

# LEGAL AND ECONOMIC IMPACT OF THE BOYCOTT OF ISRAEL SUPPORTING PRODUCTS AGAINST INDONESIA AS A RESULT OF THE ISRAEL-HAMAS WAR

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## Abstrak

A boycott is an action of refusing to cooperate, not use, buy, talk, trade, participate, and so on. Boycotts are a moral way for the public to support the struggle of the Palestinian people and oppose American actions that support Israel's attacks on Palestine. The act of genocide carried out by Israel against Palestinian civilians has attracted public attention and condemnation of this action. Since October 7, geopolitical escalation in Gaza has become increasingly dangerous. It started when there was a massive invasion and attack carried out by Hamas to free Palestinian prisoners in Israel and return Palestinian land led by Hamas. As a result, up to now, 18,000 civilians have been killed, with the death toll being dominated by children and women. Humanitarian law originates from the law of war, which then developed into the law of armed conflict, and finally became international humanitarian law. From the perspective of humanitarian law, efforts to regulate war are to take humanitarian principles into account or humanize war. The main sources of humanitarian law consist of Hague Law and Geneva Law. Hague Law consists of the Hague Conventions of 1899 and 1907 concerning methods and means of waging war. This research uses normative juridical research methods that study positive law rules or norms. The results of this research reveal that violations of Humanitarian Law in the armed conflict between Palestine and Israel have violated international humanitarian law which regulates how to fight and protect civilians in armed conflict. Israel has carried out indiscriminate attacks that violate the principles of humanity, restrictions, and distinctions so that Israel is considered to have committed war crimes.

**Keywords:** Boycott, Humanitarian Law, Israel, Hamas

## A. BACKGROUND

Since October 7, geopolitical escalation in Gaza has become increasingly dangerous. This started when there was a massive invasion and attack carried out intending to free Palestinian prisoners in Israel and the right to return to Palestinian land by the Palestinian nationalist group Hamas as the leader. Hamas (Harakat al Muwaqawwamatul Islamiyah) is a group that defends the land of Palestine. Hamas, founded on December 14, 1987, is a dynamic and effective faction that is an offshoot and successor to the Muslim Brotherhood movement.

This organization "considers Islam as its path, on which it relies for ideas, conceptions, and perceptions", which is stated in its charter. In addition, Hamas aspires "to

liberate Palestine, establish an Islamic state there, and calls for universal education for generations to realize the goals it has always wanted to achieve." (Muchsin, 2015).

Israel, the US, and the UAE consider Hamas a terrorist organization, but its supporters see it as a legitimate fighting force to protect Palestine from Jewish military occupation. This attack began by breaching and breaching the Gaza-Palestine dividing wall and entering through the Gaza crossing into nearby settlements and Israeli military installation areas. Hamas collected this operation as *Operation Al-Aqsa Flood*.

On October 9, Israel responded by carrying out air strikes and starting a total blockade of the Gaza area. On October 27, Israel launched a land invasion of the northern Gaza area and began to surround Gaza City. These continuous, never-ending attacks continue to add to the damage and destruction, with Israel even attacking hospitals, refugee camps, schools, and churches. Of at least 35 hospitals in Gaza, including one of the Indonesian hospitals there which became a victim, 21 are not operating at all, and the others are damaged, and there is a shortage of medicines and vital equipment. This seems to confirm that there is no safe place for Palestinians. (CNBC Indonesia, 2023).

Children are legally protected by international humanitarian law and international conventions in war and armed conflict. States are therefore obliged to comply with these laws and take steps to ensure the protection and care of children affected by armed conflict. However, Israel blatantly violates this international law by preventing access to hospitals and health care and depriving them of food, air, electricity, and access to life-saving incubators for newborns and children (Sathar, M. A. (2023).

The international community urges the Israeli military to immediately carry out a ceasefire. However, Benjamin Netanyahu, the Israeli prime minister, stated that Israel would not stop attacks on Palestine and would ignore the UN General Assembly Resolution. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) collected data on victims from the Gaza Ministry of Health and the Israeli government during the period 7 October-10 December 2023, the Israel-Hamas war has killed more than 18,000 Palestinians. In detail, the number of Palestinian fatalities in the Gaza Strip is around 18,000 people and in the West Bank 265 people. Apart from fatalities, OCHA also recorded that there were around 49,229 Palestinian injuries in the Gaza Strip and 3,431 injuries in the West Bank. The fatalities were predominantly children and women. This has caused many people in various countries to sympathize with humanity and hold protests and demonstrations on the streets, including in Indonesia. On Sunday, November 5, various groups and circles gathered at Monas to hold a solidarity action to defend Palestine which was attended by around 2 million people. This action has also received attention from various foreign media. (CNBC Indonesia, 2023)

The public strongly condemned Israel's action by calling for a boycott of products that support Israel. Indonesia itself has carried out this action by abandoning products that support Israel and switching to local products. This has an impact on decreasing buying interest in the product and causing shares to decline.

