



Research Article

The Obstacles to the Implementation and Enforcement of International Humanitarian Law in the Israeli-Palestinian Armed Conflict 2023-2024

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Abstract

The Israeli-Palestinian conflict is a protracted military and political confrontation that has evolved from the late nineteenth century into the twenty-first century, making it one of the longest-running and most complex conflicts in modern international relations. Despite its longevity and the extensive human suffering it has produced, the international community has repeatedly failed to make a sustained and effective effort to bring the conflict to an end. One clear indicator of this lack of seriousness is the persistent failure to ensure the implementation and enforcement of International Humanitarian Law (IHL) within the context of the Israeli-Palestinian armed conflict. Fundamental principles of IHL, including distinction, proportionality, necessity, and the protection of civilians, have been widely alleged to be violated, yet accountability mechanisms remain weak and largely ineffective. This article seeks to examine why International Humanitarian Law is particularly difficult to implement in the Israeli-Palestinian armed conflict and to identify the key political, legal, and structural factors that hinder its enforcement. Employing a descriptive research design and relying on secondary data sources such as academic literature, United Nations reports, resolutions, and documentation from international humanitarian and human rights organizations, the study analyzes patterns of compliance and non-compliance with IHL by the parties to the conflict. The research does not aim to adjudicate individual violations, but rather to understand the broader international environment that enables recurring violations to persist without meaningful consequences. The findings suggest that multiple, mutually reinforcing factors undermine the application of IHL in this conflict. These include the asymmetry of power between the parties, the politicization of international law, weaknesses in international enforcement mechanisms, and the fragmentation of international consensus. Among these factors, the role of the United States emerges as particularly significant. As a permanent member of the United Nations Security Council with veto power, the United States has consistently shielded Israel from binding resolutions, sanctions, or coercive enforcement measures. This political protection contributes to a culture of impunity and signals to other international actors the limits of legal accountability in this case. Consequently, International Humanitarian Law in the Israeli-Palestinian conflict remains more aspirational than operational, raising broader questions about the credibility and universality of IHL in situations where major powers' strategic interests are at stake.

Keywords

Armed Conflict, International Humanitarian Law, Implementation, Law Enforcement, Violations

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1. Introduction

Armed conflicts invariably bring with them profound human suffering, destruction, and the breakdown of the international legal order designed to protect civilians and regulate hostilities. [2] The 2023–2024 armed conflict between Israel and Palestinian armed groups in Gaza represents one of the most devastating episodes in the long history of the Israeli-Palestinian struggle. It has drawn the attention of governments, international organizations, humanitarian agencies, and scholars of international law not only because of its scale of violence but also due to the serious allegations of widespread violations of international humanitarian law (IHL). This body of law—codified primarily in the four Geneva Conventions of 1949, their Additional Protocols, and customary international law—seeks to limit the effects of armed conflict, protect persons who are not or no longer participating in hostilities, and restrict the means and methods of warfare [20].

The 2023–2024 escalation began in October 2023, when HAMAS and other armed groups launched a large-scale surprise attack on Israel, killing and injuring hundreds of civilians and capturing hostages. [40] Israel responded with extensive aerial bombardments and ground operations in Gaza, aiming to dismantle HAMAS military infrastructure. Over the following months, Gaza experienced unprecedented destruction: entire neighborhoods were leveled, civilian infrastructure such as schools, hospitals, and refugee camps were struck, and essential services including electricity, clean water, and medical supplies collapsed. [42] Reports from the United Nations, the International Committee of the Red Cross (ICRC), and a range of human rights organizations have described the conflict as a humanitarian catastrophe, raising urgent questions about compliance with IHL on both sides of the hostilities [23].

The Israeli-Palestinian armed conflict throughout 2024 can be said to be the worst conflict in the history of the dispute between the two countries, at least in the last ten years. The number of human casualties and damage caused by the armed conflict is extraordinary. The total human casualties due to Israeli attacks on Palestine (especially Gaza) reached more than 50 thousand people, while the attacks by HAMAS forces on Israeli territory killed at least 1,500 people. The UN Human Rights Office says nearly 70% of the verified deaths in Gaza were women and children. [18] Damage to infrastructure, including homes, hospitals, schools, economic centers and government buildings is widespread throughout Gaza.

