

**AL JAZEERA'S ROLE IN THE ENFORCEMENT OF INTERNATIONAL
HUMANITARIAN LAW IN THE CASE OF SHOOTING JOURNALIST SHIREEN
ABU AKLEH BY ISRAELI ARMY**

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ABSTRACT

This research is present to analyze through the concept of the international community implemented in the case study. The concept of the international community is used to analyze the role played in the process of enforcing international law. The killing of journalists in armed conflict areas always ends with impunity for the perpetrators. To overcome this, Al Jazeera performs its role as an international community through its three functions: propaganda function, social control function and advocacy function. In carrying out its propaganda and social control functions, Al Jazeera continues to voice the implementation of investigations through news about the Shireen Abu Akleh shooting case, causing many solidarity actions and campaigns in response to this and the investigation as a response from the government and related institutions. Then in carrying out its advocacy function, Al Jazeera submitted the Shireen Abu Akleh shooting case to the International Criminal Court (ICC) after the collection of evidence obtained from investigations conducted by many parties. The research method used is descriptive qualitative method. The results of this study, that Al Jazeera as an international community has succeeded in carrying out its role in international law enforcement efforts carried out through three functions it has as an international media organization.

Keywords: *Al Jazeera, Internatioanl Law, Killing of Shireen Abu Akleh*

1) INTRODUCTION

This research will discuss how Al Jazeera seeks to enforce International Law in the case of the shooting of journalists by Israeli soldiers. The issue of the shooting of journalists has been widely discussed because many similar cases have not been resolved properly. Therefore, this case is one of the cases that is very concerned by the world community.

The conflict between Israel and Palestine is one of the long conflicts with complicated background problems. The struggle for territory to the differences in beliefs are some of the factors that cause the birth of the conflict. The Israeli-Palestinian conflict has caused many casualties from both combatants and non-combatants. The term non-combatant is a term for civilians who do not participate in a conflict¹ such as medical personnel or religious leaders who are members of the military but still receive protection because of their duties to carry out their profession. Journalists are one of the professions that fall into this group given the task given to cover and provide the latest news about ongoing conflicts to the world community.

The protection of journalists has been regulated in International Law, specifically in International Humanitarian Law (IHL)² which regulates the procedures for waging war. In general, IHL explains the rules of armed conflict and the protection of civilians, including journalists, during conflict. Although IHL provides protection for journalists, many attacks against journalists still occur and even cause many casualties. This means that, in reality, the protection of journalists has been regulated but the effectiveness of IHL is still questionable. In several conflicts that have occurred, not a few journalists have been detained, injured and even killed as shown by the statistical data of the Committee to Protect Journalists (CPJ), that from 1992-1998 as many as 1335 journalists have been killed either in crossfire or in battle.

International Humanitarian Law is one of the legal systems created with the aim of regulating the procedures for fighting wars and regarding protection for victims of war. Providing protection and assistance to those who suffer / become victims of war, both those who actually / actively participate in hostilities (combatants) and those who do not participate in hostilities (civilian population) is the main purpose of this HHI.³ As in the case that became

¹ Article 51.3 of Protocol to the Geneva Conventions menjelaskan bahwa “*Penduduk sipil akan mendapatkan perlindungan yang diberikan, kecuali bagi mereka yang mengambil bagian langsung dalam sebuah konflik*” (<https://p2k.stekom.ac.id/ensiklopedia/Non-kombatan>) Diakses pada: 6 November 2022, 10:53 WIB

² Ahmad Ruhardi et al., *Hukum Humaniter*, ed. Neneng Sri Wahyuni, 1st ed. (Bandung: Widina Bhakti Persada, 2022), www.penerbitwidina.com.

³ Sujatmoko Andrey, 2015, *Hukum HAM dan Hukum Humaniter*, Rajawali Press, Jakarta

the world's spotlight in 2022, namely the shooting of journalist Shireen Abu Akleh in the Israeli-Palestinian conflict.

Shireen Abu Akleh is a journalist from Al Jazeera media who was shot while carrying out his profession on May 11, 2022 in the West Bank region of Jenin. The Palestinian journalist was shot in the face while covering the conditions of the refugee camp in Jenin, which is thought to have come from the Israeli Zionists. UN spokesperson Ravina Shamdasani told journalists on June 26, 2022 that in her findings "Shireen was killed by gunfire from Israeli forces. We found that the shots that killed Abu Akleh came from Israeli military forces". This statement was followed by the conclusion of the results of monitoring carried out by the UN Human Rights office which stated, "The shots that killed Shireen Abu Akleh and wounded his colleague Ali Sammoudi came from Israeli security forces and not from indiscriminate shooting by armed Palestinians, as claimed by Israel". Seeing the many differences of opinion about who had killed Abu Akleh finally made Al Jazeera give some response.

Reporting from Anadolu Agency (AA), Al Jazeera television station said that it would file a lawsuit with the International Criminal Court (ICC) for the murder of its journalist Shireen Abu Akleh while covering Israeli attacks in the West Bank region, Monday (12/6/2022). Al Jazeera said the lawsuit includes, "...new witness evidence and video footage that clearly shows that Abu Akleh and his colleagues were fired upon directly by Israeli forces".⁴ Al Jazeera is an independent news organization partially funded by the Qatari government. The Doha-based media network was established in 2006 and is a private company established for the purpose of public interest.⁵ The media network follows principles and values that inspire it to always be challenged and courageous, and to give a voice to the voiceless in some of the world's most underreported places.