According to the *Kamus Besar Bahasa Indonesia (KBBI)*; lit. 'Great Dictionary of the Indonesian Language') a boycott is an action of refusing to cooperate (talking, trading,

participating, etc.). Boycott is the act of not using, purchasing, or dealing with a person, organization, or country as a form of protest or as a form of coercion. (Sudarsono, H. (2008). Friedman (1985) defines boycott as follows:

*...An attempt by one or more parties to achieve certain objectives by urging individual consumers to refrain from making selected purchases in the marketplace...*

The action that prompted the boycott of American goods was due to indications that Israel received assistance directly or indirectly from a portion of US national income. Directly in the form of funds used to build infrastructure and develop weapons to maintain Israel's existence in Palestinian land, while indirect assistance is American support for Israel's policies towards Palestine. Therefore, boycotting US goods is a moral way to support the struggle of the Palestinian people and oppose American actions that support Israeli attacks on Palestinians.

## **B. DISCUSSION**

### **1. History of the Israeli-Palestinian Conflict**

Theologically, Zionists consider Palestine to be their land in the Old Testament, which calls the land "the land promised by God" to the Israeli people. On the other hand, Palestinians say that they have lived in Palestine since the time of Umar bin Khatab, with a total population of 750,000 people at that time. In addition, the mass murder of Jews by the NAZIs forced all Jewish communities to leave Europe. This move was fully supervised by the Zionists. Zionist groups met Jews arriving in Palestine to decide where they would live and work.

The occupation was carried out by Israel in 1948 when they expelled Arabs from Palestine. Any Arab settlement or village that refused to surrender to Jewish power was destroyed and its inhabitants expelled. This led to 400 Palestinian villages being wiped off the map from 1948 to 1949. Under the law of unoccupied property, Jews took control of the property left by Palestinians. The Zionist government uses force and pressure to expel the Palestinian people from the land they have occupied for centuries only available in the Gaza Strip.

Since then, there have been several wars between Jews and Palestinians. There have been negotiations for a long time, but Israel has always violated them. In Palestine, two factions exist: Fatah and Hamas. When Fatah and Hamas had differences of opinion, when Yassir Arafat was still alive, these differences did not lead to disputes because Hamas respected the leader of the Palestine Liberation Organization (PLO). However, after Arafat died and was replaced by Mahmoud Abbas, the dispute continued, and Abbas even had a coup in the Gaza area. After that, Gaza was divided into two parts: the West Bank (Fatah) and the Gaza Strip (Hamas).

### **2. The impact of the boycott of products supporting Israel for Indonesia from a legal and economic perspective**

#### **a) The impact of the boycott of products supporting Israel for Indonesia from the economic perspective**

In a war, there will be losses in energy, material, and psychological. Israeli attacks have

destroyed more than 41,000 housing units and damaged more than 222,000 housing units. Overall, it said at least 45% of housing units in Gaza were reported damaged or destroyed, around 390,000 people lost their jobs, 279 educational facilities were reported damaged, more than 51% of the total damage, and none of the 625,000 students in Gaza cannot access education, basic health service centers do not function and ambulances as emergency vehicles are damaged. In addition, Israeli attacks damaged wells, affecting the clean air supply for Gaza residents. Around eighty wells and desalination plants in the northern region are unable to operate due to inadequate safety conditions, food and medicine shortages, poor sanitation leading to disease transmission, a crisis of sanitary napkins in shops and pharmacies causing women to be forced to take cycle delaying pills period.

Based on a survey conducted by Coface BDI for The Marker, a daily business newspaper. This year, 57,000 businesses in Israel will close, compared with 42,000 in the previous year. Much of this loss was caused by months of rising interest rates, inflation, and political turmoil resulting from a proposed overhaul of the justice system. Entrepreneurs and small company owners also felt the impact of this war.