Since the declaration of war by Israel on October 8, 2023 until the end of December 2024, the Israeli-Palestinian (HAMAS) armed conflict has lasted 450 days. Meanwhile, the goals of the war or armed conflict from both sides (namely to achieve victory) are still far from reality. [16] Israel's massive bombing of Gaza, supported by Western countries through financial and military aid, shows no signs of ending. In the first four months of the war alone, Israel has launched 70,000 tons of bombs to attack HAMAS militias by destroying thousands

of buildings and residential areas as well as various public facilities in Gaza. According to media reports, the number of bombs launched by Israel in Gaza has exceeded the total number of bombings of important cities during the Second World War, namely Dresden, Hamburg, in Germany; and London in England. [38].

The allegations of violations are multifaceted. Palestinian armed groups have been accused of indiscriminate rocket attacks directed toward civilian areas of Israel, the taking of hostages, and the use of civilians as human shields—all practices expressly prohibited under IHL. [3] On the other hand, Israel has faced accusations of disproportionate attacks, indiscriminate bombardment of densely populated areas, forced displacement of civilians, and the imposition of a blockade that has deprived the civilian population of indispensable supplies. [22] These acts raise questions about breaches of fundamental IHL principles such as distinction, proportionality, and necessity.

The principle of distinction obliges parties to an armed conflict to differentiate at all times between combatants and civilians, targeting only military objectives. Yet, the repeated shelling of residential areas, health facilities, and places of worship has led to widespread civilian casualties. The principle of proportionality prohibits attacks in which the expected incidental civilian harm would be excessive in relation to the concrete and direct military advantage anticipated. [20] The high death toll, particularly among women and children, has prompted critics to argue that proportionality has not been observed. Moreover, the principle of necessity limits the use of force to what is required to achieve legitimate military objectives, which casts doubt on the legality of strikes on critical civilian infrastructure.

Beyond the battlefield, the humanitarian consequences of the conflict illustrate another dimension of potential IHL violations. The near-total siege imposed on Gaza severely restricted food, water, fuel, and medical aid. This has raised allegations of collective punishment, which is prohibited under Article 33 of the Fourth Geneva Convention. At the same time, reports of hostage-taking and the use of civilian facilities for military purposes by Palestinian armed groups represent additional breaches of international humanitarian norms. [3] The cumulative impact has been to place civilians at the epicenter of the conflict's devastation, contrary to the very spirit of IHL.

Examining violations of IHL in this conflict is not merely an academic exercise but a pressing legal, moral, and political necessity. Accountability for such violations lies at the heart of the international system's efforts to deter future abuses, to provide justice for victims, and to reaffirm the rule of law even amidst war. However, enforcing IHL in asymmetric conflicts—where state and non-state actors engage in hostilities within highly urbanized environments—poses profound challenges. Legal debates over military necessity, proportionality,

and the status of combatants are often contested, while geopolitical dynamics complicate pathways to accountability.

The current Israeli-Palestinian armed conflict is not only the worst humanitarian tragedy in the last ten years, but also an event where a number of international norms, ranging from human rights law, refugee law, to international humanitarian law face great challenges. Both parties in conflict, especially Israel, not only refuse to listen to the international community's call to stop the fighting, but also completely ignore the rules of armed conflict as regulated by international humanitarian law. In particular, Israel has shown barbaric behavior during its battle with the Palestinians. International humanitarian law and a number of other humanitarian laws seem to mean nothing to Israel.

On the other hand, the international community (especially the UN) is also powerless in the face of Israel's barbaric behavior during the armed conflict with Palestine. In addition to issuing a number of sterile Resolutions (because they are always vetoed by the United States), there has been practically no significant real action to stop Israel's blind military aggression, let alone action to punish Israel for the violations of international humanitarian law that they commit almost every day. This article is intended to analyze why the implementation and law enforcement of the principles of international humanitarian law (especially in the Israeli-Palestinian armed conflict) cannot run as expected by the international community.

This article seeks to analyze the alleged violations of international humanitarian law during the 2023–2024 Israeli-Palestinian armed conflict. It will outline the applicable legal framework, examine specific instances of conduct by both Israeli forces and Palestinian armed groups, and assess these actions in light of IHL principles. This article also aims to analyze why the implementation and enforcement of the principles of international humanitarian law (especially in the Israeli-Palestinian armed conflict) cannot run according to the expectations of the international community. By doing so, the study aims to contribute to a clearer understanding of how law is applied—or disregarded—in modern armed conflicts, and to highlight the enduring importance of upholding humanitarian norms in times of war.

