, Article 1.

¹⁹ Rome Statute of the International Criminal Court, 1998, Rome: United Nations, Article 8 paragraph (2) letter (a) subparagraph (vii) *juncto* Article 25.

²⁰ Malcolm N. Shaw, 2017, International Law, 8th Edition, Cambridge: Cambridge University Press, page. 817–818.

generates specific legal obligations toward civilians, including the duty to respect their personal liberty, dignity, and security. The theory of legal protection functions as a normative standard that defines the limits of permissible conduct by the occupying power, whereas the theory of state responsibility provides a juridical framework to assess whether those limits have been exceeded.²¹

The interaction between these theories becomes particularly evident when violations occur systematically rather than incidentally. Persistent practices such as prolonged detention, coercive measures, or deprivation of basic rights against civilians may indicate a failure to comply with the obligations arising from military occupation. In such circumstances, the protection framework alone is insufficient; it must be complemented by a responsibility regime capable of attributing wrongful conduct to the state and triggering legal consequences at the international level.²²

Moreover, the convergence of legal protection and state responsibility illustrates the dual function of international humanitarian law as both a protective and corrective system. While legal protection emphasizes the humanitarian objective of minimizing civilian suffering, state responsibility reinforces the normative authority of international law by ensuring that violations are subject to legal evaluation and accountability.²³ This relationship prevents humanitarian norms from becoming merely aspirational and affirms their binding character within the international legal order.

Accordingly, the combined application of these theories allows for a comprehensive legal analysis that addresses not only the status of civilians under military occupation but also the broader implications of occupation practices that undermine that status. By linking civilian protection norms with responsibility mechanisms, this study demonstrates that violations committed by an occupying power are not isolated humanitarian concerns but constitute matters of international legal accountability.²⁴

F. Conceptual Framework

The research entitled “The Status of Civilians in Situations of Military Occupation: An Analysis of Hostage Detention by the IDF under the 1949 Geneva Convention” originates from legal issues concerning the protection of civilian rights within the context of military occupation in the Palestinian territories. The phenomenon of detention practices carried out by the Israel Defence Forces (IDF) against Palestinian civilians raises fundamental questions regarding the legal status of civilians under military occupation and the extent to

²¹ Eyal Benvenisti, 2012, *The International Law of Occupation*, 2nd Edition, Oxford: Oxford University Press, page. 68–70.

²² Marco Sassòli, 2019, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare*, Cheltenham: Edward Elgar Publishing, page 255–257.

²³ Antonio Cassese, 2005, *International Law*, Oxford: Oxford University Press, page 247–249.

²⁴ Olivier De Schutter, 2014, *International Human Rights Law*, Cambridge: Cambridge University Press, page. 92–94.

which their protection is guaranteed under the Fourth Geneva Convention of 1949.²⁵

This study aims to examine two main aspects: first, the legal status of civilians in situations of military occupation under the Fourth Geneva Convention of 1949; and second, the legal implications of military occupation on the status and protection of civilians, particularly in relation to detention practices conducted by the Israel Defence Forces (IDF).

To address these issues, this research employs two principal theoretical frameworks, namely the Theory of Legal Protection and the Theory of State Responsibility in International Law. The Theory of Legal Protection is utilized to explain the legal position of civilians as protected persons under Articles 4 and 27 of the Fourth Geneva Convention of 1949, which affirm that civilians are entitled to humane treatment and protection from all forms of violence, threats, and coercive measures.²⁶ This protection is further reinforced by Article 34 of the Convention, which explicitly prohibits the taking of hostages.²⁷

Meanwhile, the Theory of State Responsibility is employed to examine the legal consequences arising from situations in which the conduct of the occupying power fails to comply with the obligations stipulated under the Fourth Geneva Convention of 1949. According to the Draft Articles on Responsibility of States for Internationally Wrongful Acts, any breach of an international obligation entails the responsibility of the violating state, including the obligation to cease the wrongful act, provide reparation, and guarantee non-repetition.²⁸ In the context of international humanitarian law, detention practices that undermine the protected status of civilians may constitute grave breaches under Article 147 of the Fourth Geneva Convention.²⁹

Conceptually, this research adopts a normative–deductive analytical framework, in which legal norms established under the Fourth Geneva Convention of 1949 are applied to assess the impact of military occupation on the legal status and protection of civilians. The discrepancy between the normative framework (*das Sollen*) and the empirical realities observed in the occupied Palestinian territories (*das Sein*) serves as the basis for evaluating how military occupation affects the legal position of civilians and the extent to which international humanitarian law provides effective protection.