Quoting from Israeli journalist Ariel Shimon in the newspaper "Yedioth Ahronoth" that the actual losses covered by Israel during this war were around US\$ 269 million (around 4.1 billion) per day. In addition, it was also reported that more than 500 military vehicles, including armored vehicles, bulldozers, Hummers, and tanks were destroyed, thousands of soldiers including 3,700 were permanently disabled and the actual death toll was 3,850 soldiers and officers in the operation. This was a massacre that had never happened before in history. (eHalal.io, 2023)

Recently, boycott actions that have been widely called for on social media with the circulation of lists of products and companies specifically affiliated with Israel have begun to have an impact on workers in Indonesia. However, this was denied by the MUI and the Minister of Trade, Zulkifli Hasan, in his last statement in the DPR, revealing that there was no government policy to prohibit products that were essentially affiliated with Israel. Even though it is known that there has been no statement of boycott from the government or the MUI, the impact of this action has resulted in threats of layoffs on employee contracts, and a decline in sales has also had an impact on reducing workers. As we know, interest in buying American products is very high, because some of the products we use every day are from well-known brands even though we use their products.

Although boycotts against Muslims sometimes have religious overtones, this form of urban morality is better understood as a form of moral protest, with its connection to other global protests both in the past and the present. In urban centers, as places with high population densities and high literacy rates, access to information dissemination is accelerated easily. (Mohamed Nasir, K. 2016).

The positive side of this trend is that it encourages production capacity and domestic product innovation. Boycotting Israeli products indirectly increases people's awareness and love for Indonesian products. Ultimately, this can reduce dependence on consumer goods and allow new local entrepreneurs to develop, but local products still face problems due to imported raw materials and technology from abroad. Boycotting foreign products can increase demand for local products because demand

shifts to local products.

**b) The impact of the boycott of products supporting Israel for Indonesia from the legal perspective**

War is considered as one way to resolve disputes. But war should be avoided by disputing countries if they want to resolve their conflicts. The Universal Declaration of Human Rights (UDHR), also known as the Universal Declaration of Human Rights of 1948, contains humanitarian principles, including basic human principles of upholding human dignity.

According to Article 2 paragraph 4 of the United Nations Principles: *All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*

The parties must act in accordance with humanitarian law if war should occur. Humanitarian law originates from the law of war, which then developed into the law of armed conflict, and finally into international humanitarian law. From the perspective of humanitarian law, efforts to regulate war are to take into account humanitarian principles or to humanize war.

The main sources of humanitarian law consist of Hague Law and Geneva Law. Hague Law consists of the Hague Conventions of 1899 and 1907 concerning the manner and means of declaration. The 1899 Hague Convention consists of 3 conventions and three declarations, including Convention II concerning the Laws and Customs of War on Land as well as a declaration prohibiting the use of projectiles that cause choking and poisonous gases. While the 1907 Hague Convention consisted of 13 Conventions, the important conventions included Convention III concerning the Method of Commencing Hostilities and Convention IV concerning the Laws and Customs of War on Land. Convention IV is often called the Hague Regulation (HR). HR places stricter limits on the use of tools and methods of war. Apart from that, there is the Martens Clause, where in the Martens Clause it is stated that under all circumstances humanitarian treatment must be taken into account.

Geneva law which regulates the protection of war victims consists of four main agreements, including:

- a. Geneva Convention I on the Improvement of the Condition of Wounded and Sick Soldiers on Land Battlefields.
- b. Geneva Convention II on the Improvement of the Condition of Wounded and Sick Soldiers in Naval Battlefields
- c. Geneva Convention III Concerning the Treatment of Prisoners of War
- d. Geneva Convention IV for the Protection of the Civilian Population in Time of War.

Apart from the main sources of humanitarian law, other sources of humanitarian law regulate telephone tools and methods. The international community has always sought to reduce the excessive suffering caused by war. Some of the agreements that have been agreed include:

- a. The biological weapons Convention 1972
- b. The United Nations Convention on Con- ventional Weapons and the Protocols 1980,
- c. The chemical Weapons 1993
- d. Convention on Prohibitions or restrictions on the Use certain Conventional Weapons Which May be Deemed to Excessively injuries or to Have Indiscriminate Effects

Apart from the regulations mentioned above, in humanitarian law, there are known principles of humanitarian law that must also be taken into account when waging war. The main principles in humanitarian law consist of:

- a. The principle of military necessity means that the parties to a conflict are justified in using violence to subdue their opponents to achieve the goals and success of the war.
- b. The principle of humanity. Based on this principle, parties to a dispute are required to pay attention to humanity, and they are prohibited from using violence that can cause excessive injury and unnecessary suffering.
- c. The principle of chivalry (chivalry) This principle means that in war, honesty must be prioritized. The use of dishonorable tools, various kinds of tricks, and treasonous methods is prohibited.