2. Research Methodology

This article is the result of research using a qualitative approach with an descriptive type of research. According to Creswell, descriptive qualitative research design focuses on providing a detailed and comprehensive summary of a phenomenon or situation as experienced by individuals or groups. It aims to describe the "what" and "how" of a phenomenon without delving deeply into the reasons "why". This approach is characterized by its focus on providing a rich, detailed account of the context, experiences, and perspectives of participants, often using everyday language. [15] This ap-

proach is used to gain a deeper understanding of the quantitative results by exploring the "what" and "how" behind them. In this case, apart from wanting to know what factors are obstacles to the implementation and enforcement of IHL law in the Israeli-Palestinian armed conflict, the researcher also wants to explain how the difficulties to implementation and enforcement of this law.

The data collection technique (collecting the data) used in this study is triangulated, namely using a combined or simultaneous data collection technique. The selection of the types of collection techniques in this study is more based on practical considerations, especially regarding cost and time limitations. As Maxwell said, the selection of data collection techniques in qualitative research is very important to consider practical considerations. With these practical considerations, in this study, several data collection techniques such as literature techniques, documentation techniques, and historical record Techniques. Each data collection technique is used to network different data according to the needs of this research.

To analyze or interpret the data obtained through some of the above data collection techniques, interpretive analysis techniques are used. This technique is used to analyze how the difficulties to implementation and enforcement of IHL in the Israeli-Palestinian Armed Conflict in the 2023-2024 period.

3. Literature Review

3.1 Norms and Objectives of IHL

International Humanitarian Law (IHL), also known as the Law of War and the Law of Armed Conflict, is a part of public international law that regulates armed conflicts, both international and non-international. International Humanitarian Law – hereinafter abbreviated as IHL, is inspired by humanitarian considerations. IHL is intended to minimize those who do not – or no longer – take part in hostilities and to make combat more humane by limiting the use of barbaric (cruel) weapons. [7] In Daniel Thurer's term, IHL is intended to "humanize" organized violence [41].

As the law governing international and non-international armed conflicts, IHL consists of rules that apply during the conflict (in time of war) or regulate the conduct of the conflict (jus in bello). These rules also apply to situations of occupation arising from armed conflict. For example, when there was an armed conflict (the 2003 Gulf War) between the United States (US) and Iraq, followed by the US occupation of Iraq until 2011, IHL should have applied both during the Gulf War and when the US occupied Iraq for years.

The ICRC (International Committee of the Red Cross) defines IHL as a set of rules that seek, for humanitarian reasons, to limit the effects of armed conflict. IHL is intended to protect persons who are not – or no longer – participating in hostilities and to limit the means and methods of warfare. IHL is part of international law that is intended to regulate relations between states and is applied to armed conflicts. [23] As a set of rules,

IHL is established through treaties or customs which are intended to protect people and property (objects) that may be affected by armed conflict, and to limit the rights of those involved in the conflict in using the methods and means of warfare of their choice.

Although IHL is part or a branch of (public) international law, IHL is different from international law in general. IHL is based on the concept of *jus in bello*, which is defined as the law of war. This means that the rules in IHL are only active in situations of armed conflict or war. However, like other international laws, IHL requires (or is very dependent on) the political will of states. This means that when a situation is considered an armed conflict, IHL can be applied. Many states insist on not recognizing a situation as an armed conflict (so there is a reason not to apply IHL) for certain political reasons [12].

Meanwhile, Elizabeth Chadwick, understands IHL by dividing it into two main branches, namely the law of war and limited aspects of human rights law. In this case, what is meant by the law of war are the provisions contained in the Hague Convention, or the law of good war whose provisions are regulated in the Geneva Convention, or humanitarian law. The law of good or proper war (the law of war proper) regulates countries in choosing the means and methods of warfare in an armed conflict. Humanitarian law protects individuals and mitigates the impact of an armed conflict. While human rights law is a law that basically regulates a country's relationship with its own citizens during times of peace [11].

According to Dieter Fleck and Michael Bothe, the rules of IHL apply with equal force to all parties involved in an armed conflict, regardless of which party or who is responsible for starting the war or armed conflict. IHL consists of the entire law established to regulate the conduct of armed conflict. [19] So, in this case, IHL is not intended to determine who is right and who is wrong in the conflict. IHL only has a commitment that anyone who is at war (in conflict using weapons) must comply with the rules of war.