Through this analytical framework, the research seeks to demonstrate that military occupation has significant legal implications for the status of civilians as

²⁵ International Committee of the Red Cross, 1949, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Geneva: ICRC, page. 3.

²⁶ International Committee of the Red Cross, 1949, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Geneva: ICRC, page. 20–22.

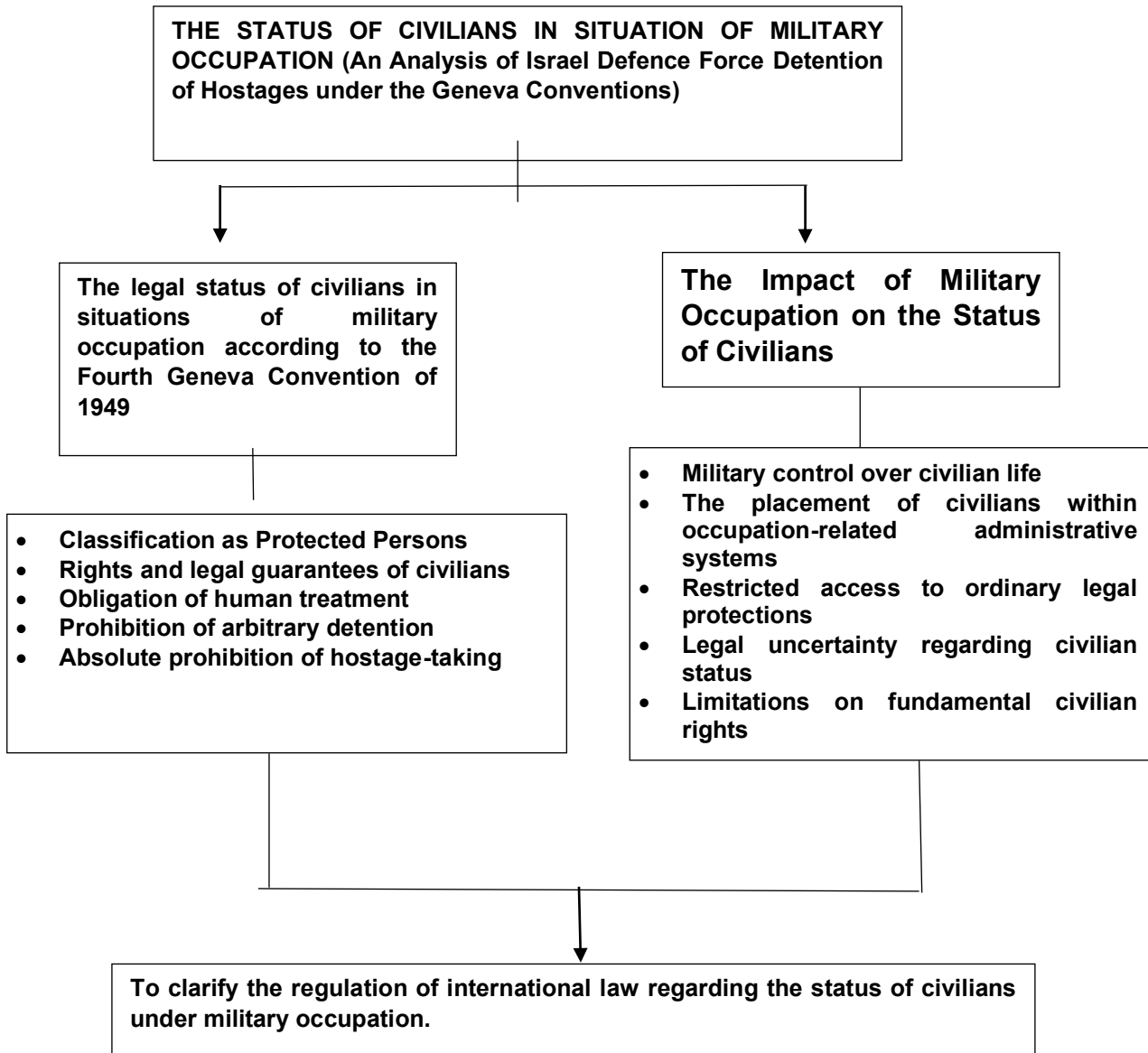
²⁷ International Committee of the Red Cross, 1949, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Geneva: ICRC, page. 29.