In one of Ghulam Pambayung's previous studies ⁶ which discusses Israel's behavior towards the killing of Shireen Abu Akleh from the perspective of Constructivism theory, it is said that the killing of Shireen Abu Akleh is a violation of international norms which has violated the Geneva convention and the Rome Statute so that it is the subject of charges against Israel at the ICC. But in reality Israel still rejects the accusations made by Al Jazeera, CNN, the New York Time and the UN. In this case, in accordance with the theory of constructivism,

⁴Diakses dari: <https://www.aa.com.tr/id/dunia/al-jazeera-bawa-kasus-pembunuhan-jurnalis-abu-akleh-ke-pengadilan-kriminal-internasional/2756739>. Oleh: Ahmad Asmar. Pada 1 Januari 2023, Pukul: 10:18 WIB

⁵ Diakses dari: <https://www.aljazeera.com/about-us>. Pada 1 Januari 2023, pukul: 10:38 WIB

⁶ Ghulam Pambayung, "Pendekatan Konstruktivisme Mengenai Perilaku Israel Terhadap Pendekatan Konstruktivis Mengenai Perilaku Israel Terhadap Pembunuhan Shireen Abu Akleh," no. July (2022).

there are three reasons Israel does not want to admit the accusations: First, because of its fear of being judged as a violator of international humanitarian norms. Second, if Israel admits the allegations it will provide a great opportunity for Israel to be prosecuted by the ICC. And third, the possibility that Shireen's behavior could jeopardize Israel's position in its war against the Palestinians which resulted in Israel launching its interest to kill Shireen to secure its position in the conflict in Palestine. This journal focuses on discussing Israel's reasons for rejecting the charges in the Shireen Abu Akleh case from the perspective of Constructivism theory. Departing from this, the author wants to conduct deeper research into the Shireen Abu Akleh murder case with a different perspective, namely regarding the role of Al Jazeera in upholding International Law as a response to the case.

There are several factors and reasons that make this research must be done, namely: First, because cases of human rights violations against journalists in the Israel-Palestine conflict area are increasing every year and have the potential to become cases that will disappear like previous cases if not handled properly. Second, to find out more clearly the extent to which Al Jazeera can play a role in the case as a subject of international law. Third, because the Israeli-Palestinian conflict is one of the long-standing conflicts. And finally because the report submitted to the ICC in 2022 regarding the case against journalist Shireen Abu Akleh has not yet received a bright spot from the ICC.

Therefore, this research will explain how Al Jazeera's role as a subject of international law in enforcing international law in the case of the shooting of Al Jazeera journalist Shireen Abu Akleh.

2) RESEARCH METHODS

In this research, the author used a qualitative method in which the data collection was carried out through document analysis and interpretation of Al Jazeera's role in upholding international law in the murder of journalist Shireen Abu Akleh. As for the approach taken by researchers in this study using a descriptive approach. The object of research this time is the role of Al Jazeera in upholding international law in the case of the shooting of Shireen Abu Akleh by the Israeli army.

The data collection technique used in this research is to use the literature study technique. With primary data sources derived from books, websites and news from official websites (Al Jazeera media) and secondary data derived from several journals or previous studies related to the issues discussed in this research.

1) RESULT AND DISCUSSION

3.1. The Shooting of Journalist Shireen Abu Akleh in International Humanitarian Law

The shooting of Al Jazeera journalist Shireen Abu Akleh, which occurred on May 11, 2022, attracted much attention from the international community. This is because in an international armed conflict, there are several rules regarding the course of a war or a conflict. International Humanitarian Law (IHL) is part of the law that regulates the provisions of protection for victims of war and everything related to how to conduct the war itself. According to Mochtar Kusumaatmadja⁷ IHL is divided into two, namely; 1) Jus ad Belum, which is a law that regulates the order of war in which there are regulations on how a country is allowed to use weapons in a conflict. 2) Jus in Bello, which is a law of war that is further divided into two, namely; legal provisions regarding how the war itself is carried out or can be called the 'Law of Hague' and legal provisions that are present to regulate the protection of war victims from both civilian and military groups called the 'Law of Geneva'.

A. The Status of War Correspondent as Civilians in The 1949 IV Geneva Convention

Geneva Convention IV 1949 is a convention that contains rules regarding the protection of civilians in times of war.⁸ There are several factors that influenced the birth of this convention⁹, namely: First, because there was no convention that was sufficient to coordinate the protection of civilians from arbitrary acts committed by warring parties during WWII. Secondly, the large number of civilian casualties as a result of the improved modern weaponry techniques present in WWII.

The 1949 Geneva Conventions consist of four conventions¹⁰ namely: 1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces on the Field of Battle, 2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, 3) Geneva Convention

⁷ Mochtar Kusumaatmadja. 1980. *Hukum Humaniter Internasional dalam Pelaksanaan dan Penerapannya di Indonesia*. Hal 5.

⁸ Rafika Mayasari Siregar and Abdul Rahman, "Tinjauan Yuridis Konvensi Jenewa IV Tahun 1949 Terhadap Negara- Negara Yang Berperang Menurut Hukum Internasional" (Universitas Sumatera Utara, 2013).

⁹ Ibid.