The main purpose of IHL is to maintain humanity, save lives, and reduce the suffering of people who are victims or affected by armed conflict. In other words, the main purpose of IHL is to provide protection to civilians and civilian objects and people (soldiers) who are no longer taking part in the fighting. [27] In order to achieve this main purpose, IHL regulates how war is fought. From the perspective of IHL, war is not only aimed at weakening the enemy, but must also be able to limit the suffering of those who are victims of war (armed conflict) as much as possible.

Therefore, all parties to the war (involved in war) need to respect IHL, be it government forces or non-state armed groups. [1] There are consequences if the rules of war are violated or not obeyed. Parties (individuals) suspected of violating IHL can be called perpetrators of war crimes, which are documented and can be investigated by countries and international courts. These individuals can be prosecuted and punished severely for the war crimes they have

committed.

In addition to these main objectives, IHL specifically has the following targets: (1) Protecting those who are not participating in the war, such as civilians, medical personnel and aid workers; (2) Protecting those who are no longer able to fight/fight, such as wounded soldiers or prisoners; (3) Prohibiting the targeting of civilians, and doing so is a war crime; (4) Recognizing the right of civilians to be protected from the dangers of war, and to receive the assistance they need; (5) Mandating that those who are sick or injured have the right to be treated, regardless of which side they belong to; (6) Establishing that medical personnel, medical vehicles and hospitals dedicated to humanitarian work cannot be attacked; (7) Prohibiting torture and degrading treatment of detainees; (8) Establishing that detainees must receive food and water and be allowed to communicate with their loved ones; (9) Limiting the weapons and tactics that can be used in war, in order to avoid unnecessary suffering; (10) Explicitly prohibiting rape or other forms of sexual violence in the context of armed conflict; (11) Protecting historic buildings, monuments, works of art and other cultural property [5].

3.2. Problems of IHL Implementation

War anywhere is, first and foremost, an institutional catastrophe, a breakdown of the legal system, a situation in which rights can only be guaranteed by those in power. Anyone who has experienced war knows that violence entails the destruction of standards of conduct and legal systems. The idea of IHL is to persuade the belligerents to accept exceptional legal rules, specifically tailored to the situation. That is why humanitarian action cannot be understood without close and permanent dialogue with the parties to the conflict [32].

The implementation and enforcement of international law in general, and IHL in particular, are highly problematic. Challenges in the implementation and enforcement of IHL are as endemic as those of international law in general. [26] The international legal system is based on the notion of sovereign equality of states, which generally states that no state can interfere in the internal affairs of another sovereign state. Implementation, in general, means compliance with the law or enforcement in cases of violation. In an international system lacking a central, supranational authority, the obligation to implement international law generally rests with its principal actors, namely national governments. Other entities operating at the international level, perhaps with the exception of the UN, have only limited authority to influence the implementation process of international law [33].

The problem of implementing humanitarian norms is also crucial for the efficiency and effectiveness of IHL. In general, the implementation of IHL consists of the steps of promoting humanitarian law norms into national and international legal systems in order to make them part of those systems and make them applicable in practice. Implementation is not simply

translating provisions from one area of law to another, but also translating abstract norms into concrete rules governing behavior in specific situations. Implementation is a prerequisite for any application of IHL or regarding the observance of humanitarian norms in a specific armed conflict (Fischer & McDonald, 2004).

According to Ficher & McDonald, the implementation of IHL norms, both in international and non-international conflicts, usually must first be carried out in peacetime. This is difficult in itself because the implementation of humanitarian law is usually not a priority on the agenda of various governments. [17] Applying applicable norms in non-international armed conflicts is even more difficult and in practice almost never has an efficient effect, because such implementation measures must not only address the behavior of government armed forces but also non-government armed forces, e.g. rebel armies.

The steps to implement IHL can be grouped into four types: preventive measures, compliance measures, repressive measures, and other measures. Preventive measures are measures that need to be taken in times of peace (measures in time of peace). Compliance measures are measures that must be taken in times of war (measures in time of war), for example, the steps that must be taken by the Protecting Power and Protected State, as well as humanitarian actions by the ICRC. Repressive measures are law enforcement measures, which determine the extent of state responsibility and the extent of individual responsibility. Meanwhile, other measures include the establishment of standard investigative procedures, cooperation with international fact-finding commissions, cooperation with the UN Security Council, and so on [6].