²⁸ International Law Commission, 2001, Draft Articles on Responsibility of States for Internationally Wrongful Acts, New York: United Nations, page. 31–33.

²⁹ International Committee of the Red Cross, 1949, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Geneva: ICRC, page. 78–79.

protected persons under international humanitarian law. The findings of this study are expected to contribute to a clearer understanding of civilian protection in situations of military occupation and to reinforce the normative framework of international humanitarian law in safeguarding civilians from practices that undermine their legal status.

Conceptual Framework Chart



G. Operational Definitions

The operational definitions in this research are intended to provide clear limitations on the variables analyzed concerning the status of civilians under Israeli military occupation in Palestine and the detention practices carried out by Israel Defence Forces based on the provisions of the Fourth Geneva Convention and international humanitarian law.

1. Legal Status of Civilians

The legal status of civilians in this research refers to Palestinian civilians in occupied territories who are recognized as protected persons under the Fourth Geneva Convention of 1949 and entitled to protection and human treatment under international humanitarian law.

2. Military Occupation

Military occupation in this research refers to Israel's effective control over Palestinian territories, particularly the West Bank, East Jerusalem, and the Gaza Strip, as an occupying power under international humanitarian law.

3. Detention of Hostages

Detention of hostages in this research refers to the detention of Palestinian civilians by the Israel Defence Forces without clear legal process, which may constitute hostage-taking prohibited under the Fourth Geneva Convention of 1949.

4. Protection of Civilians

Protection of civilians in this research refers to the obligation of Israel and the Israel Defence Forces to ensure the safety, legal protection, and humane treatment of Palestinian civilians in occupied territories under the Fourth Geneva Convention of 1949.

5. State Responsibility

State responsibility in this research refers to the legal accountability of Israel for actions carried out by the state or the Israel Defence Forces that violate international humanitarian law against Palestinian civilians.

6. Israel Defence Forces (IDF)

The Israel Defence Forces (IDF) in this research refers to the official armed forces of Israel that exercise military and security control in occupied Palestinian territories and carry out detention practices against Palestinian civilians.

7. International Humanitarian Law

International humanitarian law in this research refers to the body of international law that regulates the protection of civilians and the conduct of parties during armed conflict and military occupation.

8. Fourth Geneva Convention

The Fourth Geneva Convention in this research refers to the international treaty of 1949 that provides legal protection and humane treatment for civilians during armed conflict and military occupation.

9. Protected Persons

Protected persons in this research refers to Palestinian civilians in occupied territories who are entitled to legal protection and humane treatment under the Fourth Geneva Convention of 1949 during military occupation.

10. Human Treatment

Human treatment in this research refers to the obligation under international humanitarian law to treat civilians with dignity and humanity and to protect them from violence, torture, intimidation, and inhumane treatment during military occupation.

11. Arbitrary Detention

Arbitrary detention in this research refers to the detention of Palestinian civilians without clear legal basis, due process, or fair judicial guarantees under international humanitarian law during military occupation.

12. Administrative System

Administrative system in this research refers to the system of governance and administrative control implemented by Israeli authorities in occupied Palestinian territories to regulate civilian activities and territorial administration during military occupation.

13. Ordinary Legal Protections

Ordinary legal protections in this research refers to the legal rights and judicial guarantees normally available to civilians under national and international law, including fair trial and due process protections.