Apart from the three main principles of humanitarian law, there are also principles of humanitarian law that must be taken into account when conducting war. These principles are:

- a. The principle of distinction (distinction principle). This principle of differentiation distinguishes between combatants and civilians in the territory of a country at war. Combatants are residents who actively participate in hostilities and may be used as targets of war, while civilians are residents who do not actively participate in war and therefore may not be used as targets of war. The principle of this distinction is explained as follows:

- 1) Parties to the conflict must at all times distinguish between combatants and civilians to protect civilian objects
  - 2) Civilians, as well as individual civilians, must not be used as objects of attack
  - 3) It is prohibited to carry out acts of violence or threats of violence whose aim is to spread terror against the civilian population
  - 4) The parties to the conflict must take preventive measures that allow them to save the civilian population or at least to minimize unintentional losses or damages to a minimum.
  - 5) Only armed forces have the right to restrain and attack the enemy
  - 6) Civil objects that must be protected include places of worship, hospitals, schools, and public facilities.
- b. Principle of proportionality. The parties to a war must pay attention to the principle of proportionality or balance. This principle aims to balance military interests and risks that will harm the civilian population.
- c. Overall principles (restrictions). This principle of thinking is related to three things, namely:
- 1) Limitation of the opponent's target, meaning that only the opponent can be attacked by using minimal violence
  - 2) Restrictions on target areas, prohibition on destroying places of worship, cultural heritage, science, undefended areas, hospitals, markets, and so on.
  - 3) The principle that covers the target situation, is that acts of war are prohibited from committing treason in the sense of pretending/trapping the opponent and causing excessive injury.

The main aim of humanitarian law is to provide protection and assistance to those who suffer or become victims of war, both those who are actively involved in hostilities and those who are not involved. Humanitarian law sees war as an unavoidable reality. By considering the principles contained in the UN Charter, it is clear that the aggression carried out by Israel has violated the principles of humanitarian law. In reality, this is contrary to human values. Limiting the number of casualties caused by war has long been recognized as based on humanitarian principles and the protection of the civilian population.

Humanitarian law is not intended to prohibit war, or to establish laws that dictate the game of "war", but for humanitarian reasons to reduce or limit the suffering of individuals and to limit the areas where the savagery of armed conflict is permissible. For these reasons, humanitarian law is sometimes referred to as regulations on humanitarian war. (Asnawi, M. I. (2017).

The violation of the principles of humanitarian law in Israel's aggression against Palestine is based on the principles of humanitarian law and the principles contained in the UN Charter, explaining that Israel's aggression has violated the principles of humanitarian law. Israel's aggression against Palestine over the past 2 months has killed more than 18,000 Palestinians and destroyed homes, hospitals, refugee camps, schools, and places of worship. This is contrary to humanitarian principles. The

principles of humanity and the protection of civilians have long been known to limit casualties due to war.

## **C. CLOSING**

### **Summary**

Although the action of the boycott has a negative side, there is also a positive side which has an impact on the growth and development of local products. Boycotts open up market opportunities to increase production, innovation, and marketing of domestically made goods as a substitute for boycotted imported goods. Boycotting foreign products especially pro-Israel products, can help the growth of local products in Indonesia, although there are still challenges. Improving the welfare of local products. A boycott of foreign products will increase demand for local products, which can benefit local producers, both existing and new. Boycotting foreign products can also be a form of moral support for the Palestinian people. Children are legally protected by international humanitarian law and international conventions in war and armed conflict. States are therefore obliged to comply with these laws and take steps to ensure the protection and care of children affected by armed conflict. However, Israel flagrantly violates this international law by preventing access to hospitals and health care, and the provision of food, air, electricity, and access to life-saving incubators for newborns and children.

Without a settlement, the Israeli-Palestinian conflict will continue. Settlements that are attempted both by the disputing parties and by outside parties such as countries, organizations, institutions, and others. Various countries have taken a stand by not supporting the existence of various humanitarian violations and have tried to reach a peace agreement between the two parties through a multitrack diplomacy approach. Including Indonesia, the Indonesian government's various efforts in supporting international efforts to achieve a just and sustainable peace between Palestine and Israel. Indonesia has also acted as a mediator and peace advocate in the conflict resolution process. In addition, it is necessary to analyze the various violations of humanitarian and humanitarian law that have occurred as a result of the Israeli-Palestinian armed conflict..



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