¹⁰ Rhona K.M Smith et al., *Hukum Hak Asasi Manusia (HAM)*, ed. Knut D Asplund, Marzuki Suparman, and Eko Riyadi, *Evolusi Pemikiran Dan Sejarah Perkembangan Hak Asasi Manusia*, 1st ed. (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia, 2008), www.pushamuii.org.hal 341

Relative to the Treatment of Prisoners of War, and 4) Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

The Geneva Conventions continued to undergo changes and refinements that ended with the establishment of the 1949 Geneva Conventions regarding the protection of war victims.¹¹ The 1949 Geneva Convention IV on the Protection of Civilian Persons in Time of War is a new convention. This convention regulates the position of the civilian population both in combat and occupied areas as well as in neutral countries, all of which are regulated in 159 articles and three appendices.¹²

The protection given to civilians is regulated in part II of the 1949 Geneva Convention IV which contains general and special protection, namely:¹³

1) General Protection, "The general protection afforded to the civilian population shall not be discriminatory. In all circumstances, the civilian population is entitled to respect for its person, family rights, property and the practice of its religion. "2) Special Protection, "Special protection is accorded to those civilians who are members of a social organization carrying out tasks of a social nature to assist other civilians in times of armed conflict."

In this case, it is explained that civilians receive protection in any circumstances for their rights and respect for personal, family, wealth and even religious practices. The same applies to civilians who carry out social duties in an organization must be given the same protection as other civilians.

However, there are still differences between the four conventions regarding who is a civilian. In this case, the Distinction Principle is used to explain who is included in the class of civilians. The Distinction Principle is a principle that divides the population (citizens) of a country at war or involved in an armed conflict into two categories: combatants and civilians.¹⁴

¹¹ Ambarwati, Denny Ramdhany, Rina Rusman, *Hukum Huamaniter Internasional Dalam Studi Hubungan Internasional*, Rajawali Pers, Jakarta, 2009, hal.32-34

¹² Rafika Mayasari Siregar and Abdul Rahman, *Tinjauan Yuridis Konvensi Jenewa Iv Tahun 1949 Terhadap Negara-Negara Yang Berperang Menurut Hukum Internasional*, 2019, <https://media.neliti.com/media/publications/14990-ID-tinjauan-yuridis-konvensi-jenewa-iv-tahun-1949-terhadap-negara-negara-yang-berpe.pdf>.

¹³ Gede Genni Nanda Mahardika, "Penegakan Hukum Terhadap Perlindungan Penduduk Sipil Dalam Situasi Perang Menurut Konvensi Jenewa 1949 (Studi Kasus Konflik Bersenjata Israel-Palestina Dalam Kasus Operation Cast Lead 27 Desember 2008-20 Januari 2009)," *Undiksha Repository* 1, no. 1 (2021): 1–83, <http://repo.undiksha.ac.id/id/eprint/7142>.

¹⁴ Gita Agnestasia Simanjuntak, "Perlindungan Terhadap Wartawan Dalam Konflik Bersenjata Internasional Berdasarkan Hukum Humaniter Internasional" (Universitas Indonesia, 2009).

The definition of combatants in Additional Protocol I 1997 and civilians is found in Article 4A of the Third Geneva Convention 1949.

*Article 4A Geneva Convention III 1949*¹⁵ :

“Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy.... (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization, from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annex model”.

Article 4A of the 1949 Geneva Convention III above shows a regulation regarding the status of civilians given to journalists which aims to protect journalists who are carrying out their duties in war zones.

B. Protection of War Xorrespondents in Additional Protocol I 1997

The 1997 Additional Protocol I is an international treaty that exists to complement the 1949 Geneva Conventions.¹⁶ It aims to improve the legal protection of civilians and the wounded, and sets out detailed humanitarian rules that apply in the event of civil war or international armed conflict.¹⁷

In Additional Protocol I 1977 contains an explanation of the class of combatants described in Article 43 (2) which reads:

*“Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities.”*¹⁸

¹⁵ Gary D Solis, *The Law Armed Conflict (International Humanitarian Law In War)* (New York: Cambridge University Press, 2010), www.cambridge.org/9780521870887.

¹⁶ Dirjen Administrasi Hukum Umum Departemen Kehakiman dan Hak Asasi Manusia Republik Indonesia, *Protokol Tambahan Konvensi Jenewa, Protokol Tambahan I Dan Protokol Tambahan II* (Jakarta, 2003).

¹⁷ ICRC Indonesia, “Protokol Tambahan I Dan II Tahun 1977 - The ICRC in Indonesia | The ICRC in Indonesia,” *Hukum Humaniter/ ICRC & HHI*, last modified February 10, 2012, accessed February 20, 2023, <https://blogs.icrc.org/indonesia/protokol-tambahan-i-dan-ii-tahun-1977/>.

¹⁸ International Committee of The Red Cross (ICRC), “IHL Treaties - Additional Protocol (I) to the Geneva Conventions, 1977 - Article 43,” *IHL Databases- International Humanitarian Law Databases*, accessed February 22, 2023, <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-43>.

From this article it can be understood that the definition of combatants is any armed member of a party to a conflict (other than medical personnel and clergy covered by Article 33 of the third Convention). Those who belong to the class of combatants have the right to participate directly in hostilities.

PT I 1977 itself regulates more deeply the protection of civilians such as journalists who are indeed included in the civilian group as described in Article 4A of the Third Geneva Convention 1949. The protection of journalists in PT I 1977 is regulated in article 79 which discusses protective measures for journalists.¹⁹ However, the term "journalist" has some differences in how it is used.

The regulation of war journalists dates back to Article 13 of the Hague Rules²⁰ and Article 81 of the 1929 Geneva Convention.²¹ However, due to WWII which saw many casualties and some of them also came from war journalists, this was later regulated in Article 4A paragraph (4) of the Third Geneva Convention 1949.²² The article explains the terms "newspaper correspondent" and "reporters" which were later replaced with "war correspondent" and the position of war journalists is considered as civilians. The change in terms was used to adjust to developments in the field of mass media.²³

The regulation on the protection given to war journalists is explained in Article 79 of Additional Protocol I 1977.²⁴

Article 79: Protective Measures for Journalists

Paragraph (1): "Journalists performing hazardous work duties in areas of armed conflict shall be regarded as civilians within the meaning of Article 50(1)." Paragraph (2): "They shall be protected in such a manner under this convention and protocol, provided only that they do not take action which adversely affects their position as

¹⁹ *Terjemahan Protokol Tambahan Untuk Konvensi- Konvensi Jenewa 12 Agustus 1949 Mengenai Pengadopsian Sebuah Lambang Tambahan (Protokol III)*, 2005.