In times of war or armed conflicts, the need to respect and ensure respect for IHL is paramount. This principle is stated in Article 1 of the Geneva Conventions, which states that the Parties to the Conventions “undertake to respect and to ensure respect for the present Convention in all circumstances.” According to this principle, respect for IHL is the responsibility of both the affected state and all states parties to the Convention to ensure that violations of the Convention are stopped. Any state affected by a violation of IHL may take steps permitted by general international law, and IHL in particular, to ensure respect for IHL.

Thus, the implementation of international law is not as straightforward as national law. In many cases, the implementation of international law still relies heavily on the voluntary actions and goodwill of sovereign states. Non-state entities are limited to activities aimed at encouraging, assisting, or persuading national governments to comply with their legal obligations. Furthermore, international bodies only assist in developing standards of state responsibility and promoting a general atmosphere of accountability in the international arena. Most mechanisms that can be utilized to implement IHL are more normative than institutional.

4. Research Results

As is known, the Israeli military attack on the Gaza Strip (Palestine) which was blind and indiscriminate was triggered by an attack carried out by HAMAS on Israeli territory on October 7, 2023 which killed at least 1139 people, most of whom were not fighters or combatants. Immediately after the incident, Israel declared war on HAMAS. Israel moved to mobilize 300,000 reserve troops and began moving armored vehicles near the border with the Gaza Strip. Before carrying out the attack on the Gaza Strip, Israel informed the UN that more than one million people living in the northern part of the Gaza Strip must evacuate within 24 hours. Israel also warned that anyone who chose not to evacuate could be identified as a partner of the terrorist group (HAMAS).

On the night of October 27, Israel launched a massive ground offensive on the cities of Beit Hanoun and Bureij in the Gaza Strip. Day by day, the Israeli attacks continued to expand into and destroy the Gaza Strip. Casualties fell on both the Israeli side and HAMAS. According to a report by The Wall Street Journal, by January 2024 Israel had eliminated at least 30% of Palestinian fighters (including HAMAS) in the Gaza Strip. In addition to the thousands of its militants who were killed, by the end of January 2024 at least 31 thousand Palestinian civilians had been killed as a result of the Israeli military aggression. A large number of children have died, causing Gaza to be declared "the most dangerous place for children". [10]

From the perspective of international humanitarian law, the Israeli military attack on the Gaza Strip can be categorized as an act of retaliation (reprisal). Reprisal is a coercive measure carried out by a country against another country with the intention of resolving a dispute that arises because the country subject to the reprisal has carried out an unjustified action. In this case, the Palestinian party (HAMAS) has carried out an action that is not justified by international humanitarian law, namely carrying out an attack on Israeli territory which caused more than 1000 civilians to die. Reprisal can be justified if it is in accordance with applicable legal provisions and does not violate international humanitarian law [36].

Based on reports from a number of media outlets, it can be concluded that Israel's retaliatory actions are retaliatory actions that violate international humanitarian law. At least the large-scale military invasion of the Gaza Strip has violated the principle of proportionality and the principle of military necessity in international humanitarian law. Indeed, in this case, HAMAS (Palestine) has also violated international humanitarian law, especially the principles of humanity and distinction. In this case, HAMAS fighters ignored humanitarian considerations and could not distinguish between civilian and military targets. More than 1,000 civilians were proven to have died in the HAMAS attack on Israel on October 7, 2023. Under the principle of distinction, anyone involved in an armed conflict must distinguish between people defined as combat-

ants (who can be attacked) and civilians (who must be protected).

The violations of the principles of international humanitarian law committed by Israel are much more numerous and complex. First of all, in carrying out the retaliatory action, Israel has violated the principle of proportionality. Based on the principle of proportionality, the parties to the conflict are prohibited from carrying out attacks on military targets that are "expected to cause loss of civilian life, injury to civilians, damage to civilian objects, or a combination of both, which is excessive when compared to the concrete and direct military advantage expected". In other words, the principle of proportionality aims to limit the losses caused by military operations by requiring that the impact of the means and methods of warfare used must not be disproportionate to the desired military advantage. In this case, Israel's indiscriminate military attack has caused extraordinary damage and the loss of civilians so great that it is not comparable to Israel's military interests in weakening the enemy (HAMAS).

Israel's violation of the principle of proportionality has implications for various forms of violation of other principles of humanitarian law. One of these is the violation of the principle of distinction. The principle of distinction is a basic principle of international humanitarian law which stipulates that parties to an armed conflict must "distinguish at all times between civilians and combatants and between civilian objects and military objectives and must therefore direct their operations only against military objectives." This means that indiscriminate attacks and the indiscriminate use of means and methods of warfare are prohibited.