14. Legal Uncertainty

Legal uncertainty in this research refers to the unclear or inconsistent legal status and protection of Palestinian civilians under military occupation and international humanitarian law.

15. Civilian Rights

Civilian rights in this research refers to the fundamental rights and legal protections guaranteed to civilians under international humanitarian law during armed conflict and military occupation.

CHAPTER II

RESEARCH METHODOLOGY

A. Type of Research

The type of research used in writing this thesis is normative legal research (juridical normative). Normative legal research is research that focuses on positive legal norms by using legal materials as the main source to answer the problems that have been formulated. This research focuses on the study of the 1949 Geneva Convention IV and other international legal instruments that regulate the protection of civilians in situations of military occupation. Through this method, the author attempts to systematically examine the principles of international humanitarian law that form the basis for determining the legal status of civilians and the responsibilities of the occupying party in the event of violations. A normative juridical approach was chosen because this study is not oriented towards empirical field research, but rather focuses on the analysis of norms, principles, and doctrines of international law relevant to the research topic.

1) Research Approach

To obtain comprehensive research results, the author uses several types of approaches in this normative legal research, namely:

a. Statute Approach

This approach was used to examine various international legal instruments relevant to the subject matter, particularly the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. In addition, other relevant legal provisions are also used, such as Additional Protocol I of 1977, the Charter of the United Nations (UN Charter), and the Rome Statute of 1998 on the International Criminal Court.

b. Conceptual Approach

This approach is used to understand and elaborate on concepts related to the research topic, including the concepts of military occupation, protection of civilians, arbitrary detention, and international legal responsibility. Through this approach, the author attempts to interpret the basic principles of international humanitarian law that form the basis for law enforcement against civil rights violations in occupied territories.

2). Case Approach

The case approach is used by examining the hostage-taking by the Israel Defence Forces (IDF) in the occupied Palestinian territories, which is then analysed based on the provisions of the Fourth Geneva Convention of 1949. In addition, this approach also involves an examination of the decisions of international judicial institutions, such as the International Court of Justice (ICJ) and the International Criminal Court (ICC), which are relevant to violations of international humanitarian law.

B. Type and Source

The legal materials used in this study consist of three types, namely:

1. Primary Legal Materials, which are legal materials that have binding force and form the main basis of this study, including:

- a. The Fourth Geneva Convention of 1949 on the Protection of Civilian Populations in Time of War.
- b. Additional Protocol I of 1977.
- c. International Law Commission 2001

2. Secondary Legal Materials, which are legal materials that provide explanations of primary legal materials, such as:

- a. Books discussing international humanitarian law and the law of armed conflict.
- b. Scientific journal articles, research reports, and academic publications; and
- c. Expert opinions (doctrine) related to the principles of international legal responsibility.

3. Tertiary Legal Materials

which are supplementary materials that provide additional explanations to primary and secondary legal materials, such as legal dictionaries, legal encyclopaedias, and official online sources from international institutions such as the International Committee of the Red Cross (ICRC)

C. Legal Material Collection Techniques

Legal materials were collected using library research methods. The author searched for, inventoried, and reviewed various legal literature relevant to the research topic. These materials were obtained from international legal documents, law textbooks, scientific articles, academic journals, international court decisions, and official online sources from credible international institutions.

Through this method, the author obtained the normative data needed to analyse the legal status of civilians under military occupation and international legal responsibility for arbitrary detention by the IDF.

D. Analysis Legal Material Techniques

The analysis of legal materials in this study was conducted using descriptive-analytical methods through a qualitative approach. Descriptively, the author systematically describes the legal provisions governing the protection of civilians in situations of military occupation based on the Fourth Geneva Convention of 1949. Analytically, the author examines the compatibility between these legal provisions and the detention practices carried out by the IDF.

Furthermore, the legal materials that have been collected are analysed logically, systematically, and argumentatively in order to answer the research questions that have been set. The results of the analysis are expected to provide

a comprehensive understanding of the application of international humanitarian law principles to violations committed by the occupying power, as well as to emphasize the relevance of international legal responsibility in this context.