²⁰ Adwani, "PERLINDUNGAN TERHADAP ORANG-ORANG DALAM DAERAH KONFLIK BERSENJATA MENURUT HUKUM HUMANITER INTERNASIONAL," *Dinamika Hukum* 12, no. 1 (2012): 97–107.

²¹ Elsam (Lembaga Studi & Advokasi Masyarakat), "Statuta Mahkamah Internasional – Referensi HAM," last modified October 24, 2014, accessed February 10, 2023, <https://referensi.elsam.or.id/2014/10/statuta-mahkamah-internasional/>.

²² Simanjuntak, "Perlindungan Terhadap Wartawan Dalam Konflik Bersenjata Internasional Berdasarkan Hukum Humaniter Internasional."

²³ Khansadhia Afifah Wardana, Joko Setiyono, and Soekotjo Hardiwinoto, "Diponegoro Law Review," *Dipone* 5, no. 2 (2016), <https://ejournal3.undip.ac.id/index.php/dlr/article/view/10960/10629>.

²⁴ Dirjen Administrasi Hukum Umum Departemen Kehakiman dan Hak Asasi Manusia Republik Indonesia, *Protokol Tambahan Konvensi Jenewa, Protokol Tambahan I Dan Protokol Tambahan II*.

civilians, and without prejudice to their rights as war journalists as set out in article 4A, paragraph 4, of convention III." Paragraph (3): These persons may obtain an identification card similar to the model identification card in annex II of this Protocol. This card, which must be issued by the government of the State of which the journalist is a national or in whose territory he is resident or where the news organization employing him is located, must state his actual position as a journalist.

From the above articles, war journalists performing their duties in war zones should be considered as civilians as long as they do not take actions that affect and harm their position as civilians. Since journalists are considered civilians, they are entitled to the same protection that civilians receive in situations of armed conflict. It can be interpreted that the shooting of Shireen Abu Akleh by Israeli soldiers was intentional and a case of violation of International Humanitarian Law.

3.2. Al Jazeera's Role in Enforcing International Humanitarian Law (IHL) in the Shireen Abu Akleh Shooting Case

Al Jazeera is an Arabic and English media platform based in Doha, Qatar.²⁵ The name Al Jazeera itself comes from Arabic which means Peninsula (Jazirah) or island. This media began operating in November 1996.²⁶ Since its birth, this media platform has captured the attention of many people, especially in the Middle East region.

Al Jazeera was born alongside the regime change of the state of Qatar after Sheikh Hamid bin Khalifa al Thani overthrew his father in 1995²⁷. The power of the new leader brought a wave of liberalism that spread throughout the country, one of which was the issuance of a decision to create a news channel with the aim of unblocking all activities carried out by the government so that the public could know the truth that happened in it. Fully funded by the Emir of Qatar²⁸ This has led to speculation that Al Jazeera is financially and politically under the control of the Emir. In other words, Al Jazeera is government-owned media which means

²⁵“About Us | Today’s Latest from Al Jazeera,” accessed February 5, 2023, <https://www.aljazeera.com/about-us>.

²⁶ Indi N F Sakila, “Peran Al Jazeera Dalam Transformasi Politik Tunisia Pada Peristiwa Arab Spring 2010-2011” (UIN Syarif Hidayatullah, 2016), hal.29

²⁷ Reuter News Service, “PRINCE DEPOSES FATHER IN QATAR PALACE COUP - Deseret News,” *Deseret News*, last modified June 27, 1995, accessed February 18, 2023, <https://www.deseret.com/1995/6/27/19179334/prince-deposes-father-in-qatar-palace-coup>.

²⁸ Retno Sri Wahyuni, “Agenda Setting Al Jazeera Dalam Konflik Mesir Tahun 2013 : Analisis Peran Media Sebagai Aktor Diplomasi Publik Qatar,” *Journal of International Relations* 6 (2020): 350–357, <http://ejournal-s1.undip.ac.id/index.php/jihhttp://www.fisip.undip.ac.id>.

that it is nothing but government propaganda for the people of Qatar. However, in reality the network has considerable freedom from government control as outlined in the decision to remove media censorship.

The freedom comes from the policy of dissolving Qatar's Ministry of Information²⁹ In 1998, this had a favorable impact on Al Jazeera in terms of unprecedented freedom of editing. In the view of Qatari society, Sheikh Hamid is portrayed as a new leader who is more open to political and social ideas.³⁰ This is also what ultimately makes Al Jazeera brave in criticizing governments, especially in the Arab region, including Qatar itself in the sense that the formation of this media is an equal part of a trend of Qatar's freedom from traditional and oppressive government systems.

The advantages that Al Jazeera has certainly become one of the supporting factors for the high popularity of Al Jazeera among the Arab community. After gaining this freedom, Al Jazeera criticized many official governments in the Arab region, including the region that sponsored it, Qatar.³¹ The independent nature of Al Jazeera and the freedom to express its thoughts are influenced by the BBC.³² The recruitment of most former BBC staff by Al Jazeera indirectly makes Al Jazeera have the same characteristics as the BBC, namely "Editorial Spirit, Freedom and Style" or a free spirit in editing. Despite the political pressures, Al Jazeera continues to grow and focus on carrying out its duties in news coverage, where most news sources use local sources. This is what makes Al Jazeera succeed in carrying an open, interesting and intellectual media atmosphere in responding to many events that occur in the Middle East and the Arab world.

