

International Law's View on the State of Palestine and Its Relation to the Situation of Human Rights Violations

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Abstract

Human rights are rights that are possessed from birth. Human rights are the freedom to have a decent life in terms of economy, education, social, religion, and health. In this study, Palestine's status as a state and its membership in international organizations such as the United Nations (UN) will be explored, including de jure and de facto recognition by UN member states. In addition, this study highlights various UN resolutions and international treaties relevant to human rights and how they are implemented in the Palestinian territories. Through the analysis of international legal documents, reports from non-governmental organizations, as well as case studies related to human rights violations, this abstract aims to provide a comprehensive overview of the role of international law in protecting human rights in Palestine and the challenges faced in realizing such protection.

Keywords

International Law; Palestine; Human Rights

Introduction

The international legal perspective on the status of the State of Palestine and the accompanying human rights violations occurring within its territories is a subject of profound complexity and deep controversy. As a region that has long been marred by political disputes, territorial conflicts, and humanitarian crises, Palestine presents an intricate challenge for the international legal community in terms of both recognition and enforcement of legal norms. The question of whether Palestine qualifies as a sovereign state under international law significantly influences how human rights violations within its borders are acknowledged and addressed by global institutions and foreign governments. Thus, the legal recognition of Palestine is not merely symbolic; it carries with it substantial implications for international accountability and humanitarian protection.

From the perspective of the constitutive theory of statehood, Palestine can arguably be classified as a sovereign state, given that it meets essential criteria such as a defined territory, a permanent population, a functioning government, and the capacity to enter into relations with other states. This classification is further supported by the fact that more than 130 United Nations member states and several international organizations recognize Palestine's statehood, a number that continues to grow in the face of prolonged occupation and conflict. Additionally, from a normative standpoint, Palestine has taken part in various international activities akin to those undertaken by fully recognized sovereign states. For example, Palestine has signed and ratified multiple international treaties and has been granted the status of a non-member observer state in the United Nations General Assembly, providing it a platform to advocate for its rights and interests.

The recognition of Palestine's legal status is directly linked to how international law treats the widespread and systemic violations of human rights within its territories. These violations, often attributed to prolonged occupation, military aggression, and systemic discrimination, raise critical concerns under international humanitarian law and human rights law. The lack of a clear and universally accepted legal framework for Palestinian sovereignty often hampers effective intervention, justice mechanisms, and international cooperation in responding to these abuses. Furthermore, the ongoing conflict has resulted in countless civilian casualties, restrictions on movement, the demolition of homes, and the suppression of basic civil liberties, all of which have been documented by various human rights organizations and United Nations bodies. Therefore, an in-depth examination of international law's view on Palestine not only sheds light on its disputed status but also serves as a lens through which the broader issues of human rights enforcement in conflict zones are understood. By critically exploring the intersection between statehood recognition and the protection of fundamental human rights, this discussion aims to contribute to the evolving discourse on legal justice, sovereignty, and international responsibility in the case of Palestine.

According to M. Syuib, MH in his journal entitled *PALESTINE STATE IN THE PERSPECTIVE OF INTERNATIONAL LAW* explains that Palestine has become a sovereign state or not is still happening today. For those who support, argue that currently Palestine has become a sovereign state because Palestine already has a government, territory, flag and also a permanent population. On the other hand, for those who disagree argue that although Palestine has met the criteria above, they still do not have full control over their territory. Some parts of the Palestinian territory are still under Israeli control. Therefore, this group considers that Palestine cannot be categorized as a sovereign state because they do not yet have full control over their territory.

Methods

This research employs a theoretical and normative legal approach, which aims to explore and analyze the international legal perspectives on the status of the State of Palestine and its relation to ongoing human rights violations. The study is structured as a library-based or literature research, focusing on legal doctrines, international agreements, scholarly interpretations, and authoritative commentaries concerning international humanitarian law and human rights law. This methodology is particularly suitable for understanding abstract legal concepts, interpreting international legal texts, and evaluating the compliance of state actions—especially those of Israel—with established international norms and principles. The data collection technique used in this research involves an in-depth review and critical analysis of secondary sources such as books, academic journals, official reports, international legal

instruments, declarations, and resolutions issued by global institutions like the United Nations and international human rights organizations. By examining various legal documents and authoritative commentaries, the researcher seeks to construct a comprehensive understanding of Palestine's legal status and the extent to which violations against civilians and infrastructure in the region fall under the purview of international humanitarian law

This study applies the method of normative juridical analysis, where the legal materials are interpreted in light of international law principles, especially those concerning armed conflict and the protection of civilians. A key reference in this regard is the Principle of Military Necessity as codified in Article 57 of Additional Protocol I to the Geneva Conventions. This article mandates that, during armed conflict, parties must take all feasible precautions to avoid harming civilian populations, personal property, and critical infrastructure. The violations committed by Israeli forces, as documented in various international reports, are assessed against this standard, highlighting breaches of humanitarian law in the conduct of hostilities.

