

ISRAEL'S ATTACK ON PALESTINE : BETWEEN GENOCIDE AND CONFLICT

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Abstract

Israel's attack on Palestine is the most phenomenal issue in the last few weeks. However, the question is being asked by a number of parties whether this attack constitutes genocide or conflict. Therefore, this research aims to analyze Israel's attacks on Palestine in the category of Genocide or Conflict. This research is qualitative research with a descriptive approach. The data used in this research is secondary data obtained from scientific articles, books, websites and a number of other reliable references. The research results show that Genosdia has 5 more concrete limitations, Israel's attack on Palestine is considered genocide because it fulfills these 5 categories of impacts. And this attack must be stopped immediately, either through diplomacy, a ceasefire, or even militarization.

Keywords: *Attack, Genocide, Conflict.*

INTRODUCTION

A crime committed by attacking another person due to ethnic or cultural disputes is often referred to as a human crime in international law which leads to acts in the form of mass murder or torture of human body parts. In this case, the dispute will increase and lead to more aggressive actions and the person doing this will increasingly do it beyond the limits, even including serious actions. This category of serious acts or deeds is a large-scale massacre of a particular ethnic group which resulted in many victims and material or immaterial losses. This is called the crime of genocide(Putri, 2022).

The word genocide was first introduced by a Polish-Jewish academic named Raphael Lemkin. In his writings, Raphael Lemkin says that: "The crime of genocide involves a wide range of actions, including not only deprivation of life but also the prevention of life (abortions, sterilizations) and also devices significantly endangering life and health (deliberate separation of families for depopulation purposes and so forth) The acts are directed against groups, as such, and individuals are selected for destruction only because they belong to these groups"(Renata Christa Auli, 2023).

The crime of genocide is related to ethnic or cultural annihilation and also includes crimes against political groups because these groups are difficult to identify which will cause international problems within a country. The definition of genocide in the 1948 Genocide Convention is defined as an action with the intention of destroying or exterminating all or part of a national, racial, ethnic or religious group. The definition of genocide is then contained in the statutes of the International Criminal Court (ICC) and Law Number 25 of 2000 concerning Human Rights Courts (Human Rights Court Law). National groups in the sense of genocide are groups that have different identities but share a common homeland, while racial groups are groups that have hereditary traits or characteristics(Hetty Hassanah, 2017). Ethnic groups themselves are groups that have the same language, culture and traditions that have been passed down from generation to generation and are a common heritage. Therefore, killing these groups is included in the elements of the crime of genocide(Prasetyo, 2020).

Juridically, genocide is defined as an action with the intention of destroying or exterminating all or part of a national, racial, ethnic or religious group(Turangan, 2011). This definition is contained in the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, which was later absorbed by the ICC Statute, and was also later included in Law no. 25 of 2000 concerning Human Rights Courts(Undang-Undang No. 25 Tahun 2000 Tentang Pengadilan Hak Asasi Manusia, 2000).

A national group is meant by a group of individuals who have different identities, whose identities are determined through a common homeland of the nation or national origins. Racial group means a group of individuals whose identity is determined through

hereditary physical traits or characteristics. An ethnic group refers to a collection of individuals who have a common language, as well as a tradition or culture that has been passed down from generation to generation and a common heritage(Adam Jones, 2000). Meanwhile, a religious group is a group of individuals whose identity is determined through shared religious beliefs, teachings, worship or rituals. Furthermore, according to these three legal products, the crime of genocide includes: a) Killing members of the group; b) Causing serious physical or mental suffering to group members; c) Creating living conditions aimed at causing the group to be physically destroyed in whole or otherwise; d) Imposing measures aimed at preventing births within the group; or e) Forcibly moving children from certain groups to other groups(Wahyuni, 2016).

Etymologically, conflict comes from the Latin word *confere*, which means hitting each other. Conflict is an action by one party which results in obstructing, hindering or disturbing another party, which can occur between groups of people or in relationships between individuals. Conflict is also defined as social interaction between individuals or groups that is more influenced by differences than similarities. Soerjono Soekanto is of the view that conflict is a social process in which individuals or groups of people try to fulfill their goals by opposing opposing parties accompanied by threats and/or violence. According to Winardi, conflict is a conflict of opinion between people, groups or organizations(Rosana, 2015).