In 2006, the Al Jazeera Satellite Network was converted into a public utility in accordance with the provisions of Qatar Law No. 21 of 2006, eventually changing its name to "Al Jazeera Media Network".³³ This makes it a private company formed for the public good. Al Jazeera Arabic was the first channel in the Arab world to provide comprehensive news and broadcast live debates. Subsequently, in 2006, Al Jazeera English was re-established as part of

²⁹ Muhammad Farhan Kamaluddin, "Universitas Katolik Parahyangan Fakultas Ilmu Sosial Dan Ilmu Politik Tuntutan Pembubaran Kantor Berita Al-Jazeera Oleh Arab Saudi Dan GCC Pada Krisis Diplomatik Qatar 2017 Skripsi Diajukan Untuk Ujian Sidang Jenjang Sarjana" hal.16 (Univesitas Katolik Parahyangan, 2019).

³⁰ Jamal Abdullah, "Analysis: Qatar's Foreign Policy – the Old and the New | Opinions | Al Jazeera," *Opinion*, last modified November 21, 2014, accessed February 19, 2023, <https://www.aljazeera.com/opinions/2014/11/21/analysis-qatars-foreign-policy-the-old-and-the-new/>.

³¹ Putri Rahmawati, "Tendensi Dan Ideologi Al Jazeera Dan Cnn Berbahasa Arab Dalam Pemberitaan Kekerasan Islamic State of Iraq and Syria (Isis)," *Tesis* (2017): 212.

³² *Ibid.* 52

³³ *Ibid.*

the network which has grown to the present day and it is estimated that Al Jazeera has more than 50 bureaus spread across the world.³⁴

Al Jazeera media network actively provides an alternative voice to a global audience, and is fast becoming one of the world's most influential news networks. Al Jazeera pioneers new ways of thinking that are relevant and insightful to its audience by providing a broad perspective on regional and international affairs by putting people directly at the center of the news agenda.³⁵ "The Opinion and the Other Opinion" is Al Jazeera's founding slogan, structured around a story's point of view. It informs and empowers its audience by championing their stories, and strives to maintain the integrity of its journalists.³⁶

Al Jazeera continued to grow to the point that it became a phenomenon that was introduced as a new history in the Arab and global world. Al Jazeera is now one of the largest and most influential international news networks in the world. This success has not been without its challenges. Being put in the line of fire, and sometimes paying a high price has become commonplace for the network and its journalists. This is something they are willing to endure in order to bring the truth to their audience.

Therefore, Al Jazeera as an international community seeks to uphold justice for journalists in carrying out their duties. In the case of Shireen Abu Akleh, Al Jazeera is working hard to uphold justice and International Humanitarian Law so as not to end up with impunity for the perpetrators as in previous cases.

3.3. Propaganda Function

Propaganda is a tool used by some people to try to change the attitudes of others. It is often done by using the media of communication to ensure that the reaction of the people being propagandized is the same as the reaction desired by the propagandists.³⁷ Propaganda can also be defined as the art of wordplay in communication without considering right or wrong, which is spread systematically and with certain techniques and a well-thought-out plan through

³⁴ Al Jazeera, "Al Jazeera Media Network | A Truly Global Network," *Our Global Presence*, accessed February 19, 2023, <https://network.aljazeera.net/en#block-views-block-bureaus-block-1>.

³⁵ "About Us | Today's Latest from Al Jazeera."

³⁶ Al Jazeera, "'The Opinion ... and the Other Opinion' | News | Al Jazeera," *News*, last modified October 31, 2006, accessed February 19, 2023, <https://www.aljazeera.com/news/2006/10/31/the-opinion-and-the-other-opinion>.

³⁷ Qualter, Terrance H, (2020), "Propaganda and Psychological Warfare", Burtyrki Books.

various means of communication. In this sense, propaganda has an ostensibly negative connotation, although propaganda itself is not always negative.³⁸

However, there are many types of propaganda, one of which is white propaganda that is done honestly and correctly. The content delivered is also clear, coming from trusted sources. White propaganda is often called open propaganda and is used to spread information or ideology by mentioning the source, making it easy to recognize.

In an effort to uphold International Humanitarian Law in the case of the shooting of journalist Shireen Abu Akleh on May 11, 2022, Al Jazeera actively broadcast news about the case. The news on May 12, 2022 with the title, "Al Jazeera Correspondent Shireen Abu Akleh was Killed by the Israeli Occupation Forces"³⁹ contains a statement about the shooting of Shireen Abu Akleh, which is considered a blatant violation of international law and norms. The news also explained that Abu Akleh deliberately became the target of direct fire attacks from Israeli soldiers. At the end of the news, Al Jazeera media called on the entire international community to demand accountability from the Israeli government and military for the shooting of Abu Akleh.