Furthermore, the research considers the growing international responses to the intensifying conflict, using them as additional indicators of how the global legal and political community perceives the legitimacy and legality of actions taken in Palestinian territories. By triangulating legal theory with empirical documentation from trusted international bodies, the methodology enables a detailed examination of both the legal recognition of the Palestinian state and the accountability mechanisms for human rights violations under international law. Through this theoretical and normative framework, the research does not seek to resolve the political conflict per se but aims to illuminate how international legal norms can and should be applied to protect vulnerable populations, affirm statehood under international law, and promote justice in a deeply contested geopolitical context.

Discussion

The armed conflict between Israel and Palestine continues to generate unpredictable and varied responses from the international community, reflecting the complex geopolitical dynamics in the region. The prolonged tensions have led to severe human rights violations, particularly affecting Palestinian civilians. In response to this alarming situation, South Africa filed a case against Israel at the International Court of Justice (ICJ), accusing it of violating the Genocide Convention. This legal action demonstrates growing global concern regarding Israel's military operations, which are seen by many as exceeding the bounds of legitimate self-defense and infringing upon international humanitarian law. The ICJ responded by issuing a set of provisional measures, requiring Israel to immediately halt any actions that could constitute violations of the Genocide Convention and to report its compliance within a one-month period. However, as of now, Israel has not adhered to these provisional measures. This lack of compliance underscores a structural weakness in the international legal system, particularly when states disregard decisions made by international judicial bodies. Although the ICJ holds a high degree of symbolic and legal authority, its effectiveness depends heavily on the political will of the states involved, and its rulings are not always enforceable in practice.

In the context of the Israeli-Palestinian conflict, the ICJ functions more as a moral and legal mediator than as an institution with coercive enforcement power. Its inability to compel full compliance from member or non-member states limits its capacity to influence the conflict decisively. As a result, despite the normative weight of the ICJ's decisions and recommendations, their actual impact on the ground remains limited. This highlights the broader challenge faced by the international legal system when trying to address violations

committed by powerful states that are unwilling to submit to international rulings. Meanwhile, the legal status of Palestine under international law has shown significant developments. De jure, Palestine is recognized as a state by more than 130 UN member countries, signaling strong political and symbolic support from much of the international community. However, de facto, Palestine has yet to achieve full sovereignty or effective control over its territory, as large portions remain under Israeli military occupation. In 2012, the UN General Assembly upgraded Palestine's status to that of a "non-member observer state," allowing for greater participation in UN activities without granting full voting rights.

Palestine has also gained membership in several international organizations, including UNESCO and the International Criminal Court (ICC). This involvement strengthens its legal and political legitimacy on the global stage. Yet, such recognition has not brought an end to the suffering of the Palestinian people, as Israel's continued occupation and human rights violations remain significant barriers to justice and peace. Despite growing international support for Palestine's statehood, the lack of tangible enforcement mechanisms within the international legal framework has hindered meaningful progress. Therefore, sustained and coordinated international efforts are essential to uphold international law, protect human rights, and end the illegal occupation. A just resolution through a two-state solution must be actively pursued, supported by diplomatic pressure, legal accountability, and global solidarity. Only through such comprehensive and principled engagement can peace and justice be achieved for the Palestinian people within a legitimate and dignified international legal framework.

Conclusion

The international legal perspective on the State of Palestine and the situation of human rights violations shows that despite significant recognition and support for Palestine on the international stage, the reality on the ground shows that human rights violations continue to be a critical issue. In order to achieve a just and peaceful solution, stronger efforts are needed from the international community to ensure respect for international law and human rights. Strengthening international legal mechanisms, increasing global cooperation, and consistent diplomatic pressure are important steps to encourage respect for and protection of human rights in Palestine.

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