In essence, during the armed conflict between Israel and Palestine in 2023–2024, numerous violations of international humanitarian law (IHL) were reported, including attacks on civilians and medical facilities, and the use of prohibited military tactics. The following are other forms of violations reported by various international bodies and reported by various global media outlets:

4.1. Attacks Directed Against Civilians

Israel reportedly carried out massive air strikes in Gaza, targeting densely populated areas, including homes, schools, refugee camps, and markets. These attacks used large bombs such as the GBU-31 and GBU-39, causing hundreds of casualties, with the death toll allegedly higher than reported. [21] This is just one example among hundreds of incidents during the Israeli attack on Gaza. International humanitarian law prohibits attacks directed against civilians, and these crimes are categorized as war crimes punishable by the International Criminal Court.

4.2. Forced Displacement and Mass Expulsion

The military order to move residents from northern Gaza to the south is considered a forced displacement that violates the

principle of protection of civilians in IHL. Israel issued an evacuation order that forced more than 90% of Gaza's residents to move from their homes. Human Rights Watch (HRW) called this policy a forced displacement that violates international humanitarian law and may constitute a crime against humanity. HRW also highlighted that statements by Israeli officials, such as Finance Minister Bezalel Smotrich, who stated that there would be "no half measures" and called for the "total destruction" of Gaza towns, indicated an intention to carry out systematic forced displacement. The Geneva Conventions explicitly prohibit the eviction or forcible transfer of a protected person.

4.3. Attacks on Health Facilities and Medical Personnel

Israel has carried out more than 660 attacks on health facilities, including hospitals and ambulances. Even the Indonesian Hospital (RSI) in Gaza has been a target of these indiscriminate Israeli attacks. These attacks have resulted in numerous medical personnel deaths and severe damage to many health facilities. During the siege of Al-Shifa Hospital in March 2024, there were reports of the execution of civilians who surrendered after being captured by Israeli forces. Al Jazeera and Euro-Med Monitor called these extrajudicial executions and violations of international humanitarian law. HRW considers these attacks to be clear violations of international humanitarian law, which protects medical facilities and health workers in armed conflict. Under international humanitarian law, health facilities are protected objects, and attacks on them can be categorized as war crimes.

4.4. Restrictions on Access to Humanitarian Aid

Israel has imposed a total blockade on Gaza since March 2025, halting the delivery of humanitarian aid such as food, water, and medicine. [44] UN Human Rights Commissioner Volker Türk said the escalating famine in the Gaza Strip is a result of Israel's restrictions on the entry and distribution of humanitarian aid. He warned that this could constitute a war crime. The blockade of humanitarian aid is considered collective punishment against civilians and a violation of international humanitarian law. HRW and several US senators have called this a violation of international law prohibiting restrictions on humanitarian aid. According to HRW, the blockade has caused a severe humanitarian crisis in Gaza. [37]

4.5. Violations of Civil and Political Rights

Israel is holding more than 2,800 Palestinians without charge or trial in so-called administrative detention. According to Israeli human rights groups, this is the highest number in more than three decades and constitutes a violation of the rights to liberty and protection from arbitrary detention. The total number of Palestinian security detainees in Israeli jails

now stands at 7,677, an increase of approximately 700 in one month. Furthermore, violence by Israeli settlers against Palestinians has increased rapidly, averaging more than five incidents per day since October 7, 2023. HRW considers these actions part of a policy that discriminates against and oppresses Palestinians. Amnesty International reported torture and inhumane treatment of Palestinian detainees by Israeli forces. Of the 27 detainees interviewed, many reported being tortured and ill-treated during detention. Such torture constitutes a war crime under international law.

4.6. Use of Chemical Weapons: White Phosphorus

In October 2023, Human Rights Watch and Amnesty International reported the use of white phosphorus by Israeli forces in densely populated areas of Gaza and Lebanon. White phosphorus is an incendiary weapon and one of the cruelest weapons in modern warfare. It causes excruciating burns, respiratory damage, and psychological trauma. The burning of homes, infrastructure, and crops causes socioeconomic losses and environmental damage. Survivors often suffer for life. Therefore, the use of this weapon in civilian areas constitutes a violation of international humanitarian law.