In response to the news, a section of the community consisting of journalists, labor union activists and the rest of the general public took to the streets to carry out protests, campaigns and solidarity actions as their response to this case. On May 13, 2022 crowds flocked to attend a commemoration and rally for the shooting of Shireen Abu Akleh. The event was held outside the offices of The New York Times, United States. Furthermore, on May 14, 2022 thousands of people gathered in central London to hold a protest against the death of journalist Shireen Abu Akleh. Not only that, this protest was also followed by a march to commemorate the Nakba (the day of ethnic cleansing in Palestinian cities by Zionist paramilitaries in 1948). On the same day in Derry City Centre at Waterloo Place, the National Union of Journalists organized a solidarity action which was attended by activists from trade unions and the Palestinian community. Then on May 15, 2022 the campaign was also held in

³⁸ Budi Irwanto, "Film Propaganda: Ikonografi Kekuasaan dalam ilmu Sosial dan Ilmu Politik", vol.8 No.1 2004

³⁹ Al Jazeera, "Al Jazeera Correspondent Sherine Abu Aqla Was Killed by the Israeli Occupation Forces | Al Jazeera Media Network," *Press Releases*, last modified May 11, 2022, accessed February 20, 2023, <https://network.aljazeera.net/en/pressroom/al-jazeera-correspondent-sherine-abu-aqla-was-killed-israeli-occupation-forces>.

the Bay Ridge Neighborhood, Brooklyn, New York City. This campaign was followed by a rally to commemorate the 74th anniversary of the Nakba in Ramallah.⁴⁰

On the same date, activists and journalist groups held a solidarity action in front of Cirebon City Hall, Indonesia. The activists simultaneously performed a shutdown, sowed flowers, and lit candles. This was in response to the case of Shireen Abu Akleh and they demanded that Israel be punished for this case.⁴¹ On the same day at the Islamic Center Complex in West Tulang Bawang, Lampung, Indonesia also held a solidarity action entitled "Tubaba Solidarity Day for Shireen Abu Akleh". The action was initiated by the Tubaba Art Collective with art performances performed and witnessed by visitors to the Islamic Center.⁴²

Solidarity actions continued until May 16, 2022 with a demonstration held in front of the Israeli Embassy in Athens and also a demonstration held at Al Azhar University in Mughraqa, central Gaza. The protesters were equipped with Palestinian flags and coffins as a symbolic funeral for journalist Shireen Abu Akleh.

Not only that, on May 26, 2022, Al Jazeera again broadcast the news with the theme "Al Jazeera Media Network Raises Shireen Abu Akleh's Case File to the International Criminal Court (ICC)"⁴³. The news explained that Al Jazeera media had assigned its legal team to refer Shireen Abu Akleh's case to the international criminal court (ICC). In its statement, the media explained that an international legal coalition consisting of a legal team and international legal experts has been formed and is in the process of preparing the case files that will be submitted to the ICC prosecutor's office.

In the process, it was explained that the files also included damage caused by the Israeli bombing of the Al Jazeera office in Gaza on May 2021, which was a continuation of attacks

⁴⁰ Al Jazeera, "Thousands March in London in Solidarity with Palestinians | Gallery | Al Jazeera," *In Picture- Gallery*, last modified June 14, 2022, accessed April 3, 2023, <https://www.aljazeera.com/gallery/2022/5/14/gallery-protesters-walk-for-slain-journalist-abu-akleh-in-london>.

⁴¹ Yohanes Charles, "Kecam Penembakan Shireen Abu Akleh Jurnalis Cirebon Gelar Aksi Solidaritas | Opsi ID - Situs Berita Pilihan Kita," *Opsi.Id*, last modified May 16, 2022, accessed February 28, 2023, <https://opsi.id/read/kecam-penembakan-shireen-abu-akleh-jurnalis-cirebon-gelar-aksi-solidaritas>.

⁴² Martin Tobing, "Kolektif Seni Gelar Hari Solidaritas Tubaba Untuk Shireen," *IDN TIMES Lampung*, last modified May 16, 2022, accessed April 4, 2023, <https://lampung.idntimes.com/news/lampung/martin-tobing-1/kolektif-seni-gelar-hari-solidaritas-tubaba-untuk-shireen-abu-akleh?page=all>.

⁴³ Al Jazeera, "Al Jazeera Media Network Raises Shireen Abu Akleh's Case File to the International Criminal Court | Al Jazeera Media Network," *Al Jazeera Press Release*, last modified May 26, 2022, accessed February 5, 2023, <https://network.aljazeera.net/en/pressroom/al-jazeera-media-network-raises-shireen-abu-akleh's-case-file-international-criminal-court>.

on journalists in the Palestinian territories. And at the end of its statement, Al Jazeera committed to following every path in an effort to achieve justice for Abu Akleh.

After solidarity actions in various countries were carried out in response to the news on Shireen Abu Akleh's case, this eventually led several authorities to issue statements calling for investigations. On May 11, 2022, the deputy spokesperson for the UN secretary general issued a statement calling for an investigation. The statement contained condolences to the family of Shireen Abu Akleh and hopes that Ali Sammoudi, Abu Akleh's colleague who was shot in the same incident, will recover soon. The secretary-general also said that the authorities should conduct an independent and transparent investigation into the incident and ensure that the perpetrators are held accountable.

Furthermore, on May 19, 2022, the Congress of the United States gave a statement containing a request to the State Department and the FBI to investigate this case.⁴⁴ In this statement, members of congress conveyed a request to the State Department and the Federal Bureau of Investigation (FBI) to conduct an investigation into Abu Akleh's death. The congressmen also expressed their concern about this incident and considered that this incident was an "affront to media freedom".

On May 23, 2022, The Palestinian Return Center (PRC) issued a statement aimed at governments and human rights institutions to investigate this case.⁴⁵ In the statement, the PRC expressed concern over this case and called on the international community to not only open and investigate transparently and independently on this incident. It also calls on world governments and leading human rights institutions to take the necessary measures against Israel to ensure that no more Palestinian journalists are killed for doing their job.

Continued on June 23, 2022, the United States Senate gave a statement addressed to President Biden.⁴⁶ The statement calls for an investigation into the case as it has been a month since the incident occurred but there has been no significant progress towards establishing an independent, thorough and transparent investigation. In this statement, the senate members also hoped that President Biden, as a leader, would endeavor to protect press freedom and the safety

⁴⁴ Congress of the United States, *Congress of the United States, Washington DC 20515* (Washington DC, 2022).

