

**UNDERGRADUATE THESIS**

**THE PROTECTION OF CIVILIAN IN THE ARMED CONFLICT IN THE  
PERSPECTIVE OF INTERNATIONAL HUMANITARIAN LAW: AN  
ANALYSIS ON THE ACTION OF ISLAMIC STATE OF IRAQ AND SYRIA  
(ISIS) IN ATTACKING THE CIVILIAN**



The undergraduate thesis is submitted as one of the requirements to obtain the Bachelor degree of Law at Faculty of Law  
Universitas Muhammadiyah Yogyakarta

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**FACULTY OF LAW  
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This Undergraduate Thesis has been approved by the Advisors

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On April 1<sup>st</sup>, 2015

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## DECLARATION AUTHENTICITY OF RESEARCH

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the thesis under entitled “**THE PROTECTION OF CIVILIAN IN THE ARMED CONFLICT IN THE PERSPECTIVE OF INTERNATIONAL HUMANITARIAN LAW: AN ANALYSIS ON THE ACTION OF ISLAMIC STATE OF IRAQ AND SYRIA (ISIS) IN ATTACKING THE CIVILIAN**” its content is truly the work of mine and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk/ any sanction imposed to me in accordance with applicable regulations, if the future it is found a breach of scientific ethics, I am willing to accept the sanctions.

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## **MOTIVATION PAGE**

For each one are successive [angels] before and behind him who protect him by the decree of Allah . Indeed, Allah will not change the condition of a people until they change what is in themselves. And when Allah intends for a people ill, there is no repelling it. And there is not for them besides Him any patron.

**(Q.S. Ar-Ra'd: 11)**

Fighting has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And Allah Knows, while you know not.

**(Q.S. Al-Baqarah: 216)**

There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So whoever disbelieves in Taghut and believes in Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing.

**(Q.S. Al-Baqarah: 256)**

And will provide for him from where he does not expect. And whoever relies upon Allah - then He is sufficient for him. Indeed, Allah will accomplish His purpose. Allah has already set for everything a [decreed] extent.

**(Q.S. Ath-Thalaq: 3)**

## **DEDICATION PAGE**

The Undergraduate Thesis dedicates to:

My God, Allah SWT

The Prophet, Muhammad SAW

My Big Family

My Best Friends

All Lectures of Faculty of Law, UMY

My Organizations' Partners

All IPOLians

## PREFACE

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Arum Anggraeni Maulida

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## **ABSTRACT**

Around the world is currently being stunned by the issue of the armed massacre by Islamic State of Iraq and Syria (ISIS). Some facts show that ISIS brutally conducted slaughter to the civilian. Thousands of people were killed in the places occupied by them. It result 2 questions on what are actually the factors that cause ISIS attacking the civilian and how is the application of international humanitarian law in regulating the protection of civilian toward the action of ISIS in attacking the civilian.

The objective of the research is to identify the factor of ISIS in attacking the civilian and to analyze the application of international humanitarian law on the protection of civilian toward the action of ISIS in attacking the civilian. The author uses normative legal research which uses secondary legal material and also statue and historical approach. The characteristic of data analysis in the research is evaluative and prescriptive data analysis. Thus, the research is purposed to find the synchronization of the implementation of international humanitarian law in protecting the civilians in the armed conflict (based on ISIS's case).

The result of the research answers the research questions which show many factors of ISIS in attacking the civilian and the application of international humanitarian law toward its action in the armed conflict. It shows the status of ISIS in international law and finds the breaches of international law which have been committed by ISIS. As an armed group bound by Common Article 3 of the Geneva Conventions and customary international law, ISIS has violated its obligations toward civilians and persons hors de combat. Thus, the research also gives the suggestion for Iraq and Syria Governments toward the protection of their civilians, and for the United Nations to always keep the peace around the world.

**Keywords: Civilian, Armed Conflict, and ISIS**

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