

ABSTRACT

Israel-Palestine war in Gaza on 27th December 2008 – 17th January 2009 conducted in economic sanction form as well as violence to Palestine civilian resulted in not less than 1412 Palestine citizens have been killed, it is a violation form against international humanitarian law. And it was not the first. It can be said that the butchering, humiliating, and torturing by Israel to Palestine citizen in the occupied territories is longest butchering in the modern world history. Mostly all crimes of wars, genocides, and crimes against the humanitarian have been escaped from the court. What interesting the writers attention to study are: How is the mechanism of war legal upholding (humanitarian)? And then how the responses of War Legal Upholding (humanitarian) Institutions to the problems of the victims as result of Israel-Palestine war.

As for the objectives of this research are to identify, to explore and to describe the principles and resources of war law (humanitarian) to uphold by International Court Institutions having an objective to give the protection and justice to the world civil societies. Furthermore we also wish to identify, to understand, and do describe how the mechanism of international court establishment to the victims as result of Israel-Palestine war. Whereas the benefit or use of this research is that this research is expected theoretically to be useful for adding the arena of international relations science development, specially concerning the International Law and War Law (Humanitarian). And then practically, this research is expected to be useful and benefit for decision makers primarily in Indonesia, in dealing with and handling the implementation of war and the implementation of humanitarian legal uphold for protecting the civil society.

The method used in doing this research is description having objective to describe a phenomenon, in this case, the war legal uphold (humanitarian) in the problems of the victims as result of Israel-Palestine war systematically to study and finding the problem solving. The description is an effort to answer the questions of who, what, where, when or how many; so it is an effort to report what is happening.

The result of this research is to reduce the impact of armed conflict. So that the law can afford to give a justice as well to be expected by international society. Primarily Security Council, to sponsor the investigation, claiming, and the war crime court for Israel. The Security Council has sufficiently authority to establish the war crime court such as ad hoc – after emerging ICC – to sponsor the international criminal court for Israel.

Key words: 1. War Law (Humanitarian), 2. The Problems of War Victims.