⁴⁵ The Palestinian Return Centre, *Written Statement by The Palestinian Return Centre Ltd, General Assembly of United Nations* (New York, 2022).

⁴⁶ *United States Senate, 20510* (Washington DC, 2022).

of journalists. Given the fact that Abu Akleh was an American citizen, the US government has a greater obligation to ensure that investigations can be carried out properly.

The coverage of the Shireen Abu Akleh shooting case is an example of one type of propaganda, namely White Propaganda, with clear news content and reliable sources such as CNN, Washington Post and several other parties. The news about the death of Shireen Abu Akleh was followed by the circulation of a video when the incident occurred. The video was obtained from the footage of one of Shireen Abu Akleh's fellow journalists who was on the same team as Abu Akleh to cover the invasion of Camp Jenin by the Israeli army. This proves that the news presented by Al Jazeera in this case is certainly true and comes from reliable sources.

Not only the news issued by Al Jazeera in response to this case, on December 1, 2022 one of the programs from Al Jazeera English, namely "Fault Lines" released a new documentary entitled "The Killing of Shireen Abu Akleh"⁴⁷ and this documentary is considered as one of Al Jazeera's propaganda in shaping the public's perspective on this case.

The program contains powerful interviews with eyewitnesses and forensic explanations of the events that preceded the shooting and what happened afterwards. The documentary also contains the results of independent investigations including one conducted by the UN which concluded that the journalist was shot at by Israeli forces shortly after arriving at the Jenin Refugee Camp.

The movie also features an interview with US Senator Chris Van Hollen who urged the Biden administration to conduct an independent and transparent investigation and also several investigations conducted by the Executive of the Israeli human rights group B'Taslem who stated to Fault Lines that, "this fake investigation is a legal Iron Dome to protect Israeli soldiers from potential international legal consequences". Not only that, this dukemnter also displays the results of investigations conducted with Forensic Architecture and the Palestinian human rights group Al Haq, which concluded that journalists were repeatedly shot at and deliberately targeted by Israeli forces. Their digital reconstruction showed that Israeli snipers repeatedly fired at anyone in their line of sight including Shireen and her colleague Ali Sammoudi and journalists Shata Hanaysha and Sharif.

⁴⁷ Sandra Gathmann, "The Killing of Palestinian Journalist Shireen Abu Akleh | Start Here - YouTube" (Al Jazeera English, May 18, 2022), accessed February 5, 2023, https://www.youtube.com/watch?v=RaJ8_5MJHAs.

From this we can see that after the news about the death of Shireen Abu Akleh issued by Al Jazeera, the international community who came from various professions took solidarity actions and even protests in response to this case so that it could be handled seriously. After the response from the public emerged, this then influenced authorities such as US congressmen, US senate members and also several influential groups to discuss and request that investigations be carried out by the authorities.

The propaganda carried out by Al Jazeera is in line with the perspective of prophetic journalism. The language of prophetic journalism is based on the language of the Qur'an which is in line with the language of journalists, namely clear, firm, contains facts and avoids opinions that will educate or educate the public. This is also in line with one of the important functions in Islamic communication, namely the convincing function.⁴⁸ The convincing function here means making ideas, opinions and ideas that are owned can be accepted by others with a sincere heart without coercion or not forced. This is in accordance with the word of Allah:

أَمْ مَنْ يَبْدُوُ الْخَلْقَ ثُمَّ يُعِيدُهُ وَمَنْ يَرْزُقُكُمْ مِنَ السَّمَاءِ وَالْأَرْضِ أَءَلَّهُ مَعَ اللَّهِ فَلْهَاتُوا بُرْهَانَكُمْ إِنْ كُنْتُمْ صَادِقِينَ

Which means: Or who is it that creates (man from the beginning), then repeats it (again), and who is it that provides sustenance for you from the heavens and the earth? Is there any other god besides Allah? Say: "Show us your proof, if you are indeed the truthful ones". (Q.S An Naml: 64)

Al Jazeera's reporting in this case contains clear, firm and factual ideas derived from reliable sources such as CNN, FBI, Forensic Architecture and Al Haq who conducted investigations and provided the results of investigations as material for the submission of the Shireen Abu Akleh shooting case to the International Criminal Court.

However, although Al Jazeera has carried out its propaganda function through the news broadcast in the Shireen Abu Akleh shooting case, Al Jazeera still cannot play a role in accordance with Islamic propaganda based on Maqashid Shari'ah. Because Al Jazeera's coverage of this issue has made several layers of society in several countries hold demonstrations that involve them physically and will certainly endanger themselves. This is certainly very contrary to one of the contents of Maqashid Shariah, namely Hifdz Nafs.

3.4. Social Control Function

⁴⁸ Harjani Hefni, *Komunikasi Islam*, Jakarta: Kencana, 2015

In carrying out its role as an international community as well as carrying out its social control function, Al Jazeera media persuasively does things that are considered to be able to influence the international community in responding to the Shireen Abu Akleh shooting case. This is supported by the many solidarity activities and campaigns carried out in various regions of the world in response to the shooting of Shireen Abu Akleh as described in the previous point.

The coverage carried out by Al Jazeera regarding the development of the Shireen Abu Akleh shooting case is considered to be able to control the international community so that the international community in several countries held solidarity activities, campaigns and demonstrations as their response to the coverage. This is done so that the authorities can petition or request an investigation by authorities such as the United States.