4.7. Destruction of Agricultural Infrastructure and the Environment

According to UN satellite imagery analysis, more than 70% of Gaza's agricultural land has been destroyed by Israeli attacks, including 90% of livestock and most irrigation wells and greenhouses. A September 2024 survey found that more than half of the territory's sheep and goat herds had been wiped out, while more than three-quarters of the territory's renowned orchards had been destroyed or damaged. According to Rein Paulsen, an FAO official, local food production in Gaza has been decimated. Satellite imagery shows that heavy vehicle tracks, demolitions, shelling, and other conflict-related pressures have damaged extensive agricultural land, infrastructure, wells, and other productive infrastructure. The destruction substantially increases the risk of severe famine there. This destruction of agricultural resources violates Article 54 of the Geneva Convention, which prohibits the destruction of food resources essential for civilian survival. [43]

5. Discussion

In times of armed conflict, the need to respect and ensure respect for IHL is paramount. This principle is stated in Article 1 of the Geneva Conventions, which states that the Parties to the Conventions “undertake to respect and to ensure respect for the present Convention in all circumstances.” According to this principle, respect for IHL is the responsibility of both the affected state and all states parties to the Convention to ensure that violations of the Convention are stopped. Any state

affected by a violation of IHL may take steps permitted by general international law and specific IHL to ensure respect for IHL. [28]

However, the implementation and enforcement of international law in general, and IHL in particular, are highly problematic. Challenges in the implementation and enforcement of IHL are as endemic as international law in general. The international legal system is based on the idea of sovereign equality of states, which generally states that no state can interfere in the internal affairs of another sovereign state. Implementation, in general, means compliance with the law or enforcement in cases of violation. [8] In an international system that does not have a central supranational authority, the obligation to implement international law is generally assigned to the main actors, namely the governments of states. Other entities operating at the international level, perhaps with the exception of the UN, have only limited authority to influence the process of implementing and enforcement of international law [33].

Thus, the implementation of international law is not as straightforward as national law. In many cases, the implementation of international law still relies heavily on the voluntary actions and goodwill of sovereign states. Non-state entities are limited to activities aimed at encouraging, assisting, or persuading national governments to comply with their legal obligations. Furthermore, international bodies only assist in developing standards of state responsibility and promoting a general atmosphere of accountability in the international arena. Most mechanisms that can be utilized to implement IHL are more normative than institutional.

In addition to the aforementioned problems, the implementation and law enforcement of international humanitarian law, particularly in the Israeli-Palestinian armed conflict, face many complex and multi-layered challenges, encompassing political, military, and humanitarian aspects. [35] The implementation of international humanitarian law to impose sanctions on Israel in the Israeli-Palestinian armed conflict in 2023–2024 also faces significant structural and political obstacles. The following are the main factors that make it difficult to implement this law effectively. [34]

5.1. Limitations of the Jurisdiction of the International Criminal Court (ICC)

As is known, Israel is not a party to the Rome Statute establishing the International Criminal Court (ICC) and does not accept the court's jurisdiction. However, Palestine has been a state party to the ICC since 2015 and recognizes the ICC's jurisdiction over its territory. In November 2024, the ICC issued arrest warrants for Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant for alleged war crimes in Gaza. However, the execution of the warrants has faced obstacles because Israel does not recognize the ICC's authority and will not execute arrests of its officials. The principle of international law which states that a country is not bound by a treaty that it has not signed is known as the principle of “*pacta tertiis*

nec nocent nec prosunt" or "treaties bind the parties that make them". [31]

5.2. Political Veto in the UN Security Council and Western Support for Israel

The UN Security Council has the power to authorize international sanctions, but these decisions are often blocked by permanent member states with veto power, particularly the United States, Israel's main ally. This hampers efforts to implement sanctions against Israel despite evidence of violations of IHL. Furthermore, Israel receives strong support from major powers like the United States, which influences international policy regarding this conflict. For example, despite reports of IHL violations, the United States frequently uses its veto power in the UN Security Council to protect Israel from international sanctions. Western countries like Germany, UK, and France have also shown support for Israel, influencing the international political dynamics regarding the application of IHL. [39]