Based on the explanation of the meaning of Genocide and Conflict above, this research aims to analyze and classify the Israeli attack on Palestinians in Gaza into the Genocide category with 5 standards used or into the conflict category.

METHODS

Israel's attacks on Palestine have recently become a concern among the public (Sugiyono, 2019). The majority of the public considers that this attack is no longer a conflict but rather meets the classification and requirements of what is called Genocide(Lexy J. Moleong, 2014). This research is qualitative research with a descriptive approach to describe and ultimately conclude whether the attacks carried out by Israel against Palestine fall into the category of Genocide or Conflict(Lexy J. Moleong, 2018). The data used in this research is secondary data that researchers obtained from scientific articles, books, credible websites, and a number of other references that are commonly used in research. The data used was analyzed using the stages of data collection, data selection, data reduction, and drawing conclusions(Jonathan Sarwono, 2016).

RESULTS AND DISCUSSIONS

Genocide

The word *genocide* was first introduced by a Polish-Jewish academic named

Raphael Lemkin. In his writings, Raphael Lemkin says that: "The crime of genocide involves a wide range of actions, including not only deprivation of life but also the prevention of life (abortions, sterilizations) and also devices significantly endangering life and health (deliberate separation of families for depopulation purposes and so forth) The acts are directed against groups, as such, and individuals are selected for destruction only because they belong to these groups"(Renata Christha Auli, 2023).

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Conflict

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Conflict is a logical consequence of a interaction between two parties. There are several things that could be conflicting reasons. Among them is the problem of inequality giving rise to jealousy towards certain parties, which include social, economic, cultural and religious inequality. The existence of this inequality causes the desire of the people within a country to have their own form of authority in governing their territory. This desire is demonstrated by the existence of separatist movements and rebellions by people who feel they have been disadvantaged(Sudarnoto, 2015).

The Big Indonesian Dictionary (KBBI) defines The term conflict means quarrel, dispute and disagreement while the sociology dictionary defines conflict as a process achieving goals by weakening the opposing party, without pay attention to applicable norms and values. Several definitions of conflict; (a) Nimran (1996) defines conflict as a condition perceived by certain parties, both individuals, groups and others who feel a mismatch of goals and opportunities, (b) Robbins (2006) defines conflict as a process that begins with one party perceiving another party as negatively influencing something the first party cares about. From the various meanings that have been conveyed, it is concluded that Conflict can be interpreted as a dispute or disagreement occurs between members or communities who aim to achieve something desired by challenging each other with threats of violence. So we can say that social conflict is closely related to social interaction between certain parties in society which is characterized by mutual attitudes threatening, pressuring, even taking extreme action(Labola, 2018).

Israel's Attack On Palestine : Between Genocide And Conflict

Based on the explanation of Genocide and Conflict above, there are a number of striking differences between Genocide and Conflict. Genocide has the following limitations: a) Killing members of the group; b) Causing serious physical or mental suffering to group members; c) Creating living conditions aimed at causing the group to be physically destroyed in whole or otherwise; d) Imposing measures aimed at preventing

births within the group; or e) Forcibly moving children from certain groups to other groups (Wahyuni, 2016). According to the Palestinian Central Bureau of Statistics (PCBS), until the 44th day of the war, namely November 19 2023, the total number of Palestinian casualties reached 13,216 people. Of the 13,000 figures, 40% of them are children and young adults. These attacks also physically and mentally injured the Palestinian people, destroyed homes, schools and hospitals, cut off the birth of a new generation, and forced Palestinians to move to other, safer locations (Ahdiat, 2023). Based on this, researchers are of the opinion that Israel's attacks on Palestine are included in the category of Genocide and must be stopped immediately in any way and under any circumstances.

CONCLUSION

Based on the results of the presentation above, a number of points can be concluded as follows:

1. Genocide and conflict have a number of differences, where genocide has more concrete boundaries if it causes the following impacts: a) Killing members of the group; b) Causing serious physical or mental suffering to group members; c) Creating living conditions aimed at causing the group to be physically destroyed in whole or otherwise; d) Imposing measures aimed at preventing births within the group; or e) Forcibly moving children from certain groups to other groups.
2. The attacks carried out by Israel against Palestine are included in the Genocide category because the impact of the victims has fulfilled the categories above..
3. Israel's attack on Palestine must be resolved immediately, either through diplomacy or even militarization.

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