The function of social control in the mass media is in line with the Islamic press, which also has a social control and educational function.⁴⁹ This is related to da'wah. The purpose of da'wah is as a basis for education to others which can indirectly control the way of seeing, the way of thinking in seeing something.

3.5. Advocacy Function

Media advocacy is about using reliable news sources to change public opinion and government action on important issues. It is a systematic effort to change the way people think about an issue and ensure that the public has accurate information to help them make decisions.

On December 6, 2022, the Al Jazeera media network submitted the murder case to the ICC in The Hague.⁵⁰ This was after six months of investigation and new evidence based on multiple eyewitnesses, examination of multiple items of video footage, and forensic evidence related to the case. The evidence that has been submitted to the Office of the Prosecutor (OTP) confirms beyond any doubt that there was no shooting in the area where Shireen was other than the IOF.

In its submission to the ICC, Al Jazeera pointed out that Shireen and her colleagues were fired upon directly by the Israeli Occupation Forces (IOF). Evidence presented to the

⁴⁹ Zainarti, "Tata Kelola Pers Menurut Islam," *Pendidikan dan kependidikan* 2, no. 4 (2017): 70.

⁵⁰ Al Jazeera, "Al Jazeera Refers Israeli Occupation Forces to the International Criminal Court (ICC) over Shireen Abu Akleh's Killing | Al Jazeera Media Network," *Al Jazeera Press Release*, last modified December 6, 2022, accessed February 5, 2023, <https://network.aljazeera.net/en/press-releases/al-jazeera-refers-israeli-occupation-forces-international-criminal-court-icc-over>.

Public Prosecutor (OTP) confirmed that there was no shooting in the area where Shireen was located other than IOF fire directly at her.

Following the submission of the case to the ICC, Al Jazeera and its legal team will be joined at a press conference held in The Hague by Shireen's family members and leading journalists and human rights experts.⁵¹ In its press conference, Al Jazeera reiterated its commitment to achieving justice for Shireen and exploring all avenues to ensure that the perpetrators are held accountable and brought to justice.

In carrying out its advocacy function, Al Jazeera media is in line with the Da'wah of social advocacy in Islam. In Islamic advocacy da'wah, the media acts as a news disseminator so that verbal messages can be conveyed to the public effectively. Al Jazeera media is in line with the mechanism in Gracia's hermeneutic approach, namely that advocacy is born from the interpretation of texts and news displayed by Al Jazeera so as to give birth to social actions in the form of a series of investigative activities carried out in various dimensions of community life in response to the shooting case of journalist Shireen Abu Akleh.

3.6. The Impact of Al Jazeera's Role in the Shireen Abu Akleh Shooting Case

After responding to the shooting of journalist Shireen Abu Akleh with various news reports, investigations, documentary filming and filing cases to the International Criminal Court, Al Jazeera as the international community has tried to enforce IHL in the shooting of journalist Shireen Abu Akleh.

The shooting of journalist Shireen Abu Akleh on May 11, 2022 is considered to have violated International Humanitarian Law. In accordance with Geneva Convention IV 1949 and Additional Protocol I 1977, journalists are one of the professions that must be given protection like civilians. A journalist should not be treated like a combatant and should not be targeted by the military or even attacked and killed. When viewed in the matter of the shooting of journalist Shireen Abu Akleh and referring to the evidence and results of investigations conducted by several authorities, the shooting of Shireen Abu Akleh is considered to have violated International Humanitarian Law.

So, in carrying out its functions, Al Jazeera as an international community has carried out its obligations in efforts to uphold International Humanitarian Law. Starting from

⁵¹ Al Jazeera English News, "(2) Al Jazeera Submits Abu Akleh Killing to ICC | Al Jazeera Newsfeed - YouTube," December 6, 2022, accessed February 5, 2023, <https://www.youtube.com/watch?v=UHVIDTKm6x0>.

broadcasting news from the beginning of the shooting incident to submitting the case to the International Criminal Court. However, when viewed legally, Al Jazeera has not really been able to enforce IHL in this case on the pretext that this case has only reached the submission stage even though the ICC has confirmed but still needs time to investigate to be able to prosecute the perpetrators. From this it can be concluded that Al Jazeera has succeeded in carrying out its function as an international community with various efforts made to bring this case to the ICC. However, Al Jazeera has not been able to play an effective role in enforcing IHL in this case.

2) CONCLUSION

The results of this study show that Al Jazeera media is a representative of an international community engaged in the media that has played a role in enforcing International Humanitarian Law in this case. In the process of enforcing International Humanitarian Law, Al Jazeera has carried out its first function, namely the propaganda function as outlined in Al Jazeera's active role in broadcasting news related to the development of the Shireen Abu Akleh shooting case and the making of a documentary entitled "Killing of Shireen Abu Akleh". Second, the function of social control is evidenced by the news presented by this media which makes the community take part by organizing campaigns and protests in demanding justice for Shireen Abu Akleh so that the government and authorized institutions can follow up on the case. Third, the advocacy function which is evidenced by the case of the shooting of journalist Shireen Abu Akleh being brought to the International Criminal Court by the Al Jazeera media.

From the research with the title "The Role of Al Jazeera in Enforcing International Humanitarian Law Case Study: The Shooting of Shireen Abu Akleh", it is concluded that Al Jazeera in carrying out its function as an international community, has a mechanism that is carried out to uphold International Humanitarian Law through the propaganda function, social control function and advocacy function in responding to the shooting case of journalist Shireen Abu Akleh. However, the author still feels lacking with research that is far from perfect and hopes that further research can examine more deeply the role of the international community in enforcing international law, especially those engaged in the field of international media. Hopefully this research can provide benefits to its readers.

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