5.3. Limited Access and Documentation of Evidence

One of the major obstacles to enforcing international humanitarian law (IHL) in the 2023–2024 Israeli-Palestinian conflict lies in the difficulty of accessing conflict zones and documenting violations. The intensity of Israeli military operations, combined with strict restrictions on entry to Gaza and parts of the West Bank, has severely limited the ability of international organizations, journalists, and independent investigators to conduct on-the-ground assessments. Humanitarian agencies and UN fact-finding missions often face prolonged delays or outright denials of access, undermining their capacity to collect timely and reliable evidence. [31] Moreover, the destruction of communication infrastructure has further complicated efforts to transmit information, while security concerns frequently prevent local actors from cooperating with investigators (Reporters Without Borders, December 2023). Fear of reprisals—whether from Israeli authorities, armed groups, or other actors—discourages many potential witnesses from providing testimony or documentation, further weakening accountability mechanisms. As a result, much of the available evidence of alleged IHL violations relies on secondary sources, satellite imagery, or testimonies collected remotely, which, while valuable, are often contested in legal forums. [22] These documentation challenges contribute to the broader climate of impunity, making it difficult to substantiate allegations in judicial or quasi-judicial settings and thus delaying justice for victims.

5.4. Limitations of International Law Enforcement

Although international humanitarian law (IHL) provides a

comprehensive legal framework to regulate armed conflict, its enforcement mechanisms remain notoriously weak. [14] The Geneva Conventions and their Additional Protocols oblige states to prosecute grave breaches and establish universal jurisdiction, but in practice, political considerations often override legal duties. [30] States with significant political and military influence are rarely held to account, as international institutions such as the UN Security Council are frequently paralyzed by competing geopolitical interests and the use of veto powers. [29] Efforts through international tribunals, including the International Criminal Court (ICC), have faced structural limitations: jurisdictional challenges, lack of cooperation from states, and selective enforcement have all undermined the credibility and deterrent effect of IHL. This lack of effective accountability fosters a culture of impunity, signaling to violators that grave breaches may carry little or no legal consequence. [25] As a result, the humanitarian protections envisioned by IHL are often undermined, with civilians continuing to bear the brunt of hostilities. Strengthening enforcement—through universal jurisdiction, greater political will, and consistent application of international justice—remains a critical challenge for the future of humanitarian law. [24]

5.5. A Humanitarian Crisis Obscures Legal Focus

The ongoing deterioration of living conditions in Gaza has created a humanitarian crisis of unprecedented proportions, characterized by the destruction of essential infrastructure, severe food and fuel shortages, overwhelmed medical facilities, and mass displacement of civilians. These urgent realities have dominated global media coverage and galvanized global humanitarian responses, with states, UN agencies, and non-governmental organizations prioritizing relief operations and reconstruction initiatives. While the provision of humanitarian assistance is indispensable, this emphasis often overshadows the equally critical need to address violations of international humanitarian law (IHL). Legal accountability for unlawful attacks, indiscriminate bombardment, hostage-taking, and collective punishment is frequently sidelined in favor of immediate humanitarian imperatives. [22] As a result, perpetrators of grave breaches may escape justice, reinforcing a cycle of impunity that undermines both the protective function of IHL and prospects for long-term peace. [9] The imbalance between relief and accountability not only diminishes the deterrent effect of IHL but also risks reducing the conflict to a perpetual humanitarian emergency, rather than a situation demanding legal redress for victims and enforcement of international norms.

Overall, the implementation of IHL to impose sanctions on Israel in this conflict is hampered by a combination of legal, political, and practical factors. [13] Despite efforts by the ICC to pursue accountability, implementation challenges and limited international support highlight the complexity of enforcing international law in the context of this conflict.

6. Conclusions

The 2023–2024 Israeli-Palestinian armed conflict represents one of the gravest humanitarian crises of recent times, marked by massive civilian casualties and extensive destruction. [4] Despite clear violations of international humanitarian law (IHL) by both parties—particularly Israel, whose actions breach fundamental IHL principles such as proportionality, distinction, and protection of civilians—accountability and enforcement remain elusive.

The research reveals that the implementation and enforcement of IHL in this conflict are severely hindered by structural, political, and legal obstacles. These include Israel's rejection of the International Criminal Court's (ICC) jurisdiction, the protective use of veto power by key UN Security Council members (notably the United States), limited access for evidence collection, and the international community's focus on humanitarian relief over legal accountability.

Ultimately, the article underscores a critical gap between the normative framework of IHL and its practical application. It calls attention to the urgent need for stronger international mechanisms and political will to uphold humanitarian principles and ensure justice for victims of armed conflict.

Abbreviations

HRW	Human Right Watch
ICC	International Criminal Courts
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs

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Biography



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Research Field

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